



Council

An Ordinary Meeting of Lismore City Council will be held at the Council Chambers on Tuesday 9 April 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

5 April 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	
Lismore City Council held 12 March, 2024.....	66
Lismore City Council held 12 March, 2024.....	92
6. Disclosures of Interest	
7. Public Forum	
8. Mayoral Minute(s) and Condolence Motions	
9. Reports of Committees	
9.1 Sister City Advisory Group Minutes - 20 March 2024	7
9.2 Local Traffic Committee Minutes - 9 April 2024	10
10. Matters Arising	
10.1 Questions on Notice	15
11. Reports of the General Manager	
11.1 Presentation by ARIC Chair	18
11.2 Reimagine Lismore	19
11.3 NSW Public Spaces Charter	21
11.4 Events Strategy 2024 - 2028	23
11.5 Investments - March 2024	25
11.6 Documents for Signing	30
11.7 Policy Review	33
11.8 2024 Floodplain Management Australia National Conference	36
11.9 Minutes from External Committees and Organisations	39
12. Notices of Motion / Questions with Notice	
12.1 9 Sibley Street, Nimbin	45
12.2 Mayoral Attendance Report	46
12.3 Lismore Base Hospital parking	49
12.4 Koala Advisory Group	50
12.5 Food Security	51
12.6 Lismore Base Hospital Parking Precinct	53

12.7	Aboriginal Back Alley Gallery	55
12.8	Floating Solar	56
12.9	Safer Cities - Her Way Project.....	57
12.10	Bridge Removal.....	58
12.11	CCTV System Use	59
12.12	Councillors Treated as Employees	60
12.13	Northern Rivers Joint Organisation Operation and Membership	61
12.14	Converge Creative Enterprise Development Program	62
12.15	GSAC Youth & Community Centre	63

13. Confidential Business

13.1	Santin's Quarry Legal Action	65
13.2	Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park.....	65

Reports of Committees



Report of Committee

Sister City Advisory Group Minutes - 20 March 2024

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

Attachment/s

1. [↓](#) Minutes 20 March 2024

Sister City Advisory Group Minutes 20 March 2024

MINUTES OF THE SISTER CITY ADVISORY GROUP HELD IN COUNCIL CHAMBERS ON WEDNESDAY 20 MARCH 2024 AT 4.30PM

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

Present

Councillor Ekins (Chair), Members Dr Ros Derrett, Daniel Gubby, Tazuko McLaren, Brandon Yee, together with Ms Olivieri, Community Engagement Officer.

Apologies

Councillor Bing, Members Joanne Cooper and Patricia Anderson

Confirmation of Minutes

SCAP25/24 **RESOLVED** that the minutes of the 15 November 2023 meeting be accepted.

(Members Derrett/Yee)

Voting for: Councillor Ekins and Members Derrett, Gubby, McLaren and Yee

Voting against: Nil

Disclosure of Interest

Nil

5.1 2024 Sister City Delegation Visit – 60th Year Celebration

SCAP26/24 **RESOLVED** that the group receive and note the report.

(Members Gubby/McLaren) (BP24/275)\

Voting for: Councillor Ekins and Members Derrett, Gubby, McLaren and Yee

Voting against: Nil

Sister City Advisory Group Minutes 20 March 2024

5.2 Student Exchange Program 2024

- SCAP27/24 **RESOLVED** that the Group commence organisation of the 2024 Student Exchange Program, including:
1. receiving Yamato Takada students in late July/August
 2. sending Lismore students to Yamato Takada in the September/October school holidays
 3. opening Expressions of Interest for the program in May 2024
 4. recommending relevant Council teams collaborate in organising the activities for the visiting exchange group
- (Members Yee/Derrett) (BP24/276)
- Voting for:** Councillor Ekins and Members Derrett, Gubby, McLaren and Yee
- Voting against:** Nil

5.3 Active Sister City Updates

- SCAP28/24 **RESOLVED** that the group receive and note the report.
- (Members Gubby/McLaren) (BP24/278)
- Voting for:** Councillor Ekins and Members Derrett, Gubby, McLaren and Yee
- Voting against:** Nil

Closure

This concluded the business and the meeting closed at 5.40pm.

Report of Committee

Local Traffic Committee Minutes - 9 April 2024

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

Attachment/s

1. [↓](#) Minutes - 22 March 2024

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD IN COUNCIL CHAMBERS ON
WEDNESDAY 20 MARCH 2024 AT 11.00AM**

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

Present

Councillor Hall (Chairperson), A/Sgt Daniel Willis (NSW Police), Ms Elisa Thompson (on behalf of Janelle Saffin MP) and Ms Caleisse Dunston (Transport for NSW)

In Attendance

Mr Goodwin, Design Services Engineer and Ms Kerry, Business Support Coordinator (minutes)

Apologies

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

Confirmation of Minutes

RESOLVED that the minutes of 14 February 2024 were confirmed.

(Members Dunston/Thompson)

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

Voting against: Nil

Disclosure of Interest

Nil

By Exception

TAC1/24 **RESOLVED** that the recommendations set out in items 4.1, 4.2, 4.3 be adopted by exception.

(Members Dunston/Thompson)

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

Voting against: Nil

4.1 Request for Accessible Parking Space - 62 Diadem Street

RECOMMENDED that Council supports in principle the request for a dedicated Accessible Parking Spaces.

(Members Dunston/Thompson)

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

Voting against: Nil

4.2 Request for Accessible Park, Zadoc Street, Lismore

TAC2/24 **RECOMMENDED** that Council supports in principle the request for a dedicated Accessible Parking Spaces.

(Members Dunston/Thompson)

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

Voting against: Nil

4.3 Request for Accessible Park - Old Municipal Building, Molesworth Street, Lismore

TAC3/24 **RECOMMENDED** that Council supports in principle the request for a dedicated Accessible Parking Spaces.

(Members Dunston/Thompson)

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

Voting against: Nil

4.4 Get NSW Active Program - Barham Street , East Lismore

RECOMMENDED that Council supports in principle the installation of No Stopping Zones in Barham Street and Wyrallah Road as required in conjunction with the Get NSW Active Program, for the installation of two Pedestrian Refuges.

(Members Dunston/Thompson)

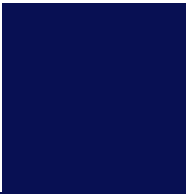
Voting for: Councillor Hall, Members Dunston, Thompson and Willis

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 10:25 am.

Matters Arising



Matters Arising

Subject	Questions on Notice
TRIM Record No	BP24/325:EF23/173
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	To provide a response to councillors for Questions taken on Notice at the previous Council meeting
Strategic Theme	Leadership and participation
Strategy	Our decisions and actions are open, transparent, effective and in the interests of all.
Action	Manage Council meetings and provide support to Councillors in fulfilling their role.

Executive Summary

The following Questions on Notice were taken by Council officers at the March Ordinary Council meeting. As per clause 9.17 of the Code of Meeting Practice responses are being reported.

Recommendation

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

Background

Item 9.2 Nimbin Advisory Group (Councillor Rob)

1. are staff aware that only until recently there was no AVL access in Nimbin because the internet connections were terrible out there?

Officer response:

It is understood there was an issue with poor internet service at previous venues where meetings were held. However, access to improved internet service at the current venue has enabled meetings to be undertaken through AVL.

Item 11.3 Review of Section 7.11 Contributions Plan (Councillor Rob)

1. in the stormwater management proposed work program, there is zero in the bank, is this new works and that is why there is zero in the bank or have we spent all the money and are we chasing more?

Officer response:

The works shown in the proposed plan are new stormwater works to accommodate new development. The previous plan only collected \$100,000 over its life to undertake a Stormwater Management Plan and those funds have been used on the Urban Stormwater Management Plan project.

Item 11.11 Minutes from External Committees and Organisations (Councillor Rob)

1. in the RTRL minutes 2024-2025 draft budget and fees and charges, what is the impact going to be on LCC after what we have recently been shown is going?

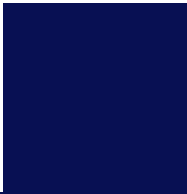
Officer response:

In accordance with the draft budget to be presented to the RTRL Committee on 10 April 2024, Lismore Councils contribution would increase by \$209,000 (11.05% increase).

Attachment/s

There are no attachments for this report.

Reports of the General Manager



Report

Subject	Presentation by ARIC Chair
TRIM Record No	BP24/308:CDR24/399
Prepared by	Governance & Risk Manager
Reason	
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 Chairperson of the Audit Risk & Improvement Committee (ARIC) will present an annual report to Council.

Recommendation

That the Chairperson's presentation be received.

Background

The Chairperson of Council's ARIC is required to provide an annual report to Council. The presentation will meet that requirement.

The presentation will be delivered by the Chair via audio visual link.

Attachment/s

There are no attachments for this report.

Report

Subject	Reimagine Lismore
TRIM Record No	BP24/344:EF23/200
Prepared by	Manager Investment & Growth
Reason	Consideration and endorsement of the Terms of Reference of the Reimagine Lismore Advisory Panel and Community Engagement Program
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 Council resolution in February 2024 adjustments have been required to the Reimagine Lismore program. This included:

- changes to the Community Engagement Plan
- establishment of a Reimagine Lismore Advisory Panel

The Terms of Reference for the Advisory Panel have been drafted and the engagement plan has been amended to incorporate the new naming of the project, inclusion of the Advisory panel and deletion of the Citizen Assembly.

Recommendation

That Council:

1. endorse the Terms of Reference for the Reimagine Lismore Advisory Panel
2. endorse the Community Engagement Program

Background

The Reimagine Lismore program aims to create a collective community vision for the long-term future of Lismore. Through an inclusive and participatory process, the project collaborates with individuals, community organisations, businesses, not-for-profits, and institutions to foster a sense of ownership and pride in the forward-looking direction of Lismore.

At the Council meeting of 13 February 2024, Council resolved to:

1. *Rename the Lismore Vision and Blueprint to 'Reimagine Lismore'.*
2. *Establish a 'Reimagine Lismore Advisory Panel'.*
3. *Prepare Terms of Reference (TOR) to guide the "Reimagine Lismore Advisory Panel", for consideration and endorsement by resolution of Council on or before the April Ordinary Council meeting.*
4. *Holds a workshop to review the "Reimagine Lismore" community engagement program for endorsement by resolution of Council on or before the April Ordinary Council meeting.*
5. *Continue with any scheduled community engagement options until the "Reimagine Lismore" community engagement program is endorsed.*

6. *Schedule monthly public briefings to be updated and discuss the progress of “Reimagine Lismore”.*

A workshop was held with councillors on 2 April 2024 to discuss the Terms of Reference.

The Community Engagement Plan has previously been circulated to councillors. This document has been amended to delete reference to the Citizens Assembly and inclusion of the advisory panels.

Reimagine Lismore informs the Community Strategic Plan and the Community Strategic Plan will be delivered as part of the program of work for Reimagine Lismore.

The development of Reimagine Lismore will be coordinated with the development of the Regional Vision, Masterplan, Feasibility Study and Disaster Adaptation Plan.

Conclusion

Attached is a copy of the draft Terms of Reference for the Reimagine Lismore Advisory Panel and the Community Engagement Plan.

Attachment/s

1. [↗](#) Reimagine Lismore Community Engagement Plan March 2024 (Over 7 pages)
2. [↗](#) Reimagine Lismore Advisory Panel Terms of Reference (Over 7 pages)

Report

Subject	NSW Public Spaces Charter
TRIM Record No	BP24/164:EF19/446-5
Prepared by	Manager Destination & Economy
Reason	To seek Council support to become a signatory to the NSW Public Spaces Charter.
Strategic Theme	An inclusive and healthy community
Strategy	Our community is safe, happy and healthy.
Action	Maintain public health, safety and amenity.

Executive Summary

The NSW Public Spaces Charter has been developed by NSW Department of Planning and Environment. It provides ten principles for quality public space that have been designed to maximise the social, cultural, environmental and economic benefits that public space delivers. The Charter aligns with Lismore City Council's Open Space Strategy and provides for residents and visitors to have access to high quality public spaces. Becoming a signatory will give Lismore City Council support to further activate public spaces.

Recommendation

That Council become a signatory to the NSW Public Spaces Charter.

Background

The NSW Department of Planning and Environment has developed the NSW Public Spaces Charter and is encouraging all NSW Local Government Councils to become a signatory of the Charter. The Charter is one of the flagship programs of the NSW Government's priority for Greener Public Spaces and identifies ten principles for quality public space to guide decision makers, planners, designers and place managers in creating better public space for everyone across NSW.

The Charter's ten principles distil and reflect evidence based research, best practice and consultation with Aboriginal peoples, community members and representatives from State and Local Government, industry, the business and cultural sectors and a diverse range of public experts. The ten principles are:

- | | |
|---------------------------------|--|
| 1. Open and welcoming | Everyone can access public space and feel welcome, respected and included. |
| 2. Community focused | Public space brings people together and builds strong, connected and resilient communities. |
| 3. Culture and creativity | Public space provides a platform for culture and creative expression that makes places more colourful, animated and thought-provoking. |
| 4. Local character and identity | Public space reflects who we are and our diverse stories and histories. |
| 5. Green and resilient | Public space connects us to nature, enhances biodiversity and builds climate resilience into communities. |
| 6. Healthy and active | Public space allows everyone to participate in activities that strengthen our health and wellbeing. |

- | | |
|---------------------------------|--|
| 7. Local business and economies | Public space supports a dynamic economic life and vibrant urban and town centres. |
| 8. Safe and secure | Everyone feels safe to access and use public space at all times of the day. |
| 9. Designed for place | Public space is flexible and responds to its environment to meet the needs of its community. |
| 10. Well managed | Well managed and maintained public space functions better and invites people to use and care for it. |

Becoming a signatory to the NSW Public Spaces Charter will deliver the following benefits to Lismore City Council and its community:

1. officers access to the Charter's community of practice, building resilience and future capability
2. one-on-one support from the NSW Department of Planning and Environment to Lismore City Council officers
3. promotional opportunities and data sharing to support Public Space project development and activation
4. advocacy opportunity to deliver better public spaces across the Lismore Local Government Area
5. ability to demonstrate commitment to the principles of Public Space when developing and delivering projects funded by the NSW Government

The Charter was presented to employees from across Council's many business units, namely Investment and Growth, Strategic Planning, Fleet and Open Spaces, Environmental Strategies and Liveable and Active Communities as well the Executive Leadership Team. The progression of the Charter was supported.

Comments

Finance

The recommendation is supported as printed.

Conclusion

The Charter's principles are premised on the understanding that there isn't a 'one-size-fits-all' approach to public space. Every public space has its own unique history, heritage and context that will influence where and how people use that public space. Therefore, there are no set rules as to where and how the Charter applies. It could apply to the management of a regional scale parkland, just as it could to the design of a new pocket park. Importantly, the Charter could also be used to better recognize and enhance the ability of the street network to deliver better public spaces that can also be used for enjoyment by the community, rather than just for the movement of traffic and pedestrians.

The ten Charter principles cross all areas of Council's service delivery. The principles are currently embedded in best practice measures and typically considered within Council's planning, design and project delivery that underpin the creation and improvement of high-quality public spaces across the Local Government Area. Becoming a signatory to the Charter will formally acknowledge Lismore City Council's commitment to the principles and secure our commitment to provide a greater range of diverse and accessible public space for all members of the community.

Attachment/s

- | | |
|---|----------------|
| 1. NSW Public Spaces Charter - NSW Department of Planning, Industry and Environment | (Over 7 pages) |
|---|----------------|

Report

Subject	Events Strategy 2024 - 2028
TRIM Record No	BP24/136:EF18/348-6
Prepared by	Events Leader
Reason	To report the outcomes of public exhibition and seek adoption of the Events Strategy 2024-2028
Strategic Theme	A prosperous and vibrant city
Strategy	Our city, villages and riverbank precincts are vibrant and provide diverse activity that strengthens our social connections.
Action	Facilitate unique events that celebrate our diversity.

Executive Summary

The Events Strategy 2024-2028 was undertaken within the strategic framework of local, regional, state, and national strategies. The collaborative approach was to foster a shared sense of ownership and enable Lismore, Nimbin and villages events to effectively participate and add value to the wider strategic direction of the destination and state to 2028 and beyond.

Recommendation

That Council adopt the Events Strategy 2024-2028.

Background

The Events Strategy provides a framework to drive a collaborative approach in seeking, attracting, managing and supporting events in our region. In particular, it aims to foster a shared sense of ownership and enable Lismore, Nimbin and villages events to effectively contribute and benefit the Lismore local government area.

A thorough comparative analysis was carried out with benchmarking areas in flood/fire recovery, including the East Gippsland Shire Council and the Lockyer Valley Regional Council (Attachment 2). Additionally, several case studies were examined, including Destination Riverina Murray and Destination Southern NSW. By examining these areas and the respective strategies, valuable insights were gained to inform and enhance the competitive advantage of Lismore, Nimbin and villages.

With population growth predictions of Brisbane and southeast Queensland to nearly double from 3.8 million to 6 million by 2046, Lismore, Nimbin and villages are well located to further develop a strong short-break event market from this geographic source. The growth of both Ballina/Byron and Gold Coast airports in the long-term, provide opportunities to grow special interest markets intra/interstate and internationally, for events in areas where Lismore, Nimbin and villages have a distinct advantage as a region prominent for creatives and sport. This strategic move will lead to a sustainable competitive edge for residents in the years ahead.

Public consultation

Throughout the creation of the Events Strategy 2024-2028, public consultation was facilitated by Krista Hauritz Tourism & Events Pty Ltd who was engaged by the Liveable and Active Communities team. This included open community workshops, one on one interviews and surveys with 98 respondents. This also provided input from a wide range of industries to help inform the preparation of the draft strategy (Attachment 3).

Following this consultation, a draft Events Strategy was placed on public exhibition. During this time two written submissions were received via Lismore City Council's Your Say page (Attachment 4).

The following items raised during the public exhibition are acknowledged and endeavours were made to amend the strategy for its final publication.

- Highlight the 'Action Plan' as a separate document for the ease of users (The Program, Action Plan, p.41)
- Liaising with NORPA about more up to date images of its productions with relevant recognition provided (p.30 and 32)

Conclusion

A vast engagement process has been undertaken with relevant industry experts to support the development and refinement of the Events Strategy 2024-2028.

Adoption of the Event Strategy 2024-2028 will help foster a shared sense of ownership and enable Lismore, Nimbin and villages events to effectively contribute to and benefit the wider strategic direction of the destination and state plans to 2028 and beyond.

Attachment/s

- | | | |
|----------------------|--|----------------|
| 1. ↗ | Lismore Event Strategy | (Over 7 pages) |
| 2. ↗ | Lismore Event Benchmarking | (Over 7 pages) |
| 3. ↗ | Lismore Event Strategy. Background and Review Analysis | (Over 7 pages) |
| 4. ↗ | Submissions to Draft Events Strategy 2024-2028 | (Over 7 pages) |

Report

Subject	Investments - March 2024
TRIM Record No	BP24/341: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 March 2024.

- Investments held as of 31 March 2024 - \$108,099,135

*The face value represents the purchase price of investments.

In addition, Council held \$2 million as of 31 March 2024 in various bank accounts; being operational accounts; restricted funds held for grants or held in trust. These are not included in the Investment portfolio.

Council also holds advance flood funding of approximately \$31 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) remains steady at 44% or \$47 million.

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

Investments returns – March 5.00%, this is compared to the Annualised Bank Bill (BB) Index bank rate of 4.41%.

Council's total return for the financial year 2023-2024 is 4.80% compared to the Annualised BB Index bank rate of 4.35%.

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
January	\$108,099,135	\$110,053,960	\$117,757,135	\$119,829,531	5.00%	4.41%	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 February 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 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 \$31 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.

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 March was \$47 million, a reduction of \$4 million from the previous month, the percentage of the portfolio held in SRI remained steady at 44%.

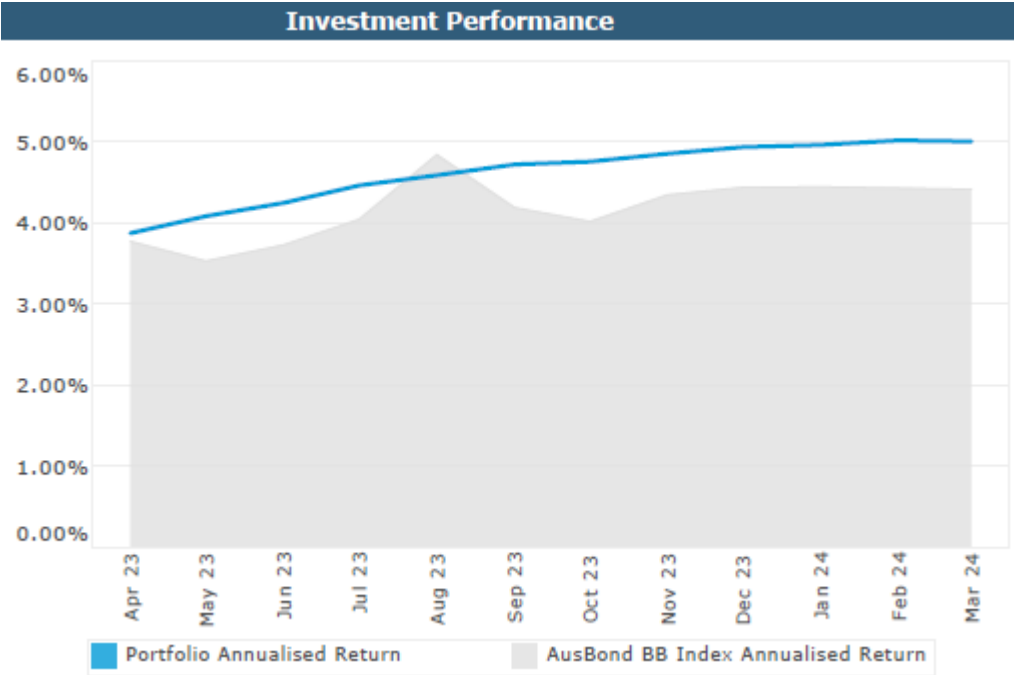
* Note - this includes Fossil Fuel Free Investments

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.

Investment Holdings

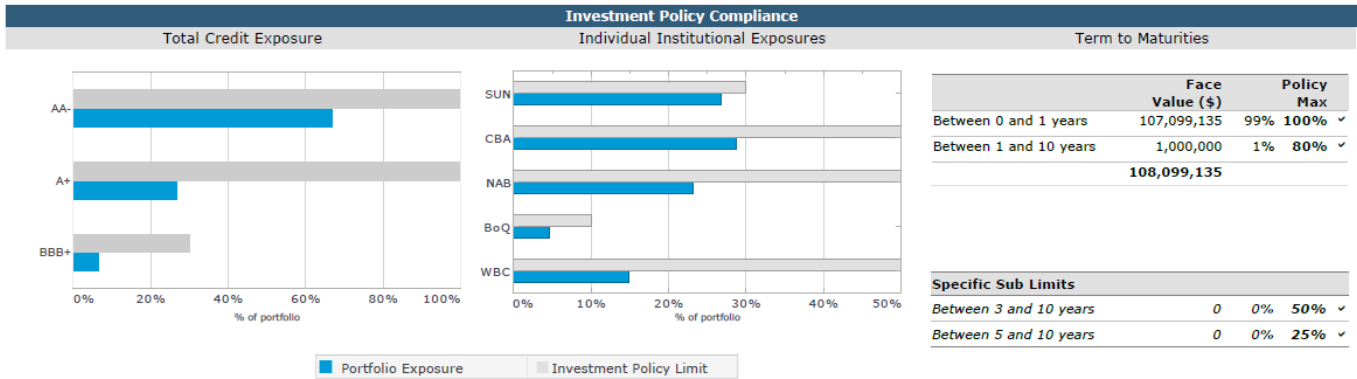
	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	16,099,135	16,099,135	4.5000
Term Deposit	92,000,000	93,954,824	5.1121
	108,099,135	110,053,960	5.0209

Investment Performance



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

Compliance with Policy Requirements



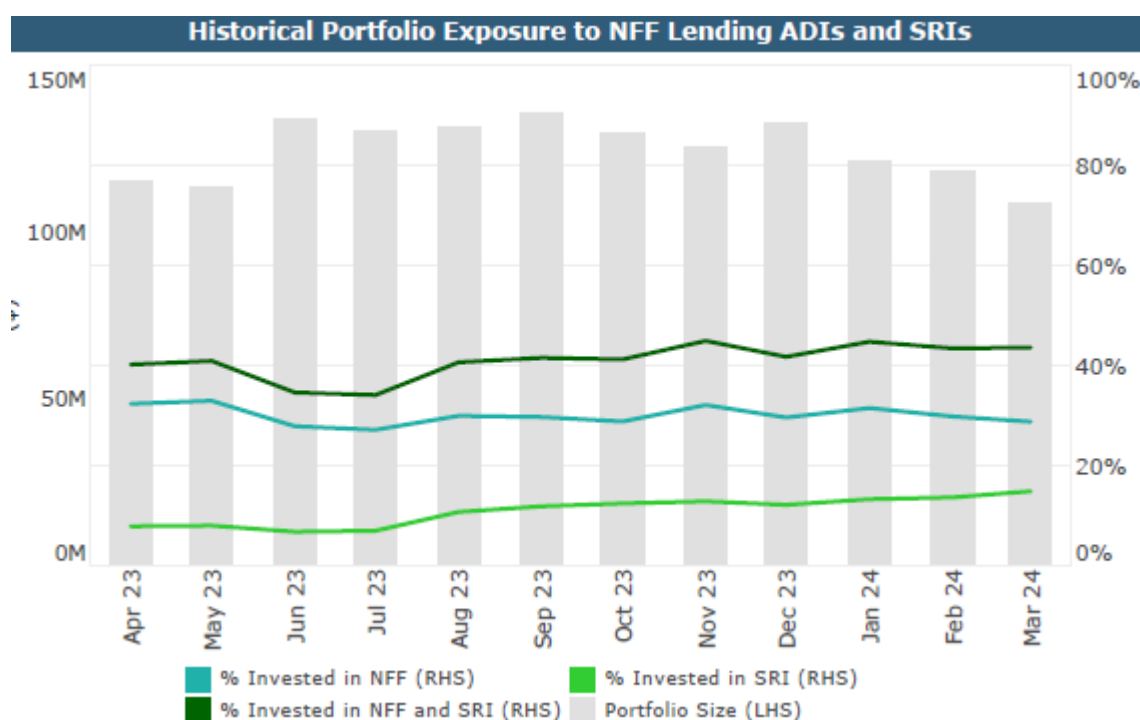
(Ethical) Investments

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.



Maintaining adequate liquidity to progress flood restoration works.

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

The following amount has been included in the Investment Portfolio - Commonwealth Bank of Australia \$16,099,135. This is a short term overnight money account and is used for liquidity purposes, that is to provide access to funds to meet Council's short term payment commitments. This account is a fossil fuel investment however Council is restricted in its options of available providers to provide short term liquidity whilst providing returns greater than the cash rate.

If these accounts are excluded, then Council's Ethical Investment ratio is 51.09%.

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 March 2024 is provided.

Attachment/s

1. [🔗](#) 2023-2024 March Investment Report (Over 7 pages)

Report

The following documents have been prepared in accordance with previous resolutions of the Council and/or the provisions of the *Local Government Act 1993* and other relevant statutes.

This report does not support the Council seal being stamped on documents that don't meet the criteria of:

- a) Council Corporate Procedure 1.1.36, which purpose is to limit use of the Council seal to documents required by law to be signed under seal; and
- b) The General Manager's delegations to grant leases and licenses at the time these agreements were negotiated, which avoids commercial disadvantage to Council and the proposed occupiers that could suffer if agreements were required to be reported to Council prior to being agreed.

Executive Summary

- Item 1 Lease to Lismore City Council for commercial space in the Lismore CBD to facilitate a pop-up space for the CONVERGE program (Ref: EF21/88)
- Item 2 Occupation Agreement with City of Lismore RSL Sub-Branch over Suite A, 179 Molesworth Street, Lismore (Ref: AF24/820)

Recommendation

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

- Item 1: Lease to Lismore City Council (ABN 60 080 932 837) for commercial space in the Lismore CBD to facilitate pop-up CONVERGE program in line with funding by NSW Reconstruction Authority (Ref: EF21/88)
- Item 2: Occupation Agreement with City of Lismore RSL Sub-Branch over Suite A, 179 Molesworth Street, Lismore, subject to Conditions 1 and 2 included in the report annexure.
(Ref: AF24/820)

Attachment/s

- 1. [↓](#) Annexure Page - Documents for Signing


Annexure Page

Documents for Signing - Council meeting 9 April 2024

The documents for Signing recommend the following occupancy agreements be signed by the General Manager under existing delegations.

Item 1: Lease to Lismore City Council for commercial space in Lismore CBD to facilitate Pop-up CONVERGE Program (Ref: EF21/88)	
Background	<p>As a disaster recovery initiative funded by the NSW Reconstruction Authority, CONVERGE is a new creative incubator program in Lismore running May – December 2024.</p> <p>Lismore City Council's Destination and Economy team is managing this project to:</p> <ul style="list-style-type: none"> temporarily enrich high visibility, vacant commercial space in central Lismore provide participating creatives with a working environment for making and developing projects, a series of professional development and entrepreneurial programs, community interaction, and engagement revitalise Lismore with public programs and outcomes during 2024.
Property	To be determined - a suitable commercial space within the Lismore CBD to deliver creative collaboration, exhibitions, and public engagement.
Lessee	Lismore City Council (ABN 60 080 932 837).
Rent	To be determined: amount covered under grant funding.
Outgoings	To be determined: amount covered under grant funding.
Permitted Use	Creative development by participating artists, exhibition and public programs, professional development workshops, and back-of-house operations.
Term	April 2024 – January 2025 including bump-in and bump-out.

Item 2: Occupational Agreement with City of Lismore RSL Sub-Branch (Ref: AF24/820)	
Background	<p>Since 1926, the City of Lismore RSL Sub-Branch has called the Memorial Baths building its home. Annually, approximately 12,600 volunteer hours are dedicated to vital activities, including Wellbeing and Advocacy services for members and the veteran community, alongside compassionate hospital visits. Additionally, the organisation runs a program for aged care visitations and operates a day club at the Goonellabah Sports Club. Furthermore, it takes charge of organising all local commemorative events and secures grants and funding to enhance memorials, ensuring the preservation of historical heritage.</p>
Crown Land Manager	Lismore City Council
Crown Reserve	Crown Reserve No. 540065, gazetted 15 October 1937 for War Memorial Baths.
Validation of Act on Crown Reserve	This future act is validated under Section 24JA of the <i>Native Title Act</i> 1993. Acts validated under this section that are not public works do not require notification.
Land Classification	Community

Item 2: Occupational Agreement with City of Lismore RSL Sub-Branch (Ref: AF24/820)	
Property	<p>Suite A, 179 Molesworth Street, Lismore (Lot 538 DP 755718)</p> 
Lessee	Returned Services League of Australia City of Lismore Sub-branch (City of Lismore RSL Sub-Branch)
Rent	<p>Peppercorn</p> <p>Background Council records indicate Council has historically granted perpetual occupancy of the RSL Sub-Branch office at a peppercorn rent, reflecting the enduring partnership between the Sub-Branch and the community.</p>
Permitted Use	The agreement to continue the provisions for ongoing support for veterans and families.
Term	Five (5) years
Agreement Condition 1	<p>Condition</p> <p>1. The 28-day Public Notice requirement for this proposed licence ends on 9 April 2024. In accordance with Section 47 of the <i>Local Government Act 1993</i>, Council must prior to granting a licence consider all submissions duly made to it. Once the submission period has ended, should the Council receive any submissions of objection (that cannot be successfully resolved by Council staff), this proposed agreement as well as the submission by way of objection received be brought back to the Council for its due consideration and final determination.</p>
Agreement Condition 2	<p>Condition</p> <p>2. The agreement shall be signed by the trustees of the unincorporated City of Lismore Sub-Branch, acting on behalf of the association. It is acknowledged that the trustees bear responsibility for fulfilling the obligations outlined within the agreement.</p> <p>Background The City of Lismore sub-Branch, registered as RETURNED SERVICES LEAGUE OF AUSTRALIA CITY OF LISMORE SUB BRANCH (ABN 26 036 231 350), operates as an unincorporated entity, lacking independent contractual capacity. Authorisation for the Sub-Branch trustees to sign this agreement was granted during the City of Lismore RSL Sub-Branch March meeting.</p>

Report

Subject	Policy Review
TRIM Record No	BP23/328:EF09/140
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	Review Council policies
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

Council officers are undertaking a body of work to review and update the policy register. Some policies have not been reviewed for a number of years and are now considered redundant, whilst others are recommended to be reviewed and continue.

Recommendation

That Council:

1. revoke the following policies –
 - a. Council Use of Lismore Airport Policy
 - b. Biodiversity – Flora & Fauna Policy
 - c. Council Cars – Car Agreement Policy
 - d. Duties and Responsibilities of Committee Chairpersons Policy
 - e. Plain English Policy
 - f. Staff Exchange Program between Lismore City Council and Yamato Takada City Council Policy
2. note the following policies have been reviewed and no changes are required –
 - a. Closure of Offices Christmas/New Year Policy
 - b. Dedication of Bequeathed Land for Community Purposes Policy
 - c. Lismore Coat of Arms/Corporate Logo Policy
 - d. Media Releases Policy

Background

Council officers are undertaking a body of work to review and update the policy register. The following policies have not been reviewed for a number of years and are considered redundant for the following reasons:

11.2.4 Council Use of Lismore Airport (last reviewed in 2014) – as there are currently no passenger flights into Lismore Airport.

5.17.3 Biodiversity – Flora & Fauna Policy (created in 2007 and not reviewed) – all aspects of this policy are within the current Biodiversity Management Strategy.

1.11.1 Council Cars - Car Agreement Policy (last reviewed in 2010) – Council has an extensive internal procedure for officers issued a Council vehicle.

1.2.3 Duties and Responsibilities of Committee Chairpersons Policy (last reviewed in 2014) – each committee and advisory group has its own terms of reference which provide direction to the chairperson.

1.4.9 Plain English Policy (last reviewed in 2010) – Council has an internal communication style guide which incorporates these elements and is currently being reviewed.

1.6.2 Staff Exchange Program between Lismore City Council and Yamato Takada City Council Policy (last reviewed in 2010) – this program was last undertaken in 2014 and no budget allocation has been provided since this time. The annual student exchange has been Council's priority and is very successful in growing the sister city relationship.

The following policies have not been reviewed for a considerable time. No changes are recommended.

1.4.6 Closure of Offices - Christmas/New Year (last reviewed by Council in 2010)

5.2.28 Dedication of Bequeathed Land for Community Purposes Policy (last reviewed 2014)

1.4.1 Lismore Coat of Arms/Corporate Logo Policy (last reviewed 2010)

1.4.3 Media Releases Policy (last reviewed 2010)

Public consultation

Not required.

Conclusion

Following analysis of the Policy register by officers there are a number of policies which should be considered for review and others to be revoked.

Attachment/s

- | | | |
|-----|--|----------------|
| 1.⇒ | 11.2.4 Council use of Lismore airport | (Over 7 pages) |
| 2.⇒ | 5.17.3 Biodiversity - Flora and Fauna Policy | (Over 7 pages) |
| 3.⇒ | 1.11.1 Council cars - car agreement | (Over 7 pages) |
| 4.⇒ | 1.2.3 Duties of committee chairpersons Policy | (Over 7 pages) |
| 5.⇒ | 1.4.9 Plain English Policy | (Over 7 pages) |
| 6.⇒ | 1.6.2 Staff exchange program between Council and Yamato Takada City Council Policy | (Over 7 pages) |
| 7.⇒ | 1.4.6 Closure of Offices - Christmas/New Year | (Over 7 pages) |

- 8. [⇒](#) 5.2.28 Dedication of bequeathed land for community purposes Policy
- 9. [⇒](#) 1.4.1 Lismore Coat of Arms Policy
- 10. [⇒](#) 1.4.3 Media Releases Policy

(Over 7
pages)
(Over 7
pages)
(Over 7
pages)

Report

Subject	2024 Floodplain Management Australia National Conference
TRIM Record No	BP24/250:EF19/25-6
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	For Council to determine voting for the Annual General Meeting
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

The 2024 Floodplain Management Australia (FMA) National Conference will take place in Brisbane from 21 – 24 May 2024, which includes the Annual General Meeting.

Lismore City Council, as a member of the FMA, is entitled to two voting delegates, but only one when voting on changes to the Constitution.

Recommendation

- That:
- 1. the two voting delegates to the 2024 Floodplain Management Australia National Conference are
 - 2. if constitutional matters arise the voting delegate is
 - 3. Council approve the submission of the motion for AVL Link Remote Access to the Conference organisers

Background

The 2024 Floodplain Management Australia (FMA) National Conference will take place in Brisbane from 21 – 24 May 2024 and includes the Annual General Meeting (AGM).

Lismore City Council, as a member of the FMA, is entitled to two voting delegates, but only one when voting on changes to the Constitution. Councillors Bird, Ekins and Rob are attending the conference.

Councillor Rob is also seeking approval for the attached motion to be submitted to the Conference for consideration.

Comments

Finance

The budget included in the 2023-2024 Operational Plan for councillors’ professional development is sufficient to cover the costs associated with attendance at the conference.

Attachment/s

1. [Download](#) Proposed motion for FMA Conference

NOTICE OF MOTION FORM

3/03/2024 11:41 PM (AEDT)

Submitted by big.rob@lismore.nsw.gov.au

Hidden Yes

Notice Of Motion

Councillor Big Rob

Motion title Floodplain Management Australia 2024 AGM Motion

Proposed Notice of Motion That council submit the following motion to the Floodplain Management Australia 2024 AGM for consideration:

AVL Link Remote Access

Following the popularity and success of providing audio visual link remote access to Members unable to physically attend Floodplain Management Australia meetings and workshops since the 2023 AGM, that audio visual link remote access continue to be provided to Members.

Describe the outcome sought The motion we resolved to submit to the 2023 AGM was amended by committee members to include a review after one year. Regardless, the motion was very well supported and was implemented.

As a result, I was able to attend all FMA meetings and workshops in Brisbane and Sydney by AVL since the 2023 AGM, learnt so much, and accessed a lot of invaluable resources. This would not be the case if an AVL option was not available as access would be unaffordable. The free AVL access has been made available to everyone and I have always noticed good attendance online.

I am not sure if the FMA committee intends to include a motion in the 2024 AGM to stop or continue providing AVL remote access following their review over the year. This motion will ensure an option to continue providing AVL remote access to Members is considered.

If a motion does appear in the FMA 2024 AGM Business Paper which achieves the same purpose prior to this motion being considered, this motion can be withdrawn or will inevitably lapse.

Cost of implementing Notice of Motion (upfront and going) Nil.

Funding Source N/A

Staff consulted Nil.

Email big.rob@lismore.nsw.gov.au

Reports

Subject	Minutes from External Committees and Organisations
TRIM Record No	BP24/265: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 Arts Northern Rivers.

Attachment/s

1. [↓](#) Arts Northern Rivers - Minutes



For All Things Art + Culture | Suite 2, 155 Keen Street, Lismore, NSW 2480 | 0456 770 632 | artsnorthernrivers.com.au

Arts Northern Rivers Board Meeting

10.30am – 12pm Friday 1 March 2024

Venue:

Arts Northern Rivers Office
Suite 2, 152 Keen St, Lismore

Zoom details:

<https://us02web.zoom.us/j/4065479768>

Meeting ID: 406 547 9768

Passcode: artsnr

MINUTES

10.30am	1	<p>Welcome</p> <p>Jane Fuller – Acknowledgement of Country</p> <p>Apologies: Ashleigh Ralph, Cr Elly Bird (Chair), Cr Sama Balson, Shannon Carruth, Sharon Davidson, Cr Janet Wilson</p> <p>Present: Cr. Patrick Deegan, Cr. Peter Westheimer, Mayor Chris Cherry, Cr. Steve Pickering (Treasurer), Sarah Gurich, Emily Berry, Lynn Mathers</p> <p>ANR Staff: Jane Fuller, Jen Boelen</p> <p>Note – Cr Pickering stood in as Chair due to Cr Bird's absence</p>
	2	<p>Minutes</p> <ul style="list-style-type: none"> - Minutes of last meeting held 1 December 2023 - Matters Arising <p>Motion: To accept the minutes from the last meeting Moved by: Cr. Westheimer Seconded: Mayor Cherry Carried: Yes</p>
	3	<p>Human Resource Management</p> <p>Jane Fuller reported:</p> <ul style="list-style-type: none"> o Kylie Caldwell finished up in her role on 1 Feb. She will still be working with ANR on two projects: <ul style="list-style-type: none"> ▪ finishing off the textile and fashion project, <i>Wandjaarii Maali</i>

		<ul style="list-style-type: none"> ▪ curating the new weaving exhibition, <i>Bulaan Buruugaa Ngali</i>. ○ Recruitment for a new IADO has commenced, with the incumbent due to take up the reins in early April. ○ Jen Boelen has had her position upgraded from Administration Support Coordinator to Operations Manager.
	4	<p>Financial Management</p> <p>Report presented by Treasurer Steve Pickering</p> <p>Note – discrepancy was picked up in the financial report prior to the meeting but has since been amended by Accounts Administrator.</p> <p>Note – Jane Fuller clarified that the unspent liabilities ANR has sitting against project funding is unreleased grant monies, much of which is for projects ANR is auspicing.</p> <p>Note – the annual audit is currently underway.</p> <p>Motion: To accept financial report Moved by: Cr Pickering Seconded: Cr Deegan Carried: Yes</p> <p>Motion: To accept quarterly reports Moved by: Cr Pickering Seconded: Mayor Cherry Carried: Yes</p>
	5	<p>Executive Director Report</p> <p>Report presented by Jane Fuller</p> <p>Note – it was recognised that the Cultural Counsel (sub-committee of the Board) needs an avenue to report back to the Board following their twice-yearly meetings. This also led to a request to clarify what the purpose of the Cultural Counsel is vs the Board of Directors.</p> <p>Motion: That the Board recommends:</p> <ul style="list-style-type: none"> ○ a closer relationship is formed between the Cultural Counsel and the Board, and ○ to clarify the Terms of Reference of the Cultural Counsel, and ○ consider that Cultural Counsel meetings proceed Board meetings with an invitation extended to Board members. <p>Moved by: Cr Westheimer Seconded: Cr Deegan Carried: Yes</p>
	7	<p>Governance</p> <p>Around the Shires - Board Members' report</p> <p>Richmond Valley Shire:</p> <ul style="list-style-type: none"> ○ Cassino Gallery has a new team.

		<p>Byron Shire:</p> <ul style="list-style-type: none"> o a report on the biennial <i>Climate Conversations</i> creative project partnership between Byron Shire Council and Lone Goat Gallery deemed the project a success and was well-attended by around 1,000 people. <p>Clarence Valley Shire:</p> <ul style="list-style-type: none"> o Plunge Festival is coming up – which is coordinated by council, with the program of activities being run by the community. This is a very cost-effective model for showcasing the independent artists within the Shire, which other councils may also consider. o Sarah Gurich has been appointed to the board of Museums and Galleries NSW. o 5 exhibitions are coming up at the Grafton Regional Gallery. o the long-serving president of Friends of the Gallery, Heather Brown, has resigned. o Public artworks are being developed. o <i>Culture Dose for Kids</i> is coming to Grafton Regional Gallery in Term 2, 2024 – an arts engagement program to support children with anxiety, and is a collaboration between the Gallery, the Black Dog Institute and the Art Gallery of NSW. o Myra James' <i>YOLO</i> art exhibition is coming to the Old Kirk in Yamba, which is aimed at young and learner drivers to send a message about responsible driving. <p>Tweed Shire:</p> <ul style="list-style-type: none"> o The new director of Tweed Regional Gallery, Ingrid Hedgcock, has begun in her role. o Three new Margaret Olley paintings and one Morandi are now on display at the Gallery as part of the National Gallery's <i>Sharing the National Collection</i> initiative. o The Makers Film Festival is coming up at the Murwillumbah Regent Cinema. o Group exhibition <i>synergy: identity, portraiture and the moving body</i> will be opening at the Gallery on 9 March. o The Tweed Regional Museum's "Museum on Wheels" has been very successful. <p>Kyogle Shire:</p> <ul style="list-style-type: none"> o There has been disruption experienced within council due to turnover of leadership staff. o Council is taking a more holistic view of the cultural precinct and are planning some extensions to the existing infrastructure. Similarly, there is intention to do a lot more activation of the precinct with the aim to draw more young families in. o Kyogle Readers and Writers Festival is coming up.
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	8	<p>Other Business</p> <p>Motion: To receive nominations for Deputy Chair of ANR's Board of Directors Moved by: Cr Pickering Seconded: Cr Westheimer Carried: Yes</p> <p>Note – prior to this meeting Mayor Cherry was nominated by Cr Bird, which Mayor Cherry accepted.</p> <p>Motion: To accept the election of Mayor Cherry to the position of Deputy Chair Moved by: Cr Pickering Seconded: Cr Westheimer Carried: Yes</p> <ul style="list-style-type: none"> o The service of Ruth Tstitimbinis to the ANR Board was acknowledged and a letter of appreciation will be sent by ANR on behalf of the Board. o Discussion of venue audit within the Byron Shire – there is a need to understand which venues are available and what their facilities/capacities are. This audit is currently being undertaken at council however, Cr Westheimer would like to see ANR take on this role. ANR will connect with BSC to find out how the audit is being done and will take the process step-by-step. This will be an agenda item at the next meeting. o Board members are requested to provide their dates of birth and street addresses to ANR (Jen Boelen) for the purpose of updating the ACNC and ANR's Board Member Register.
11.57pm		<p>Close</p> <p><u>Next Meeting</u></p> <ol style="list-style-type: none"> 1. Friday 31 May 2024 10-11.30am AGM + Board Meeting – in Lismore office or online 2. Friday 30 August 2024 10.30-11.30 am – in Lismore office or online 3. Friday 29 November 10.30-11.30am – in Lismore office or online

Notices of Motion / Questions with Notice



Notice of Motion / Question with Notice

Councillors Elly Bird; Vanessa Ekins; Darlene Cook have given notice of their intention to move the following rescission motion:

That Council rescind its decision of minute number 43/24 from the 12 March 2024 meeting.

Councillor Comment

We intend to move at the 9 April 2024 Ordinary Council meeting a rescission motion on minute number 43/24 of the 12 March 2024 meeting the Nimbin Advisory Group minutes.

On submission to the meeting the motion was **RESOLVED** 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.

(Councillors Rob/Bing) (BP24/231)

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

Voting against: Councillors Bird and Ekins

There are no attachments for this report. **TRIM Record No:** BP24/266:EF19/25-6

Notices of Motion / Questions with Notice

Subject **Mayoral Attendance Report**

TRIM Record No BP24/267:EF19/25-6

That Council receives the Mayoral Attendance Report for March 2024.

March

- 1-2 Our Kids Samson Challenge
- 3 Community Crime Prevention meeting
- 4 Business workshop regarding rail trail
- 5 Councillor briefing
- 6 Chamber of Commerce Business Before Hours Event
- Sister City Delegation Information Evening
- 9 Jimmy Rees "Let's Get Regional" Show
- 12 Council meeting
- 13 GHD Lismore Office Opening
- 18 Northern Rivers Community Leaders Forum
- 21 Media event: Disaster Assistance Funding
- 22 Country Mayors Association
- 23 Richmond Valley Rail Trail opening
- 25 Northern Rivers Joint Organisation Vision for the Region and Disaster Adaption Planning
- Media event: Resilient Lands announcement
- 26 Pearces Creek bridge opening
- Councillor briefing
- 27-6 April Sister City Delegation to Yamato Takada

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/267:EF19/25-6



Our Kids Samson Challenge



Jimmy Rees "Let's Get Regional" Show

Notices of Motion / Questions with Notice



Business Before Hours Event



GHD Lismore Office Opening



Richmond Valley Rail Trail opening



Resilient Lands announcement



Disaster Assistance funding announcement



Pearces Creek bridge opening



Notice of Motion / Question with Notice

Councillor Andrew Bing has given notice of intention to move:

That Council write to The Hon Chris Minns MP Premier, The Hon Ryan Parks MP Minister for Health and Janelle Saffin MP Member for Lismore requesting the NSW Government fund Stage 2 of the multilevel carpark adjacent to the Lismore Base Hospital, to provide adequate and safe car parking facilities for our essential workers.

Councillor Comment

Outcome Sought

Staff from the hospital currently have to park a long way from their workplace, which in many cases is either paid or timed parking, and not suitable for employees who often work 12 hour shifts.

Stage 2 of the multilevel parking facility is essential to provide suitable and safe parking for our essential workers.

Cost of Implementing

Nil

Funding Source

Not required

Officer Consulted

Nil

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/309:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

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

Councillor Comment

Outcome Sought

Since it is a requirement of the Comprehensive Koala Plan of Management (CKPoM) for south-east Lismore adopted by Council in May 2012, which has been completely ignored to date, and an August 2023 resolution requiring a briefing to see things progress is still the current resolution, it is time this progressed to completion to get another to do item off our list. There is no valid reason to further delay progressing this.

Cost of Implementing

Not applicable

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Chief Community Officer

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

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

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

Officers are seeking to include funds in the 2024-+2025 Council budget for an internal review of the CKPoM. A formal 10-year review according to NSW Government determined guidelines cannot proceed as these guidelines are yet to be published.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/329:EF19/25-6

Notice of Motion / Question with Notice

Councillor Elly Bird has given notice of intention to move:

That Council:

1. note the findings and recommendations of the Plan C and UTS Northern Rivers Food Security & Resilience Scoping Study, in particular the urgent need for coordinated food system governance, policies and planning in the region to build resilience to disasters and supply chain disruptions
2. note the 'Food Production and Supply in NSW' Inquiry and Report (November 2022), particularly Recommendation 6: that the NSW Government works with local councils to develop and implement strategies to improve local food systems, and provides appropriate funding as required
3. write to the following NSW Labor Government Ministers requesting the Government's response to the Inquiry, noting that Government has indicated it will respond to the findings by May, and highlighting the importance of Recommendation 6 for communities recovering from disasters such as the Northern Rivers:
 - i) NSW Premier the Hon Chris Minns MP
 - ii) Minister for Agriculture the Hon Tara Moriarty MP
 - iii) Minister for Local Government the Hon Ron Hoenig MP
 - iv) Minister for Regional New South Wales and North Coast the Hon Rose Jackson MP
 - v) Minister for Health and Regional Health the Hon Ryan Park MP
4. note the Northern Rivers Joint Organisation passed a similar motion at its February meeting
5. include questions regarding food insecurity in the Reimagine Lismore community engagement process to understand community lived experience in the Lismore LGA
6. advocate to the NSW Reconstruction Authority for future possible use of buyback properties for urban and small scale agriculture in Lismore LGA
7. provide a briefing to Council by July outlining current constraints and the mechanisms that could be considered to enable small scale urban agriculture in the Lismore LGA

Councillor Comment

Outcome Sought

For Lismore City Council to respond to the referenced reports and to advocate to State Government response and subsequent action; to understand lived experience of food security in the Lismore LGA; and for Council to consider ways to enable small scale urban agriculture.

<https://www.uts.edu.au/isf/explore-research/projects/improving-food-security-and-community-resilience-northern-rivers>

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2841>.

Cost of Implementing

No funding required

Funding Source

Not applicable

Officer Consulted

Not applicable

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/333:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council hold a workshop to consider establishing a Lismore Base Hospital Parking Precinct, similar to what was established at the Legal Parking Precinct around Lismore's police station and courts, to provide free parking to key hospital medical staff while at work so they can focus on keeping us alive.

Councillor Comment

Outcome Sought

Reports of emergency room, surgical and ward nurses and doctors regularly ducking out to move their vehicles while at work to avoid parking infringement notices have caused concerns in recent times.

It is a concerning thought that such highly skilled medical staff may not be available to help save a life because they are moving their vehicle. It is bad enough that medical staff even have to move their vehicles due to inadequate parking options, but to think lives could be lost as a direct result of such a situation needs to be addressed.

Cost of Implementing

To be determined

Funding Source

To be determined

Officer Consulted

Nil

Officer Comment

Manager Operational Compliance

The following response was provided to the September 2023 Ordinary Meeting of Council in response to a Notice of Motion having the potential to significantly impact the adopted parking strategy for the Lismore Base Hospital Precinct.

Planning Matters

On 8 December 2015, Lismore City Council considered a detailed report and subsequently adopted the "Lismore Hospital Car Parking Strategy". The purpose of this strategy was to assist Health Infrastructure in complying with Condition A5 of the Major Project Approval issued by the NSW Department of Planning and Environment in May 2015 for the redevelopment and expansion of the Lismore Base Hospital including a multi-storey car park facility.

Car Parking Management Strategy

A5 *The applicant shall prepare and finalise the Car Parking Management Strategy within the first six months of commencement of construction works for the car park. The Car Parking Management Strategy must be prepared in consultation with the Council and local residents and must address, but not be limited to, the following matters:*

- *on-street car parking management, including details of any supporting infrastructure required for the proposed measures, responsibilities for the measures and timing for implementation;*
- *the feasibility of implementing a High Pedestrian Activity Area along Uralba Street; and*
- *car parking fees and ensure that the concession rates in NSW Health's Car Park Fee Policy are applied to all patients and patient carers.*

The Car Parking Management Strategy must be endorsed by the Local Traffic Committee if the Strategy proposes to install or alter any existing traffic control devices or traffic control facilities.

Notice of Motion / Question with Notice

The overall objectives of the Strategy were identified as:

- to provide equitable access to parking spaces to all stakeholders (patients, staff, visitors, residents, allied health services etc) where demand for parking exceeds the available parking supply through effective management;
- where demand exceeds supply, ration the use of both on-street and off-street car parking on road and road related areas, to allow short to medium term parkers to gain access to parking during normal business hours by removing competition from all day users; and
- to ensure both safety and traffic efficiency within the overall context of the management of traffic on the road system.

The impacts of not having an effective parking strategy were clearly identified and addressed in the Department of Planning & Environment's assessment report in May 2015 and the potential consequences of not having such measures in place for the new facilities. Condition D2 of the Major Project Approval required all of the measures in the adopted Car Parking Management Strategy to be implemented prior to occupation.

Car Parking Management Strategy

D2 The applicant shall ensure all measures identified in the Car Parking Management Strategy have been implemented prior to the occupation of any of the facilities the subject of this consent.

Council made the following capital works commitments to on-street parking infrastructure improvements in adopting the **"Lismore Hospital Car Parking Strategy"**, specifically:

1. Dalziell Street parking infrastructure improvements – paid parking
2. Dibbs Street parking infrastructure improvements – time limited parking
3. Hunter Street parking infrastructure improvements – paid and time limited parking
4. Laurel Avenue parking infrastructure improvements – time limited parking
5. Implementation of a resident parking scheme for the Hospital Precinct
6. Parking signage to implement parking restrictions in accordance with the adopted parking strategy have been manufactured
7. Purchasing of parking meters and contractual agreements entered into for commissioning and ongoing operation and maintenance.

It is considered that Council has reasonably met its commitments under the adopted parking strategy to assist Health Infrastructure in complying with the conditions of the Major Project Approval.

In recognition of the above planning framework and NSW Road Transport Regulations/ associated Guidelines, if Council wishes to significantly alter existing traffic control devices or traffic control facilities adopted within the approved Lismore Base Hospital Car Parking Strategy then it is considered that the correct pathway would be:

- i. Council approach both the Northern NSW Local Health District and also Transport for NSW (via the Local Traffic Committee), regarding the proposed amendments to the Parking Strategy;
- ii. Council approach the NSW Department of Planning regarding authorisation of an amended Parking Strategy pursuant to Condition A5;
- iii. if all parties respond favourably, engage a suitably qualified consultant to prepare an amended Parking Strategy in accordance with Transport for NSW Guidelines;
- iv. complete an amended Parking Strategy that is supported by NSW Local Health District and also Transport for NSW (via the Local Traffic Committee), and endorsed by NSW Department of Planning and Council;
- v. implement the revised Parking Strategy.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/328:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

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

Councillor Comment

Outcome Sought

Every successful gallery changes their exhibitions from time to time. It is about time the Back Alley Gallery saw a major change to freshen things up in Lismore and actually attract some tourism.

Graffiti is something you can see in any city and town around the world. It is stale and certainly not something people go out of their way to see. Our offerings were not even good enough to sustain one retail business selling supplies to those doing graffiti art, yet we keep throwing money at the Back Alley Gallery without any demonstrated economic benefits.

Aboriginal art is very popular around the world and highly sought after. I have never heard of an Aboriginal Back Alley Gallery displaying individual pieces and multi-piece series of works sharing Dreamtime stories that visitors can enjoy as they walk through anywhere else in the world. We could be the first and do something very good in our community as we implement it.

Such a point of difference may actually attract tourists by the bus load. It could also see the development of a local traditional Aboriginal arts and crafts industry which could include online and retail businesses, supported by the many not-for-profits receiving lots of grant funding to help Aboriginal artists.

An advisory group or committee structure could help plan and recommend how to progress an Aboriginal Back Alley Gallery, including how to best allocate funding to keep things fresh and looking good going forward.

Cost of Implementing

Not applicable

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Chief Community Officer

Council staff can undertake a workshop or briefing to discuss potential aboriginal art opportunities for the Back Alley Gallery.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/330:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council:

1. redirect any spending to maintain the floating solar setup on pontoons at the waste facility to relocating the solar panels to a location where they will be more effective
2. divest any interest it has in the pontoons.

Councillor Comment

Outcome Sought

To remove an expensive eyesore which grows weeds and collects bird excrement, while not producing anywhere near the energy it was touted as capable of producing.

Removing this useless asset will reduce Council's WHS risk to staff having to work on water to maintain it.

This has been a financial burden on ratepayers since the way it was resolved to progress it, and it should have never been moved onto floating pontoons after resolution to place it on the roof of buildings.

Cost of Implementing

Not applicable

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Head of Water and Waste

Officers have recently completed a walkaround with NSW Public Works Advisory for the concept design for a Request for Tender for the new sewage treatment plant, which will include the option to relocate the solar panels to be ground mounted to enable easier maintenance.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/331:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council stop any spending on 'art' included in the grant funding deed for the Safer Cities: Her Way Project, and redirect the funds allocated to 'art' towards improving lighting and CCTV options.

Councillor Comment

Outcome Sought

To stop directing so much money into 'art' when grant funding is not meant for 'art'.

There is a saying that 'You can put lipstick on a pig, but its still a pig!' Instead of always trying to cover up the mess that is our CBD, maybe we should get back to basics and just clean it up and maintain it as we should be doing.

Cost of Implementing

Not applicable

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Manager Destination & Economy

The Safer Cities: Her Way Program funded by Transport for NSW is aimed at helping to improve the perception of safety, particularly for women, girls and gender diverse people, when walking or moving, through and within public spaces and transport hubs. The demonstration projects are a way to test how to make these spaces feel safer. During the extensive community consultation process, community feedback indicated the inclusion of public art at these sites (including art that assists with pedestrian wayfinding and visibility) in conjunction with other initiatives such as lighting, wayfinding and CCTV would create a place that feels more cared for, more vibrant and more welcoming. Lismore City Council's project elements, including the artwork respond to community input and have been developed in consultation with and fully endorsed by Transport for NSW, the funding body.

Both demonstration sites will see the inclusion of a combination of elements including: CCTV cameras (both locations), lighting, seating, bins, community gardens and gallery, street art, accessible ramps and tactile ground tiles and signage.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/334:EF19/25-6

Notice of Motion / Question with Notice

Councillor Andrew Bing has put the following question with notice:

Per the previous Council resolutions, Council has contacted the appropriate entities and provided a reminder to State Member Ms Saffin. Council's position on the bridge removal was raised again in the last weeks in continuing discussions with Transport for NSW (TfNSW).

Responses to a number of Councillor requests have been provided by officers however, whilst there is advertising paid for by TfNSW for the businesses affected in particular with Terania Street bridge, there is no substitute for passing traffic... and these businesses are suffering immensely as a result.

Could the General Manager provide an update on the actions from TfNSW, Heritage, and all other relevant bodies, vis a vie the resolutions for removal of the bridges, for the public record.

General Manager's response:

Terania Street viaduct

Council has been verbally advised by TfNSW the Terania Street viaduct will be open in coming weeks following the installation of traffic calming islands and signage. The viaduct will remain closed to heavy vehicles. Their section 60 heritage application to remove the viaduct has been submitted and heritage personnel have been on site with the application currently on public exhibition at <https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/state-heritage-register-items/comment-on-applications>. Advice has been received the earliest date for removal would likely be sometime in June 2024. In the meantime, pedestrian access has been opened. TfNSW will continue with communicating progress to the community and businesses in the vicinity.

Alexandra Parade viaduct

Council has been verbally advised the Alexandra bridge will remain open under 24/7 traffic control for vehicles using the 2.8 metre height clearance lanes following improvements to protect the piers with the 3.5 metre clearance lane remaining closed for the foreseeable future. Council have been requested to undertake the necessary lease and licence arrangements to enable the nearby crossing to be opened as an alternate route for vehicles exceeding 2.8 metres in height.

Winterton Parade and Union Street viaducts

Council has been advised minor works have been undertaken to ensure safe traffic flow.

Crane Street viaduct

Remain open. No update.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/324:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please advise Council if there are any current policies or procedures preventing staff from using and/or reviewing Council CCTV recordings in an attempt to identify individuals involved in alleged crimes or for enforcement action purposes, to be used internally or to be shared with law enforcement without first receiving a request from law enforcement, or if there is anything restricting the use of images taken from Council CCTV recordings to be published publicly in an attempt to help identify individuals unable to be otherwise identified?

General Manager's response:

Council and NSW Police have executed a Memorandum of Understanding to articulate responsibilities associated with the CitySafe CCTV Network. Council's operational framework is consistent with the NSW Government – Justice publication '*NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places*'.

The management framework restricts access to, and use of recorded material will only take place:

- i) in compliance with the needs of Police in connection with the investigation of crime
- ii) if necessary for the purposes of legal proceedings or in compliance with applicable laws (such as the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*).

Richmond Police Command Officers may access the CitySafe CCTV network (Lismore and Nimbin systems), to view live footage and review footage. However, they are not authorised to independently download data. NSW Police must make a formal request to Council to obtain a copy of recorded data. Such requests are responded to by authorised/ delegated Council staff.

NSW Police will make its own decision regarding the release of footage in alignment with associated legislative frameworks, policies and protocols and in the public interest.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/322:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please advise if there are any known issues which will result if Council resolves to make councillors subject to PAYG withholding, which should also see councillors treated as employees during their term in relation to taxation and other services available only to staff?

General Manager's response:

Currently Mayor and councillor fees are not subject to income tax withholding, meaning councillors must manage their own income tax liability to the Australian Taxation Office (ATO).

Sections 446-5 of Schedule 1 of the *Taxation Administration Act 1953* (TAA) provides:

1. *An entity must withhold an amount from salary, wages, commission, bonuses or allowances it pays to an individual as:*
 - (e) *a member of a "local governing body where there is in effect in accordance with section 446-5, a unanimous resolution by the body that the remuneration of members of the body be subject to withholding under this part"*

The Mayor and councillor fees will be subject to PAYG withholding where there is a unanimous resolution to support the payment in this manner. If the resolution is not unanimous, LCC will be unable to withhold the tax in this manner and councillors will continue to be responsible for managing their own taxation circumstances.

Treating the Mayor and councillors in accordance with the above will see a reduction in their current take home monthly fee, with the corresponding amount paid by LCC to the ATO on behalf of the councillor towards their estimated annual income tax liability.

Subsection 275(2) of the *Local Government Act 1993* provides:

- (2) *A person is disqualified from holding civic office on a council if he or she is an employee of the council or holds an office or place of profit under the council.*

Council has received advice that where it withholds PAYG tax for councillors (after passing a unanimous resolution), the councillors **do not** become common law employees, and it will not make them employees of the Council. However, withholding PAYG for councillors may result in the councillors being treated in the same manner as employees for certain purposes (eg fringe benefits tax).

A unanimous resolution in respect of PAYG withholding will deem councillors to be treated as employees for the purposes of the *Superannuation Guarantee Administration Act 1992* (Cth), therefore resulting in a financial impact to councillors. Under the current arrangement, a councillor can elect to forgo superannuation payments.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/323:EF19/25-6

Lismore City Council

Meeting held 9 April 2024 - 12.12 - Councillors Treated as Employees

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please outline how the Northern Rivers Joint Organisation (NRJO) effectively operates as a regional layer of government, how the 7 Mayors of the member councils can make decisions without informing or consulting other councillors, whether NRJO decisions are binding on member councils, why information is regularly withheld from 55 of the 62 elected officials making up the member councils, why those 55 elected officials are often completely excluded from decision making processes, and any adverse impacts if Council resolves to withdraw from the NRJO?

General Manager's response:

Joint organisations are formed under Part 7 of Chapter 12 of the *Local Government Act 1993 (The Act)* and proclaimed by the Governor. The proclamation constitutes the joint organisation as a body corporate.

The board of the Northern Rivers Joint Organisation consists of the Mayor of each of the seven member councils. Each Mayor has one vote. Agendas and minutes of the NRJO are published on its website. The joint organisation operates similarly to Rous County Council where members are required to vote in "the interests" of the organisation or County Council. This is evidenced below. Not all councillors of member councils have all information provided to them by either NRJO or Rous County Council and only the members of the NRJO or County Council vote.

Section 400ZA Decisions and powers of joint organisations states:

(2) A decision made, in good faith, by a voting representative on the board of a joint organisation is taken for the purposes of provisions of this Act relating to the functions and conduct of councillors not to have been taken by the representative in his or her capacity as the mayor or a councillor of a council.

The NRJO's operational and governance principles are contained in its Charter.

A period of 12 months written notice is required to withdraw membership of the NRJO.

If Lismore City Council were to revoke its membership of the NRJO it would not be involved in the establishment, delivery and benefits of strategic regional priorities. The adverse impacts of this could be economic, environmental and a disconnected region.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/327: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 whether council or the NSW Reconstruction Authority initiated the Converge Creative Enterprise Development Program, how it came to be applied to Lismore, if any other council areas are running the program, how much grant funding is being provided to council, if there will be any cost to ratepayers either directly or in kind, and exactly how the program is expected to proactively reduce the impact of future disasters and help Lismore recover faster?

General Manager's response:

Following the 2022 natural disaster across the region, the Northern Rivers Reconstruction Corporation (now known as the NSW Reconstruction Authority) established the Business Industry and Tourism Advisory Group (BITAG). This group provided the three levels of government and industry with a forum for economic development and advice on rebuilding the Northern Rivers. Lismore City Council was a member. One of the functions of this group was to drive economic development through the identification of priority projects for councils. This Converge project opportunity was explored further by BITAG following considerations raised at the Creative Industries Recovery Forum held in July 2022, discussions held regarding the Renew Newcastle initiative and Lismore's very own Art in the Heart Program delivered in 2010-11. BITAG members across all three levels of government were keen to see the establishment of a similar program to support social, community and business recovery in the Lismore local government area (LGA). The Converge project (formerly known as Art in the Heart) was placed on the BITAG Action Sheet as one of many projects for the Lismore LGA to pursue.

Throughout 2023 discussions were held frequently with the NSW Reconstruction Authority regarding funding opportunities. In October 2023 a funding agreement was signed between the NSW Reconstruction Authority and Lismore City Council to deliver the Converge project during 2024. The total amount of funding provided is \$145,000 excluding GST. The program includes in kind project management delivered by officers within the Destination and Economy Team. All other costs associated with the program delivery are fully funded through the funding agreement.

As the program is funded from the BITAG, its objective is to deliver economic recovery initiatives to address economic and social impacts of the 2022 flood disaster. This will include occupying vacant spaces within business centres, increasing foot traffic and activation, resulting in increased spend, and creating vibrant and dynamic collective spaces to develop Lismore's creative sector and celebrate the creativity and diversity of the local community. The project objectives do not aim to reduce the impact of future disasters.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/321:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please outline the services and facilities available at GSAC, such as meeting or gathering spaces, offices, cafe, gym, etc, which could be used to support a youth & community centre operating out of GSAC, and share any known reasons why a youth & community centre could not commence operations from GSAC in future?

General Manager's response:

The Goonellabah Aquatic and Sports Centre (GSAC) contains the following facilities:

- Stadium (two basketball courts) with permanent bookings for netball, basketball, and futsal. School programs also operate during the day.
- 2 x function spaces used by hirers - including the youth boxing group, jazz ballet, etc
- 1 x meeting room used by council staff and external hirers
- 2 x offices used by Council for operations of the facility
- 1 x small office available to rent.
- Cafe with limited hours
- 25m and learn to swim pool
- Waterslide
- 24-hour gym
- 2 fitness program rooms for spin classes, yoga, dance and step classes.
- Outdoor BBQ area
- Adjacent skate park

The GSAC effectively serves as a community hub, accommodating a wide range of users, activities and programs. The facility offers various spaces and facilities managed via private hire agreements and bookings. Any individuals, clubs, schools, entities and organisations are able to access and use the facility via this booking and hiring process.

This operational framework not only generates revenue to sustain the facility's operations but also fosters inclusivity by catering to diverse sections of the community, including youth.

Potential challenges to repurposing the facility, include the need to ensure continued access to sports facilities for existing contracted arrangements, managing competing demands for space, and maintaining financial viability.

Any decision would also need to take into consideration the findings of any operational reviews as well as the needs and preferences of residents, current users, and stakeholders.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/335:EF19/25-6

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's Quarry Legal Action
Grounds for Closure	Section 10A(2) (g):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
Item	13.2 Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 12 MARCH 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, Ekins, Hall, Jensen, Rob (via audio-visual), together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Wilson, Executive Officer – Customer Strategy; Ms O'Regan, Head Investment & Growth; Mr Snow, Head Planning & Environment; Mr Duffy, Manager Liveable & Active Communities; Ms Hirst, Destination Coordinator; Mr Parry, Acting Manager Technology and Innovation; Mr Malloy, Technology Support Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

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

37/24

RESOLVED that:

1. Council note Councillor Guise is on approved leave
2. Council accept an apology from Councillors Cook and Gordon
3. attendance by audio-visual link be approved for Councillor Rob due to personal health reasons

(Councillors Hall/Jensen)

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

Voting against: Nil

38/24

RESOLVED that a leave of absence be received from:

- Councillor Hall from 29 March to 29 April 2024
- Councillor Rob for 9 May 2024 to tentatively attend the Rural and Regional Summit and 21 May to 24 May 2024 for the Floodplain Management Australia National Conference
- Councillor Jensen from 17 May to 17 June 2024
- Councillors Bing and Krieg from 27 March to 6 April 2024 to be part of the Sister City delegation to Yamato Takada
- Councillor Ekins from 1 April to 10 April 2024 to be part of the Sister City delegation to Yamato Takada

(Councillors Colby/Bing)

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

Confirmation of Minutes

39/24 **RESOLVED** that the minutes of the following meetings be confirmed:

- Ordinary Council meeting 13 February 2024
- Confidential Council meeting 13 February 2024

(Councillors Bing/Colby)

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

Disclosures of Interest

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 9.2 Nimbin Advisory Group minutes

Mayoral Minute(s) and Condolence Motions

8.1 Mayoral Attendance Report

40/24 **RESOLVED** that:

1. Council receives the Mayoral Attendance Report for February 2024
2. future reports be included in the business paper as a Notice of Motion

(Councillor Krieg) (BP24/240)

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

Reports of Committees

9.1 Local Traffic Committee - 14 February 2024

41/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Hall/Colby) (BP24/227)

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

Voting against: Nil

9.2 Nimbin Advisory Group 15 February 2024

MOTION 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.

(Councillors Rob/Bing)

42/24 AMENDMENT moved and **DEFEATED** that:

1. Council includes a feasibility study to progress the preferred options regarding the establishment a permanent library, art gallery, information centre, and/or additional water storage in Nimbin following the Nimbin Place Plan
2. this feasibility study be included in the 2024-2025 Operational Plan and other relevant IP&R documentation going forward

(Councillors Bird/Ekins) (BP24/231)

Voting for: Councillors Bird, Ekins and Krieg

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

43/24 On submission to the meeting the motion was **RESOLVED** 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.

(Councillors Rob/Bing) (BP24/231)

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

Voting against: Councillors Bird and Ekins

44/24

RESOLVED that Council holds a workshop to identify options to receive requests for and facilitate the provision of future funding to external entities, excluding individuals

(Councillors Rob/Colby) (BP24/231)

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

Voting against: Councillors Bird and Ekins

MOTION moved that Council:

1. receive but not adopt the recommendations contained in the minutes
2. immediately disband the Nimbin Advisory Group
3. establish a Lismore Villages Advisory Group to include representatives from throughout rural Lismore
4. prepare Terms of Reference to guide the Lismore Villages Advisory Group, for consideration and endorsement by resolution of Council

(Councillors Rob/Bing)

FORESHADOWED MOTION that Council:

1. receive but not adopt the recommendations contained in the minutes
2. establish a Lismore Villages Advisory Group to include representatives from throughout rural Lismore
3. prepare Terms of Reference to guide the Lismore Villages Advisory Group, for consideration and endorsement by resolution of Council

(Councillor Ekins)

FORESHADOWED MOTION that:

1. receive but not adopt the recommendations contained in the minutes
2. the community advisory group structure that was established through Imagine Lismore be brought to a Council briefing to consider the re-establishment of those advisory groups, and the creation of a new structure that creates consultation mechanisms for village communities
3. as part of the next consideration of advisory groups at the start of the next Council term village advisory groups are included
4. an allocation from the community consultation budget is prepared for inclusion in the 2024-2025 Operational Plan

(Councillor Bird)

Councillor Hall left the meeting, the time being 8:00PM

Councillor Hall returned to the meeting, the time being 8:02PM

FORESHADOWED MOTION that Council:

1. receive but not adopt the recommendations contained in the minutes
2. establish a Lismore Villages Advisory Group to include representatives from throughout rural Lismore
3. prepare Terms of Reference to guide the Lismore Villages Advisory Group, for consideration and endorsement by resolution of Council

(Councillor Ekins)

Motion was withdrawn

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

1. receive but not adopt the recommendations contained in the minutes
2. the community advisory group structure that was established through Imagine Lismore be brought to a Council briefing to consider the re-establishment of those advisory groups, and the creation of a new structure that creates consultation mechanisms for village communities
3. as part of the next consideration of advisory groups at the start of the next Council term village advisory groups are included
4. an allocation from the community consultation budget is prepared for inclusion in the 2024-2025 Operational Plan

(Councillors Bird/Ekins)

Voting for: Councillors Bird and Ekins

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

45/24

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

1. receive but not adopt the recommendations contained in the minutes
2. establish a Lismore Villages Advisory Group to include representatives from throughout rural Lismore
3. prepare Terms of Reference to guide the Lismore Villages Advisory Group, for consideration and endorsement by resolution of Council

(Councillors Hall/Rob) (BP24/231)

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

Voting against: Councillors Bird and Ekins

Councillor Bird left the meeting, the time being 8:19 PM

9.3 Disability and Inclusion Advisory Group - 21 February 2024

46/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Rob/Ekins) (BP24/233)

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

9.4 Aboriginal Advisory Group 21 February 2024

47/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Rob/Colby) (BP24/234)

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

Councillor Bird returned to the meeting, the time being 8:22PM

Matters Arising

10.1 Questions on Notice

48/24 **RESOLVED** that the Questions on Notice responses provided in this report are noted.

(Councillors Bing/Colby) (BP24/170)

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

10.2 Changes to VPA associated with 1055 and 1055A Bruxner Highway Planning Proposal

49/24

RESOLVED that Council:

1. delegates the General Manager to finalise a revised Draft Voluntary Planning Agreement that is in accordance with the changes outlined in this report
2. places the Draft Voluntary Planning Agreement on public exhibition in line with the requirements of the Gateway Determination

(Councillors Bird/Krieg) (BP24/201)

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

Voting against: Nil

Reports of the General Manager

11.1 Planning Proposal for an Affordable Housing Contribution Scheme

MOTION moved that:

1. Council supports the Planning Proposal to introduce an Affordable Housing Contribution Scheme into the Lismore Local Environment Plan 2012 and applies it to the various parcels as outlined in this report
2. the General Manager submit the Planning Proposal to the Department of Planning, Housing and Infrastructure with a request for a Gateway Determination
3. in line with conditions of the Gateway Determination, the General Manager place the Planning Proposal and the Affordable Housing Contribution Scheme on public exhibition and consult with Government agencies
4. following the close of the public and agency consultation, the General Manager report back to Council

(Councillors Ekins/Bird)

Councillor Colby left the meeting, the time being 8:28PM

Councillor Colby returned to the meeting, the time being 8:29PM

RESOLVED that the motion be put.

(Councillor Rob)

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

50/24

MOTION moved that:

1. Council supports the Planning Proposal to introduce an Affordable Housing Contribution Scheme into the Lismore Local Environment Plan 2012 and applies it to the various parcels as outlined in this report
2. the General Manager submit the Planning Proposal to the Department of Planning, Housing and Infrastructure with a request for a Gateway Determination
3. in line with conditions of the Gateway Determination, the General Manager place the Planning Proposal and the Affordable Housing Contribution Scheme on public exhibition and consult with Government agencies
4. following the close of the public and agency consultation, the General Manager report back to Council

(Councillors Ekins/Bird) (BP24/147)

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

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

11.2 Investments - February 2024

51/24

RESOLVED that:

1. the report be received and noted
2. the Investment Policy be reviewed prior to the end of the current financial year

(Councillors Rob/Bing) (BP24/246)

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

11.3 Review of Section 7.11 Contributions Plan

52/24

RESOLVED that:

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

(Councillors Bird/Ekins) (BP24/25)

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

Voting against: Nil

11.4 Destination Management Plan 2024-2028

MOTION moved that Council adopt the Destination Management Plan 2024-2028.

(Councillors Bird/Krieg)

Councillor Rob left the meeting, the time being 9:00PM

Councillor Rob returned to the meeting, the time being 9:00PM

53/24

RESOLVED that Council adopt the Destination Management Plan 2024-2028.

(Councillors Bird/Krieg) (BP24/33)

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

Voting against: Councillors Jensen and Rob

11.5 Walking, Cycling and Micromobility Strategy 2024-2034

54/24 **RESOLVED** that the Walking, Cycling and Micromobility Strategy 2024 be adopted.

(Councillors Colby/Bird) (BP24/21)

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

Voting against: Councillor Rob

11.6 Wade Park Masterplan

55/24 **RESOLVED** that Council:

1. adopt the attached Wade Park Masterplan
2. thank the contributing consultants, Parks & Leisure Australia and Council officers involved in the masterplan

(Councillors Rob/Hall) (BP24/134)

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

Voting against: Nil

11.7 Open Space Strategy 2024-2034

56/24 **RESOLVED** that the Open Space Strategy 2024-2034 be adopted.

(Councillors Bird/Jensen) (BP24/137)

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

Voting against: Councillor Rob

11.8 Development Control Plan Chapter for Urban Release Area at 1055 and 1055A Bruxner Highway

57/24 **RESOLVED** that:

1. the draft Development Control Plan Part B, Chapter 11 (DCP) is supported
2. the draft DCP chapter is put on public exhibition alongside the Planning Proposal
3. a report to Council is made following the close of the public exhibition period

(Councillors Colby/Rob) (BP24/168)

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

11.9 Delivery Program Progress Report - July to December 2023

MOTION moved that Council receive and endorse the attached Delivery Program Progress Report for the period July to December 2023.

(Councillors Bing/Bird)

Councillor Bing left the meeting, the time being 9:23PM

Councillor Hall left the meeting, the time being 9:24PM

Councillor Bing returned to the meeting, the time being 9:25PM

Councillor Hall returned to the meeting, the time being 9:26PM

Councillor Krieg left the meeting, the time being 9:29PM

Councillor Hall took the chair

Councillor Krieg returned to the meeting, the time being 9:30PM

58/24 **RESOLVED** that Council receive and endorse the attached Delivery Program Progress Report for the period July to December 2023.

(Councillors Bing/Bird) (BP24/248)

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

11.10 2024 Australian Local Government Association National General Assembly

59/24 **RESOLVED** that Council's:

1. delegates to the 2024 ALGA National General Assembly attend are Councillors Krieg, Hall, Bing and Jensen
2. voting delegate is Councillor Krieg

(Councillors Hall/Jensen) (BP24/119)

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

11.11 Minutes from External Committees and Organisations

60/24 **RESOLVED** that Council notes the draft minutes of Northern Rivers Joint Organisation, Rous County Council and Richmond Tweed Regional Library.

(Councillors Bird/Bing) (BP24/249)

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

11.12 Councillors Expenses and Facilities Policy - July 2023 to December 2023 Reporting

61/24 **RESOLVED** that Council receive and note the report.

(Councillors Bird/Bing) (BP24/2)

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

Notices of Motion / Questions with Notice

12.1 A free pool for Lismore

62/24 **RESOLVED** that fees and charges for admission to the Lismore Memorial Baths be waived for the balance of the 2023/2024 swimming season.

(Councillors Bing/Hall) (BP24/141)

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

Confidential Matters – Closed Council Meeting

63/24	RESOLVED that Council now exclude the press and public and meet in Closed Council to consider the following matters;	
	Item	13.1 Tender TP23/215 Blakebrook Quarry Drill and Blast 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 VP389172 - Esmonde Street Reservoir Wall Remediation Works
	Grounds for Closure	Section 10A(2) (d i):
	Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
	(Councillors Jensen/Bing)	
	Voting for:	Councillors Bing, Bird, Colby, Ekins, Hall, Jensen, Krieg and Rob
	Voting against:	Nil

Resumption of Open Council

Councillor Colby left the meeting, the time being 10:17PM

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

13.1 Tender TP23/215 Blakebrook Quarry Drill and Blast Services

That:

1. Council accepts the tender from Ron Southon Pty Ltd as preferred tenderer for Tender TP23/215 for Blakebrook Quarry Drill and Blast Services in accordance with their submission and the Schedule of Rates provided, for a period of two years and an option of a further two years at Council's absolute discretion
2. Council delegates authority to the General Manager to enter and administer the contract under the terms of the Request for Tender and Letter of Acceptance and exercise the options when required to extend the contract, subject to satisfactory performance of the contractor
3. a redacted copy of this report and attachments be released as a public document

(Councillors Bing/Jensen) (BP24/226)

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

13.2 Tender VP389172 - Esmonde Street Reservoir Wall Remediation Works

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Duratec Limited for Contract CDR23/1062 Esmonde Street Reservoir Wall Remediation Works, for the sum of \$706,102 (ex 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 2023/2024 budget of \$270,000 to undertake the required works with funding from Water Fund Reserves
4. a redacted copy of this report be released as a public document

(Councillors Bing/Colby) (BP24/243)

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

Closure

This concluded the business and the meeting terminated at 10.18pm.

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

MAYOR

Confidential Report

Report

Subject	Tender TP23/215 Blakebrook Quarry Drill and Blast Services
TRIM Record No	BP24/226:AF23/5549
Prepared by	Acting Head of Roads & Quarry
Reason	To inform Council of submissions received for Tender TP23/215 and provide a recommendation for adoption.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide quality road materials and asphalt production.
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

Submissions for Tender TP23/215 Blakebrook Quarry Drill and Blast Services were invited from the market for a period of two years with a two-year option to extend to establish a single supplier of drill and blasting services at Blakebrook Quarry.

Drill and blast is a common form of percussion dismantling of solid rock into processable size (known as shot rock), in the initial stages of material processing.

The tender process was conducted in accordance with Council's procurement policies and guidelines. Three submissions were received by Council. Two submissions were considered conforming to the Request for Tender document requirements, with one non-conforming submission.

At the conclusion of the process, the preferred tenderer determined by the tender panel was Ron Southon Pty Ltd (P/L). Ron Southon P/L provided a total tender price (for expected ~250,000t/year) at \$2.31/tonne totalling \$577,500 (incl GST) per year.

Ron Southon P/L was assessed as providing the best overall value for Council with its high quality submission clearly outlining objective qualifiable evidence of sound quality, safety and environmental markers while remaining competitive on price. The one remaining conforming tenderer was

Confidential Report

Recommendation

That:

1. Council accepts the tender from Ron Southon Pty Ltd as preferred tenderer for Tender TP23/215 for Blakebrook Quarry Drill and Blast Services in accordance with their submission and the Schedule of Rates provided, for a period of two years and an option of a further two years at Council's absolute discretion
2. Council delegates authority to the General Manager to enter and administer the contract under the terms of the Request for Tender and Letter of Acceptance and exercise the options when required to extend the contract, subject to satisfactory performance of the contractor
3. a redacted copy of this report and attachments be released as a public document

Background

Details of Work

Council advertised a Request for Tender (RFT) to conduct routine drill and blasting within Blakebrook Quarry (the Quarry). The process of drill and blast is one of the initial stages in material production. It involves the detonation of charges within a rock face, with percussion fragmenting the solid structure into shards of suitable size known as shot rock. Shot rock is then further 'crushed' via the crushing process to raw materials including aggregates and dusts.

Typical drill and blasts at the Quarry are in the vicinity of 50,000 tonne per blast to ensure safety, quality and upkeep with production requirements. Council anticipates that up to five blasts may be required each year to meet expected production schedules of raw materials, with a total volume of 250,000 tonne per annum as per Blakebrook Quarry licensing conditions.

The contract is for a period of two years with an option at Council's absolute discretion to extend the contract for a further two years. The contract will be an MW21 contract, with Council's Purchase Order Terms and Conditions used on each engagement.

The contractor will be responsible for all components of the drill and blast activity and work within Australian Mining Standards and Lismore's internal processes where required.

Pre-Tender Actions

The tendering process is required to comply with the *Local Government (General) Regulation 2021* (the Regulation). In accordance with Clause 167 of the Regulation, the Tender Evaluation Panel decided to call tenders using the open tendering method. The tender was advertised on VendorPanel and Council's web site for a duration of at least 21 days.

Due to the nature of the work, a lump sum based on a price per tonne, plus a schedule of rates for mobilisation and other incidentals was considered to offer the best outcome for Council. This is largely due to shifting tonnage requirements by Council through any given period.

The tender specifications outlined specific technical requirements and specifically outlined the size of rock expected after blasting. Suppliers were notified that should any further crushing be required by a third party, this cost will be borne by the contractor.

The supplier must be compliant with all environmental and licensing requirements, including Council's Noise and Blast Management Plan. A copy of the Northern Rivers Quarry Explosive Control Plan Blakebrook Quarry 2022 was included in the tender documentation.

Confidential Report

These plans were included to ensure that suppliers were informed on the technical specifics of the work and to:

- avoid costly delays and ethical impacts of any unsafe acts (deliberate or accidental)
- avoid quality of shot rock debris to avoid wastage and further logistical challenges, and
- ensure environmental quality standards would be strictly applied.

Assessment Criteria

Assessment Criteria Group Summary	
Total Price	
Capability and Experience	
WHS, Risk Management and Quality Management Systems	
Environment and Community	
Local Content (Minimum 20% weighting)	

1. Total Price Schedule of Rates ()
 - Comparison of tenders received
 - Comparison with benchmarks or budget
 - Value for money
2. Capability and Experience ()
 - Demonstrated capability
 - Technical skills and ability
 - Appropriate resources
 - Delivery timeline
 - Relevant experience
 - Methodology
3. WHS, Risk Management and Quality Management System ()
 - WHS system, policies, and management.
 - Evidence of Satisfactory WHS Management
 - Quality Management Systems/Plan
4. Environment and Community ()
 - Environmental and Green considerations
5. Local Content (Minimum 20% weighting) ()
 - Physical location of Business
 - Direct Spend within our community

Assessment Methodology

Submissions would be assessed based on price and non-price criteria, with each submission awarded a score from 1-10 in each criteria, based on the following score range:

Rating	Description	Score Range
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

Confidential Report

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

Price Criteria Assessment

Applicants were asked to submit a price per tonne for approximately 250,000 tonne of basalt rock per annum. The Price criteria evaluation result was determined by:

- Assessing the rate per tonne.
- The rate submitted compared against other tendered rates and with the lowest rate awarded the highest score.
- The price score to be added to the non-price criteria scores with the highest scoring tender being awarded the highest rank. The final scores to be weighted and calculated.

Tenders Received

Upon close of tenders at 2pm on 25 January 2024, three submissions were received as summarised below:

Tenderer	Scheduled Rate (\$/t)	Rate per year (expected at 250,000t)
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Ron Southon Pty Ltd	\$2.31/t	\$577,500

Tender Assessment

The Tender Evaluation Panel comprising the Head of Roads and Quarry, Quarry Production Supervisor and Procurement Officer undertook the assessment of tenders.

Tender submissions were assessed as per the selection criteria as outlined in Section 2, Clause 2.11 of the RFT documentation. The selection criteria and the outcomes of the assessment are listed below.

The Panel eliminated [REDACTED] from the evaluation as the company had not provided any responses in the Returnable Schedules as required, nor did it provide requested supporting documentation including WH&S, Quality and Safety documentation. Their submission was therefore non-compliant.

Post Tender Communication

Staff contacted [REDACTED] to clarify the price breakdown. The lump sum price had an attached Schedule of Rates that was a breakdown of the lump sum not an additional price.

Carmichael Mine Disclosure

All tenders submitted indicated they had no contractual arrangements with the Carmichael Mine.

Price ([REDACTED])

Tenderers were asked to submit a schedule of rates for works expected. The prices from each tenderer are provided in the table above.

Capability and Experience ([REDACTED])

Both tenderers presented sufficient evidence to justify the capability and experience to meet the requirements of the Blakebrook Quarry Drill and Blast Services RFT.

Lismore City Council

Meeting held 12 March 2024 - Tender TP23/215 Blakebrook Quarry Drill and Blast Services

4

Confidential Report

██████████ presented high quality submissions for Capability and Experience and was able to provide Objective, Qualifiable Evidence (OQE) to demonstrate the company could meet the requirements of the tender.

Ron Southon P/L also demonstrated extensive experience, with over 40 years' experience in the drill and blasting arena. This capability was recognised by the Panel as Ron Southon P/L has historically delivered excellent drill and blast services at Blakebrook Quarry during the last panel contract for drill and blast services.

As a local supplier, Ron Southon P/L can be onsite at short notice compared to ██████████ who require two weeks' notice for service provision. Ron Southon P/L scored one point higher (9) than ██████████ (8) for this criterion.

WH&S, Risk Management and Quality Management Systems (██████████)

Both suppliers provided adequate WH&S and Quality Management Systems, providing the expected overarching policy statements and significant detail and examples of safety process (including adequate contemporary risk assessments), and quality assurance measures.

Ron Southon P/L has ISO accreditation for their Quality and WHS systems, leading to a higher score than ██████████ which does not have ISO accreditation.

Environment and Community (██████████)

Both suppliers provided adequate environmental policies and demonstrated an understanding of environmental legislation in drill and blasting activities and obtained equal scores of (6). Neither supplier mentioned community nor social procurement.

Local Content (██████████)

Ron Southon P/L is a local supplier based in Alstonville. This applicant outlined local employment and provided complete listings of locally based suppliers for the business to demonstrate the use of local businesses and assets in their business.

It was noted ██████████ does not have a local physical location and would provide minimal local economic impact through the use of accommodation and fuel.

Therefore, Ron Southon P/L obtained a significantly higher Local Content score (10) than ██████████ (5).

Assessment Summary

Based on the tender assessment processes, Ron Southon P/L was assessed as the preferred tender supplier with a score of 81.97/100. The submission by Ron Southon P/L was to a very high standard and accurately articulated evidence to support their application in their business documentation, quality markers and processes.

The panel recognised best value for Council is obtained by analysing the total assessment criteria, and not just raw price. In the industry of mines and quarrying, particularly pertaining to explosives, it is vital that the Quarry uses providers that mitigate any adverse conditions so far as is reasonably practicable. Safety incidents and quality shortcomings, if realised, have significant reputational, accreditation and cost impacts that the Quarry and Council must fully eliminate where possible. Ron Southon P/L has demonstrated expertise and experience providing Lismore City Council with quality drill and blasting work and has regularly met Council's internal performance review assessments.

Confidential Report

The tender evaluation score sheet is provided below:

Tender TP23/215 Quarry Drill and Blast

					Ron Southon Pty Ltd	
	Criteria	Weighting from Tender Docs	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10; against average)				6.19	1.55
2	Capability and Experience (out of 10)				9.00	2.25
3	WHS, Risk Management and Quality Mana				9.00	1.80
4	Environment and Community (out of 10)				6.00	0.60
5	Local Content Minimum 20% (out of 10)				10.00	2.00
		100%				8.20
	Overall score out of 100					81.97

Probity Check

Comments

Finance

The recommendation as printed is supported. The 2023/2024 Operational Plan has provisions for blast and drilling. Although Council is yet to adopt the 2024/2025 Operational Plan and budgets, the current Long-Term Financial Plan model included blast and drilling funding that would be sufficient to cover the contract.

Public consultation

Not required.

Conclusion

Submissions for Tender TP23/215 Blakebrook Quarry Drill and Blast Services have been assessed in line with the requirements listed in the RFT documentation. The tender evaluation panel has identified Ron Southon Pty Ltd as the preferred contractor.

The expected expenditure is estimated to be \$577,500 per annum for approximately 250,000 tonne. Changes may occur in required production rates. Any changes will be thoroughly considered within the requirements of Council, including financial capacities.

Attachment/s

There are no attachments for this report.

Confidential Report

Report

Subject	Tender VP389172 - Esmonde Street Reservoir Wall Remediation Works
TRIM Record No	BP24/243:CDR23/1062
Prepared by	Capital Delivery Engineer
Reason	To advise Council of tenders received to remediate the Esmonde Street Reservoir and seek approval to 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 availability, capability and experience to undertake the required works to recondition the concrete walls of the Esmonde Street Reservoir.

This report details the evaluation of the respondents' submissions to the tender and provides a recommendation to Council to accept the tender from Duratec Limited.

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Duratec Limited for Contract CDR23/1062 Esmonde Street Reservoir Wall Remediation Works, for the sum of \$706,102 (ex 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 2023/2024 budget of \$270,000 to undertake the required works with funding from Water Fund 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 wall remediation works to the Esmonde Street Reservoir, as identified in the 2023/2024 Water Capital Program.

The Esmonde Street Reservoir is located at 15A Esmonde Street, Girards Hill, and was constructed circa 1938. The construction methodology was cast in-situ reinforced concrete with dimensions of 7.8 metres in height and 30.5 metres in diameter, therefore making the capacity 5.68 megalitres. This reservoir status is offline, however it is imperative within the network as it transfers water via the Esmonde Street pump station to the Robinson Avenue Reservoir. Furthermore, this reservoir plays a significant role in distributing water to the central zone in flood situations.

Records indicate no significant maintenance has been undertaken on the concrete walls of the Esmonde Street Reservoir in its 85 years of service.

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 Council's Mini Minor Works (MMW) contract form and included a scope of works and also presented the contractors with a Level 2 Asset Condition Report to aid with their tender submission. Council's Procurement Policy was also available which outlined the objectives of Council's procurement, and therefore the evaluation criteria to award the tender.

The RFT advised that a compulsory site visit was required by contractors prior to the RFT closing date.

The following aerial map provides an overview of the site known as the Esmonde Street Reservoir.



Plate 1: 15A Esmonde Street, Girards Hill

Confidential Report

Tender Submissions

A total of three tender submissions were received by the close of tender on 15 December 2023 and are listed below:

- [REDACTED]
- Duratec Limited
- [REDACTED]

The tender was open for at least 21 days and the statistics are shown below.

Tendering Method	Open Tendering
Tender Opened	7 November 2023
Tender Closed	15 December 2023

VendorPanel statistics for the tender are shown below.

Statistics for this request	Number of suppliers who've read it : 99 Number of suppliers intending to respond : 7 Number of responses in draft : 0 Number of responses submitted : 3
Name: Esmonde Street Reservoir Wall Remediation Works Ref: VP389172	

Tender Evaluation Panel

The tender evaluation panel comprised Council's Water Capital Delivery Engineer and Manager Water & Wastewater.

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	[REDACTED]
2	Capability and Experience	
3	WH&S, Risk Management and Quality Management Systems	
4	Local Content	
5	Methodology and Products Used	

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

Confidential Report

Non-compliant	Tenderer has either stated non-compliance, demonstrated non-compliance, or there is insufficient information to assess	0
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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

Methodology & Products Used ()

- Methodology aligns with best practice principals
- Products used do not negatively affect drinking water quality - no volatiles

Sections 166-177 Local Government (General) Regulation 2021

The tender evaluation was pursuant to Section 177 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.

Evaluation Results

Carmichael Mine Disclosure

and Duratec Ltd have confirmed they do not have a direct contractual agreement to construct or operate at the Carmichael Mine. The advised it had a historical interest in the Carmichael Mine.

The table below shows the engagement matrix of the applied and vetted scores and their given weighting.

Confidential Report

Scoring Criteria		Duratec Ltd	
Total Price (ex GST)		\$706,102	
Price Score		33.90	
Capability & Experience		7.00	
WHS, Environmental & Quality Systems		7.00	
Local Content		14.00	
Methodology and Products Used		5.00	
Total Weighted Score out of 100		66.90	

Table: Scoring matrix

Of note is that provisional items have been calculated into the total Price line item and include.

- rehabilitation of wall/ floor joints
- requirement of concrete patch repair of internal walls as required
- anti-graffiti coating
- disinfection
- commissioning

Evaluation Summary

Total Price ()

The table above provides the tender prices submitted by the three companies.

Capability & Experience ()

- Duratec Ltd provided evidence of working on similar projects (similar scope) with greater contract values; including CVs for their project team.
- submission listed past experience with only one comparable project. The company has experience in both water and wastewater projects in terms of rehabilitation of assets, having worked with major water utilities around the country. It has 15 full time employees suggesting a reliance on sub contractors.
- supplied no past experience or capability statement company profile or cover letter with its submission.

WHS, Environment & Quality Systems ()

- Duratec Ltd's submission indicated compliance with SAS/NZS4081, AS/NZS ISO9001 and ISO14001; historical fine for a powerline strike (with corrective actions); accreditation to ISO9001, ISO45001 and ISO1400, including an example HSEQ – management plan, and provided its Plant Management Procedure document.
- is accredited for ISO9001, ISO14001 and ISO45001, supplied their Plant Register and Maintenance Record with their submission. EP waste transportation accreditation/ licence identified. Safety documentation was supplied, however, no management plans were submitted.
- advised of accreditation with ISO9001 and ISO4801 and submitted examples of its SWMS and HSE Plans.

Local Content ()

- Duratec Ltd provided a list of suppliers and trades that would be engaged for the works, and also mentioned their staff would be accommodated and dine in the local government area, resulting in a higher score.
- advised they would use the services of Richmond Waste and Coates Hire in Lismore and Ballina Scaffolding.

Lismore City Council

Meeting held 12 March 2024 - Tender VP389172 - Esmonde Street Reservoir Wall
Remediation Works

5

Confidential Report

- [REDACTED] did not provide any information regarding its anticipated local spend.

Methodology & Products Used [REDACTED]

- Duratec Ltd – Submission advised their scaffold and scissor lift would be employed; combined space entry spotter would be engaged full time; high pressure external clean and graffiti removal included; grout removal/ replacement included; internal wall joints with Sika Combiflex - Council approved; grind surface flat for joint preparation. Duratec Ltd also submitted a construction management plan with itemised and detailed scope of works and identified risks; will undertake a dilapidation survey of adjacent properties. Submitted program suggests 93 days duration.
- [REDACTED] - Preparation of all site documents, mobilisation costs identified; environmental controls identified; high pressure clean included; defined scope adequately. Exclusively scaffolding for works. Submitted program suggests 48 days duration.
- [REDACTED] – Submission provided no detail of floor joints repair and minimal allowance for crack repair suggesting a high risk for variations.

Probity Check

[REDACTED]

Budget

The 2023/24 budget includes an allocation of \$512,000 for capital works to reservoirs. Currently \$74,000 has been expended to date on conducting investigation works. Council approval is sought for additional funds of \$270,000 to be released from Water Reserves to achieve this scope of works.

Comments

Finance

The recommendation is supported as printed.

Public consultation

Not required.

Conclusion

Tender 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 VP389172 Esmonde Street Reservoir Wall Remediation Works be awarded to Duratec Limited.

Attachment/s

There are no attachments for this report.

**MINUTES OF THE CONFIDENTIAL MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD
IN COUNCIL CHAMBERS ON TUESDAY 12 MARCH 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, Ekins, Hall, Jensen, Rob, together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

13.1 Tender TP23/215 Blakebrook Quarry Drill and Blast Services

37/2438/24 **RESOLVED** that:

1. Council accepts the tender from Ron Southon Pty Ltd as preferred tenderer for Tender TP23/215 for Blakebrook Quarry Drill and Blast Services in accordance with their submission and the Schedule of Rates provided, for a period of two years and an option of a further two years at Council's absolute discretion
2. Council delegates authority to the General Manager to enter and administer the contract under the terms of the Request for Tender and Letter of Acceptance and exercise the options when required to extend the contract, subject to satisfactory performance of the contractor
3. a redacted copy of this report and attachments be released as a public document

(Councillors Bing/Jensen) (BP24/226)

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

Voting against: Nil

13.2 Tender VP389172 - Esmonde Street Reservoir Wall Remediation Works

39/24 **RESOLVED** that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Duratec Limited for Contract CDR23/1062 Esmonde Street Reservoir Wall Remediation Works, for the sum of \$706,102 (ex 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 2023/2024 budget of \$270,000 to undertake the required works with funding from Water Fund Reserves
4. a redacted copy of this report be released as a public document

(Councillors Bing/Colby) (BP24/243)

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

Voting against: Nil

Resumption of Open Council

40/24 **RESOLVED** that Council reopen the doors to the public and return to open session.

(Councillors Bing/Hall)

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

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 10.16pm.

CONFIRMED 2024 at which meeting the signature herein was subscribed.

MAYOR