An Ordinary Meeting of Lismore City Council will be held at the Council Chambers on Tuesday 12 July 2022 at 6.00pm

Members of Council are requested to attend.

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

John Walker
General Manager
6 July 2022
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. Local Government – Pause for personal reflection

4. Apologies and Leave of Absence

5. Confirmation of Minutes of Previous Meeting
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6. Disclosure of Interest

7. Public Access Session on Agenda Items

8. Mayoral Minute(s) and Condolence Motions

9. Notice of Rescission Motions
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       Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension) ......... 7

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   10.2 House Relocations, Land swaps and Buy backs Acknowledgement ....................... 14
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11. Questions with Notice

12. Altering Order of Business (Consideration of altering the order of business to debate
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Lismore City Council
Meeting held 12 July 2022 - Notice of Rescission - Development Application 5.2021.262.1 - Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension)
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17. **Financial Assistance – Section 356**

18. **Confidential Business**

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Notice of Rescission Motions
Notices of Rescission

Councillors Steve Krieg; Andrew Bing; Andrew Gordon have given notice of their intention to move the following rescission motion:

That Council rescind its decision on Item 14.6 from 14 June 2022 meeting.

Councillor Comment

We intend to move at the 23 June 2022 Extra Ordinary Council meeting a rescission motion on Item 14.6 Development Application 5.2021.262.1 - Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension)

14.6 Development Application 5.2021.262.1 - Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension)

On submission to the meeting the motion was RESOLVED that Council refuses DA 5.2021.262.1 Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension) under s4.15 (1) a-e of the Environmental Planning & Assessment Act 1979 on the following grounds:

- the likely impacts of that development, including environmental impacts on both the natural and built environments
- the suitability of the site for the development
- the public interest

(Councillors Guise/Cook) (BP22/105)

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

There are no attachments for this report. TRIM Record No: BP22/474:EF19/25-4
Notice of Motions
Notice of Motion

Councillor Vanessa Ekins has given notice of intention to move:

That Council establish a Planning Committee and a workshop be held to draft Terms of Reference and other relevant matters.

Councillor Comment

Outcome Sought
It is obvious after the frustration of the Invercauld Road DA that Councillors need a forum in which to discuss with council staff the issues surrounding major developments before a DA comes before a formal council meeting. The planning committee can also be an appropriate forum to discuss key strategic planning matters including major rezonings, studies and masterplans.

Cost of Implementing
Staff time

Funding Source
Existing development assessment budgets

Staff Consulted
Director Partnerships Planning & Engagement

Staff Comment

Director Partnerships Planning and Engagement

Council last considered this matter at its meeting of 11 January 2022 where it resolved:

“That Council discontinue the Planning Review Committee”

A copy of the Officer Report at that meeting outlining a summary of issues, and resourcing is provided for your information.

Attachment/s

1. Planning Review Committee Review

TRIM Record No: BP22/453:EF19/25-4
Matters Arising

Subject: Planning Review Committee Review
TRIM Record No: BP21/801:EF21/43
Prepared by: Director Partnerships Planning & Engagement
Reason: Review on the effectiveness of the operations of the Planning Review Committee and terms of reference.
Strategic Theme: Our built environment
Strategy: Our land-use planning caters for all sectors of the community.
Action: Ensure a diverse range of land use and development opportunities are available.

Executive Summary

At its Ordinary meeting of Tuesday, 13 April 2021 Council resolved the following:

That:

1. Adopt the draft Planning Review Committee Terms of Reference as provided at Attachment 1 of this report.
2. Requests a review on the effectiveness of the operations of the Planning Review Committee and terms of reference be reported back to Council within six months of the first meeting.

The Planning Review Committee (PRC) meetings commenced 25 May 2021.

Whilst the first PRC meeting was met with enthusiasm, ongoing meetings did not appear as effective for a variety of reasons.

In accordance with Council’s Resolution of 13 April 2021 this report provides a brief summary of PRC over the five meetings that were held. Notably, one PRC meeting did not proceed due to the absence of DA’s being requested to be presented.

Council now has an opportunity to decide as to whether to:

1. Proceed with the PRC in accordance with the current Terms of Reference.
2. Proceed with the PRC with an expanded Terms of Reference to clarify the ability for DA’s to be called back to the committee.
3. Not to proceed with the PRC meetings.

Recommendation

That Council discontinue the Planning Review Committee.
Background

At its Ordinary meeting of Tuesday 9 March 2021 Council resolved the following:

That:
1. Council establish a Planning Review Committee along similar lines to Byron Shire Council’s Planning Review Committee.
2. the terms of reference for the committee are reported to the April 2021 meeting for adoption.
3. the following amendment be inserted into the ‘DETERMINATION OF DEVELOPMENT APPLICATIONS UNDER DELEGATED AUTHORITY POLICY’: When a DA is determined under delegated authority, the internal assessment reports underpinning such determinations will be made to councillors on individual request.

Further, at its ordinary meeting of Tuesday 13 April 2021 Council resolved the following:

That:
1. Adopt the draft Planning Review Committee Terms of Reference as provided at Attachment 1 of this report.
2. Requests a review on the effectiveness of the operations of the Planning Review Committee and terms of reference be reported back to Council within six months of the first meeting.

The Planning Review Committee (PRC) meetings commenced 25 May 2021.

The following is a summary of the PRC meeting held.

- 5 meetings were held;
- 1 meeting was not held due to the absence of development applications (DA’s) being requested;
- 18 DA’s were presented to PRC;
- 3 DA’s were referred to Council for determination;
- 11 DA’s were referred to Officers to be determined under delegation;
- 3 DA’s required further information as they were called up prematurely;
- 1 item considered by PRC, was a DA to be determined by the Joint Regional Planning Panel (JRPP) and not Council.
- 11 DA’s were requested by councillors to be presented to PRC;
- Whilst 2 hours were set aside for PRC some meetings lasted only 45 minutes, with an average time of 1 hour.

Whilst there appeared to be councillor enthusiasm following the initial PRC, this seemed to wane over proceeding PRC meetings.

Various comments were provided regarding the effectiveness of the PRC meetings. PRC was considered less effective when the following occurred:

- where few DA’s were presented;
- when “relatively” minor DA’s were called up;
- where DA’s were called up early in the assessment stage (prior to an assessment being undertaken, prior to public exhibition, in the absence of further information being requested by the planning team of the proponent);
- when not a full complement of councillors were in attendance.
- when, despite the decision made by PRC, a separate policy of Council still allowed for a DA to be reported to Council.
Matters Arising

There was also commentary regarding the Terms of Reference of the PRC. Commentary included:

- making it clearer to enable DA’s to be brought back to PRC for further consideration when additional information had been provided, or post public notification of the DA.
- expanding the PRC to include Strategic Planning projects and plans.

At the first PRC meeting officers provided members a demonstration on Council’s DA Tracker. It provided councilors with the tools to use and maneuver through DA Tracker, search and view DA’s and associated documents, reports and plans, review any public submissions, review information requests and updated information. The DA tracker, and associated information, was used as the primary tool to present and guide councilors through each of the DA’s presented to PRC.

Resourcing

Considerable resources are consumed by officers in preparation and presenting DA’s to PRC. Officers involved include Planners, Program Manager, Executive, Governance, IT, Corporate and Administration. The time and resources spent to prepare, attend and present to PRC is significant and can further add to the time taken for DA’s to be formally assessed.

The demand on resources is further exacerbated by the current planning environment that is characterised by an influx of DA’s, vacancies in the Planning Team, difficulty in recruiting planners, engineers, building surveyors and compliance officers, and the demand of the development applications to be assessed more rapidly.

Options

Council has the following options:

1. Proceed with the PRC in accordance with the current Terms of Reference.
2. Proceed with the PRC with an expanded Terms of Reference to clarify the ability for DA’s to be called back to the committee upon receipt of further information.
3. Not to continue with the PRC meetings.

Comments

Finance

Not required

Public consultation

No required

Alternate resolution 1

That Council continue with the Planning Review Committee with an amended Terms of Reference to include the ability for items to be brought back to the Committee following provision of further information.

Alternate resolution 2

That Council receive and note the report.
Matters Arising

**Conclusion**
The effectiveness of the PRC has received mixed reviews. Whilst the first PRC received a positive response from councilors, further meetings demonstrated less enthusiasm and did not appear as effective mainly for the reasons highlighted above. Whilst good discussion ensued regarding significant developments, the minor DA’s appeared to follow a procedural discussion. These discussions generally followed information that was readily available on DA Tracker and guiding councilors to where certain reports and plans could be found.

Recommended that Council discontinue the PRC.

**Attachment/s**
1. Planning Review Committee Terms of Reference
Notice of Motion

Councillor Adam Guise has given notice of intention to move:

That Council acknowledges flood impacted ratepayers’ desire for house relocations, buy backs and land swaps, and the certainty this would provide them, particularly to the most vulnerable in our community.

Councillor Comment

Outcome Sought
Thousands of residents and ratepayers have been impacted by the devastating February and March floods. Many of these people are uncertain as to what the future holds for them living and working on the floodplain. Many have expressed the desire to relocate their homes to higher ground, and would be interested in schemes to relocate, land swap or have their land acquired on just terms. Council should support these people, particularly the most vulnerable, in order for them to relocate to higher ground.

Cost of Implementing
Nil

Funding Source
Not applicable

Staff Consulted
General Manager and senior staff through briefings and meetings

Attachment/s
There are no attachments for this report.

TRIM Record No: BP22/454:EF19/25-4
**Notice of Motion**

Councillor Adam Guise has given notice of intention to move:

| That Council writes to the Northern Rivers Reconstruction Corporation seeking a meeting and workshop with councillors to discuss the Corporation’s role, strategic direction and priorities. |

**Councillor Comment**

**Outcome Sought**

The Northern Rivers Reconstruction Corporation comes into existence 1 July 2022. This important body will oversee the reconstruction of the Northern Rivers since being impacted by the devastating February and March 2022 floods. It is importance that Lismore council has a seat at the table and that councillors understand the role of the Corporation and provide input into its strategic direction.

**Cost of Implementing**

Nil

**Funding Source**

Not applicable

**Staff Consulted**

Not applicable

**Attachment/s**

There are no attachments for this report.

**TRIM Record No:** BP22/455:EF19/25-4
Notice of Motion

Councillor Adam Guise has given notice of intention to move:

That Council writes to the Federal Government, Prime Minister and relevant Ministers denouncing the extradition of Julian Assange from the UK and urges the Prime Minister to make a public statement denouncing the extradition.

Councillor Comment

Outcome Sought
Julian Assange has been imprisoned since 2010. He is facing a life sentence in the USA for exposing war crimes. His extradition and potential sentence is a grave threat to public interest journalism and incompatible with the human rights that Australians hold. The power of a public statement from Julian Assange's home country cannot be understated.

Cost of Implementing
Nil

Funding Source
Not required

Staff Consulted
Not required

Attachment/s
There are no attachments for this report.

TRIM Record No:  BP22/456:EF19/25-4
Matters Arising
**Matters Arising**

**Subject**  
Classification as Operational Land - 15 Industry Drive, East Lismore

**TRIM Record No**  
BP22/283:CDR22/544

**Prepared by**  
Property Officer

**Reason**  
To classify newly acquired land as Operational under Section 31 of the Local Government Act, 1993.

**Strategic Theme**  
Leadership and participation

**Strategy**  
We provide effective management and responsible governance.

**Action**  
Ensure well-managed buildings, land and property assets.

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**Executive Summary**

At its ordinary meeting of 22 March 2022 Council resolved to acquire land from Property NSW with the intention of leasing the property for use by the Lismore Men and Community Shed. The sale was completed and Council took possession of the property on 16 June 2022.

In accordance with the *Local Government Act 1993* all Council land must be classified as Operational or Community land. The purpose of this report is to resolve to classify the land at 15 Industry Drive, East Lismore (being Lot 9 in DP 230347) as Operational land.

Classification of land is a statutory requirement and Council is required to make appropriate classifications based on the circumstances of the acquisition. This land has been acquired for use by the Lismore Men and Community Shed. The classification of the land as Operational will ensure Council can use the land for the purpose for which it was acquired.

The proposal was advertised in *Local Matters* on 16 May 2022. Two submissions were received during the 28-day notice period, with both in support of the proposal.

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**Recommendation**

Pursuant to Section 31 of the *Local Government Act 1993*, the parcel of land being Lot 9 in DP 230347, known as 15 Industry Drive, East Lismore, be classified as Operational land.

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**Background**

On 22 March 2022 Council considered a report relating to the acquisition of land at 15 Industry Drive, East Lismore, from Property NSW with the intention of leasing the property for use by the Lismore Men and Community Shed.
Council resolved that:

1. Council acknowledges the Lismore Men and Community Shed provide valuable community benefit, however has been struggling to find a secure and suitable location to base its operations.

2. agrees to facilitate the process of acquiring real property at 15 Industry Drive, East Lismore (being Lot 9 in DP 230347) from Government Property NSW with the intention of leasing the property for use by the Lismore Men and Community Shed.

3. notes the land will be transferred under Government Property NSW Community Use Policy, which allows land to be transferred for a nominal value, subject to a 15-year community use restriction on title.

4. advertise its intention to classify the land as Operational land and a report be brought back to Council within three months of acquiring the land to formally adopt the suitable land classification.

5. delegate authority to the General Manager to finalise the terms of the Contract for sale and purchase of land, the subsequent lease to the Lismore Men and Community Shed and sign all documents necessary to give effect to this resolution.

6. vary its Leasing of Council Properties Policy in this instance and enter into direct negotiations with the Lismore Men and Community Shed for the occupation of 15 Industry Drive, East Lismore (being Lot 9 in DP 230347).

7. endorse the use of the Council seal on any documents necessary to give effect to this resolution.

The sale process was concluded on 16 June 2022 and Council is now the owner of the property.

**Classification of Public Land**

The *Local Government Act 1993* (LG Act) defines public land as any land vested in or under Council control and is managed under the LG Act based on its classification. Classification of public land may occur either by an amendment to the Lismore Local Environment Plan (LEP) or by resolution of Council when first acquired. Councils are encouraged to classify land by Council resolution where suitable.

All public land must be classified by Council as either “Community” or “Operational” land (ss.25-26 LG Act). The purpose of classification is to identify clearly that land which is made available for general use and access by the public because of its use or special features (Community) and that land which is not intended for public access and use and has no special restrictions other than those that may apply to any piece of land (Operational). As mentioned, Operational land is not generally open to the public but may be used for public purposes such as works depots, sheds or garages. How public land is classified determines the ease or difficulty a Council can have in dealing with the public land and providing flexibility for how the land is managed. It also provides for transparency in Council's strategic asset management.

Section 31 of the LG Act stipulates any land acquired by Council that is not classified before it is acquired or within three months after it is acquired, will default to Community land. Any future reclassification would then require an amendment to the LEP. By classifying the land as Operational now, Council will save the costs and delays involved with including this land in a LEP amendment. If in the future there was a desire for the land to be reclassified to Community, it then simply requires a Council resolution under Section 33 of the LG Act, rather than a lengthy LEP amendment process.

The land at 15 Industry Drive was acquired for the purpose of leasing the land exclusively to the Lismore Men and Community Shed. Classification of the land as Operational will ensure that Council can use the land for this purpose. This land is not open to the public for general use and access, and therefore a Community land classification is not appropriate under the LG Act.

**Comments**

**Finance**

The recommendation as printed is supported.
Other staff comments
Not required.

Public consultation
Council has provided public notice of its intention to classify the subject land as Operational, pursuant to Sections 31 and 34 of the LG Act. The proposal was advertised in Local Matters on 16 May 2022. There were two submissions received during the 28-day notice period; both were in support of the proposal.

Conclusion
The land was acquired for use by the Lismore Men and Community Shed, serving an operational function. As such, classification of the land as Operational is the appropriate classification under the LG Act and will ensure that Council can use the land for the purpose for which it was acquired.

Attachment/s
There are no attachments for this report.
Matters Arising

Subject: Adoption of Local Street Guide Outdoor Dining Policy

TRIM Record No: BP22/201:EF20/307

Prepared by: Property Officer

Reason: To report the public exhibition of the Local Street Guide Outdoor Dining Policy and recommend adoption of the Policy.

Strategic Theme: Leadership and participation

Strategy: We provide effective management and responsible governance.

Action: Ensure well-managed buildings, land and property assets.

---

Executive Summary

At its November 2020 Council meeting, Council resolved to adopt the NSW Outdoor Dining Policy and accompanying User Guide. As multiple Councils have adopted this state policy, a draft Local Street Guide Outdoor Dining Policy was prepared and subsequently placed on public exhibition. This report recommends that Council adopt the attached Local Street Guide as publicly exhibited.

Recommendation

That:

1. the submission be received and noted.
2. Council adopt the Local Street Guide Outdoor Dining Policy attached to this report.

Background

The Council resolved at its November 2020 meeting that:

1. Council note the NSW Outdoor Dining Policy (the Policy) established by the NSW Small Business Commission.
3. Council waive the Fees and Charges for current and new outdoor dining approvals.
4. The Policy shall replace Lismore City Council’s Outdoor Dining Policy (Policy Number 5.2.24), which was adopted on 10 February 2015.

Both the NSW Outdoor Dining Policy and accompanying NSW Outdoor Dining User Guide make regular reference asking applicants to check whether a Local Street Guide has been prepared by their local Council and to ensure their outdoor dining application meets the specific Council requirements.

Local Street Guides are the mechanism where Councils can apply specific requirements to a licence that are not dealt with in the broader policy document. In preparing the NSW Outdoor Dining Policy, the NSW Small Business Commission acknowledged that there may be unique or specific circumstances particular to a local Council that should apply to any licence issued for outdoor dining.
As multiple Councils have adopted this state Policy, a draft Local Street Guide Outdoor Dining Policy (Local Street Guide) has been prepared to provide an opportunity for Council to outline its unique considerations specific to the outdoor dining operation in its local government area.

The draft Local Street Guide contains content from Chapter 3 (titled ‘Location and Design’) of Council’s former Lismore City Council’s Outdoor Dining Policy (Policy Number 5.2.24). As noted at Item 4 in Council’s November 2020 resolution (referenced above), Council’s Outdoor Dining Policy (Policy Number 5.2.24) was replaced by the State Policy.

The Local Street Guide has been reviewed by relevant staff in both Council’s Built Environment area (including Council’s Senior Public Health Officer, Regulatory Service Compliance Coordinator, and Assistant Development Assessment Officer), as well as Council’s Assets Section (including Property Officer and Property Services Manager, Parks Coordinator, Design Services Engineer, Assets Engineer and Assets Manager) and has been given its full support.

Comments

Finance
Not required.

Public consultation

Both the Traffic Advisory Committee and Council’s Disability Access and Inclusion Advisory Group were initially consulted when the Local Street Guide was being drafted. Once finalised, the draft Local Street Guide was placed on public exhibition for a minimum of 28 days. In response, two submissions were received whereby the first submission was a ‘test’ conducted by Council staff and the second submission from a local community member has been attached for Councillors’ due consideration.

Conclusion

The Local Street Guide Outdoor Dining Policy identifies Council’s unique considerations and addresses specific matters to our operation of outdoor dining in our local government area. This report recommends that Council adopt the attached Policy as publicly exhibited.

Attachment/s

1. Local Street Guide Outdoor Dining Policy
2. Survey Responses Report
This Local Street Guide provides unique considerations specific to Lismore City Council to reflect the operation of outdoor dining. Before making an application, businesses should read the Outdoor Dining Policy 2019 and the Outdoor Dining User Guide 2019.

1. LOCATION AND DESIGN

This section details matters to be considered and addressed when preparing an outdoor dining application:

- The outdoor dining area must be located directly adjacent to the ground floor of the principal restaurant or café, which must have development approval and be registered with Lismore City Council as a food premise.
- Council shall retain discretion on a case-by-case basis as to whether or not any proposed site is appropriate.
- Not all footpaths are suitable for use as outdoor dining areas, or may not have sufficient width to meet pedestrian access/vehicle access, sightlines, etc. Where a suitable pedestrian access corridor is unable to be provided, outdoor dining will not be permitted.

1.1 Lismore City Council’s CBD Style Guide

A CBD Style Guide will shortly be available for viewing on Council’s website. The Style Guide provides for consistent use of products, materials, textures, plantings and themes (including items such as seating, bins, bollards and floor surfaces).

If your outdoor dining area is located within Lismore CBD it is essential that you check you are fulfilling the requirements of the CBD Style Guide and ensure your outdoor dining area makes a positive contribution to the amenity of the surrounding area and streetscape.

1.2 Clearance distances

- An outdoor dining area must not compromise pedestrian and vehicle flow; convenience and safety of patrons and the public; existing streetscape elements and amenity.
- Each outdoor dining area will be subject to unique local conditions and setback requirements. Refer to the table on page 6 of the Outdoor Dining User Guide 2019 that outlines minimum clearances.
- Where sight distances for vehicle traffic and pedestrians are favourable, minor modifications of the nominated clearances may be approved.
1.3 Accessibility
Access and usability for all people must be considered when determining whether a site and layout is suitable for outdoor dining. This includes a continuous, accessible path of travel to or within the area to provide access to all services and facilities. There must not be any hazard or impediment which prevents safe negotiation by any person.

Any item located within the outdoor dining area must:
- not obstruct nor protrude into the accessible path of travel;
- not be placed along the shopfront (this includes chairs and A-Frame signs);
- be of a colour that provides a contrast with their background; and
- be designed so that it is accessible by all.

Other requirements:
- materials used for floor areas shall be slip resistant;
- pathways within outdoor dining areas shall have clear sightlines;
- the area be well lit and colour contrasted where appropriate to assist people with vision impairment; and
- outdoor dining areas shall be clearly defined and be separated by barriers which can be safely negotiated by person with vision impairment.

It is the responsibility of the licensee to comply with the requirements of the Disability Discrimination Act 1992 and to investigate their own responsibilities under the Act.

1.4 Furniture, shade umbrellas and other items
This section provides guidance on the design requirements for both portable and fixed furniture associated with outdoor dining. Furniture includes tables, chairs, umbrellas and shade structures, pots and pot plants, troughs, barricades, heaters, cooling devices, advertising items and any other portable element in the outdoor dining area.

- Outdoor furniture is to add to the amenity of the streetscape. Furniture style must be practical, robust and meet Australian Standards.
- All furniture must be located within the licensed area and must not at any time extend beyond the boundaries. No item is to be placed against any shopfront.
- All furniture must be secured appropriately and safely and not pose an obstacle for pedestrians or traffic.
Shade umbrellas shall be an appropriate style, height and design to ensure public safety (no sharp edges or points). They must be secure during trading hours and shall not be utilised during extreme windy weather. Umbrellas are not to protrude past the licensed area (i.e. not overhang the footpath and/or car parking space area).

- Water features are not permitted.
- All portable furniture is to be removed in extreme windy conditions.

### 1.5 Removal of trees and public infrastructure

No tree is to be removed from the streetscape to establish or increase an outdoor dining area. Council-owned infrastructure, such as litter bins or seating, may be relocated with Council’s written agreement. The cost of such relocation is at the applicant’s cost. Any relocation of public seating is to be made as close as possible to the original location, with shaded areas being the preferred location. No reduction of public seating is to occur.

### 1.6 Toilet facilities

Toilet facilities are to be made available to patrons in accordance with the requirements of the *Building Code of Australia*. Toilet facilities are required to be available in the building occupied by the principal restaurant premises where alcohol is served or if the total seating provided (indoors and outdoors) exceeds 19 seats.

### 1.7 Business identification signage

One (1) portable A-frame business identification sign is permitted within the designated outdoor dining area only, and is not permitted on public land outside the designated licensed area.

### 1.8 Delineation of boundaries

Walls, safety bollards, suitable barriers or planter boxes are required to separate an outdoor dining area from the kerb to prevent pedestrians from entering and exiting the outdoor dining area directly to the carriageway. Installation of such items is at the applicant’s cost and must be described in the Outdoor Dining Application for approval.

All boundaries of the licensed area must be defined by either walls, fixed bollards, barriers, markers, planter boxes or other landscaping where appropriate. The establishment of such items, as well as fasteners into the pavement surface is also subject to written approval from Council’s Roads Engineer.
Barriers must be maintained at all times to clearly delineate the licensed area. Such barriers, other than on the kerb side, may be framed canvas or fabric free-standing barriers temporarily secured or affixed to the pavement.

Metallic discs (engraved “Outdoor Dining”) shall be inserted into the pavement by Council to delineate the outdoor dining area where no other permanent element of separation exists.

1.9 **Entertainment**
Quiet entertainment may be permitted within the licensed area for the enjoyment of patrons. Such entertainment shall not interfere with amenity or cause any disturbance or annoyance to adjoining retailers, pedestrians or neighbours. There is to be no amplified music in the licensed area, unless approved in writing by Council. Buskers performing in the licensed area must have a permit to busk.

1.10 **Heating and cooling devices**
Any heating or cooling devices must be contained wholly within the outdoor dining area and be secured (to ensure stability that it cannot be knocked over). All heating devices shall possess automatic turn off devices in the event of overturning. Free-standing gas heaters must comply with the relevant standard and legislation and be certified by a qualified person. When not in use, heating and cooling devices are to be removed from the outdoor dining area.

1.11 **Prohibited items**
Unless approved otherwise in writing by Council, the following items are prohibited in an outdoor dining area:
- smorgasbord or self-service facilities;
- unsecured and unprotected heating or cooling devices;
- water features;
- vending and amusement machines;
- deep fryer, BBQ or any other cooking appliance; and
- bains-marie, pie warmer or any other temperature holding device.

Food and drink must not be prepared in the licensed area.

1.12 **Provision of utilities**
Provision of utilities to and outdoor dining area is the responsibility of the licensee. No extension cords or electricity connections are permitted to the outdoor dining area without the written approval of Council. All such connections must be completed and certified by a qualified electrician.
1.13 **Smoke free area**

Everyone who visits Lismore has the right to a clean and healthy environment. To preserve this right for the community, "No smoking" signs with the international symbol are required to be provided by the licensee and at all times displayed during operation of the outdoor dining area.

1.14 **Permanent structures**

Permanent structures are not covered in the [Outdoor Dining Policy 2019](#).

*Use of permanent structures as part of an outdoor dining operation will incur fees as outlined in Council's adopted Fees and Charges.*

The Policy defines Permanent structures as:

*Any outdoor structure not intended to be moved around frequently and that would be difficult to move without mechanical or other assistance within a 24-hour period.*

Use of permanent structures (including but not limited to barriers, planter boxes, shade structures or an anchoring system), requires separate Council consent. The flowchart annexed as Appendix A provides guidance on Council consent process for permanent structures as outdoor dining operation.
APPENDIX A: APPROVAL OF PERMANENT STRUCTURE FLOWCHART

Applicant notifies Council’s Built Environment Section on 02 6625 0500 that it would like to construct a permanent structure for outdoor dining operation

Council determines whether the permanent structure is acceptable and will not create a public risk

If the permanent structure is deemed unacceptable or creates a public risk, the request is refused

If the permanent structure is deemed acceptable and does not create a public risk, the Applicant will firstly need to obtain landowner’s consent from Council’s Assets Section on 02 6625 0500 before lodging a Section 138 Application for the structure

A Development Application is required for a permanent structure which encroaches out to a blister and/or car parking space (for example a permanent awning)

DEVELOPMENT APPLICATION LODGED

The permanent structure is assessed against the Lismore Local Environmental Plan

If the permanent structure does not comply with the provisions of the LEP, then the Development Application is refused

If the permanent structure complies, Development Consent is granted including a condition requiring the preparation and execution of a License Agreement and lodgement of a Structure Engineers Certificate certifying the works

License Agreement prepared and lodged by Applicant with Council for execution and approval including the provisions of a Structural Engineers Certificate certifying the building works

License issued for the permanent structure over Council’s land

Construction Certificate Issued
SURVEY RESPONSE REPORT
30 November 2017 - 27 April 2022

PROJECT NAME:
Public Notice and Exhibition of Draft Local Street Guide Outdoor Dining Policy
Online Submission: Survey Report for 30 November 2017 to 27 April 2022

---

SURVEY QUESTIONS
## Survey Responses Report

**Online Submission**: Survey Report for 30 November 2017 to 27 April 2022

### Q1 | Name
---|---
Anonymous | Test
3/28/2022 09:40 AM

Anonymous
4/20/2022 05:53 PM

**Mandatory Question** (2 response(s))
**Question type**: Single Line Question

### Q2 | Address
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Anonymous | Test
3/28/2022 09:40 AM

Anonymous
4/20/2022 05:53 PM

**Optional question** (2 response(s), 0 skipped)
**Question type**: Single Line Question

### Q3 | Phone
---|---
Anonymous | Test
3/28/2022 09:40 AM

Anonymous
4/20/2022 05:53 PM

**Optional question** (2 response(s), 0 skipped)
**Question type**: Single Line Question

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## Q4 Email

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**Optional question** (2 response(s), 0 skipped)

**Question type:** Single Line Question

## Q5 Submission

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<th>Anonymous</th>
<th>I understand al fresco dining is very trendy at the mo and council is trying to kickstart business but it needs to be balanced very carefully with the public's right of way along public footpaths. You find yourself awkwardly navigating around tables and chairs when you're just trying to walk down the street. We must remember we are privatising a public space. Also some people would prefer to take a sandwich and a drink and sit in a public space rather than in a café. Have a thought for them. What happened to those old wooden benches were so comfortable?!</th>
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**Optional question** (2 response(s), 0 skipped)

**Question type:** Essay Question
Matters Arising

Subject: Councillors Expenses & Facilities Policy

TRIM Record No: BP22/344:EF16/286

Prepared by: Executive Assistant - General Manager and Mayor & Councillors

Reason: Adopt the Councillors Expenses & Facilities Policy following public exhibition

Strategic Theme: Leadership and participation

Strategy: We provide effective management and responsible governance.

Action: Ensure the efficient and effective operation of Council.

---

Executive Summary

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

The current policy was adopted in November 2017 and was based on the Office of Local Government’s (OLG) best practice model policy.

As resolved at the May Council meeting the policy was placed public exhibition. During the 28 days no public submissions were received.

---

Recommendation

That Council adopt the Councillors Expenses & Facilities Policy as attached.

---

Background

At the May Council meeting it was resolved to place the Councillors Expenses & Facilities Policy on public exhibition before considering adoption of the policy.

Public consultation

Public submissions were open via YourSay from 23 May to 19 June 2022. No submissions were received during the exhibition period.

Conclusion

The policy be adopted as exhibited.

Attachment/s

1. Councillors Expenses & Facilities Policy
## POLICY MANUAL

<table>
<thead>
<tr>
<th>Policy title:</th>
<th>COUNCILLORS EXPENSES AND FACILITIES</th>
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<td>Provide for the reasonable and appropriate reimbursement of expenses incurred and standard of facilities provided to Councillors to support them in undertaking their civic duties</td>
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<td>Link to community vision/service:</td>
<td>Imagine Lismore Delivery Program, Leadership and participation – Our decisions and actions are open, transparent, effective and in the interest of all</td>
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<td>Council reviewed:</td>
<td>25/8/18, 11/11/08, 10/7/12, 14/6/16, 12/9/17, 14/11/17 &amp; 10/5/2022</td>
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2. Policy objectives
3. Principles
4. Private or political benefit

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11. Approval, payment and reimbursement arrangements
12. Disputes
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14. Publication
15. Reporting
16. Auditing
17. Breaches
18. Review

Part E – Appendix
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Appendix II – Definitions

Part A – Introduction

1. Introduction

1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Lismore City Council.

1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.

1.3. The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.

1.4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.

1.5. Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a Council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

2.1. The objectives of this policy are to:
   • enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
   • enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
   • ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
   • ensure facilities and expenses provided to councillors meet community expectations
   • support a diversity of representation
   • fulfil the Council’s statutory responsibilities.
3. Principles

3.1. Council commits to the following principles:

- **Proper conduct**: councillors acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses**: providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
- **Participation and access**: enabling people from diverse backgrounds, underrepresented groups, those in caring roles and those with special needs to serve as a councillor
- **Equity**: there must be equitable access to expenses and facilities for all councillors
- **Appropriate use of resources**: providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
- **Accountability and transparency**: clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

4.2. Private use of Council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.

4.3. Such incidental private use does not require a compensatory payment back to Council.

4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, councillors must reimburse the Council.

4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- production of election material
- use of Council resources and equipment for campaigning
- use of official Council letterhead, publications, websites or services for political benefit
- fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

5. General expenses

5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

**General travel arrangements and expenses**

6.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
6.2. Each councillor may be reimbursed or incur travel expenses while undertaking official business or attending approved conferences, seminars or professional development within NSW. This includes expenses:
   • for public transport fares
   • for the use of a private vehicle or hire car
   • for airfares
   • for parking costs for Council and other meetings
   • for tolls
   • by Cabcharge card or equivalent
   • for documented ride-share programs, such as Uber, where tax invoices can be issued.

6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

**Interstate and overseas travel expenses**

6.5. Council considers travel to South East Queensland (area bounded by Coolangatta / Wallangarra / Toowoomba / Noosa Heads) and the ACT will be considered as general travel. Arrangements and expenses for this travel will be governed by Clauses 6.1-6.4.

6.6. In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake interstate and overseas travel. Councillors should avoid interstate and overseas travel unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.

6.7. Councillors seeking approval for any interstate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.

6.8. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.

6.9. The case should include:
   • objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor’s civic duties
   • who is to take part in the travel
   • duration and itinerary of travel
   • a detailed budget including a statement of any amounts expected to be reimbursed by the participant(s).

6.10. Total overseas travel expenses for councillors must be included in the Council’s annual budget.

6.11. For interstate journeys by air of less than three hours, the class of air travel is to be economy class.

6.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.

6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.

6.14. Bookings for approved air travel are to be made through the General Manager’s office.

6.15. For air travel that is reimbursed as Council business, councillors will not accrue points from the airline’s frequent flyer program. This is considered a private benefit.

**Travel expenses not paid by Council**

6.16. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.
Accommodation and meals

6.17. In circumstances where it would introduce undue risk for a councillor to travel to or from official business in the late evening or early morning, costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor lives more than 50 kilometres from the meeting location.

6.18. Council will pay for costs for accommodation and meals while councillors are undertaking approved conferences, seminars or professional development outside the Northern Rivers.

6.19. The daily limit for accommodation within Australia is to be consistent with the amount charged at the conference, seminar or professional development venue. If accommodation is not provided, the daily limit is to be no more than the cost for NRMA 4 Star rating or equivalent accommodation in the vicinity. The limit for meals is to be consistent with the Australian Taxation Office’s Tax Determination – Reasonable Travel Allowances, as adjusted annually.

6.20. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.19.

6.21. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council related meetings

6.22. Appropriate refreshments will be available for Council meetings, Council committee meetings, councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.

6.23. As an indicative guide for the standard of refreshments to be provided at council related meetings, the General Manager must be mindful of Clause 6.19.

Conferences, seminars and professional development

6.24. Council is committed to ensuring its councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.

6.25. In the first year of a new Council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the recurrent conference, seminar and professional development funding.

6.26. Approval to attend a conference, seminar or professional development is subject to a written request to the General Manager. In assessing a councillor request, the General Manager must consider factors including the:

- relevance of the topics and presenters to current Council priorities and business and the exercise of the councillor’s civic duties
- the cost in relation to the total remaining budget.

6.27. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at a conference, seminar or professional development approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the registration fees. Accommodation and meals costs not included in the registration fees will be subject to Clauses 6.17-6.21.

6.28. At least one councillor shall write or present a report on any conference, seminar or professional development attended by one or more councillors.

6.29. Council will set aside a total amount of $22,000 annually in its budget, indexed annually by the rate peg percentage, to facilitate councillor attendance at conferences, seminars and professional development. This allocation is for all councillors. The General Manager will ensure that access to the budget is distributed equitably.
Expenses for spouse, partner and accompanying persons

6.30. Where the Mayor is required to attend a conference or seminar function on behalf of Council, and the nature of the function is such that the Mayor’s spouse, partner or accompanying person could reasonably be expected to attend, Council will meet their reasonable expenses e.g. ticket, meal and direct cost of attending the function.

6.31. Where the Mayor requests a councillor to attend a conference or seminar function on behalf of Council in their stead, and the nature of the function is such that the councillor’s spouse, partner or accompanying person could reasonably be expected to attend, Council will meet their reasonable expenses e.g. ticket, meal and direct cost of attending the function.

6.32. For attendance at the Local Government NSW Annual Conference official conference dinner, or another relevant local government conference, a councillor’s spouse, partner or accompanying person may attend and the Council will meet their reasonable expenses e.g. ticket and meal. This is limited to one conference per financial year.

6.33. Council will meet the reasonable costs of travel and childcare at conferences, seminars and professional development for a child under 16 where a councillor is the principal carer.

Information and communications technology (ICT) expenses

6.34. Council will reimburse councillors for expenses associated with appropriate ICT devices and services up to a limit of $660 per annum for each councillor. This may include mobile phone and tablet services and data, and home internet costs.

6.35. Reimbursements will be made only for communications devices and services used for councillors to undertake their civic duties, such as:
   - receiving and reading council business papers
   - relevant phone calls and correspondence
   - diary and appointment management.

6.36. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a councillor, within the maximum limit.

Special requirement and carer expenses

6.37. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.

6.38. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.

6.39. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.

6.40. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of reasonable carer’s expenses for attendance at official business, plus reasonable travel from the principal place of residence.

6.41. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

6.42. In the event of caring for an adult person, councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

6.43. Each councillor may be provide with goods or reimbursed for reasonable costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.
7. Insurances

7.1. In accordance with Section 382 of the Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.

7.2. Insurance protection is only provided if a claim arises out of or in connection with the councillor’s performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.

7.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council’s insurers, whether defended or not.

7.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on Council business.

8. Legal assistance

8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a councillor defending an action arising from the performance in good faith of a function under the Act provided that the outcome of the legal proceedings is favourable to the councillor
- a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor
- a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor

8.2. In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.

8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.

8.4. Council will not meet the legal costs:

- of legal proceedings initiated by a councillor under any circumstances
- of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a councillor performing their role as a councillor

8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.
Part C – Facilities

9. General facilities for all councillors

Facilities

9.1. Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:
   - a Councillor common room appropriately furnished to include access to pigeon holes and appropriate refreshments
   - iPad or equivalent device, and a personal computer, printer and modem
   - filing cabinet up to four drawers or alternative storage facilities to equivalent cost
   - at home ICT set up and maintenance services
   - access to shared car parking spaces while attending council offices on official business
   - personal protective equipment for use during site visits
   - a name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or mayor or deputy mayor.

9.2. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through a specified officer in the Mayor’s office or other specified staff member.

9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

9.4. Council will provide the following stationery to councillors each year:
   - Letterhead to the Mayor to be used only for correspondence associated with civic duties
   - business cards
   - Christmas or festive cards

Administrative support

9.5. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor’s office or by a member of Council’s administrative staff as arranged by the General Manager.

9.6. As per Section 4, Council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10. Additional facilities for the Mayor

10.1. Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for business use.

10.2. The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to Council on a monthly basis.

10.3. The Mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.

10.4. A parking space at Council’s offices will be reserved for the Mayor’s council-issued vehicle for use on official business.

10.5. Council will provide the Mayor with a furnished office incorporating a computer configured to Council’s standard operating environment, telephone and meeting space.

10.6. Council may provide the Mayor with a mobile phone and pay for all mobile phone services and data costs.
10.7. In performing his or her civic duties, the Mayor will be assisted by staff providing administrative and secretarial support, as determined by the General Manager.

10.8. As per Section 4, staff in the Mayor’s office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

## Part D – Processes

### 11. Approval, payment and reimbursement arrangements

11.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.

11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- local travel relating to the conduct of official business
- carer costs
- ICT expenditure $800

11.4. Final approval for payments made under this policy will be granted by the General Manager.

#### Direct payment

11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

#### Reimbursement

11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager.

#### Advance payment

11.7. Council may pay a cash advance for councillors attending approved conferences, seminars or professional development.

11.8. Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.

11.9. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:

- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
- reimbursement of any amount of the advance payment not spent in attending to official business or professional development

#### Notification

11.10. If a claim is approved, Council will make payment directly or reimburse the councillor through accounts payable.

11.11. If a claim is refused, Council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

#### Reimbursement to council

11.12. If Council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- Council will invoice the councillor for the expense
- the councillor will reimburse Council for that expense within 14 days of the invoice date
11.13. If the councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the councillor’s allowance.

**Timeframe for reimbursement**

11.14. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within six months of an expense being incurred and by 31 July each year for the preceding financial year. Claims made after this time cannot be approved.

12. **Disputes**

12.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the General Manager.

12.2. If the councillor and the General Manager cannot resolve the dispute, the councillor may submit a notice of motion or the General Manager report to a Council meeting seeking to have the dispute resolved.

13. **Return or retention of facilities**

13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or Mayor ceasing to hold office or at the cessation of their civic duties.

13.2. Should a councillor desire to keep any equipment allocated by Council, then this policy enables the councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

13.3. The prices for all equipment purchased by councillors under Clause 13.2 will be recorded in Council’s annual report.

14. **Publication**

14.1. This policy will be published on Council’s website.

15. **Reporting**

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

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

16. **Auditing**

16.1. The operation of this policy, including claims made under the policy, will be included in Council’s audit program and an audit undertaken at least every two years.

17. **Breaches**

17.1. Suspected breaches of this policy are to be reported to the General Manager.

17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.
18. Review

18.1. In accordance with section 252, Local Government Act 1993, the policy must be adopted by the Council within twelve months of the commencement of a new council term.

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:
• Local Government Act 1993, Sections 252 and 253
• Local Government (General) Regulation 2005, Clauses 217 and 403
• Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
• Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
• Local Government Circular 05-08 legal assistance for Councillors and Council Employees

Related Council policies:
• Code of Conduct
Appendix II: Definitions

The following definitions apply throughout this policy.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>accompanying person</td>
<td>Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor</td>
</tr>
<tr>
<td>appropriate refreshments</td>
<td>Means food and beverages, provided by Council to support Councillors undertaking official business</td>
</tr>
<tr>
<td>Act</td>
<td>Means the <em>Local Government Act 1993</em> (NSW)</td>
</tr>
<tr>
<td>clause</td>
<td>Unless stated otherwise, a reference to a clause is a reference to a clause of this policy</td>
</tr>
<tr>
<td>Code of Conduct</td>
<td>Means the Code of Conduct adopted by Council or the Model Code if none is adopted</td>
</tr>
<tr>
<td>Councillor</td>
<td>Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor</td>
</tr>
<tr>
<td>General Manager</td>
<td>Means the General Manager of Council and includes their delegate or authorised representative</td>
</tr>
<tr>
<td>Incidental personal use</td>
<td>Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct</td>
</tr>
<tr>
<td>maximum limit</td>
<td>Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1</td>
</tr>
<tr>
<td>NSW</td>
<td>New South Wales</td>
</tr>
</tbody>
</table>
| official business         | Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes:  
  • meetings of Council and committees of the whole  
  • meetings of committees facilitated by Council  
  • civic receptions hosted or sponsored by Council  
  • meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council |
| professional development  | Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor |
| Regulation                | Means the *Local Government (General) Regulation 2005* (NSW)              |
| Year                      | Means the financial year, that is the 12 month period commencing on 1 July each year |
Reports of the General Manager
**Report**

**Subject**  Competitive Neutrality Complaints Policy

**TRIM Record No**  BP22/410:EF22/47

**Prepared by**  Manager Investment & Commerce

**Reason**  Develop a policy that states Council's process and response to a competitive neutrality complaint

**Strategic Theme**  Leadership and participation

**Strategy**  We provide effective management and responsible governance.

**Action**  Ensure the efficient and effective operation of Council.

---

**Executive Summary**

In accordance with National Competition Policy, Council is required to establish an effective system to deal with complaints relating to competitive neutrality in respect of its businesses.

A Competitive Neutrality Complaints policy is considered part of an effective complaints management system.

This is consistent with advice from the NSW Office of Local Government and recommendations from the Independent Competitive Neutrality Review of GSAC businesses by Grant Thornton Australia.

A draft Competitive Neutrality Complaints policy has been developed so that Council's process and response to competitive neutrality complaints is transparent.

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**Recommendation**

That adopt the Competitive Neutrality Complaints Policy.

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**Background**

Competitive neutrality is based on the concept of the ‘level playing field’ for all competitors in a market, be they public or private sector competitors. The National Competition Policy requires that where councils compete in the market place, they should do so on a basis that does not utilise their public position to gain an unfair advantage over a private sector competitor.

Council has declared the following as businesses from a National Competition Policy perspective:

**Category 1 (Turnover > $2 million)**
1. Water Supplies Services
2. Wastewater Services
3. Northern Rivers Quarry & Asphalt
4. Northern Rivers Waste – Disposal

**Category Two (Turnover < $2 million)**
1. Lismore Memorial Gardens – Crematorium
2. Goonellabah Sports & Aquatic Centre – Gym & Swim School
The National Competition Policy also requires councils to establish an effective system to deal with complaints relating to competitive neutrality in respect of its businesses.

While management has in place a dated Competitive Neutrality – Complaints Handling System procedure, it does not have the required transparency of a Council policy.

To provide the required transparency, and in response to the NSW Office of Local Government advice on complaints they had received and recommendations from the Independent Competitive Neutrality Review of GSAC businesses by Grant Thornton Australia, a draft Competitive Neutrality Complaints Policy has been developed.

The Policy is attached and includes information under these headings:

- Background – Information about Competitive Neutrality
- Mechanism – Effectively an assessment of the complaint will be prepared for the General Manager
- Response Time – Four weeks
- Remedies – List possible options and if not satisfied will provide NSW Office of Local Government contact details
- Policy Review – At least once during each Council term

Comments

Finance
Not required.

Public consultation
Not required.

Attachment/s
1. Draft Competitive Neutrality Complaints Policy
Policy title: COMPETITIVE NEUTRALITY COMPLAINTS

Policy number: 1.2.29

Objective: To outline the process of assessment and responding to competitive neutrality complaints

Link to community vision/service: LEADERSHIP AND PARTICPATION

Program Area: GOVERNANCE

Policy created: May 2022 Council reviewed: 14/06/2022

Last reviewed by staff: May 2022 TRIM Ref: ED22/12884

Background:

Council is responsible for the implementation and operation of an effective mechanism to manage complaints relating to competitive neutrality.

Competitive neutrality is the concept of a “level playing field” between persons competing in a market place. The principle is that Council should operate in this market place without any net competitive advantages over businesses as a result of its public ownership.

A complaint regarding competitive neutrality is:

- A complaint that Council has not met its requirements under the Policy Statement or “Pricing and Costing for Council Businesses - A Guide to Competitive Neutrality”. This includes a concern that Council has not established an effective complaints handling mechanism;
- A complaint that council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

Mechanism:

Complaints concerning competitive neutrality should be addressed in writing to the Public Officer, Lismore City Council.

The Public Officer will ensure the complaint is correctly registered in the Records Management System.

Notification of the complaint will be provided to the General Manager.

An assessment of the complaint will be undertaken and include a review of issues such as:-

- specific issue or issues raised in the complaint;
- the costing methodology of the business activity;
- the nature of the business and the number of competitors; and
- the administrative procedures relating to the action that instigated the complaint.
The assessment results will be reported to the General Manager.

Response Time:
A response to the complainant will be provided within four weeks.

Remedies:
Council will make it clear what remedies it can provide to resolve a competitive neutrality complaint. The most common forms of resolution may be:
- to provide more information to the complainant for a more accurate understanding of competition policy;
- to investigate / review the business activity if a legitimate complaint is made;
- to change business practice where a complaint is justified.

If the complainant is not satisfied with the Council’s response, they will be provided with the NSW Office of Local Government’s contact details.

References

Review:
The policy will be reviewed at least once during the term of every council.
Executive Summary
The attached policy provides a mechanism whereby Council can exempt any change of use within a business zone from the payment of levies. The policy does not apply to any levies collected by Lismore City Council on behalf of Rous County Council. The policy is intended to encourage and facilitate new and returning businesses as part of the post-flood recovery for a period of two years. The policy may be extended or amended by a future resolution of Council.

Recommendation
That Council adopts the attached Infrastructure Contributions Discount Policy for the Change of Use of Commercial Premises.

Background
As part of the recovery phase after the devastating floods of February and March 2022 Lismore City Council is keen to encourage and facilitate the return of businesses to premises that are currently vacant. One of the impediments to new businesses starting, or an existing business moving to a different premise, is that in some circumstances such a change of use may attract infrastructure contributions from Council.

In most instances the change of use of a commercial premises is covered under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. In such circumstances, no DA consent is required and therefore the change of use does not attract any levies. However, if the change falls outside of what is defined within the SEPP and the change of use is considered to be an intensification of the previously approved use, levies may apply.

Under Section 7.11 (previously Section 94) of the Environmental Planning and Assessment Act, 1979, Council has a Section 94 Contributions Plan that allows for a financial levy to be applied to new development. This money is held in reserve and utilized for the provision of new public facilities. Lismore Council's current Contributions Plan applies where there is a change of use of an existing commercial building (that is not otherwise exempt from development consent) and where the number of employees (full time equivalent) is increased from the previously approved use. The rate in 2021/22 is $7695.54 per additional FTE employee.

Similarly, Section 64 of the Local Government Act, 1993, enables Council to levy developer charges for water supply, sewage and stormwater infrastructure. A Development Servicing Plan (DSP) details the water and sewage developer charges to be levied on a development. These Section 64 levies are calculated on the proportional load that the development will place upon the water and sewage system.
and expressed in terms of equivalent tenements (ETs). Each premises will have as a minimum a credit of one (1) ET and depending on historical use and gross floor area, may have more credits.

Where a business that is calculated to have a higher load such as a hairdresser or a medical or dental practice, the number of ET credits that a building has may not be sufficient to meet the calculated additional demand and Section 64 levies will be applied. One new ET for water and sewer for a CBD premises is currently $17,443. This includes $8943 that is collected on behalf of Rous County Council. An additional ET in East Lismore / Goonellabah is $22,392 including the Rous water component.

**Proposed Policy**
The attached policy provides a mechanism whereby Council can exempt any change of use within a business zone from the payment of levies. The policy does not apply to any levies collected by Lismore City Council on behalf of Rous County Council.

**Operable Clauses**
Businesses seeking development consent for a change of use of any existing building within a Business Zone (B1, B2, B3, B4 or B6, or the equivalent Employment Zones once gazetted by the Department of Planning and Environment), will be exempt from payment of Lismore City Council Section 64 water and sewer levies and any development contributions required under the Section 94 Contribution Plan (2014) or any subsequent plan, provided the business:

1. Utilises the fabric of an existing building and does not increase, by more than 10%, the operational and/or public areas of that building, and
2. Does not require additional Council owned and operated infrastructure for either its reticulated water service or its wastewater service.

**Transitional Arrangements**
This policy comes into effect on the date it is adopted by Council. It will also be applied to any development application that has been lodged and accepted by Lismore City Council on that date but is yet to be determined.

Any consent issued for a change of use in a business zone that has incurred levies since the floods, may apply to the General Manager to have such levies waived under delegated authority.

**Comments**

**Finance**
This policy will encourage business returning to Lismore and thus assist with the economic recovery of Lismore post-flood recovery. The recommendation as printed in this report is supported.

**Public consultation**
No formal public consultation has been undertaken.

**Conclusion**
The attached policy provides a mechanism whereby Council can exempt any change of use within a business zone from the payment of levies. This policy is intended to encourage and facilitate new and returning businesses as part of the post-flood recovery for a period of two years. The policy may be extended or amended by a future resolution of Council.

**Attachment/s**
1. [Contributions Discount Policy for a Change of Use]
The catastrophic flood events of 2022 have impacted all sections of our community including the business community. Vacancy rates of commercial buildings are at an all time high. In order to encourage new businesses, or former businesses wanting to relocate to a different premises, this policy sets out the criteria whereby Lismore City Council will provide an exemption to its adopted Infrastructure Contributions Plan and Development Serving Plans.

Operable Clauses

Businesses seeking development consent for a change of use of any existing building within a Business Zone (B1, B2, B3, B4 or B6, or the equivalent Employment Zones once gazetted by the Department of Planning and Environment), will be exempt from payment of Lismore City Council Section 64 water and sewer levies and any development contributions required under the Section 94 Contribution Plan (2014) or any subsequent plan, provided the business:

1. Utilises the fabric of an existing building and does not increase, by more than 10%, the operational and/or public areas of that building, and

2. Does not require additional Council owned and operated infrastructure for either its reticulated water service or its wastewater service.

Transitional Arrangements

This policy comes into effect on the date it is adopted by Council. It will also be applied to any development application that has been lodged and accepted by Lismore City Council on that date but is yet to be determined.

Any consent issued for a change of use in a business zone that has incurred levies since the floods, may apply to the General Manager to have such levies waived under delegated authority.
Executive Summary
Council resolved in July 2021 to adopt the Unreasonable Conduct Model Policy and Procedure.

Council also resolved that the Terms of Reference for the Unreasonable Conduct Advisory Group be adopted with the addition that the two community members of the advisory group are to be selected by an Expression of Interest process and will be appointed by Council vote. The community members are to have qualifications or experience in social work or a related field.

An expression of interest process has been run and Council now needs to appoint community members to the Advisory Group.

Recommendation
That Council appoint …………. to the Unreasonable Conduct Advisory Group.

Background
Details of the applicants will be provided to councillors prior to the Council meeting.

Conclusion
Community members will be appointed to the Unreasonable Conduct Advisory Group.

Attachment/s
There are no attachments for this report.
Executive Summary
At the 10 May 2022 Council meeting, Council resolved to place the amended Rates & Charges Hardship Policy on public exhibition for 28 days and to receive and consider submissions from the public.

After the resolution, Council successfully lobbied the NSW Government Council for a rate relief package to be provided to residents affected by the events of February/March 2022. The package was not confirmed until June 2022.

Due to the uncertainty around the details of the rate relief package being offered by the NSW Government and the potential for confusion to ratepayers as to what action needed to occur, the amended policy was not placed on display until Monday 27 June until Friday 2 July 2022.

It is considered that due the financial impost placed on some ratepayers and the urgency of providing relief to ratepayers, a revised display period is acceptable and reasonable.

Recommendation
That Council adopts the amended Rates & Charges Hardship Policy.

Background
The events of February/March have had a significant financial impact on our ratepayers and community. Council indicated an intention to explore all possible avenues for rate relief and support within its financial capacity.

The Office Local Government (OLG) provided guidance to Council on its obligations regarding rates and rates relief. Council also received legal advice that supports the advice from the Office of Local Government.
The following is a summary of the advice received:

- Council has no legal ability to not charge rates; rates need to be levied.
- Council has no legal ability to write off rates across rating categories, or holistically for segments of the population.
- Relief on rates and charges needs to be on a case-by-case basis and applied through an appropriate mechanism.

Relief under Council’s Hardship Policy applies to individuals who are required to pay rates and charges. Council notes that in some circumstances these payments flow through to tenants and leases as part of their commercial arrangements. It is beyond the scope of Council to offer relief to non-ratepayers; the expectation should be that relief should be passed through by landlords if it is available.

**Comments**

**Finance**

Contained within the report.

**Public consultation**

Council placed the draft Rates and Hardship Policy on public exhibition from 27 June 2022 and invited submissions up to and including 8 July 2022.

**Conclusion**

Relief on rates and charges needs to be on a case-by-case basis and applied through an appropriate mechanism. The most appropriate mechanism is through Council’s Hardship Policy 1.5.11.

The previous Rates & Hardship Policy did not provide enough flexibility to address the issues adequately.

A revised policy was placed on public exhibition from the 27 June 2022 up to and including the 8 July 2022 and now requires adoption by Council.

**Attachment/s**

1. 1.51.11 Rates and Hardship Policy
Policy title: RATES & CHARGES HARDSHIP
Policy number: 1.5.11
Objective: To provide assistance to those ratepayers who are experiencing genuine financial hardship with the payment of rates and charges.
Link to community vision/service: Civic Leadership/Management
Program Area: Finance
Policy created: 12/05/09 Council reviewed: 13/04/2022
Last reviewed by staff: 06/04/2022 TRIM Ref: ED10/15841, ED12/283, ED16/33033 & ED22/9029

Background:
The Local Government Act 1993 (LGA) provides for councils to make concessions to ratepayers experiencing genuine financial hardship. It also provides for concessions to pensioners.

The purpose of this policy is to provide guidance as to how Council will respond to ratepayer requests for assistance because the payment of rates and charges would cause genuine financial hardship.

Financial Hardship Provisions:
The LGA provides for the following options:-

a) Section 564 – Council may accept an arrangement for the periodical payment of rates or charges. Council may also write off or reduce interest accrued on rates and charges if the person complies with the arrangement.

b) Section 567 – Council may write off accrued interest on rates and charges payable if in Council’s opinion the reasons that the person was unable to pay the rates and charges when they became payable were beyond the person’s control, or; that the person is unable to pay the accrued interest for reasons beyond that person’s control, or; that the payment of the accrued interest would cause the person hardship.

c) Section 577 – Council may extend the pension concession to a ratepayer (subject to conditions) to avoid hardship and permits Council to issue an order specifying a person who is not an eligible pensioner to be deemed an eligible pensioner and therefore qualify for the full pensioner reduction.

d) Section 601 – Provides for ratepayers who incur a rate increase in the first year following a general revaluation of land values to apply to Council for rate relief if the increase in the amount of rates payable will cause them substantial financial hardship. Council may waive, reduce or defer
the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer in such circumstances, for such period and subject to such conditions as it thinks fit.

In addition to financial hardship provisions, the LGA provides the following pensioner concession provisions:

e) Section 575 – The rates and charges for an eligible pensioner (subject to conditions) are to be reduced by up to 60% or a maximum of $250 for ordinary rates and domestic waste management charges, $87.50 for water supply charges and $87.50 for sewerage charges.

f) Section 582 – Council may waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth.

Application of Financial Hardship and Pensioner Concessions Provisions:

a) Section 564 – Payment Arrangement

- The applicant/s will be required to enter into and maintain a payment arrangement which will pay all rates or charges including future interest charges, as they fall due or accrue, and/or, significantly reduce any arrears at the end of the payment arrangement period.

- In the event that a payment in full under an arrangement is not made and Council is not notified of any financial difficulties, the total amount outstanding becomes payable and is subject to Council’s normal debt recovery procedures.

- Where an applicant/s requests the write off or reduction of accrued interest charges applicable to a payment arrangement, “b) Section 567 – Write off Accrued Interest’ Charges, is to apply.

- The General Manager has delegated authority to enter into an agreement which is acceptable to Council with applicant/s for this purpose.

b) Section 567 – Write off Accrued Interest Charges

- The applicant/s is suffering financial hardship as a result of having to pay the rates and charges as and when they fall due.

- The applicant/s must be the owner/spouse or part owner of the property and be liable for the payment of rates on the property.

- The property for which the hardship application applies must be the sole or principal place of residency of the applicant/s.

- The property for which the hardship application applies must be categorised as residential for rating purposes.

- The applicant/s must complete and submit a Rates & Charges Hardship Application Form*. It must be accompanied by supporting documentation which may include but not limited to:-
  - Reasons why the rates and charges were not paid when they became due and payable
  - Reasons why future interest charges cannot be paid when they become due and payable
  - Letter from a recognised financial counsellor or advisor confirming financial hardship
  - Recent bank statements for all accounts

- The submission of an application does not guarantee it will be approved.

- The General Manager has delegated authority up to the delegated amount to assess and determine an application for this purpose.
1.51.11 Rates and Hardship Policy

- Eligible applications that are more than the General Manager's delegated amount are to be reported to Council for determination. The report will be considered in Closed Council to protect the applicant's privacy in accordance with Section 10A(2)(b) of the LGA.

c) Section 577 – Extension of Pension Concession

- Council may consider it proper to extending a part pension concession to a full pension concession, to avoid hardship, for an eligible person:-
  
i. who occupies a dwelling as his or her sole or principal place of living, which dwelling is the sole or principal place of living of an eligible pensioner, and
  
ii. who is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons in respect of the land on which that dwelling is situated, and
  
iii. in respect of whom a reduction of rates or charges would not, if that person were solely liable in respect of that land, be required to be made under Part 8 Division 1 of the LGA.

- The applicant/s must complete and submit a Rates & Charges Hardship Application Form*. It must be accompanied by supporting documentation which may include but not limited to:-
  
  o Reasons why the rates and charges were not paid when they became due and payable
  
  o Reasons why future interest charges cannot be paid when they become due and payable
  
  o Letter from a recognised financial counsellor or advisor confirming financial hardship
  
  o Recent bank statements for all accounts

- The submission of an application does not guarantee it will be approved.

- The General Manager has delegated authority up to the delegated amount to assess and determine an application for this purpose.

d) Section 601 – Hardship resulting from a General Revaluation

- The applicant/s would suffer substantial financial hardship if required to pay the rates when they fall due.

- The applicant/s must complete and submit a Rates & Charges Hardship Application Form*. It must be accompanied by supporting documentation which may include but not limited to:-
  
  o Reasons why the rates and charges were not paid when they became due and payable
  
  o Reasons why future interest charges cannot be paid when they become due and payable
  
  o Letter from a recognised financial counsellor or advisor confirming financial hardship
  
  o Recent bank statements for all accounts

- An application must be submitted within 6 months of the posting date of the rates notice in the first year of the general revaluation.

- The property must be categorised as residential for rating purposes.

- The applicant must occupy the property as their sole or principal place of residence.

- Rate relief will only be considered if the rates payable exceed 5% of the gross household income.

- The amount of the rate relief will be the difference between the Ordinary Residential Rate payable on the property for the previous year with the allowable rate percentage increase applied for the current year (i.e. the rate pegging increase allowable under Section 506 of the LGA) and the Ordinary Residential Rates payable on the property in the rating year that General Revaluations are being used for the first time.
1.51.11 Rates and Hardship Policy

- The maximum amount of rate relief will be $250.
- Payment of the difference calculated of up to $250 may be deferred to the following rating year. One quarter of the amount deferred may be added to each of the quarterly instalments. Interest may be written off on the deferred amount unless it is not paid by the quarterly instalment due date.
- The submission of an application does not guarantee it will be approved.
- The General Manager has delegated authority to assess and determine an application for this purpose.

e) Section 575 – Pensioners Concessions

- To be eligible for a pensioner concession, the ratepayer must be an eligible pensioner as defined by Clause 134 of the Local Government (General) Regulation 2005.
- As a guide, the ratepayer must hold at least either a valid Pensioner Concession Card or valid Gold Care (TPI or EDA) issued by the Commonwealth. As other conditions apply, an Application for a Pensioner Concession^ must be completed and submitted to allow eligibility and concession entitlement to be fully assessed.
- The pensioner must own and occupy the property as his or her sole or principal place of living. If the property is owned by more than one eligible pensioner, they are to be treated as a solely eligible pensioner.
- If the property is owned by one pensioner and one non pensioner, provided that the non-pensioner is the spouse of the eligible pensioner, they are to be treated as a solely eligible pensioner. If the other person is not the spouse of the eligible pensioner and does not hold a Pensioner Concession card, the reduction is divided by the number of owners and granted to the eligible pensioner.
- If a person becomes an eligible pensioner after the day on which a rate or charge is made and levied, the person is entitled to a reduction of the rate or charge proportionate to the number of full quarters remaining after the day on which the person becomes an eligible pensioner in the year in which the rate or charge is made.
- Council will provide a pensioner concession to an eligible pensioner on their rates and charges based on meeting all the requirements of Section 575 of the LGA of 50% or up to the State Government set maximum rebate amount of $250 for ordinary rates and domestic waste management charges, $87.50 for water supply charges and $87.50 for sewerage charges.

f) Section 582 – Reductions for Eligible Pensioners

- The applicant's must be a person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth.
- The applicant's is suffering financial hardship as a result of having to pay the rates and charges as and when they fall due.
- The applicant's must be the owner/spouse or part owner of the property and be liable for the payment of rates on the property.
- The property for which the hardship application applies must be the sole or principal place of residency of the applicant's.
- The property for which the application to waive or reduce rates, charges and interest must be categorised as residential for rating purposes.
The applicant/s must complete and submit a Rates & Charges Hardship Application Form*. It must be accompanied by supporting documentation which may include but not limited to:

- Reasons why the rates and charges were not paid when they became due and payable
- Reasons why future interest charges cannot be paid when they become due and payable
- Letter from a recognised financial counsellor or advisor confirming financial hardship
- Recent bank statements for all accounts

The submission of an application does not guarantee it will be approved.

The General Manager has delegated authority up to the delegated amount to assess and determine an application for this purpose.

**Natural Disaster Event:**

In the event of a Natural Disaster (as declared by the Federal Government) the following additional provisions will apply at the discretion of Council:

- Council may agree and publish a short form Rates & Charges Hardship Application Form (Natural Disaster) and may amend the requirements relating to provision of supporting documentation at its discretion.

- In the case of rates and charges notices issued in the six months following a Natural Disaster (or such other period at the discretion of the General Manager), the following provisions limiting eligibility to apply for the write off of Accrued Interest Charges under s567 of the LGA will not apply:
  - The property for which the hardship application applies must be the sole or principal place of residency of the applicant/s.
  - The property for which the hardship application applies must be categorised as residential for rating purposes.

- Council may, in its discretion, agree to relief in the form of adjusting water charges where excess water use could reasonably be considered as relating to the Natural Disaster event.

**Confidentiality and privacy:**

Council staff will conduct themselves with courtesy and respect when dealing with ratepayers and shall maintain the confidentiality and privacy of all ratepayers’ personal circumstances.

**Evaluation and review:**

The policy will be evaluated and reviewed during the term of every Council.

Executive Summary
Investments as of 30 June 2022 are estimated to be $119,362,000.

The interest rate reported for June 2022 is estimated to be 0.91% which is below the 90 Day Bank Bill Index of 1.74%. The final interest return may vary due to actual returns achieved on investments advised after month end.

Recommendation
That the report be received and noted.

Background
The Local Government Act 1993 (Section 625), Local Government (General) Regulations 2005 (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
- Confirmation of Investments – at Market Value – 31 May 2022 $120,412,000
- Estimated Investments – at Market Value – 30 June 2022 $119,362,000

Investments decreased during June by $1.050 million due to the payment of creditors and staff costs during the month exceeding income received. Creditor’s payments are quite inflated at present due to the additional work being carried out after the recent flooding events. These inflated creditor payments during the month have been offset by rates instalment income still being received in early June, Local Roads & Community Infrastructure Grant Phase 3 instalment of $1.228 million, May Business Activity Statement Refund of $835,700, Transport for NSW Ordered Works grant funds of $929,400 and grant funds for the Employment Lands Road project of $1.928 million.
The current rate of return on investments for June 2022 is estimated to be 0.91% using actual returns where available, and estimates based on the previous period balances and interest rates. This is below the 90 Day Bank Bill Index of 1.74%. Short term (less than 12 month) interest rates have continued to rise quickly in the last month. This increase in interest rates is being influenced not only by the increase in the cash rate, but also due to institutions competing in the marketplace for funding after the Reserve Bank ceased to provide further low-cost funding as they were during COVID. Rising costs of living and high inflation are also currently influencing the increase in interest rates. Council has been investing with some favourable interest rates in the last month, however it will take some time as investments come due and are reinvested for the current rate of return to increase over the whole portfolio.

The estimated interest earned for June 2022 is $89,856. Estimated interest earned to date is $586,016 which is more than the 2021/22 budget of $455,800. This is a favourable variance of $130,216.

**Compliance with Policy Requirements**

The current investment policy was adopted by Council in May 2020. This policy shows a move towards the framework suggested by TCorp to comply with their borrowing requirements into the future.

The following is a summary of where Council’s investments currently sit in relation to the adopted policy requirements:

<table>
<thead>
<tr>
<th>Long Term Rating</th>
<th>Maximum Portfolio Limit</th>
<th>Current Holding</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>AA+ to AA-</td>
<td>100%</td>
<td>54%</td>
</tr>
<tr>
<td>A+ to A</td>
<td>100%</td>
<td>15%</td>
</tr>
<tr>
<td>A-</td>
<td>40%</td>
<td></td>
</tr>
<tr>
<td>BBB+</td>
<td>20%</td>
<td>17%</td>
</tr>
<tr>
<td>BBB</td>
<td>10%</td>
<td>8%</td>
</tr>
<tr>
<td>BBB- and below – Local ADIs</td>
<td>5%</td>
<td>3%</td>
</tr>
<tr>
<td>BBB- and below – other *</td>
<td>5%</td>
<td>3%</td>
</tr>
<tr>
<td>TCorp</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

*Note – the total for this long-term rating category is below the maximum portfolio limit however the individual institution limits are still outside policy requirements. A move towards policy compliance in this space is continuing.

**Fossil Free (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 principals of ethical investment management.

To meet the adopted Investment Policy requirements, the holdings in some institutions that are fossil fuel free have been divested as they do not meet the rating criteria.

Following is a summary of the movement:

<table>
<thead>
<tr>
<th>Type of Investment</th>
<th>As reported for May 2022</th>
<th>As reported for June 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Value of Investments</td>
<td>% Of Portfolio</td>
</tr>
<tr>
<td>No Investment in Fossil Fuel Industry</td>
<td>$35,000,000</td>
<td>29%</td>
</tr>
<tr>
<td>Investment in Fossil Fuel Industry</td>
<td>$85,412,000</td>
<td>71%</td>
</tr>
</tbody>
</table>
The investment market remains challenging, and Council cannot control the availability of suitable investments or the rates of return. Where possible investments are made to achieve the intention of the investment policy of Council around fossil fuels, however this must be made within the constraints of the current market, the availability of investment products and maintaining a diverse portfolio that minimises the risk to Council's capital.

The information for the assessment has been sourced from the website www.marketforces.org.au which is an affiliate project of the Friends of the Earth Australia. This is still considered the best information available to make this assessment.

**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) Regulations 2005. A new investment policy was adopted in May 2020 moving towards the framework suggested by TCorp to comply with their borrowing requirements. A move towards the policy is continuing, taking into consideration the difficulty of investing during COVID-19 and now the cashflow requirements of the recent flood event. The portfolio is now sitting within maximum portfolio limits for rating categories however there are still some investments that do not satisfy the limit requirements per institution.

**Conclusion**

A report on investments is required to be submitted to Council monthly. As of 30 June 2022, investments total $119,362,000 and the annualised rate of return is estimated at 0.91%.

**Attachment/s**

1. Capital Value Movement including name of institution, purchase date and maturity
2. Estimated Interest showing interest rate and estimated interest earned for the year
3. Total Investment Portfolio held by month and Weighted Average Interest Rate - Graphical
4. Investment by Type - Graphical
5. Investment by Institution as a percentage of total portfolio - Graphical
### Capital Value Movements
#### Summary of Investments held as at 30 June 2022

<table>
<thead>
<tr>
<th>Name of Investment &amp; Counterparty</th>
<th>Type of Investment</th>
<th>Rating (Note 3)</th>
<th>Purchase Date</th>
<th>Maturity Date</th>
<th>Current Market Value (Note 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash Based Returns</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CBA Business On Line Banking A/C</td>
<td>Cash Management Account</td>
<td>AA</td>
<td>N/A</td>
<td>29/6/2022</td>
<td>N/A</td>
</tr>
<tr>
<td>AMP Bank Cash Management Account</td>
<td>Cash Management Account</td>
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<td>N/A</td>
<td>25/6/2022</td>
<td>N/A</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA</td>
<td>20/6/2022</td>
<td>20/6/2022</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Bendigo Adelaide Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>2/9/2022</td>
<td>20/6/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA</td>
<td>20/1/2022</td>
<td>19/7/2022</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>A-</td>
<td>24/3/2022</td>
<td>22/7/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Westpac Banking Corporation</td>
<td>Term Deposit</td>
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<td>24/3/2022</td>
<td>24/7/2022</td>
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</tr>
<tr>
<td>P &amp; N Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>25/1/2022</td>
<td>25/7/2022</td>
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<tr>
<td>Bank of Sydney Ltd</td>
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</tr>
<tr>
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<td>29/7/2021</td>
<td>29/7/2022</td>
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</tr>
<tr>
<td>P &amp; N Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>1/2/2022</td>
<td>1/8/2022</td>
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<td>Suncorp</td>
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</tr>
<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>A-</td>
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<td>17/8/2022</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Bendigo Adelaide Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>20/8/2020</td>
<td>18/8/2022</td>
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</tr>
<tr>
<td>Bendigo Adelaide Bank</td>
<td>Term Deposit</td>
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<tr>
<td>Auswide Bank Ltd</td>
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<td>Term Deposit</td>
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</tr>
<tr>
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<td>ME Bank</td>
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<td>BBB</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Bendigo Adelaide Bank</td>
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<td>12/3/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
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<td>30/9/2021</td>
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<tr>
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</tr>
<tr>
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<td>BBB+</td>
<td>17/1/2022</td>
<td>14/10/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>ME Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>22/4/2022</td>
<td>18/10/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>20/10/2021</td>
<td>20/10/2022</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>21/1/2022</td>
<td>21/10/2022</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>ME Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>29/4/2022</td>
<td>24/10/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA</td>
<td>26/4/2022</td>
<td>24/10/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>25/3/2022</td>
<td>25/10/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
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<td>11/11/2022</td>
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</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
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<td>AA</td>
<td>19/11/2021</td>
<td>18/11/2022</td>
<td>$2,000,000</td>
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<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
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<td>22/6/2022</td>
<td>21/11/2022</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>ME Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>23/6/2022</td>
<td>21/11/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>A-</td>
<td>22/11/2021</td>
<td>22/11/2022</td>
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</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA</td>
<td>26/4/2022</td>
<td>22/11/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Westpac Banking Corporation</td>
<td>Term Deposit</td>
<td>AA</td>
<td>7/6/2022</td>
<td>7/12/2023</td>
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</tr>
<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>10/5/2022</td>
<td>12/12/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>P &amp; N Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>14/6/2022</td>
<td>13/12/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA</td>
<td>19/1/2022</td>
<td>15/12/2022</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>A+</td>
<td>20/12/2021</td>
<td>20/12/2022</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Westpac Banking Corporation</td>
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<td>AA</td>
<td>21/2/2022</td>
<td>21/12/2022</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>A+</td>
<td>19/4/2022</td>
<td>16/12/2023</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>
# Capital Value Movements

## Summary of Investments held as at 30 June 2022

<table>
<thead>
<tr>
<th>Name of Investment &amp; Counterparty</th>
<th>Type of Investment</th>
<th>Rating (Note 3)</th>
<th>Purchase Date</th>
<th>Maturity Date</th>
<th>Current Market Value (Note 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>25/1/2022</td>
<td>25/1/2023</td>
<td>$ 2,000,000</td>
</tr>
<tr>
<td>Westpac Banking Corporation</td>
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<td>AA-</td>
<td>25/2/2022</td>
<td>25/1/2023</td>
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<tr>
<td>Commonwealth Bank of Australia - TD</td>
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<td>AA-</td>
<td>26/4/2022</td>
<td>25/1/2023</td>
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<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>31/1/2022</td>
<td>27/1/2023</td>
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<tr>
<td>Summerland Credit Union</td>
<td>Term Deposit</td>
<td>Not Rated</td>
<td>17/2/2021</td>
<td>17/2/2023</td>
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</tr>
<tr>
<td>Westpac Banking Corporation</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>19/2/2022</td>
<td>19/2/2023</td>
<td>$ 4,000,000</td>
</tr>
<tr>
<td>Bendigo Adelaide Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>21/2/2022</td>
<td>21/2/2022</td>
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<tr>
<td>National Australia Bank</td>
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<td>AA-</td>
<td>25/2/2022</td>
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<td>$ 2,000,000</td>
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<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>A+</td>
<td>17/3/2022</td>
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</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>22/6/2022</td>
<td>20/3/2023</td>
<td>$ 2,000,000</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>24/6/2022</td>
<td>21/3/2023</td>
<td>$ 2,000,000</td>
</tr>
<tr>
<td>Suncorp</td>
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<td>26/4/2022</td>
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</tr>
<tr>
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<td>9/5/2023</td>
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<tr>
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<td>17/5/2023</td>
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<tr>
<td>National Australia Bank</td>
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<td>AA-</td>
<td>29/7/2021</td>
<td>31/7/2023</td>
<td>$ 2,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
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<td>29/7/2021</td>
<td>31/7/2023</td>
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<td>Rabobank</td>
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<td>25/3/2021</td>
<td>25/8/2023</td>
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</tr>
</tbody>
</table>

**Investment on Hand**

$ 119,362,000

**Investments Redeemed from 20/05/2022 to 27/05/2022 (Note 2)**

<table>
<thead>
<tr>
<th>Name of Investment &amp; Counterparty</th>
<th>Type of Investment</th>
<th>Rating (Note 3)</th>
<th>Purchase Date</th>
<th>Maturity Date</th>
<th>Current Market Value (Note 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ME Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>25/9/2021</td>
<td>23/5/2022</td>
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<tr>
<td>National Australia Bank</td>
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<td>AA-</td>
<td>26/5/2021</td>
<td>26/5/2022</td>
<td>$ 2,000,000</td>
</tr>
<tr>
<td>Australian Military Bank Ltd</td>
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<td>6/6/2023</td>
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</tr>
<tr>
<td>Westpac Banking Corporation</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>30/10/2021</td>
<td>7/6/2022</td>
<td>$ 4,000,000</td>
</tr>
<tr>
<td>P &amp; N Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>14/12/2021</td>
<td>14/6/2022</td>
<td>$ 1,000,000</td>
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<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>24/3/2022</td>
<td>22/6/2022</td>
<td>$ 2,000,000</td>
</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>24/3/2022</td>
<td>22/6/2022</td>
<td>$ 2,000,000</td>
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<tr>
<td>ME Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>23/6/2021</td>
<td>23/6/2022</td>
<td>$ 1,000,000</td>
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<tr>
<td>Westpac Banking Corporation</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>24/3/2022</td>
<td>24/6/2022</td>
<td>$ 2,000,000</td>
</tr>
</tbody>
</table>

**Market Value** is the Capital Value of the Investment.

These investments were redeemed during the period. They are not part of the Balance of Investments Held.

These Counterparties & Products are authorised under the Minister's Investment Order. The rating is based on the entities long term S & P Rating.

"Indicative" Source of Funds based on the restricted/unrestricted fund balances as at reporting date.

"Indicative" Source of Funds (Note 4)

<table>
<thead>
<tr>
<th>Classification</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Externally Restricted - Water Fund</td>
<td>15,656,212</td>
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<td>43,261,262</td>
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<tr>
<td>Externally Restricted - Other</td>
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<tr>
<td>Externally Restricted - RTRL</td>
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<tr>
<td>Internally Restricted</td>
<td>35,010,178</td>
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<tr>
<td>Unrestricted</td>
<td></td>
<td></td>
</tr>
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</table>

**Total** $ 119,362,000
## Estimated Interest on Investments for June 2022

<table>
<thead>
<tr>
<th>Name of Investment &amp; Counterparty</th>
<th>Type of Investment</th>
<th>Rating</th>
<th>Annualized Coupon / Interest Rate</th>
<th>Current Market Value</th>
<th>Estimated Interest for Period</th>
<th>Weighted Interest for Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Based Returns</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CBLS Business On Line Banking AV</td>
<td>Cash Management Account</td>
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<td>0.40%</td>
<td>$ 16,302,000</td>
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</tr>
<tr>
<td>AMP Bank Cash Management Account</td>
<td>Cash Management Account</td>
<td>BBB</td>
<td>0.50%</td>
<td>$ 3,600,000</td>
<td>$ 1,223</td>
<td>0.01%</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.50%</td>
<td>$ 3,600,000</td>
<td>$ 1,223</td>
<td>0.01%</td>
</tr>
<tr>
<td>Bendigo Adelaide Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>0.25%</td>
<td>$ 1,600,000</td>
<td>$ 265</td>
<td>0.03%</td>
</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.45%</td>
<td>$ 2,600,000</td>
<td>$ 740</td>
<td>0.01%</td>
</tr>
<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>A+</td>
<td>0.58%</td>
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<tr>
<td>P &amp; N Bank</td>
<td>Term Deposit</td>
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<td>$ 1,600,000</td>
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<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
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<td>$ 1,600,000</td>
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<tr>
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<td>Term Deposit</td>
<td>BBB</td>
<td>0.40%</td>
<td>$ 1,600,000</td>
<td>$ 329</td>
<td>0.03%</td>
</tr>
<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>A+</td>
<td>0.51%</td>
<td>$ 1,600,000</td>
<td>$ 419</td>
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<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.78%</td>
<td>$ 2,600,000</td>
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<td>Suncorp</td>
<td>Term Deposit</td>
<td>A+</td>
<td>0.35%</td>
<td>$ 3,600,000</td>
<td>$ 963</td>
<td>0.01%</td>
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<tr>
<td>Bendigo Adelaide Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>0.70%</td>
<td>$ 2,600,000</td>
<td>$ 1,151</td>
<td>0.01%</td>
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<tr>
<td>Bendigo Adelaide Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>0.40%</td>
<td>$ 1,600,000</td>
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<td>Auswide Bank Ltd</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>1.00%</td>
<td>$ 1,600,000</td>
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<tr>
<td>Suncorp</td>
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<td>A+</td>
<td>0.35%</td>
<td>$ 1,600,000</td>
<td>$ 265</td>
<td>0.03%</td>
</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
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<td>0.41%</td>
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<tr>
<td>ME Bank</td>
<td>Term Deposit</td>
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<tr>
<td>Commonwealth Bank of Australia - TD</td>
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<td>AA-</td>
<td>0.41%</td>
<td>$ 2,600,000</td>
<td>$ 874</td>
<td>0.01%</td>
</tr>
<tr>
<td>Bendigo Adelaide Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>0.40%</td>
<td>$ 1,600,000</td>
<td>$ 329</td>
<td>0.03%</td>
</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.30%</td>
<td>$ 2,600,000</td>
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<td>Suncorp</td>
<td>Term Deposit</td>
<td>A+</td>
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<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>0.70%</td>
<td>$ 1,600,000</td>
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<td>0.01%</td>
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<tr>
<td>ME Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>1.27%</td>
<td>$ 1,600,000</td>
<td>$ 1,044</td>
<td>0.01%</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>0.43%</td>
<td>$ 2,600,000</td>
<td>$ 767</td>
<td>0.01%</td>
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<tr>
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<td>Term Deposit</td>
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<td>0.70%</td>
<td>$ 2,600,000</td>
<td>$ 1,151</td>
<td>0.01%</td>
</tr>
<tr>
<td>ME Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>1.47%</td>
<td>$ 1,600,000</td>
<td>$ 1,268</td>
<td>0.01%</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>1.30%</td>
<td>$ 1,600,000</td>
<td>$ 1,068</td>
<td>0.01%</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
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<td>0.90%</td>
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<td>0.01%</td>
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<tr>
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<td>BBB+</td>
<td>0.70%</td>
<td>$ 2,600,000</td>
<td>$ 1,151</td>
<td>0.01%</td>
</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.53%</td>
<td>$ 2,600,000</td>
<td>$ 871</td>
<td>0.01%</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.77%</td>
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<td>0.01%</td>
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<tr>
<td>ME Bank</td>
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<td>BBB+</td>
<td>2.77%</td>
<td>$ 1,600,000</td>
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<td>Term Deposit</td>
<td>A+</td>
<td>0.52%</td>
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<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>1.02%</td>
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<tr>
<td>Westpac Banking Corporation</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>3.25%</td>
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<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
<td>BBB+</td>
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<tr>
<td>P &amp; N Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>2.96%</td>
<td>$ 1,600,000</td>
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<td>0.01%</td>
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<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.64%</td>
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<td>0.01%</td>
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<td>Suncorp</td>
<td>Term Deposit</td>
<td>A+</td>
<td>0.62%</td>
<td>$ 4,600,000</td>
<td>$ 2,058</td>
<td>0.02%</td>
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<tr>
<td>Westpac Banking Corporation</td>
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<td>AA-</td>
<td>0.91%</td>
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<td>$ 1,322</td>
<td>0.01%</td>
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<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>A+</td>
<td>1.48%</td>
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<tr>
<td>Commonwealth Bank of Australia - TD</td>
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<td>0.01%</td>
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<tr>
<td>Westpac Banking Corporation</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.25%</td>
<td>$ 2,600,000</td>
<td>$ 1,479</td>
<td>0.02%</td>
</tr>
</tbody>
</table>
## Estimated Interest on Investments for June 2022

<table>
<thead>
<tr>
<th>Name of Investment &amp; Counterparty</th>
<th>Type of Investment</th>
<th>Rating</th>
<th>Annualised Coupon / Interest Rate</th>
<th>Current market Value</th>
<th>Estimated Interest for Period</th>
<th>Weighted Interest for Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>2.12%</td>
<td>$2,150,000</td>
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<td>Term Deposit</td>
<td>AA-</td>
<td>0.76%</td>
<td>$2,000,000</td>
<td>$1,508</td>
<td>0.01%</td>
</tr>
<tr>
<td>Summerneld Credit Union</td>
<td>Term Deposit</td>
<td>Not Rated</td>
<td>0.60%</td>
<td>$1,600,000</td>
<td>$96</td>
<td>0.01%</td>
</tr>
<tr>
<td>Westpac Banking Corporation</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.97%</td>
<td>$4,600,000</td>
<td>$3,119</td>
<td>0.03%</td>
</tr>
<tr>
<td>Bendigo Adelaide Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>0.81%</td>
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<td>$1,348</td>
<td>0.01%</td>
</tr>
<tr>
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<td>Term Deposit</td>
<td>AA-</td>
<td>0.52%</td>
<td>$2,000,000</td>
<td>$1,065</td>
<td>0.01%</td>
</tr>
<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>AA+</td>
<td>1.15%</td>
<td>$1,500,000</td>
<td>$1,631</td>
<td>0.01%</td>
</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>3.68%</td>
<td>$2,000,000</td>
<td>$727</td>
<td>0.02%</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
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</tr>
<tr>
<td>Suncorp</td>
<td>Term Deposit</td>
<td>AA+</td>
<td>1.93%</td>
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<td>$3,173</td>
<td>0.03%</td>
</tr>
<tr>
<td>Bendigo Adelaide Bank</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>2.72%</td>
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<td>$4,771</td>
<td>0.03%</td>
</tr>
<tr>
<td>AMP Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>2.99%</td>
<td>$3,000,000</td>
<td>$7,151</td>
<td>0.01%</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.55%</td>
<td>$2,000,000</td>
<td>$964</td>
<td>0.01%</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
<td>BBB+</td>
<td>0.60%</td>
<td>$1,600,000</td>
<td>$964</td>
<td>0.01%</td>
</tr>
<tr>
<td>Polobank</td>
<td>Term Deposit</td>
<td>Not Rated</td>
<td>3.43%</td>
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<td>0.03%</td>
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<tr>
<td>Polobank</td>
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<td>Not Rated</td>
<td>3.35%</td>
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<td>0.03%</td>
</tr>
<tr>
<td>National Australia Bank</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.96%</td>
<td>$1,000,000</td>
<td>$781</td>
<td>0.01%</td>
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</table>

### Investment on Hand

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment on Hand</td>
<td><strong>$119,362,000</strong></td>
</tr>
<tr>
<td></td>
<td><strong>$87,773</strong></td>
</tr>
</tbody>
</table>

### Interest on Investments Redeemed during month to reporting date (27/6/2022)

<table>
<thead>
<tr>
<th>Name of Investment</th>
<th>Type of Investment</th>
<th>Rating</th>
<th>Annualised Coupon / Interest Rate</th>
<th>Current market Value</th>
<th>Estimated Interest for Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Military Bank Ltd</td>
<td>Term Deposit</td>
<td>Not Rated</td>
<td>0.30%</td>
<td>$1,000,000</td>
<td>$89</td>
</tr>
<tr>
<td>Westpac Banking Corporation</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.20%</td>
<td>$4,600,000</td>
<td>$367</td>
</tr>
<tr>
<td>F &amp; N Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>0.38%</td>
<td>$1,600,000</td>
<td>$138</td>
</tr>
<tr>
<td>National Australia Bank</td>
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<td>AA+</td>
<td>0.47%</td>
<td>$2,000,000</td>
<td>$967</td>
</tr>
<tr>
<td>Commonwealth Bank of Australia - TD</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.32%</td>
<td>$2,000,000</td>
<td>$686</td>
</tr>
<tr>
<td>ME Bank</td>
<td>Term Deposit</td>
<td>BBB</td>
<td>0.30%</td>
<td>$1,000,000</td>
<td>$189</td>
</tr>
<tr>
<td>Westpac Banking Corporation</td>
<td>Term Deposit</td>
<td>AA-</td>
<td>0.34%</td>
<td>$2,000,000</td>
<td>$447</td>
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</table>

### Investment Income Earned vs. Budget Year to Date

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Estimated interest earned to date</td>
<td><strong>$556,616</strong></td>
</tr>
<tr>
<td>Pro Rata annual budget</td>
<td><strong>$455,800</strong></td>
</tr>
</tbody>
</table>

### Note 1

Estimated interest for Period is calculated by multiplying the annualised rate by the purchase price and reflects both interest accrued and received.

### Note 4

"Indicative" Interest Earned based on the restricted/unrestricted fund balances as at reporting date.

### "Indicative" Interest Earned

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Externally Restricted - Water Fund</td>
<td><strong>$11,798</strong></td>
</tr>
<tr>
<td>Externally Restricted - Wastewater Fund</td>
<td><strong>$32,567</strong></td>
</tr>
<tr>
<td>Externally Restricted - Other</td>
<td><strong>$17,575</strong></td>
</tr>
<tr>
<td>Externally Restricted - RRFL</td>
<td><strong>$1,570</strong></td>
</tr>
<tr>
<td>Internally Restricted</td>
<td><strong>$26,356</strong></td>
</tr>
<tr>
<td>Unrestricted</td>
<td><strong>$89,856</strong></td>
</tr>
</tbody>
</table>

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Lismore City Council

Meeting held 12 July 2022 - Investments - June 2022

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INVESTMENT BY TYPE

Cash Management Account: 16%
Term Deposit: 84%
Investment by Institution as a percentage of total portfolio

CBA - TD
AMP Bank
Westpac Banking Corporation
AMP Bank Cash Management Account
National Australia Bank
Bendigo Adelaide Bank
Suncorp
Auswide Bank Ltd
Bank of Sydney Ltd
P & N Bank
RaboBank
ME Bank
Summerland Credit Union
CBA Business On Line Banking A/C
Bank of Queensland

0% 2% 4% 6% 8% 10% 12% 14% 16% 18%
Report

Subject DA2021/467 - Subdivision to create 19 residential lots and 1 residual lot at 1A & 1B Northcott Drive, Goonellabah

TRIM Record No BP22/383:DA21/467

Prepared by Senior Development Assessment Officer (Planning)

Reason Determination of Development Application

Strategic Theme Our built environment

Strategy Our built environment is managed and enhanced to meet the needs of our growing community.

Action Ensure new development enhances the area in which it is located.

Executive Summary

In August 2020, Council approved a Planning Proposal to rezone part of the subject land from RU1 Primary Production to R1 General Residential with a minimum lot size of 700m2. The Planning Proposal also approved a Structure Plan for the site to provide a framework for the coordinated provision and arrangement of the future subdivision.

Following the rezoning of the land, Development Application 5.2021.467.1 (DA) was lodged with Council seeking consent for a staged subdivision to create nineteen (19) residential lots and one (1) residual rural lot and associated public road (cul-de-sac), bulk earthworks / retaining walls, infrastructure services, civil works, vegetation removal and revegetation works.

The proposed subdivision complies with the 700m2 minimum lot size for the site and is consistent with the Structure Plan approved for the site as part of the Planning Proposal. The proposed subdivision provides additional flood free residential lots for the city, which is timely and strongly in the public interest following the recent devastating flooding.

The DA was referred externally to the NSW Rural Fire Service (as integrated development under the EP&A Act), Ngulingah LALC and Essential Energy. No objection was raised to the subdivision by the Rural Fire Service and Essential Energy and no response was received by the Ngulingah LALC. Following public exhibition of the Development Application, Council received sixteen (16) submissions objecting to the proposed subdivision.

The key issues associated with the proposed subdivision include lot layout, open space, road design, traffic, bushfire, land use conflicts, ecology, stormwater and geotechnical impacts.

This report provides comments on the relevant statutory considerations (s4.15 of the EP&A Act), referral agencies, the 16 public submissions and likely impacts of the subdivision and concludes that the site is suitable for the proposed subdivision subject to conditions of consent.

The DA is being reported to Council in accordance with Council Policy 5.2.31 due to the number of objections (16) of a significant nature, which included issues that cannot be addressed by means such as conditions of consent, negotiated alterations to the proposal, mediation or by other means.
Recommendation

That Council grant consent to Development Application No. 5.2021.467.1 for a subdivision to create 19 residential lots and 1 residual lot and associated public road (cul-de-sac), bulk earthworks / retaining walls, infrastructure services, civil works, vegetation removal and revegetation works at 1A and 1B Northcott Drive, Goonellabah subject to the Conditions set out in Attachment 1.

Background

Planning Proposal (Rezoning)

In August 2020 Council approved a Planning Proposal to rezone part of the subject land from RU1 Primary Production to R1 General Residential, with a minimum lot size of 700m2. The Planning Proposal aimed at facilitating the future subdivision of the land for residential development adjacent to existing residential areas on Lismore’s northern ridge. A Structure Plan was developed for the site providing a framework for the coordinated provision and arrangement of the future subdivision. Below is the ‘Structure Plan’ for the site approved by the Planning Proposal, which illustrates the part of the site rezoned to R1 General Residential zone, the proposed road alignment, APZ’s, riparian restoration and koala habitat link areas.

Pre-lodgement Meeting

In December 2020 the applicant had a pre-Lodgement meeting with Council in relation to a proposal to undertake a 19-lot subdivision of the subject land.
Description of the Site
The subject land lies at the northern end of Northcott Drive and has an area of 9.36 hectares.

Adjoining development consists of:
1. North – rural land;
2. South – rural land and residential development;
3. East – rural land; and

Topographically the land descends to the east and northeast from a prominent north-south trending ridgeline located along the western boundary. Slope angles on the crest and upper flanks of the ridge are in the order of 4° rolling over to 8° to 14. On the lower, flatter, part of the site, slopes range between about 3° and 7°.

Access is via an extension of Northcott Drive terminating in a cul-de-sac.

Locality Map

Description of Development Proposal

Proposed Subdivision
The DA seeks consent to undertake:
1. a staged subdivision to create nineteen (19) residential lots and one (1) rural residue lot; and
2. construction of a public road (cul-de-sac), bulk earthworks / retaining walls, infrastructure services, civil works, vegetation removal and revegetation works.

The proposed lots within the subdivision vary in size from 700m² to 1,963m², with an average lot size of approximately 1,036m².
Lismore City Council
Meeting held 12 July 2022 - DA2021/467 - Subdivision to create 19 residential lots and 1 residual lot at 1A & 1B Northcott Drive, Goonellabah
A full copy of the plans of the proposed subdivision are included in Attachment 2 to this report. The plans illustrate the subdivision layout, staging, road network, earthworks / retaining walls, utility services, stormwater infrastructure and revegetation works.

**Vegetation Removal and Revegetation Works**

The proposed subdivision will include the removal of approximately 1.8 ha of exotic and native vegetation from within the development footprint. This vegetation is predominantly Camphor laurel/ privet closed forest but also includes a total of 33 native trees (>10cm dbh).

To assist in off-setting the native tree removal and as required by the structure plan for the site, the DA proposes the following revegetation works:

- regeneration of land retained in Zone RU1 to provide koala habitat and movement corridors to koala habitat located on adjoining land; and
- restoration of native vegetation near the riparian area at the eastern boundary.
Statutory Controls
Lismore LEP 2012
- Zoning – R1 General Residential and RU1 Primary Production
- Item of Heritage – No
- In vicinity of Heritage Item – No
- Conservation Area – No
- S94 Contributions Plan (S7.11)
- Biodiversity Conservation Act 2016
- Environmental Planning & Assessment Act 1979
- Integrated Development
- SEPP’s
- Local Development

Policy Controls
Community Consultation Plan – Appendix 1 (Council’s Community Engagement Strategy and Community Participation Plan)
1.8.6 Undergrounding of Telephone Plant in Subdivisions
5.2.4 Naming of New Roads
5.2.29 Development Application Determination
5.17.8 Sustainability, Viability & Amenity of Rural & Urban Land
Internal Referrals
The DA was referred internally to Council’s:

- Development Engineer
- Environmental Health Officer
- Water and Sewer Officer
- Ecologist

The referral officers reviewed the DA and provided comments, with no objections raised subject to the imposition of appropriate conditions which have been included in the conditions attached to this report (Attachment 1).

External Referrals (for concurrence)

Ngulingah LALC
The application was referred to the Ngulingah Local Aboriginal Land Council, however no formal comments were received. Despite this, it is noted that Everick Heritage Consultants conducted an on-site meeting with Mr Jamahl Roberts of Ngulingah LALC on 28 August 2017 as part of the rezoning application. This meeting outlined the scope of the rezoning proposal and considerations of proximity to water and the adjacent ridge crest; the history of disturbance; and the area available for archaeological inspection. The ridgeline to the east was noted as the most likely location of Aboriginal campsites. It was noted that a ‘Find Procedure’ would be an appropriate management response in the event of an archaeological find.

An additional meeting was held with Uncle John Roberts from the Widjabul/Wyabul Native Title Claim Group on 1 September 2017 in Lismore. He noted the use of low-lying swamps as hunting areas and made specific mention of the Boat Harbour area as a place where burials were known to have been found. John noted the Lagoon Grass Road, located to the east, as a likely pathway up to the Goonellabah ridge crest. John noted that this broad Ridgeline was used as a pathway between the old camp at Lismore showground and the Tucki Tucki initiation area. No intangible cultural values were identified in the Project Area.

Essential Energy
The application was referred to the Essential Energy (EE) under clause 45 of the ISEPP and in response they advised that they have no comments to make as to potential safety risks arising from the proposed development.

Integrated Referrals

Rural Fire Service
The application was referred to the RFS and comments received on 20.01.2022, with the RFS requesting wider Asset Protection Zones (AP’Z’s) to the adjacent land to the west (11m for Lots 1 - 5 and 14m for Lot 6 & 7).

The applicant amended the subdivision design to comply with the increased AP’Z’s and following their consideration, the RFS issued a Bushfire Safety Authority for the development subject to conditions, which are included in the draft conditions.

Notification/ Submissions
The application was notified to adjoining and surrounding property owners, advertised in Local Matters and had on-site signs erected in accordance with the provisions of Community Consultation Plan (CCP) for the Notification and Advertising of DA’s.

Sixteen (16) submissions objecting to the DA were received in response to the exhibition period. Attachment 3 to this report includes a table which provides a detailed summary of all the submissions objecting to the proposal and assessment comments in response to the points of objection.
The following is a brief summary of the key points raised in objection to the DA:

- the surrounding roads and intersections do not have the capacity to accommodate the proposed increased traffic generated by the subdivision, which will result in an adverse impact upon road safety.
- the subdivision is an overdevelopment of the site (lot size and excessive lot yield) and not consistent with the existing residential character of the locality.
- adverse flora and fauna impacts, including the lack of koala corridor.
- steepness of the land and geotechnical concerns.
- lack of public open space in subdivision and locality.
- Gravel section of Northcott Drive needs to be upgraded.
- adverse impacts to adjoining neighbours and their amenity (traffic, headlight glare, street lighting, view loss).
- adverse stormwater impact on road and Lagoon Creek.
- concerns in relation to environmental impacts if the pressure sewer system fails (sewerage overflow).
- Lack of footpaths and bus stop.
- land use conflicts.
- adverse social impacts.
- bushfire access and exit during a fire event.

Attachment 4 to this report is a full copy of all the public submissions.

Consideration
The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, are assessed under the following headings:

Lismore LEP 2012

Zone, Definition and Permissibility
Subdivision of land is permitted with consent in both the R1 General Residential Zone and RU1 Primary Production zone under the provisions of clause 2.6 of the Lismore LEP 2012. The subdivision works (stormwater basin and revegetation works) proposed within the RU1 Primary Production are works that are classified as ‘environmental protection works’ and are permitted without consent in the RU1 Production Zone.

Zone objectives and Zoning Control Tables
The proposed subdivision is consistent with the objectives of the R1 General Residential Zone, particularly in that it:
- provides new lots for the housing needs of the community; and
- provides opportunity for a variety of housing types and densities.

The proposed subdivision retains all the RU1 Zoned land within the residual lot and as a result is consistent with the objectives of the RU1 Primary Production Zone, in that:
- encourages sustainable primary industry production by maintaining and enhancing the natural resource base;
- minimises the fragmentation and alienation of resource lands; and
- minimises conflict between land uses within this zone and land uses within adjoining zones.

As such, consent to the development may be granted.
Part 2 - Permitted or Prohibited Development

1. Subdivision – consent requirements (cl 2.6)
The DA seeks consent for the proposed subdivision under this clause.

Part 4 – Principal Development Standards

1. Minimum subdivision lot size (cl 4.1)

Stage 1:
- Lot 1 is wholly zoned R1 General Residential and has an area of 2.27ha, which complies with the minimum lot size of 700m²; and
- Lot 2 is wholly within the RU1 Primary Production land and has an area of 7.07ha, which is under the minimum lot size of 40ha, however permitted by clause 4.2E of the LLEP 2012 (see below).

Stage 2:
- the smallest lot size for lots 1 to 19 in the R1 General Residential Zone is 700m², which complies with the minimum lot size; and
- the residual Lot 20 includes 780m² of R1 Zoned land (which complies with the minimum lot size of 700m²) and 7.07ha of RU1 Primary Production Zoned land, which is under the minimum lot size of 40ha, however permitted under 4.2E of the LEP (see below).

2. Exceptions to minimum subdivision lot sizes for certain split zones (cl 4.2E)

This clause provides for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1.

Proposed Lot 2 in Stage 1 is wholly within the RU1 Primary Production land and has an area of 7.07ha, which is under the minimum lot size of 40ha. Despite the non-compliance with the 40ha minimum, Lot 2, however is permitted by clause 4.2E(3)(a)(i) of the LEP in that it contains only the land in Zone RU1 Primary Production that was in the original lot. Lot 2 in Stage 1 does not benefit from a dwelling entitlement pursuant to clause 4.2E(4) of the LEP.

Proposed Lot 20 in Stage 2 includes 780m² of R1 General Residential land Zoned land (which exceeds the minimum lot size of 700m²) and 7.07ha of RU1 Primary Production Zoned land, which is under the minimum lot size of 40ha. Despite the non-compliance with the 40ha minimum, Lot 20 is permitted under 4.2E(3)(a)(ii) of the LEP in that it contains land in a residential zone that has an area that is not less than the minimum size (700m²), as well as all of the land in Zone RU1 Primary Production that was in the original lot.

Part 6 – Additional Local Provisions

2. Earthworks (cl 6.2)
The proposed subdivision includes bulk earthworks associated with the construction of the new road, infrastructure services (i.e. water, sewer, electricity, telecommunications and stormwater drainage) and to achieve reasonable slopes on the residential lots. Subject to conditions, the proposed earthworks are not considered to adversely impact upon drainage, soil stability, amenity of the adjoining properties or the environment. The proposed earthworks are also not likely to disturb archaeological relics and conditions are proposed to satisfactorily manage any land contamination issues.

3. Drinking water catchments (cl 6.4)
The proposed subdivision is assessed as not likely to have any adverse impact on the quality and quantity of water entering in the drinking water catchment, particularly when considering the location of the site, its context and proposed conditions in relation to erosion / sediment control and stormwater management.

4. Essential services (cl 6.9)
Lot 1 in Stage 1 will be conditioned to be connected to reticulated water, sewer, electricity and telecommunications. As Lot 2 in Stage 1 is zoned RU1 Primary Production it will not require connection to water and sewer, however, it will be required to demonstrated that it can be connected to electricity and telecommunications.
Also, as Lot 2 in Stage 1 does not have frontage to Northcott Drive, it will require vehicular access via the unformed road off Lagoons Grass Road.

Proposed residential lots 1 to 19 in stage 2 will be serviced by reticulated water, sewer, electricity and telecommunications and will drain to the proposed stormwater detention basins on the residual Lot 20. The applicant has advised that residual Lot 20 in Stage 2 is not proposed to connect to water and sewer as the future dwelling will be erected in the rural zoned part of the site and therefore have a water tank and on-site effluent disposal system.

Vehicular access to the proposed residential lots in Stage 2 is via the construction of a new length of public road, ending in a cul-de-sac, as an extension of the public road off Northcott Drive.

**Biodiversity Conservation Act 2016**

The Biodiversity Offset Scheme under the *BC Act 2016* is not triggered for the proposed development as:

- the clearing of native vegetation is below the prescribed threshold (2,500m²).
- the clearing is not located on an area mapped on the Biodiversity Values map.
- the assessment concluded there is unlikely to be an impact on threatened species.
- the clearing will not be undertaken in an area of Outstanding Biodiversity Value, as identified in the *Biodiversity Conservation Act*.

Council is satisfied that the impacts of the proposed development on biodiversity values are adequately addressed within all supporting information. Avoid, minimise and mitigation measures have been incorporated into the proposed subdivision and recommended in the Conditions of Consent.

**SEPP (Koala Habitat Protection) 2021**

Council’s Ecologist raised no objections to the proposed subdivision under the provisions of this SEPP and the CKPoM and in particular made the following comments:

- The development footprint of proposed works does not contain koala habitat and no koala habitat is proposed to be removed.
- The proposal has been assessed in accordance with the Lismore Comprehensive Koala Plan of Management and the provision of this plan do not apply to the development.
- Notwithstanding the above, due to the proximity of koala habitat on adjacent properties Koala habitat / corridor restoration plantings are proposed as part of the draft VMP for the site. These restoration plantings are consistent with the Koala Habitat revegetation corridor shown in the structure plan approved for the site and include:
  - minimum 25-metre-wide movement corridor to create koala habitat and improve habitat connectivity;
  - weed Management; and
  - 100 Primary Koala food trees at 10m spacing 230 locally endemic dry rainforest trees and shrubs.

**SEPP (Resilience and Hazards) 2021**

The subject site has been considered in the context of Clause 4.6 of this State Environmental Planning Policy and is considered unlikely to present contamination issues such that remediation would be required for the development to proceed. In this regard, the DA includes a Preliminary Contaminated Land Investigation (PCLA) report has been prepared by Melaleuca Group Pty Ltd, dated December 2018, which concludes “Thereby, the elevated levels of Chromium, Manganese and Cobalt found at the site are considered due to background levels within natural soils. All metal concentrations in the soils are within expected background levels. No pesticides were present above analytical detection limits in the samples analysed. Based on the findings of this preliminary investigation, it is considered the Investigation Area would not represent a significant risk of harm to end users of the proposed development.”

**Lismore Development Control Plan**

The application has been assessed against the relevant controls in the Lismore DCP as indicated in the following compliance table, and comments are provided where the proposal does not strictly comply with...
the applicable provisions or conditions are required to address certain matters. Additional more detailed comments regarding the major issues are provided after the table.

1. Development Control Plan Compliance Table

<table>
<thead>
<tr>
<th>Lismore Development Control Plan</th>
<th>Complies</th>
<th>Relevant Comments</th>
</tr>
</thead>
</table>
| **Subdivision and infrastructure** (Urban subdivision) | **Lot Layout** | Yes/No***  

**Lot Size and Shape**
All proposed residential lots comply with the minimum lot size of 700m².

With the exception of Lots 1 and 7, all lots are capable of accommodating an unconstrained building envelope (minimum dimensions of 12m x 15m) that complies with the 6m building line (primary frontage) and 4m building line (secondary frontage).

The 12m x 15m building envelope for Lots 1 and 7 encroach into the building lines by 2.5m² (Lot 1) and approx. 3m² (Lot 7). These two non-compliances are assessed as being acceptable in the circumstances given:
- their minor nature and that both Lots 1 and 7 have additional area outside the 12m x 15m building envelope and behind the applicable building lines that future owners can use to build a dwelling; and
- The non-compliances are as a result of the RFS requiring an increased APZ at DA stage (11m and 14m) than that required at the re-zoning stage (9m).

**Diversity**
The subdivision has a diversity of lot sizes ranging from 700m² to 1,963m².

**Access**
All lots have frontage to a public road and the access handle width for lots 15, 16 and 17 all comply with the minimum width of 3m.

**Truncated corner lots**
Proposed corner lots have been adequately truncated to maintain the minimum verge widths.

**Crime prevention**
The road and lot layout affords the subdivision an acceptable level of surveillance in that the majority of the lots will have future dwellings that are able to survey or be surveyed from the proposed public road. The subdivision does three (3) adjoining battle-axe allotments, which is considered to be acceptable given:
- the battle-axe lots are required to create lots on R1 zoned land more than 30m from the public road; and
- the three battle-axe lots are grouped together, which helps enhance casual surveillance over a single battle-axe allotment.
### LISMORE DEVELOPMENT CONTROL PLAN

<table>
<thead>
<tr>
<th>Complies</th>
<th>Relevant Comments</th>
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<tbody>
<tr>
<td><strong>Solar access</strong></td>
<td>The proposed new road is aligned generally in a north south direction and the new lots can have a sufficiently long north facades to receive winter sun. Each lot will not be unreasonable overshadowed by neighbouring houses to the north given the size and configuration of the proposed lots.</td>
</tr>
<tr>
<td><strong>Street Networks</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Street Design, Construction and On-Street Parking</strong></td>
<td>Yes/No***</td>
</tr>
<tr>
<td><strong>Pedestrian and Cyclist Facilities</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Public Transport</strong></td>
<td>Yes</td>
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<tr>
<td><strong>Public Open Space</strong></td>
<td>No***</td>
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<td></td>
<td>• there used to be local park at 22 Northcott Drive (690m2), which is within 500m accessible walking distance of the proposed lots, however in December 2013 Council resolved to dispose of it. If Council didn’t dispose of this park then the proposed lots would be within 500m of a local park;</td>
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<td></td>
<td>• given the relatively small size of the subdivision (only 19 lots) it is considered unreasonable to require it to provide a new local park of 3,000m2. If the subdivision were to provide such a park, it would take up approximately 3 to 4 of the proposed lots (15 to 21%) of the lot yield;</td>
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## Lismore Development Control Plan

<table>
<thead>
<tr>
<th>Complies</th>
<th>Relevant Comments</th>
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<tbody>
<tr>
<td>Yes/No</td>
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</table>
| • the ‘Structure Plan’ for the site approved as part of the rezoning did not identify the requirement for any area of open space; and  
• only a very small part of the subject land has a gradient of less than 10%. Therefore, to create a local park of 3,000m² with the required gradient of 5% would require considerable earthworks and retaining walls, which is not desirable from an asset management perspective. |

### Essential Services

| Yes | Subject to conditions, the proposed subdivision is considered to make adequate provision for the other essential services, being water, sewer, stormwater, electricity, communications, and public lighting. |

### Water Quality Management

| Yes | The water quality management for the proposed subdivision satisfactorily meets the requirements of DCP Chapter 22 Water Sensitive Design. |

### Street Trees

| Yes | The subdivision proposes street trees on both sides of the public roads at various intervals averaging at approximately 20m. A condition is proposed to ensure that an amended street tree plan be submitted that ensures the ratio to 1 tree per 18m to comply with this element in the public roads and that street tree selection is consistent with the Lismore City Council Landscape Guidelines and the Northern Rivers Local Government Development Design and Construction Manual. |

### Biodiversity Conservation

| Yes | Council’s Ecologist is satisfied that the impacts of the proposed development on biodiversity values of the site are adequately addressed within all supporting information. Avoid, minimise and mitigation measures have been incorporated into the proposed subdivision and recommended in the Conditions of Consent. In this regard, it is particularly noted that the concept VMP that proposes the:  
• regeneration of land retained in Zone RU1 to provide koala habitat and movement corridors to koala habitat located on adjoining land; and  
• restoration of native vegetation near the riparian area at the eastern boundary. |

### Aboriginal Cultural Heritage

| Yes | The Aboriginal Cultural Heritage Assessment submitted with the DA made the following conclusions:  
• *No Indigenous cultural heritage sites or relics were identified within the Project Area.*  
• *No areas have been identified that are considered to contain potential archaeological deposits of significant Aboriginal heritage.*  
• *All of the Project Area has been disturbed in a manner which constitutes ‘disturbance’ within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code.*  

Notwithstanding the above, precautionary conditions have been imposed on the consent should Aboriginal Material or Human Remains be encountered. |

### Structure Plan

| Yes | The Structure Plan for the site approved as part of the re-zoning (illustrated in the below plan) is to be used to guide subdivision of the site and includes roads, areas to be dedicated to asset protection... |
The proposed subdivision is clearly consistent with the structure plan for the site in that it incorporates a proposed road, APZ's, koala habitat corridor link and riparian restoration as illustrated on the above plan.

<table>
<thead>
<tr>
<th>Complies</th>
<th>Relevant Comments</th>
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</thead>
<tbody>
<tr>
<td>Yes/No</td>
<td>zones from bushfire risk and revegetation areas to provide koala habitat and movement corridors.</td>
</tr>
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</table>

**Rural Subdivision**

<table>
<thead>
<tr>
<th>Lot Size, Vehicle Access, Buffers to avoid land use conflict</th>
<th>Yes</th>
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<tbody>
<tr>
<td>The RU1 Primary Production zoned part of the site is contained wholly within proposed Lot 2 (Stage 1) and Lot 20 (Stage 2). Both lots are assessed as being consistent with the relevant parts of this chapter in that:</td>
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<td>- they have regular configurations.</td>
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<td>- they have frontage to a public road and Lot 20 (Stage 2) has an access handle to the new public road in excess of the required 10m; and</td>
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<td>- Lot 20 (Stage 2) has the potential to site a future dwelling so as to protect natural and cultural features (i.e., watercourse and native vegetation) and not result in land use conflicts.</td>
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</table>

**Buffers**

<table>
<thead>
<tr>
<th>Conflicts in Land Uses (50 buffer to grazing infrastructure)</th>
<th>Yes</th>
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<tbody>
<tr>
<td>As there does not appear to be any grazing infrastructure on the adjoining land within 50m of the proposed lots, the proposed subdivision is considered to comply with the buffer requirement of this chapter.</td>
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</table>

In addition to the above, it is noted that the DA included a Land Use Conflict Risk Assessment (LUCRA) in support of the proposed subdivision. The LUCRA detailed that there is a low likelihood of conflict and impact between the proposed residential lots and the adjoining grazing land.

**Recommended Buffers**

| Yes |
| Council determined that a 30m Buffer area would be appropriate to surrounding RU1 land. |
### Surveillance (i.e. site and design of buildings, subdivision design, landscaping and lighting)

<table>
<thead>
<tr>
<th>Complies</th>
<th>Relevant Comments</th>
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<tbody>
<tr>
<td>Yes</td>
<td>The proposed subdivision is considered to be satisfactory regard to the guidelines outlined in this chapter of the DCP.</td>
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<td></td>
<td>• The design of the subdivision affords an acceptable level of surveillance in that most of the lots will have future dwellings that are able to survey or be surveyed from the roads.</td>
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<td>• Conditions will be applied to ensure street lighting is provided to enhance safety at night.</td>
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### Vegetation Protection

<table>
<thead>
<tr>
<th>Section 5 (Clearing of vegetation on high biodiversity value land)</th>
<th>Yes</th>
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<tbody>
<tr>
<td>Council’s Ecologist is satisfied the proposed development meets the requirements of this chapter and provides the following comments:</td>
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<tr>
<td>• High Conservation Value areas - riparian zone 1st and 2nd order streams and Core Koala Habitat areas occur within the study area. In accordance with the requirements of this Chapter the prescribed setbacks from Red Flag areas are retained and enhanced in the subdivision Vegetation Management Plan design.</td>
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<tr>
<td>• The VMP proposal adequately provides for planting and environmental enhancement to compensate for the loss of native vegetation, provide for stream protection and enhance vegetation connectivity across the landscape.</td>
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<tr>
<td>• Figure 5 of the Biodiversity Assessment Report, Reconeco, submitted November 2021 is accepted to be the Draft Vegetation Management Plan (VMP). A detailed VMP will be conditioned</td>
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</table>

### Water Sensitive Design

<table>
<thead>
<tr>
<th>Benefits, provisions and assessment of proposals</th>
<th>Yes</th>
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<tr>
<td>The Stormwater Management Plan (SMP) submitted with the DA states: &quot;A treatment train consisting of bioretention, grassed swale and rainwater tanks has been proposed for the site. MUSIC modelling has indicated the proposed train will achieve the DCP’s target pollution reduction rates for TN, TP and TSS, thereby meeting the requirements of the DCP&quot;. Following a review of the SMP, Council’s Environmental Health Officer is satisfied that the proposed treatment train satisfy the requirements of Performance Criteria of this chapter.</td>
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<td>The construction phase of the development presents a risk to receiving waters and as such the design, implementation and maintenance of an Erosion and Sediment Control Plan is important. As the proposed stormwater design supports both the construction (sediment basins) and post construction phases (bio-retention basins) it is important that bio-retention basin drainage media is not constructed until the site has been fully revegetated. Standard conditions have been nominated to ensure compliance with this chapter.</td>
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### Section 7.11 Contributions Plan

The proposed development will result in increased demand for public services and amenities, and therefore Section 7.11 Contributions are applicable. The following Levies would therefore apply under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and amounts payable are set out below.
Likely Impacts of the Development

Roads and Traffic

The 19 new residential lots and one (1) residual rural lot can be expected to generate in the order of 130 vehicle movements per day, which will have a minimal impact on the existing surrounding road network. The existing bitumen sealed section of Northcott Drive ends at the cul-de-sac, with an unsealed section of gravel road extending through to the site (see below). The subdivision will be required to upgrade the existing gravel section of Northcott Drive to an ‘Access Place’ standard (6m carriageway) to match the internal road within the subdivision and to provide an adequate connection to the existing Northcott Drive, which has adequate capacity to cater for the increased traffic generated by the subdivision.

During the assessment of the Planning Proposal (rezoning) it was assessed that all intersections that interact with Northcott Drive (Sunnybank Avenue, Deegan Drive and Hillcrest Avenue) were adequate in their current format to support the traffic generated by the proposed subdivision. Council’s Development Engineer supports this assessment of the surrounding road network.
Geotechnical

The site is mapped as undulation to mountainous terrain on Council records with slopes of up to 30%. The DA is proposing earthworks and retaining walls on the parts of the site to achieve a compliant road grade and a 25% slope on a number of the residential lots to allow future construction of dwellings.

Given the slope of the site, a ‘geotechnical slope stability and landslide hazard assessment’ was undertaken by a geotechnical consultant as part of the Planning Proposal (rezoning). The geotechnical assessment concluded that: the site can be developed with a low to very low risk of damage to property. This low to very low risk is consistent with the risk category adopted for all residential subdivisions.

All fill earthworks for the development are required to be certified by a suitably qualified professional in accordance with Australian Standard 3798 “Guidelines on earthworks for commercial and residential developments” prior to the issue of any subdivision certificate. In addition to the above and as is the case with all dwellings within the LGA, it will then be the responsibility of each individual landowner to commission further geotechnical testing of each lot prior to the lodgement of any DA for a dwelling.

The proposed retaining walls at the entry road (max 1m), the turning head (max 1.4m) and access driveway to lots 15, 16 and 17 will be required by conditions of consent to be constructed of an appropriate material and standard.

In view of the above, Council’s Development Engineer is satisfied that the development can proceed without any adverse impacts being caused by geotechnical issues.
Stormwater Management
The Stormwater Management Plan (SMP) submitted with the DA proposes that runoff from the proposed new road will be collected and conveyed to a combined bioretention and on-site detention area located in the north east of the development site. The detention basin will discharge to a rock lined channel before dispersing flow to the existing natural surface east of the proposed lots. Runoff will then travel over existing natural drainage paths to the mapped waterway.

Ground level runoff from lots west of the proposed road will flow as sheet flow to the proposed road drainage system and on to the bioretention / on site detention area. Ground level runoff from lots east of the proposed road will flow east as sheet flow to the existing mapped waterway as per the existing condition (bypassing the detention area).

Runoff from future dwellings will be directed to a 3000l rainwater reuse tank (1 per lot) before being directed to an inter allotment underground drainage system. This system will direct roof water runoff to the proposed bioretention / on site detention system.

The SMP has demonstrated that by using a detention basin with a volume of 272m³ that the post development flows for all storm events have been reduced from the predevelopment case. The results of the DRAINS software can be seen below.

<table>
<thead>
<tr>
<th>ARI</th>
<th>Existing Site</th>
<th>Proposed Site</th>
<th>Peak Flow (m³/s)</th>
<th>Depth of water in basin (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OSD low level</td>
<td>OSD High level</td>
<td>Total Basin</td>
<td>Basin Bypass</td>
</tr>
<tr>
<td></td>
<td>1 x 225mm dia pipe</td>
<td>0.40 x 3m weir</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 year</td>
<td>0.213</td>
<td>0.110</td>
<td>0.110</td>
<td>0.079</td>
</tr>
<tr>
<td>10 year</td>
<td>1.02</td>
<td>0.130</td>
<td>0.470</td>
<td>0.601</td>
</tr>
<tr>
<td>100 year</td>
<td>1.53</td>
<td>0.133</td>
<td>0.867</td>
<td>0.999</td>
</tr>
</tbody>
</table>

The detention basin will remain on the residual parcel and appropriate access will be provided so Council can undertake maintenance on the structure when required.

On-Site Effluent Disposal (Residual Lot 20)
The applicant has advised that residual Lot 20 (Stage 2) is not proposed to be connected to the reticulated sewer and therefore any future dwelling will need its own on-site effluent disposal system. The DA included a sewage management report that demonstrates that it is possible to manage wastewater for a future dwelling site located on residual Lot 20 (Stage 2) in a manner that meets the buffer requirements of the On-site Sewage and Wastewater Management Strategy.

Applicable Regulations
The proposed subdivision is not inconsistent with the relevant provisions of the EPA Regulation 2021.

Relevant Council Policies
The proposed subdivision is not inconsistent with the relevant Council policies.

Design and Layout
The design and layout of the proposed subdivision is considered to be compatible with the surrounding residential area.
Amenity
The proposed subdivision is not considered to have an unreasonable impact upon the amenity of the adjoining land or the surrounding neighbourhood.

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

Local Government Act Approvals
The proposal requires approval under the provisions of s.68 of the Local Government Act which must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

All Likely Impacts of the Development
All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL CONSIDERED

1. Statutory Controls Yes
2. Policy Controls Yes
3. Design in relation to existing building and natural environment Yes
4. Landscaping/Open Space Provision Yes
5. Traffic generation and Carparking provision Yes
6. Loading and Servicing facilities Yes
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.) Yes
8. Site Management Issues Yes
9. ESD Principles and Climate Change Yes
10. All relevant 4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979 Yes

Conclusion
In August 2020, Council approved a Planning Proposal to rezone part of the subject land from RU1 Primary Production to R1 General Residential with a minimum lot size of 700m2. The Planning Proposal included the adoption of a Structure Plan for the site to provide a framework for the coordinated provision and arrangement of the future subdivision.

Following the rezoning of the site, the applicant lodged the subject DA seeking consent to undertake a staged subdivision to create nineteen (19) lot subdivision, one (1) residual rural lot and associated construction of a public road (cul-de-sac), bulk earthworks / retaining walls, infrastructure services, civil works, vegetation removal and revegetation works.

The proposed subdivision complies with the 700m2 minimum lot size for the site and is consistent with the Structure Plan approved for the site as part of the Planning Proposal. The proposed subdivision provides new flood free residential lots for the city, which is timely and in the public interest following the recent devastating flooding.
Following detailed consideration of the relevant matters for consideration pursuant to s.4.15(1) of the EP&A Act, the 16 public submissions, referral agencies and likely impacts, the proposed subdivision is assessed as being suitable for the site and is recommended for approval subject to the proposed conditions detailed in Attachment 1 to this report.

**Attachment/s**

1. Attachment 1 - Draft Conditions of Consent (Over 7 pages)
2. Attachment 2 - Plans (Over 7 pages)
3. Attachment 3 - Public Submissions Table (Over 7 pages)
4. Attachment 4 - Copy of Submissions (Over 7 pages)
**Report**

**Subject** Planning Proposal - 1443 Bangalow Road, Clunes

**TRIM Record No** BP22/351:EF21/38

**Prepared by** Strategic Planner

**Reason** To amend the Minimum Lot Size for 1443 Bangalow Road, Clunes (Lot 1 DP 832781) in order to enable a dwelling entitlement.

**Strategic Theme** Our built environment

**Strategy** Our land-use planning caters for all sectors of the community.

**Action** Ensure a diverse range of land use and development opportunities are available.

---

**Executive Summary**

Council has received a Planning Proposal to amend the Minimum Lot Size of 1443 Bangalow Road, Clunes with the intention of enabling a dwelling entitlement.

1443 Bangalow Road is a 1.8-hectare lot in the rural RU1 zone approximately 2km southwest of Clunes. The site has historically been used as a vehicle body repair shop and continues to have ‘existing use rights’ under a historic consent. Another previous consent for this site (DA92/1) to create a ‘special purpose lot’ came with a condition that the land “only be used for the purpose of a panel beating and spray-painting workshop”. This use is no longer considered appropriate, and this is the primary reason a Planning Proposal is now needed.

The residential use of this site will be subject to a future development application and will be dependent on the vehicle body repair shop consent being surrendered and the sheds removed to create a vegetated buffer. The attached Planning Proposal has considered the environmental, social and heritage related impacts of a change of use and concludes that a residential use can be satisfactorily achieved. It is the view of Council staff that a residential use for this site would provide a land-use more in line with the character of the surrounding area and recommends that the Planning Proposal be supported.

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**Recommendation**

That:

1. Council supports the Planning Proposal to change the Minimum Lot Size for 1443 Bangalow Road, Clunes.
2. the Planning Proposal be submitted to the Department of Planning and Environment with a request for Gateway determination.
3. Council confirm staff are to proceed to public exhibition of the Planning Proposal, in accordance with the Gateway determination.
4. Council confirms that should no objections be made during the public exhibition stage, that the Planning Proposal be submitted to the Department of Planning and Environment for making of the LEP; or, that should any objections be raised at the public exhibition stage, staff report back to Council for further consideration.
**Background**
Council received a Planning Proposal seeking to amend the minimum lot size of 1443 Bangalow Road, Clunes from 40ha to 1.5ha. Currently, due to the history of the site and the existing DA conditions, the site has no dwelling entitlement. This change in lot size would allow Council to assess and determine a development application for a dwelling or dual occupancy, provided that the landowner surrenders the development consent for the existing use rights ('vehicle body repair shop').

The Planning Proposal was subject to a Councillor briefing in March 2021.

**The subject site**
Lot 1 DP 832781 (1443 Bangalow Road, Clunes) is located in a rural area (Zone RU1) on a classified road. It is approximately 2km south-west of the village of Clunes and 14km north-east of the Lismore CBD, as shown in figure 1, the zoning of the site and the surrounding area is shown in figure 2.

![Figure 1: Locality of the subject site](image-url)
The land has an area of 1.8ha and surrounding land uses include rural residential lots of a similar size to the east and west, grazing land to the south and intensive agriculture (macadamia plantation) on the northern side of Bangalow Road. The site contains two existing buildings (sheds) and associated infrastructure and is largely covered in vegetation.

The site has been used as a ‘vehicle body repair shop’ or a similar use since the 1960’s. However, since 2000 when the Lismore LEP came into force, the use of the land for a ‘vehicle body repair shop’ has been prohibited by the land use table for Zone RU1 and remains prohibited in the Lismore LEP 2012. However, by virtue of the previous consents, the site enjoys “Existing Use” rights under Division 4.11 of the EP&A Act and Clauses 39 to 46 of the EP&A Act Regulations. These provisions allow for a future expansion or intensification of the existing use at the site.

Clause 6(7) of the Lismore Interim Development Order No.40 allowed for the creation of a special purpose lot of under 40 hectares and DA92/1 included a condition that the lot “only be used for the purpose of a panel beating and spray-painting workshop”. Therefore, the lot does not have an entitlement to a dwelling under Clause 4.2B of the Lismore LEP 2012.

**Overview of the planning proposal**

The detailed Planning Proposal is located at Attachment 1 to this report and has been structured in line with the NSW Department of Planning and Environment guidelines. Table 1 of this report provides an overview of the Planning Proposal, including Council’s assessment of the environmental, social and heritage related impacts.
## Table 1 – Planning Proposal summary

<table>
<thead>
<tr>
<th>Part</th>
<th>Requirement</th>
<th>Description of Planning Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>OBJECTIVES OR INTENDED OUTCOMES</td>
<td>To amend the minimum lot size and enable a dwelling entitlement for 1443 Bangalow Road, Clunes (Lot 1 DP 832781).</td>
</tr>
<tr>
<td>2</td>
<td>EXPLANATION OF PROVISIONS</td>
<td>The objective of the proposal will be achieved by amending the Lot Size Map (LSZ_005) to allow for a new minimum lot size of 1.5ha (Y2). No change to the written instrument (LLEP 2012) is required.</td>
</tr>
<tr>
<td></td>
<td>JUSTIFICATION</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section A – Need for the Planning Proposal</td>
<td>The land is not mapped in any strategic study or report, it was initiated by the landowner. However, the proposed residential use of the land is more consistent with the surrounding land use pattern in the area. The proposal will also result in the discontinued use of the current ‘vehicle body repair shop’ which is no longer a permitted use within zone RU1. • The Planning Proposal is the best way to enable a residential use on the subject site.</td>
</tr>
<tr>
<td>3</td>
<td></td>
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<tr>
<td></td>
<td>JUSTIFICATION</td>
<td></td>
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<tr>
<td></td>
<td>Section B – Relationship to strategic planning framework</td>
<td>• The Planning Proposal aligns with the North Coast Regional Plan • The Planning Proposal is consistent with Imagine Lismore 2017-2027, Council’s Community Strategic Plan • No other state or regional plans are applicable • The Planning Proposal is consistent with the State Environmental Planning Policies (SEPPs) • The Planning Proposal is consistent with Section 9.1 Ministerial directions, or any inconsistencies can be justified</td>
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<tr>
<td></td>
<td>JUSTIFICATION</td>
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<tr>
<td></td>
<td>Section C – Environmental, social and economic impact</td>
<td>• Council’s mapping does not indicate any significant ecological constraints on the site. Any future DA that requires any vegetation removal or disturbance will need to address the relevant planning controls at that time. • The contamination report that accompanies the Planning Proposal concludes that the site is uncontaminated. Council’s Environmental Health team have reviewed the report and are satisfied.</td>
</tr>
</tbody>
</table>

Lismore City Council  
Meeting held 12 July 2022 - Planning Proposal - 1443 Bangalow Road, Clunes
<table>
<thead>
<tr>
<th>Part</th>
<th>Requirement</th>
<th>Description of Planning Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>be adversely affected because of the proposal?</td>
<td>• A technical Land Use Conflict Risk Assessment (LUCRA) report was submitted to Council and has been reviewed by Council’s Environmental Health Team. As a result, an 80m buffer, which includes a 30m biological buffer, has been agreed to provide a buffer from Bangalow Road and the agricultural use to the north (macadamia orchard).</td>
</tr>
<tr>
<td></td>
<td>Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</td>
<td>• A Wastewater Management Report was submitted to Council to support the planning proposal. The report identifies a suitable area for the placement of an on-site sewage management system, which meets council’s On-site Sewage and Wastewater Management Strategy, including the provision of reserve land application areas and compliance with buffer setbacks to waterways and property boundaries.</td>
</tr>
<tr>
<td></td>
<td>Q10. Has the planning proposal adequately addressed any social and economic effects?</td>
<td>• Any future DA for a dwelling will need to demonstrate compliance with the requirements in Planning for Bushfire Protection 2019.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• There are no known Aboriginal sites of places identified within 50 meters of the subject land and the land is not listed as a heritage item.</td>
</tr>
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<td></td>
<td></td>
<td>• The Planning Proposal will not adversely impact upon existing rural land and will not impact upon the uses that are currently able to be undertaken at the site other than allowing consideration for a dwelling and removing the existing use at the site for a vehicle repair body repair shop. There is suitable industrial zoned land in Lismore for this land use.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All services are available or can be provided.</td>
</tr>
<tr>
<td></td>
<td>JUSTIFICATION</td>
<td>It is recommended that the Rural Fire Service are consulted following the Gateway Determination.</td>
</tr>
<tr>
<td></td>
<td>Section D – Infrastructure (Local, State and Commonwealth) Q11. Is there adequate public infrastructure for the planning proposal?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>JUSTIFICATION</td>
<td>LEP Maps are provided in section 4 of the Planning Proposal found within Appendix 1 of this report.</td>
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<tr>
<td></td>
<td>Section E – State and Commonwealth Interests Q12. What are the views of State and Commonwealth public authorities and government agencies consulted in order to inform the Gateway determination?</td>
<td></td>
</tr>
<tr>
<td>Part</td>
<td>Requirement</td>
<td>Description of Planning Proposal</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5</td>
<td>COMMUNITY CONSULTATION</td>
<td>Recommended 28-day exhibition period (Refer to Attachment 1 for detail)</td>
</tr>
<tr>
<td>6</td>
<td>PROJECT TIMELINE</td>
<td>Recommendation of approximately 12 months for completion (Refer to Attachment 1 for detail)</td>
</tr>
</tbody>
</table>

**Comments**

**Finance**
Not required.

**Other staff comments**

The Environmental Health and Public Health team provided a referral for the Planning Proposal. Their comments have been incorporated into the Planning Proposal and table 1 above.

**Public consultation**

Council will commence community consultation post Gateway determination. For the purposes of public notification, it is considered that a twenty-eight (28) day public exhibition period is appropriate. The duration of the exhibition period will be determined as part of the Gateway determination.

Notification of the exhibited planning proposal will include:
- publication in Council’s Local Matters newsletter that circulates in the area affected by the Planning Proposal;
- the websites of Lismore City Council and the Department of Planning and Environment;
- letter to adjoining landholders

The written notice will:
- provide a brief description of the objectives or intended outcomes of the Planning Proposal;
- indicate the land that is the subject of the Planning Proposal;
- state where and when the Planning Proposal can be inspected;
- provide detail that will enable members of the community to make a submission.

Exhibition material:
- the Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment;
- the Gateway determination;
- any studies required as part of the Planning Proposal.

The Gateway determination will confirm the public consultation requirements.

**Conclusion**

The Planning Proposal seeks to change the minimum lot size for 1443 Bangalow Road, Clunes (Lot 1 DP 832781) to enable a development application for a residential use to come forward on the land. Council’s initial assessment of the Planning Proposal finds that the land can suitably accommodate a residential use and that a residential use would be more in line with the surrounding characteristic of the area.

Following Council approval, the Planning Proposal will be submitted to the NSW Department of Planning and Environment for Gateway determination and then subsequently consulted on with relevant agencies and the public. It is expected that a further report to Council will be made early 2023 to discuss the outcomes of this process, if required.
Attachment/s

1. Planning Proposal - Change to minimum lot size, 1443 Bangalow Road (Over 7 pages)
Report

Subject  Land reclassification and rezoning - various parcels at Lismore Heights and Goonellabah

TRIM Record No  BP22/389:AF22/57

Prepared by  Strategic Planner

Reason  to seek support in principle for the change of classification and zoning to five (5) vacant land parcels currently deemed as Local Parks, to enable residential land and generate funding for upgrades to existing recreational assets

Strategic Theme  Our built environment

Strategy  Our land-use planning caters for all sectors of the community.

Action  Ensure land is available and serviced to meet population growth in locations that are accessible, close to services and employment, and suitable for development.

Executive Summary

In 2013, Council developed a pocket park divestment strategy, whereby small, underutilised parks would be sold to fund park upgrades. As part of that strategy five (5) parcels of land have been identified as suitable for reclassification and rezoning.

This report is seeking support in principle and for Staff to take the next step in the process, which would be to prepare a Planning Proposal for the five (5) parcels to change from ‘Community’ to ‘Operational’ and rezoned from RE1 Public Recreation to R1 General Residential. Pending this, the sites could then be considered for sale and the revenue could go a significant way in contributing to funding Lismore’s major park upgrades.

Should a Planning Proposal be supported, it will be reported back to Council for further consideration.

Recommendation

That:

1. a Planning Proposal be prepared that would reclassify and rezone five (5) parcels of Public Open Space as identified in this report, enabling them to be considered for future sale and residential development.

2. a further report be reported back to Council prior to submitting the Planning Proposal to the NSW Department of Planning and Environment.

Background

Lismore City Council’s Sport and Recreation Plan to 2024 provides a planning framework for sport and recreation including strategies for the future use and development of sport and recreation facilities, services and programs. It reflects the community’s stated desire to maintain Lismore as a regional sports hub and strong support for more and better-connected walkways and cyclepaths.

Recommendations of the Sport and Recreation Plan (as set by its accompanying resource document), include:
• “Rationalise small parks with poor functionality provided there is another park within 500m radius of most residents”; and
• “Set up a dedicated fund to apply proceeds of sale toward upgrading existing parks, improving access, or acquiring land for parks”

In 2013, Council developed a pocket park divestment strategy, whereby small, underutilised parks would be sold to fund park upgrades. In April 2013 Council resolved to reclassify several small parks from Community to Operational land as part of the divestment strategy. Subsequently 12 parcels of land were sold, and the proceeds used to fund upgrades across Lismore’s major parks, including Kadina Park, Heritage Park and Nesbitt Park.

Council staff have now identified five (5) additional Council-owned parcels of Public Open Space that are believed to be underperforming and are within a 500m radius of another park or Public Open Space and are therefore suitable for disposal in accordance with the divestment strategy.

It is acknowledged that these parcels of Public Open Space are likely to provide some environmental and local value to residents. At present however, it is not believed that the parcels provide any recreational benefits, nor are they widely used as Public Open Space or parks by the local community. The benefit they do offer, by way of scenery and greenery, must then be weighed against the financial burden on the Council in maintaining the sites. The income that could be generated by disposal of the land, alongside the savings to Council’s maintenance budget, could go a significant way in contributing to funding Lismore’s major park upgrades. Estimated land values, as well as indication of what could be delivered with the revenue, is discussed within this report.

This report is seeking in principle support to take the next step in the process, which would be to prepare a Planning Proposal for the parcels to change their classification from ‘Community’ to ‘Operational’ and rezoned from RE1 Public Recreation to R1 General Residential.

This report outlines a summary of each parcel of Public Open Space as well as an outline of the process to be undertaken should support in principle be given. Further detail on the parcels, as well as the identification and discussion on any constraints or impacts would be provided as part of the Planning Proposal and would be reported back to Council within the financial year. The Planning Proposal would propose changes to the land-use classification and zoning that would allow the sites to then be considered for disposal and residential use.

**Subject Sites**

**8 Holmesleigh Drive, Goonellabah – Lot 33 DP 251293**

This is a vacant parcel of Council-owned land that does not contain any play or recreational equipment. The site was dedicated as Public Open Space as part of the original subdivision and is now maintained by Council.

Key characteristics of the land include:

- 769m²
- Average slope of 10%
- One medium sized Eucalypt tree is present at the front of the block and would require removal. An initial review by LCC’s Project Manager – Infrastructure & Open Spaces supports the removal based on a tree health assessment – further review of constraints posed by other trees at the rear of the property would be reviewed under the Planning Proposal.
- The site is not flood effected, does not include heritage items, and is not expected to be contaminated
Current Characteristic | Proposed Characteristic
--- | ---
Classification Zone | Operational
Height of Building | R1 General Residential
Minimum Lot Size | 8.5m

Five (5) other parcels of Public Open Space are within a 500m radius of the site:
- four pieces of verge land on Ballina Road
- Greenhills Local Park, approximately 800m via road to the north

Two (2) District Parks are within a 500m radius of the site:
- a section of the Richmond Birdwing Butterfly Gully land and open space alongside Tucki Tucki Creek, approximately 570m via road to the south east
- Hepburn Park, approximately 800m south east via road and then pedestrian access (beyond Tucki Tucki creek)

Additionally, Kadina Street playground, which is a regional park, is approximately 950m via road to the south west and a section of the Richmond Birdwing Butterfly Gully land, which is not classified as a park but is zoned as Public Recreation, is approximately 250m via road to the southwest.
2 Kareela Avenue, Lismore Heights – Lot 29, DP 232727

This is a vacant parcel of Council-owned land that does not contain any play or recreational equipment. Key characteristics of the land include:

- 816m2
- Average slope of 18%
- One Eucalypt tree, with significant deadwood, would require removal. An initial review by LCC’s Project Manager – Infrastructure & Open Spaces supports the removal based on the tree’s exposure to high winds in the locality – further review of constraints posed by the tree would be reviewed under the Planning Proposal
- The site is not flood effected, does not include heritage items, and is not expected to be contaminated

<table>
<thead>
<tr>
<th>Classification</th>
<th>Current Characteristic</th>
<th>Proposed Characteristic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
<td>Community RE1 Public Recreation</td>
<td>Operational R1 General Residential</td>
</tr>
<tr>
<td>Height of Building</td>
<td>NA</td>
<td>8.5m</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>NA</td>
<td>400m2</td>
</tr>
</tbody>
</table>

There are three (3) existing parcels of Public Open Space, classified as Local Park, within a 500m radius of the site:

- Oakshott Street Playground, approximately 460m via road to the south west
- Parcel of vacant open space zoned Public Recreation and classified as operational on Weemala Street, approximately 300m to the south via road
- Parcel of heavily treed land to the west of the site on Pendara crescent, approximately 680m via road
19 Julie Crescent, Goonellabah – Lot 41, DP 800534
This is a vacant parcel of Council-owned land at the end of a residential cul-de-sac that does not contain any play or recreational equipment. Key characteristics of the land include:

- 2,010m²
- Average slope is 13%
- LCC’s Project Manager – Infrastructure & Open Spaces confirms that, from an initial assessment, there is ample location for a building envelope without significant vegetation removal.
- The site is not flood effected, does not include heritage items, and is not expected to be contaminated.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Current Characteristic</th>
<th>Proposed Characteristic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
<td>Community</td>
<td>Operational</td>
</tr>
<tr>
<td>Height of Building</td>
<td>NA</td>
<td>R1 General Residential</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>NA</td>
<td>8.5m</td>
</tr>
</tbody>
</table>

There are two (2) existing Local Parks within a 500m radius of the site:

- Toona Court Local Park, which includes picnic tables and open space, is approximately 660m via road
- Mahogany Parade Local Park, which includes play equipment, is approximately 1100m via road
7 Parkwalk Drive, Goonellabah – Lot 14, DP 792695
This is a vacant parcel of Council-owned land at the end of a residential cul-de-sac that does not contain any play or recreational equipment. Key characteristics of the land include:

- 602m²
- Average slope of 19%
- An initial review by LCC’s Project Manager – Infrastructure & Open Spaces supports the removal of trees in this location given the small size and ease of replacement – further review of constraints posed by the trees would be reviewed under the Planning Proposal
- The site is not flood effected, does not include heritage items, and is not expected to be contaminated

<table>
<thead>
<tr>
<th>Current Characteristic</th>
<th>Proposed Characteristic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classification Zone</td>
<td>Community</td>
</tr>
<tr>
<td>Height of Building</td>
<td>RE1 Public Recreation</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>8.5m</td>
</tr>
<tr>
<td></td>
<td>400m²</td>
</tr>
</tbody>
</table>

There are three (3) existing parcels of Public Open Space, classified as Local Parks, within a 500m radius of the site:

- Vacant land at William Blair Avenue, approximately 365m via road to the east
- Vacant land at Mountain View Drive, approximately 800m via road to the north
- Verge land at the corner of Ballina Road and High Street

The closest playground and sports field is Clifford Park which is within a 1000m radius of the site.
15 Lee Crescent, Goonellabah – Lot 11, DP 248490

This is a vacant parcel of Council-owned land at the end of a residential cul-de-sac that does not contain any play or recreational equipment. Key characteristics of the land include:

- 1,042m²
- Average slope of 14%
- All trees on this property are located on the rear boundary. It is unlikely that future development would require significant tree removal or pruning.
- A NBN line dissects the site and may need moving or application of an easement – further review will be carried out as part of the Planning Proposal or sale
- Residents of this street received a grant to beautify this parcel of Public Open Space in 2005 – consultation with neighbours will be carried out as part of the Planning Proposal

There are four (4) existing parcels of Public Open Space, classified as Local Parks, within a 500m radius of the site:

- Vacant land off Invercauld Road, to the rear of Gundurimba Creek, approximately 770m via road
- Shearman Drive playground, approximately 2000m via road or 1000m via pedestrian link
- Vacant land off Cynthia Wilson Drive, approximately 440m via road
- Vacant land on the corner of Cynthia Wilson Drive and Fig Tree Drive, approximately 500m via road
Land value and revenue

Detailed land valuations have not been carried out at this stage. This is because the process of reclassifying and rezoning land can take around 12 months. By this time, it is highly likely that land values would have significantly changed. Instead, Council’s Property Officer has provided the below estimated values based on their experience and land values in surrounding areas. The prices present a broad indication of what each block is likely to achieve if sold in the current market assuming a dwelling is permitted to be erected and all constraints have been addressed (i.e. correct zoning, no caveats/restrictions on title). The prices shown below may change significantly and unexpectedly over a relatively short period of time. Given the likely timeframe to rezone the land an updated sale price would be required once rezoning has occurred.

Please note: There is currently limited supply of residential land available in the Lismore Area, as such prices are inflated. The vacant land market has all the making of a perfect storm; given the recent disaster the demand for contractors is high, construction costs are rising, there are supply chain issues, inflationary pressures and the threat for further rate rises. There are also a number of large land developments in the process that could potentially hit the market at the same time, if this meets the current pent-up demand for residential land, there is the potential for an oversupply which would have a detrimental impact on market value (at the time of writing this there has been no announcements made regarding land swaps etc following the floods).

<table>
<thead>
<tr>
<th>Land Parcel</th>
<th>Estimated Value</th>
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<tbody>
<tr>
<td>8 Holmesleigh Drive</td>
<td>$380,000 - $400,000</td>
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<tr>
<td>2 Kareela Avenue</td>
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<tr>
<td>15 Lee Crescent</td>
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The broad indications show that the reclassification and rezoning of the five (5) parcels could result in a potential total income ranging from $1,920,000 to $2,055,000 for the Council Pocket Park fund.

The Pocket Park Fund would continue to be used as co-contribution for grants for future open space projects within our major parks including:

- Wade Park
- Heritage Park
- Lismore Youth Precinct
- Kadina Park
- Nesbitt Park

A report will be presented to Council for resolution prior to the sale of each parcel and prior to withdrawing funds for specific projects.

Planning pathway

To change the classification and zoning of the land parcels, an amendment to the Lismore LEP 2012 would be needed. The change to the Lismore LEP 2012 would require:

- Amendment to Schedule 4 Classification and reclassification of Public Land
- Amendment to the following LEP Maps
  - Land Zoning
  - Height of Buildings
  - Minimum Lot Size

In order to make an amendment to the Lismore LEP a Planning Proposal must be prepared and submitted to the NSW Department of Planning and Environment (DPE). Typically, the process of preparing a Planning Proposal through to gazettal of the LEP amendment takes around 12 months and includes public and agency consultation. The public consultation will include broad advertisement as well as letters to adjoining landowners of each of the subject land parcels.
Following the close of the public exhibition period, a public hearing will be held specifically relating to the reclassification of the land from ‘Community’ to ‘Operational’. This will be carried out in accordance with section 29 of the Local Government Act 1993. Once all submissions have been reviewed, a further report to Council will be made.

An indicative timeframe for the process is below
- Report to Council for support in principle – **July 2022**
- Report to Council for support to submit a Planning Proposal – **August 2022**
- Gateway determination issued – **September 2022**
- Agency and public consultation – **October 2022**
- Public Hearing – **November 2022**
- Consideration of submissions – **December 2022**
- Council consideration of the proposal post exhibition – **February 2023**
- Anticipated date of submission to the Department for notification of the making of the LEP – **March 2023**
- Anticipated date for plan making – **April 2023**

**Comments**

**Finance**
Not required.

**Community Recreation Planner**
The pocket park divestment strategy is an ongoing strategy of Council that provides a saving from maintenance. The upgrades that have been achieved at parks including Heritage, Nesbitt and Kadina have been well received by the community.

**Conclusion**
This report is seeking support in principle and for Staff to take the next step in the process, which would be to prepare a Planning Proposal for the five (5) parcels to change from ‘Community’ to ‘Operational’ and rezoned from RE1 Public Recreation to R1 General Residential. Pending this, the sites could then be considered for sale and the revenue could contribute to funding Lismore’s major park upgrades.

Should a Planning Proposal be supported, it will be reported back to Council for further consideration prior to submission to DPE.

**Attachment/s**
There are no attachments for this report.
Report

Subject
Councillors Expenses and Facilities Policy - January 2022 to June 2022 Reporting

TRIM Record No
BP22/345:EF19/668-4

Prepared by
Executive Assistant - General Manager and Mayor & Councillors

Reason
To satisfy the six monthly reporting requirement of the Councillors Expenses and Facilities Policy

Strategic Theme
Leadership and participation

Strategy
Our decisions and actions are open, transparent, effective and in the interests of all.

Action
Manage Council meetings and provide support to Councillors in fulfilling their role.

Executive Summary

The Councillors Expenses and Facilities Policy was adopted by Council in September 2017.

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

The period covered by this report is from 1 January to 30 June 2022.

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

Recommendation

That Council receive and note the report.

Background

Policy 1.2.23 – Councillors Expenses and Facilities was adopted by Council in September 2017. The policy sets requirements for reporting back to Council on a six monthly basis. In particular, Clause 15 Reporting states:

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

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

Attachment/s

1.⇩ Councillor expenses worksheet 2021_22 Jan-June
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<th>Telephone calls</th>
<th>Conferences &amp; Seminars</th>
<th>Training and Professional Development</th>
<th>Interstate Visits</th>
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Executive Summary

The council’s governing body is responsible for recruiting the general manager. The governing body of council should delegate the task of recruitment to a selection panel and approve the recruitment process. The panel will report back to the governing body of council on the process and recommend the most meritorious applicant for appointment by the Council.

Recommendation

That Council:

1. appoint the Mayor, the Deputy Mayor and Councillor …………….. to the selection panel.
2. delegate authority to the above members of the selection panel to appoint an independent member of the panel.
3. delegate authority to the selection panel to appoint a recruitment consultant to run the recruitment process once a request for quotation process has been undertaken.

Background

The first step in the recruitment process for a permanent General Manager is Council determining a selection panel and approving the recruitment process. The Office of Local Government has published Guidelines for the Appointment and Oversight of General Managers which advises the following:

The selection panel should consist of at least the mayor, the deputy mayor, another councillor and, ideally, a suitably qualified person independent of the council. The selection panel membership should remain the same throughout the entire recruitment process. Selection panels must have at least one male and one female member (other than in exceptional circumstances).

The appointment of an independent member could vary depending on the councillor appointed by the governing body as there is a requirement to have both male and female on the panel. Therefore the appointment of the independent member should be delegated to the councillors on the panel.

The selection panel is responsible for preparing a report to the council’s governing body that:

- outlines the selection process
- recommends the most meritorious applicant with reasons
• recommends an eligibility list if appropriate
• recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants.

This report should be confidential and reported to a closed meeting of council. The council’s governing body must by resolution approve the position of the general manager being offered to the successful candidate before the position is actually offered to that candidate.

The contract of the Interim General Manager is current until 8 February 2023, the recruitment process needs to begin now to ensure it is complete by that date.

**Comments**

**Finance**
The recommendation as printed is supported. The 2022/23 budget includes funding to undertake the recruitment of the position.

**Public consultation**
Not required.

**Attachment/s**
There are no attachments for this report.
Report

Subject: Annual Mayor and Councillor Fees

TRIM Record No: BP22/475:EF19/25-4

Prepared by: Executive Assistant - General Manager and Mayor & Councillors

Reason: For the Council to determine the maximum fees payable to the Mayor and Councillors for 2022/23

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.

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Executive Summary

The Local Government Remuneration Tribunal each year determines the range of annual fees to be paid to Mayors and Councillors. Council needs to determine within the category range the fees to be paid.

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Recommendation

That Council determine the fees payable to the Mayor and Councillors for 2022/23.

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Background

Pursuant to Section 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal has determined the annual fees to be paid to Mayors and Councillors during the period 1 July 2022 to 30 June 2023. The Tribunal has determined a 2 per cent increase in the minimum and maximum fees. The full determination can be viewed at https://www.remtribunals.nsw.gov.au/local-government/current-lgrt-determinations

Lismore City Council is categorised as a Regional Centre. Council needs to determine the annual fee to be paid within the minimum and maximum range as determined by the Tribunal. If Council does not fix a fee, the amount defaults to the minimum.

Councillor Fee

The Councillor fee for Regional Centre councils is a minimum fee of $14,380 each ($158,180 in total) and a maximum fee of $25,310 each ($278,410 in total). The fee included in the budget by Council for the 2022/23 financial year was the total amount of $272,900 ($24,809 each).

Mayoral Fee

The Mayoral fee for Regional Centre councils is a minimum fee of $29,920 and a maximum fee of $62,510. The fee included in the budget by Council for the 2022/23 financial year was the amount of $61,300.
Comments

Finance

If Council adopts the maximum fee as outlined within this report, there will be an unfavourable and unfunded impact to the 2022/23 Operational Plan of $7,400.

Being $6,100 in councillor fees (increase in allowances of $5,500 and $600 in additional superannuation) and Mayoral Fees of $1,300 (increase in the fee of $1,200 and $100 in additional superannuation).

Attachment/s

There are no attachments for this report.
Committee Recommendations
Committee Recommendation
Traffic Advisory Committee Minutes - Meeting of 18 May 2022

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

Attachment/s
1. Traffic Advisory Committee Minutes - Meeting of 18 May 2022
Traffic Advisory Committee Minutes
18 May 2022

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 18 MAY 2022 AT 10.00AM

Please note: These minutes are subject to confirmation at the next Council meeting.

Present

Cr Jeri Hall (Chairperson), Caleisse Dunston (Transport for NSW) and Sgt Clint Williams (Lismore Police).

In Attendance

Rochelle Hellier (Property Officer and Native Title Manager), Leanne Clark (Events Officer), Nathan Dee (Events Client Service Officer), Barry Goodwin (Design Services Engineer) and Maddison Spencer (minutes).

Apologies

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

Confirmation of Minutes

The Committee was advised that the Traffic Advisory Committee minutes of 13 April 2022 were received and adopted by Council at Council’s ordinary meeting on 10 May 2022.

Disclosure of Interest

Nil.

Part ‘A’ – Committee Recommendations

4.2 Request for No Stopping zone - Dibbs Street, East Lismore

Request received from East Lismore resident requesting the Committee consider installation of a No Stopping zone between 158-160 Dibbs Street.

The request relates to:

• Insufficient distance between the two driveways at these residences for a vehicle to park.
• Vehicles parking across the driveways.
• The parking space being in close proximity of a Bus Stop.
• Increase in traffic as a result of the school opposite these residents being re-activated as temporary schooling premises.
• Sight distance issues.
Dibbs Street is a local collector road, being a two way undivided nominal 10m wide carriageway with onstreet parking. It is a primary link between Ballina Road (B60) south to East Lismore. Traffic count data (2013) indicates the average daily traffic (ADT) of approximately 4,350 vehicles including 4% heavy vehicles. It provides access for daily school bus services.

The site has attracted more traffic in recent months as a result of the re-activation of Our Lady of Lourdes School to house primary students from schools damaged by the February flood events.

There is a Bus zone (during peak times) north of House No. 158 and the available area for a car to park does not meet relevant standards. In addition there is a Council water hydrant that may require access in an emergency situation, which may not be available if a vehicle is parked in this location.

It should also be noted that the minimum length of a park is 5.5m.

TAC45/22 **RECOMMENDED** that:
1. The existing Bus zone north of 158 Dibbs Street, East Lismore, be removed.
2. Timed parking zones (15mins) be introduced during School zone times in replacement of the Bus zone.
3. A request be issued to Council’s Civic Services Section to update signage from a Bus zone to timed parking.
4. The writer be advised of the outcome.

Voting for: Councillor Jeri Hall, Calaisse Dunston and Sgt Clint Williams.
Voting against: Nil.

4.4 Request for Change to Access - DA21/585 - 65 Rous Road, Goonellabah

Request received for the Committee to consider changes to the driveway access at 65 Rous Road, Uniting Caroona Goonellabah, in conjunction with proposed Development Application DA21/585.

The proposed development includes the addition of approximately 10 carparks in the northwestern area of the property, which is in the closest vicinity of the existing access that currently allows egress movements only onto Rous Road. This driveway is currently an egress point only with the primary ingress off Rous Road at the intersection with Oliver Avenue.

The request is to widen the existing driveway to 6.0m to allow entry and exit movements to the facility, restricting vehicles to left in/left out only movements onto Rous Road. It also includes the extension of the centre median to the east to restrict vehicles to a left in/left only manoeuvre. This will impact the residents of House Nos. 68 and 70 on the northern side of Rous Road and direct them to the roundabout at the intersection of Oliver Avenue to turn around to travel west along Rous Road.

Rous Road, Goonellabah is an arterial road under Council’s road hierarchy and is the primary road connecting with HW60 Ballina Road. It is a two-way nominal 13m wide carriageway generally with onstreet parking. Traffic data indicates that this section of Rous Road caters for approximately 9,000 (2016) ADT (Average Daily Traffic) with approximately 4% heavy vehicles, including commercial and school bus services.

There has been one recorded accident in the vicinity (2019), located approximately 50m east of the pedestrian refuge, resulting in a serious injury. The single vehicle accident southbound lost vehicle control and impacted with a stationary object.
Traffic Advisory Committee Minutes
18 May 2022

TAC46/22 RECOMMENDED that:
1. Council support in principle the changes to driveway access at 65 Rous Road, Uniting Caroona Goonellabah, in conjunction with proposed Development Application DA21/585, including the extension of the centre median to the east to restrict vehicles to a left in/left out only manoeuvre.
2. The concept and design plan received as part of the Development Application process be referred back to the Committee.

Voting for: Councillor Jeri Hall, Calaisse Dunston and Sgt Clint Williams.
Voting against: Nil.

Items for Discussion

5.2 CBD Temporary Changes to Parking Zones
Request received from Council’s Regulatory Services Coordinator regarding temporary changes to parking zones within the Lismore CBD to accommodate trade staff undertaking re-building activities to assist with the Flood Recovery Program.

Site 3 - Molesworth Street – Temporary Pedestrian Crossing
- Temporary pedestrian crossing to be installed and 40 kph roadworks to calm traffic in Molesworth Street opposite the Clyde Campbell Car Park. Koori Mail has set up some tents to provide food and assistance in Molesworth Street and are concerned about pedestrians crossing the road. A temporary light tower has also been installed.

TAC47/22 RECOMMENDED that:
1. Council not support the implementation of a formal pedestrian crossing on Molesworth Street, opposite the Clyde Campbell Car Park.
2. Investigations be undertaken to relocate the Koori Mail flood recovery facility due to traffic safety concerns.

Voting for: Councillor Jeri Hall, Calaisse Dunston and Sgt Clint Williams.
Voting against: Nil.

5.4 Request for One Way Traffic Movements – Mill Street, The Channon -
Request received from Council’s Construction Engineer for the Committee to consider conversion of the existing two way laneway at Mill Street, The Channon, to a one-way lane (northbound), between the Terania Street intersection and The Channon Store.

A request has been received for the introduction of a One-Way Only (northbound) for Mill Street, The Channon, between the Terania Street intersection and The Channon Store.

Mill Street incurred extensive pavement damage as a result of recent flood events. The available road no longer meets the necessary width for a two-way road.

TAC488/22 RECOMMENDED that:
1. Council support in principle the conversion to a one-way lane (northbound) for Mill Street, The Channon, between the Terania Street intersection and The Channon Store.
2. Council officers undertake community consultation.

Voting for: Councillor Jeri Hall, Calaisse Dunston and Sgt Clint Williams.
Voting against: Nil.
Part ‘B’ – Determined by Committee

4.1 Traffic Safety Issues - Sunset Drive, Goonellabah

Request received from a Goonellabah resident requesting the Committee consider traffic safety issues as a result of an increase in onstreet parking in Sunset Drive.

The writer has specifically mentioned the area where there are units constructed, claiming that it is impossible to pass vehicles simultaneously and citing traffic safety issues on refuse collection days.

Sunset Drive is a local access road under Council’s road hierarchy and provides connectivity between Fig Tree Drive to the west and Invercauld Road to the east. Both streets are Local Collectors and provide access to East Lismore and Goonellabah. It is a two way nominal 8.2m wide carriageway which allows for onstreet parking. The road is approximately 250m in length and the only units are located at 2 Sunset Drive. There is off-street parking for these units catering for six vehicles.

Lismore City Council Development Design Specification D1 Geometric Road Design (Urban and Rural) Table D.1.5. Characteristics of Roads in residential Subdivision in Road Networks indicate for a local street classified road that there be 7-9m carriageway width, which allows for mountable kerb for onstreet parked vehicles to traverse the kerb and gutter.

There is no recorded traffic data for Sunset Drive but the street caters for a set of units and 22 residential dwellings, and a calculation as per Council’s relevant Development Design Specification recommends considering 10 vehicle trips per day.

TAC49/22 AGREED that:
1. The request for the Committee to review traffic safety issues at Sunset Drive, Goonellabah has been noted and discussed.
2. The Committee not support the request for dedicated No Stopping zones.

Voting for: Councillor Jeri Hall, Galeisse Dunston and Sgt Clint Williams.
Voting against: Nil.

4.3 Request for No Stopping Zone - 115 Donnans Road, Lismore Heights

Request received from a Lismore Heights resident for the Committee to consider installation of a No Stopping zone on the Council road verge in the vicinity of 115 Donnans Road.

The writer indicates that vehicles are being parked on the Council road verge creating traffic safety issues for refuse collection vehicles.

Donnans Road is a Local Collector road under Council’s road hierarchy, providing connectivity between High Street to the north and Bangalow Road HW62, and attracts heavy vehicles. It is used as a "rat run" between the areas and is a designated bus route. The road is a two-way nominal 6.0m wide carriageway with no formal parking areas provided. There is no recorded traffic data for this section of Donnans Road, however traffic data from 1996 (approximately 1.3km west of the site) indicates 1,500 vehicles as Average Daily Traffic (ADT).

The site is located on a reverse curve with double barrier pavement markings. There is a small road verge approximately 2m wide on the western side which abuts a retaining wall and concrete drain. On the eastern side of the carriageway is a variable width ranging from 1.5m to 3.0m which interfaces with a steep bank of approximately 40% slope down.
Traffic Advisory Committee Minutes
18 May 2022

to residents in Maluta Place. Due to land topography, a service road exists for properties on the western side of Donnans Road, being House Nos. 113 to 131.

Refuse collection is undertaken in a northbound direction.

There has been one recorded accident in this area in 2002 where a northbound vehicle impacted with a stationary vehicle resulting in injury to the driver.

TAC50/22 AGREED that:
1. Council’s Design Services team liaise with the Waste Collections team about refuse collection impacts along Donnans Road between Nos. 113 to 131.
2. The Committee defer the matter to a future meeting pending a response from the Waste team.

Voting for: Councillor Jeri Hall, Calebisse Dunston and Sgt Clint Williams.
Voting against: Nil.

4.5 Local Street Guide Outdoor Dining Policy & Lismore Pies Outdoor Dining - Changes to Dining Area

Request received from Council’s Property Officer seeking the Committee’s consideration of proposed changes to the existing Pie Cart dining area in Magellan Street, Lismore CBD.

The Local Street Guide was discussed, where the following was acknowledged:
- In November 2020 Council adopted the NSW State Outdoor Dining Policy and accompanying User Guide.
- The Local Street Guide is to allow Council to apply unique or specific requirements that are not dealt with in the broader policy document.
- Public Notice of the Local Street Guide was placed on Your Say Lismore for public comment and submissions closed 6 May 2022.
- A Council report has been drafted recommending Council adopt the Local Street Guide, as publicly exhibited.

With respect to Lismore Pies, the proposal is to modify the existing dining area layout in accordance with the stamped approved plans. Magellan Street is a Local Collector in Council’s road hierarchy. It is a one way (westbound) 9.0m wide carriageway, including onstreet parking on both sides of the carriageway. It provides egress from Magellan Street for shoppers including service vehicles providing deliveries to the CBD inner laneways. Traffic data for Magellan Street (2014) indicates an average daily traffic ADT of 2,054 including 3% heavy vehicles, and an 85% percentile (average vehicle speed) of 22 kph.

The proposal has been considered in accordance with the Local Street Guide Outdoor Dining Policy (to be recommended for adoption at a future Council meeting) and NSW Outdoor Policy and NSW Outdoor Dining User Guide.

TAC51/22 AGREED that the Committee support in principle:
1. The continued operation of the Pie Cart and existing kerbside dining in its current location.
2. Expansion of the dining area along the wall of the old post office, subject to appropriate wayfinding aid warning indicators (e.g. tactile ground surface indicators (TGSIs)), in order to present sufficient, distinguished, predictable and physical warning of the dining area for people who are blind or have a vision impairment (reasoning: this side of Magellan Street does not provide any consistent wall).

Voting for: Councillor Jeri Hall, Calebisse Dunston and Sgt Clint Williams.
Voting against: Nil.
Items for Discussion

5.1 CBD Temporary Changes to Parking Zones
Request received from Council’s Regulatory Services Coordinator regarding temporary changes to parking zones within the Central Business District (CBD) to accommodate trades staff undertaking re-building activities to assist with the Flood Recovery Program.

Site 1 - Carrington Street – Temporary Accessible Park
- A request has been put forward from Council’s Manager Built Environment following a Councillor Request regarding the installation of a temporary Accessible Park in Carrington Street during the operation of the polling booth for pre-poll voting. There is a kerb ramp at the rear of the parking space adjoining the kerb blister to provide access. There is a permanent second Accessible park south of this site. It has been requested that it remain in operation until close of voting Saturday, 21 May 2022.
- There has been a request to include a temporary access area for a Taxi zone during the CBD Flood Recovery Works.

Site 2 - Keen Street – adjacent to BWS and Lismore Central
- Taxi zone during the CBD Flood Recovery Works - The previous Taxi zone in Carrington Street is being used as a container storage area.

TAC52/22 AGREED that:
1. The Committee support in principle the proposed temporary changes to CBD parking to assist with the flood recovery program.
2. The Committee acknowledge temporary changes to car parks in the CBD are at the Rangers’ discretion.

Voting for: Councillor Jeri Hall, Calese Dunston and Sgt Clint Williams.
Voting against: Nil.

5.3 Traffic Management Plan - Lismore Lantern Parade
Request for approval of Traffic Guidance Scheme for the annual Lismore Lantern Parade planned for 25 June 2022.

The Lismore Lantern Parade is returning to the Lismore CBD on Saturday, 25 June 2022. The Organisers will engage Lack Group to implement the car park and road management.

Friday, 24 June - Establishment
Carrington Street from Magellan Street to the Woolworths Ramp will be closed from 12pm Friday, 24 June to enable construction of the stage and marquee cover.

Saturday, 25 June - Parade Route - 4.30pm-6.30pm
The parade will assemble in Magellan Street between Keen Street and Dawson Street at approximately 4.30pm. The parade will commence at 5.30pm and shall proceed along Magellan Street, turning into Molesworth Street (eastern side) allowing egress for NSW Fire & Rescue vehicles if required. The parade will then turn into Market Street and Victoria Street past the skate park.

The audience will assemble along Victoria Street from the skate park to the corner and on the lower level of the levee bank. The large feature lanterns will continue around the corner and into the Riverside Park car park (fenced), then return to the Victoria Street viewing area.

Procession of The North and South – 5.45pm–6.30pm
At 5.45pm a small procession performance (50 people) will depart from the former
Traffic Advisory Committee Minutes
18 May 2022

Railway Station and proceed along the Union Street footpath past NORCO and across the Ballina Street Bridge and down the steps to meet up with the other parade. Participants will remain on the footpath.

Fiery Finale - 6.30pm–7pm
A short theatrical display on the levee bank will follow the parade. The audience will view from Victoria Street and the lower parts of the levee bank. The general public will not be permitted on the river (western side) of the levee bank. The pathway along the riverside from Market Street will be closed to prevent entry into the Riverside Park area from the west (back stage), and there will be professional security in this area.

TAC53/22 AGREED that:
1. The Committee support in principle the Traffic Guidance Scheme for the Lismore Lantern Parade to be held in the Lismore CBD on 25 June 2022.
2. The final/ approved Traffic Guidance Scheme be referred to the Committee meeting of 15 June 2022 to discuss and approve.
3. The event organisers obtain approval from relevant authorities.
4. The organisers install relevant pedestrian safety barriers as determined by NSW Police and in consideration with Hostile Vehicle Guidelines for Crowded Places documentation.
5. The event organisers undertake a risk management review.

Voting for: Councillor Jeri Hall, Calaisse Dunston and Sgt Clint Williams.
Voting against: Nil.

Closure
This concluded the business and the meeting terminated at 11.45am.
Committee Recommendation
Traffic Advisory Committee Minutes - Meeting of 15 June 2022

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

Attachment/s
1. [Traffic Advisory Committee Minutes - Meeting of 15 June 2022]
Traffic Advisory Committee Minutes
15 June 2022

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 15 JUNE 2022 AT 10.00AM

Please note: These minutes are subject to confirmation at the next Council meeting.

Present

Cr Jeri Hall (Chairperson), Caleisse Dunston (Transport for NSW), Sgt Clint Williams (Lismore Police) and Harry Gregg (on behalf of Janelle Saffin, MP).

In Attendance

Jyllie Jackson (Lismore Lantern Parade Organiser – Item 4.4), Jim Roberts (Community Recreation Planner – Item 4.1), Mayor Steve Krieg (Item 5.4), Cr Peter Colby (Deputy Mayor – Item 5.4), Barry Goodwin (Design Services Engineer) and Maddison Spencer (minutes).

Apologies

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

Confirmation of Minutes

TAC54/22 The Committee was advised that the Traffic Advisory Committee minutes of 18 May 2022 were deferred at Council’s ordinary meeting of 14 June 2022. The minutes are to be considered at Council’s ordinary meeting on 12 July 2022.

Disclosure of Interest

Nil.

Part ‘A’ – Committee Recommendations

4.2 Request for Give Way Sign Controlled Intersection - Wedgetail Court, Goonellabah

A request has been received from Council’s Development Engineer in relation to the provision of a Give Way controlled intersection at the intersection of Just Street and the proposed Wedgetail Court, Goonellabah.

Development Application DA02/771.4 Condition 85 requested the developer to provide traffic calming devices at the intersection of Just Street and Wedgetail Court to minimise traffic flow and speed into lower order streets in the road network.

The proposed road (Wedgetail Court) is designed on a slight curvature of 200m linear distance and is two way with a proposed road width of 9.0m and intersects with Just
Traffic Advisory Committee Minutes
15 June 2022

Street with a T intersection.

Sight distance along Just Street to the north is approximately 100 metres and to the south approximately 60m.

TAC55/22 RECOMMENDED that Council support the request for the developer to install a Give Way sign for the proposed intersection of Just Street and Wedgetail Court, Goonellabah.

Voting for: Councillor Jeri Hall, Calaisse Dunston, Sgt Clint Williams and Harry Gregg.
Voting against: Nil.

4.3 Request for Traffic Calming, Proposed Road of William Blair Avenue, Goonellabah

A request has been received from Council’s Development Engineer in relation to the Committee providing advice in relation to a Development Application condition requesting the installation of traffic calming devices at the intersection of William Blair Avenue and Blair Place, Goonellabah.

Development Application DA5.2013.65.1 Condition 29 had requested the developer to provide traffic calming devices at the intersection of William Blair Avenue and Blair Place.

Council’s Development Engineer is requesting feedback from the Committee in relation to the need for traffic calming treatments on Blair Place and for any comments in relation to intersection treatments for the proposed road extension of William Blair Avenue.

TAC56/22 RECOMMENDED

1. That Council do not support the request for the developer to provide traffic calming devices at the intersection of William Blair Avenue and Blair Place, Goonellabah.
2. That future stages of the development be referred to the Committee for comment on traffic related items.

Voting for: Councillor Jeri Hall, Calaisse Dunston, Sgt Clint Williams and Harry Gregg.
Voting against: Nil.

Items for Discussion

5.1 Speed Zone Reviews - Various Sites

Requests have been received for Speed Zone Reviews (SZRs) at various sites within Lismore LGA.

SZRs are managed by Transport for NSW with a previous agreement by the Committee for any requests to be discussed by the Traffic Advisory Committee.

5.1.1 Richmond Hill Road

A resident from Richmond Hill Road has requested that the 50kph speed zone be extended past the previously approved speed zone as reviewed by TfNSW in 2020. The request is to extend the existing 50kph speed zone a further 400m past the Vistara Primary School at 41 Richmond Hill Road.

The School zone is currently managed by 40kph flashing lights and relevant signage and pavement markings.

5.1.2 Tregagle Road

A resident from Tregagle has requested Council investigate options to reduce speeding vehicles in the vicinity of the Tregagle Public School on Tregagle Road. The writer claims that drivers are ignoring the School zone flashing lights and putting children at risk.
Traffic Advisory Committee Minutes
15 June 2022

There are flashing lights present, pavement markings and signage in accordance with relevant standards. The School zone is currently managed by 40kph flashing lights during peak school times.

TAC57/22 RECOMMENDED that:
1. Council do not support the request for the extension of the 50kph speed zone along Richmond Hill Road.
2. A site inspection be undertaken in the vicinity of the Tregasaki Public School for the Committee to consider speed calming devices.

Voting for: Councillor Jeri Hall, Calaisse Dunston, Sgt Clint Williams and Harry Gregg.
Voting against: Nil.

5.2 Temporary Parking Changes - Keen Street, Lismore CBD
A request has been received for temporary changes to parking in Keen Street during the proposed reconstruction of the footpath on the western side of the street.
A request has been received from the Project Manager of the proposed reconstruction of the footpath in Keen Street for temporary parking changes including:
1. Relocation of the Loading zone on the western side of Keen Street to the centre parking area.
2. The inclusion of site laydown area in Larkin Lane near the Keen Street intersection.

A traffic guidance scheme is being prepared for this request.
Council is finalising the planning of footpath reconstruction works on the western side of Keen Street between Magellan Street north to Woodlark Street.
This will involve changes to pedestrian movements and some temporary parking changes.
The project team is seeking endorsement of the proposed changes effective during the reconstruction works.

TAC58/22 RECOMMENDED that:
1. Council support in principle the Traffic Guidance Scheme (TGS) for the temporary parking changes in Keen Street.
2. The final/approved TGS be referred to the Committee meeting of 20 July 2022.

Voting for: Councillor Jeri Hall, Calaisse Dunston, Sgt Clint Williams and Harry Gregg.
Voting against: Nil.

Part ‘B’ – Determined by Committee

4.1 Traffic Management Plan - Clifford Park, Goonellabah
A request has been received from Council’s Community Recreation Planner for the Committee to discuss and provide advice in relation to parking and traffic management for proposed events at Clifford Park, Cassia Crescent, Goonellabah.

Clifford Park is located adjacent to a Council owned building which was upgraded in 2015 and is available for lease from the community.
Council’s Community and Recreation Planner has been requested to investigate the possibility of holding senior Rugby League matches at the site and cater for an estimated 500 spectators.
Interest has been received from Northern United Rugby League Club in developing the ground and facilities as a home ground.
Traffic Advisory Committee Minutes
15 June 2022

Jarjum Pre School is located adjacent to Clifford Park but does not operate on weekends, refer Development Approval 5.2018.27.2.

Clifford Park is a sporting oval which provides facilities for Australian Football and Cricket matches. It is located in a residential precinct of Goonellabah of Cassia Crescent.

TAC59/22 AGREED that:
1. A trial match of a senior Rugby League match be held for a small meet (not a derby) onsite, with surveillance of spectators undertaken to count guest numbers and way of arrival.
2. The Organisers provide the Committee with a formal Traffic Guidance Scheme (TGS) for approval, prior to proposed trial match.
3. Outcome of spectator surveillance be referred back to the Traffic Advisory Committee for further discussion of the request.

Voting for: Councillor Jeri Hall, Calaisse Dunston, Sgt Clint Williams and Harry Gregg.
Voting against: Nil.

4.4 Traffic Guidance Scheme - Lismore Lantern Parade, 25 June 2022
Request for approval of Traffic Guidance Scheme for the annual Lismore Lantern Parade planned for 25 June 2022.

The Lismore Lantern Parade is returning to the Lismore CBD on Saturday, 25 June 2022.

The matter was raised at the 18 May 2022 Traffic Advisory Committee meeting with the following recommendation provided:

TAC 52/22 AGREED that:
1. The Committee support in principle the Traffic Guidance Scheme for the Lismore Lantern Parade to be held in the Lismore CBD on 25 June 2022.
2. The final/ approved Traffic Guidance Scheme be referred to the Committee meeting of 15 June 2022 to discuss and approve.
3. The event organisers obtain approval from relevant authorities.
4. The event organisers install relevant pedestrian safety barriers as determined by NSW Police and in consideration with Hostile Vehicle Guidelines for Crowded Places documentation.
5. The event organisers undertake a risk management review.

A Traffic Guidance Scheme has been prepared by Lack Group to accompany the event.

The organiser of the event has been invited to attend the meeting to address the Committee.

NOTE

An updated TGS was presented to the Committee on 21/8/2022, which was endorsed for implementation.

The following notes and endorsed TGS were sent Councillors 22/8/2022.

The TGS (traffic management plan) provided by the event organisers raised some areas of concern and some locations were determined as not meeting relevant safety device/treatments for the community during public events, and was inconsistent with pedestrian safety in other TGSs for major public events in the CBD.

The following minute has been included in the TAC minutes, to be submitted to Council’s July meeting.

The TAC concerns and recommendations were passed on to the organiser to include in a modified TGS and return as a matter of urgency. However, as a modified TGS had not been received by staff by yesterday, and in the interest of progressing relevant paper work
Traffic Advisory Committee Minutes
15 June 2022

for approval from NSW Police, Council’s staff with traffic control officer qualifications have prepared a traffic management TGS for the event (see attachment).

The current TGS has been forwarded to the organiser to allow sufficient time to coordinate signage and traffic management implementation, confirming that the TGS has been prepared consistent with other major public events in the Lismore CBD for the maximum protection of the public. Any deviation from the plan during implementation is at the risk of the organisers.

TAC60/22 AGREED that:
1. The Traffic Guidance Scheme (TGS) provided to the Committee was not supported.
2. Lismore City Council’s Design Services Engineer and Lismore Police delegate provide feedback to LACK Group to update TGS.
3. Updated TGS be distributed to the Committee members for approval prior to the Lantern Parade.

Voting for: Councillor Jeri Hall, Calaisse Dunston, Sgt Clint Williams and Harry Gregg.
Voting against: Nil.

Items for Discussion

5.3 Carparking Issues – Lismore Memorial Gardens

A request was received from Council’s Commercial Services Business Manager regarding issues with car parking in the Lismore Memorial Garden Carpark.

A request was received from Council’s Commercial Services Business Manager regarding issues with a number of cars parking in the Lismore Memorial Gardens Carpark weekdays filling much needed parking spaced when funeral services are on.

The request was to investigate implementing time parking at the carpark to prevent day parking, with the need to keep two carpark un-timed for staff parking (one for Council office and one for the Funeral Director).

TAC61/22 AGREED that:
1. The Committee do not support the request for timed parking at Lismore Memorial Gardens.
2. The writer be advised be advised of the outcome.

Voting for: Councillor Jeri Hall, Calaisse Dunston, Sgt Clint Williams and Harry Gregg.
Voting against: Nil.

5.4 Traffic Safety Issues – Clyde Campbell Carpark, Koori Mail Hub

A call has been received from NSW Police in regards to the Koori Mail Hub occupying space in the Clyde Campbell Carpark.

Lismore City Council received a call from NSW Police regarding the Koori Mail Hub occupying space within the Clyde Campbell Carpark and enquiring about their plan/strategy going forward, traffic safety issues on the site and need for adequate signage if it is a long term occupation.

The matter was raised at the Traffic Advisory Committee meeting of 18 May 2022, with the recommendation below:

*TAC47/22

RECOMMENDED that:
1. Council not support the implementation of a formal pedestrian crossing on
Traffic Advisory Committee Minutes
15 June 2022

Molesworth Street, opposite the Clyde Campbell Car Park.
2. Investigations be undertaken to relocate the Koori Mail flood recovery facility due to traffic safety concerns.”

Traffic is being directed to no entry signage, with a blockage for the northern entrance. Council rangers have also raised concerns for traffic safety issues on site.

TAC53/22 AGREED that a formal letter be written to the Koori Mail to acknowledge the work they have done for the community and put forward concerns surrounding traffic safety issues at the sight and put forward alternative sites/options.

Voting for: Councillor Jeri Hall, Callisse Dunston, Sgt Clint Williams and Harry Gregg.
Voting against: Nil.

Closure
This concluded the business and the meeting terminated at 11.55 am.
Committee Recommendation

Floodplain Management Committee Minutes - Meeting 12 May 2022

Recommendation

That the attached:

1. minutes of the Lismore Floodplain Management Committee meeting held on 12 May 2022 be received and the recommendations contained in the minutes be adopted.

2. Terms of Reference, as amended by the Committee at the meeting held on 12 May 2022 be adopted by Council.

Attachment/s

1. Floodplain Risk Management Committee minutes
2. Terms of Reference
Lismore Floodplain Management Committee Minutes
12 May 2022

MINUTES OF THE LISMORE FLOODPLAIN MANAGEMENT COMMITTEE HELD IN COUNCIL CHAMBERS ON THURSDAY, 12 MAY 2022 AT 2PM

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 Elly Bird, Councillor Vanessa Ekins (appointed Chair), Councillor Electra Jensen (left 4.50pm), Councillor Big Rob, Jeremy Stewart, Andrew Logan, Caroline Sullivan, Martin Rose (arrived 1.50pm – left 5.04pm) and Graham Askey.

In Attendance

Andy Parks, LCC Acting Strategic Planning Coordinator
Julie Hull, LCC Administration
Sandra Campbell, LCC Administration
Eber Butron, LCC
Scott Turner, LCC

Observers:
Councillor Adam Guise
Beth Trevan – via teams
Our Future Northern Rivers – via teams

Appointment of Chair of this meeting

Councillor Jenkins could not attend in person. Councillor Rob and Councillor Ekins nominated for Chair.

Councillor Ekins - IN FAVOUR: 4 (Jeremy Stewart, Caroline Sullivan, Councillor Bird, Councillor Ekins) AGAINST: 1 (Councillor Rob)

Councillor Big Rob - IN FAVOUR: 1 (Councillor Big Rob)

After a show of hands Councillor Ekins became Chair of the meeting.

Apologies

Toong Chin, Lindy Margan, Ed Bennett, Chad Ellis

Non Attendance

Scott Jones – Lismore Chamber of Commerce
Disclosure of Interest

Jeremy Stewart – partner owns property in South Lismore prior to flood.
Jeremy Stewart – planning to purchase Lismore property in CBD.
Graham Askey has previously disclosed he has property in North Lismore.

Motion put forward by Graham Askey to adjourn meeting to another date
Seconded: Councillor Big Rob
IN FAVOUR: 2 (Councillor Big Rob, Graham Askey)
AGAINST: 5 (Councillor Ekins, Councillor Bird, Councillor Jensen, Andrew Logan, Caroline Sullivan)

Business

4.1 Floodplain Management Committee new Terms of Reference

The Committee amended the Terms of Reference (TOR) in accordance with the Council resolution of April 12, 2022.
Amendments were made by majority vote following discussion on specific clauses.
Council’s acting strategic planning coordinator was asked to complete the draft.
Once completed, the draft TOR is to be submitted to the next Council meeting for acceptance.

Graham Askey asked to move a Condolence motion to note Ron Hepburn’s passing.
Seconded by Councillor Big Rob
Voted unanimously

Closure

This concluded the business and the meeting terminated at 5.25 pm.
Next meeting TBC
Floodplain Risk Management Committee

Terms of Reference (As amended by the Committee 12/5/22)

1. Name
Floodplain Risk Management Committee

2. Background

The main objective of the Policy is to reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses. The Policy recognises the benefits of use, occupation and development of flood-prone land. The Policy is incorporated into the NSW Floodplain Development Manual, which emphasises the importance of developing and implementing floodplain risk management plans. The purpose of a floodplain risk management plan is to evaluate all factors (including social, economic, ecological and cultural impacts and flood risk) that affect the use of flood prone land and address existing, future and continuing flood risks in a comprehensive manner through a range of different management measure.

The Manual supports the Policy and guides councils through the floodplain risk management process. The Manual helps councils develop and implement local floodplain risk management plans and outlines the technical assistance provided by the NSW Government.

The Floodplain Risk Management Guidelines complement the Manual to help councils to fulfil their role in developing and managing flood-prone land while reducing damage from floods.

The purpose of a Floodplain Risk Management Plan is to provide input into the strategic and statutory planning roles of councils. It does not, by intent, purport to be the only document relevant to development of flood prone land. The Plan provides the type of information necessary for adequate forward planning for flood prone land.

The first formal step in the process is the formation of a committee chaired by Council. It is advisory in nature as responsibility for planning matters lies with Council as a whole. Therefore, the committee should report directly to Council.
3. Scope

The principal objective of the Committee is to assist Council in the development and implementation of a Plan for the area(s) under its jurisdiction. However, the Committee also assists in:

- formulating objectives (in accordance with ecologically sustainable development principles), strategies and outcomes sought from the process;
- providing a link between the local community and Council;
- identifying the flood problem to be assessed and the study areas;
- considering and making recommendations to Council on appropriate development controls for use until the Plan is completed, approved and implemented;
- supervising the collection of necessary data and supervising and monitoring the progress and findings of studies being undertaken in the various stages of the Plan;
- providing input into known flood behaviour as part of the flood study;
- identifying management options and providing input into their consideration as part of the management study;
- identifying implementation strategies for the Plan;
- monitoring and assessing the effectiveness of the Plan during and after its implementation;
- coordinating and monitoring the public education programs essential to the long-term viability of the Plan; and
- coordinating with other relevant agencies.

Once the Committee has completed the prime task of developing a Plan and associated implementation strategy, and Council has adopted these, a limited group, including community representatives, to be defined by Council will remain to oversee implementation.

4. Limitations

- The Committee does not have any formal powers, as it has an advisory role.
- The Committee is unable to commit Council to any expenditure or specific course of action.
- Committee members are not authorised to speak or issue media releases on behalf of the Committee or Council.

5. Membership of the Committee

The Committee consists of:
• A minimum of two (2) Lismore City Councillors (with the Chair of the Committee to be the Mayor or the Mayor’s nominee).
• 1 technical specialist from Lismore City Council;
• 1 technical specialist from Rous County Council;
• 1 technical specialist from Southern Cross University;
• 1 representative from DPE; and
• 1 representative from SES.

And up to 6 community members as follows:
• 1 community member from North Lismore;
• 1 community member from South Lismore;
• 1 other community member (not geographically specific)
• 1 First Nation’s community member
• 1 community member representing business owners; and
• 1 community member representing environmental groups.

Representatives from the following organisations will be invited as advisory members to the committee but will not be included as formal members of the committee for the purpose of establishing quorum:
• Northern Rivers Reconstruction Corporation; and
• CSIRO

Technical specialist and representative positions on the Committee will be nominated by their relevant organisations. In accordance with the Floodplain Development Manual, State and Federal Government agency representatives do not have voting rights but provide advice in relation to their area of expertise and departmental function. The Lismore City Council staff position will also not have voting rights.

Community member positions on the Committee are to be filled following an Expressions of Interest process and selection by Council.

The selection criteria for community representatives will be as follows:
• Demonstration of connection and links to their geographic community or community of interest (as appropriate) and;
• Demonstration of awareness in relation to flood risk management issues.
5.1 Technical Sub-Committee

The Committee should also maintain a specialist Technical Sub-Committee to deal with complex technical issues. The role of the Sub-Committee is to provide technical assistance and advice to enable the Committee to fulfill its advisory role to Council efficiently, confident that studies and option assessments are technically adequate, and the options proposed are practical and feasible.

The Sub-Committee includes membership from Council, Rous County Council and the Department of Planning and Environment (DPE) and other technical experts as required. A representative of SES is also included when the Sub-Committee is considering emergency management issues.

5.2 Term of the Committee

- Membership of the Committee is for a period commencing from the date of selection by Council, to be within six months of the most recent general election and continuing until six months after the next general election, or as soon as otherwise practicable.
- The Committee may be dissolved or established by Council resolution.
- Casual vacancies on the Committee may be filled by Council resolution.
- A Committee member will cease being a member of the Committee if:
  (a) the Committee is dissolved by Council resolution;
  (b) a written notice of resignation is provided by a member;
  (c) a member is absent for three consecutive meetings; or
  (d) if a technical specialist or representative, a member ceases working for or representing their relevant organisation.

6. Meeting Protocol & Procedure

- Meetings of the Committee will follow the Agenda.
- Agenda items will be requested when a meeting is called.
- Members will speak through the Chairperson.
- Members will be respectful of each other and not interrupt a speaker.
- Professional or specialist advisers may be invited to address Committee meetings from time to time as required.
- Matters will be decided by show of hands. Proxy votes will not be accepted.
- Members of the public will be welcomed to meetings of the Committee but shall not vote on matters before the Committee. Members of the public may
request to make representations to the Committee or to raise questions at the discretion of the Chairperson.

- Members of the public cannot make audio or video recordings of the meetings. Notes can be taken.
- Minutes will be taken at each meeting, and they will be made available to Committee members and the public when they become available.
- Minutes will be reported to the next scheduled Council meeting for consideration and adoption.

7. Meeting Frequency

   The Committee will meet as needed during the preparation of the Floodplain Risk Management Plan as directed by the Chairperson.

8. Quorum

   Quorum consists of half the currently appointed members plus one.

9. Conflict of Interest

   Committee members are required to disclose any potential conflict of interest and appropriately manage any conflict to the satisfaction of Council.
Documents for Signing and Sealing
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.

The report does not recommend the Council seal be affixed to documents inconsistent with:

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**

The attached Annexure provides details on the following documents to be executed under delegated authority by General Manager:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Lease with Resilience NSW over part Council land (Hepburn Park) located at 30 Holland Street, Goonellabah (part Lot 2 DP 1277273) (Ref: P33248)</td>
</tr>
<tr>
<td>B</td>
<td>Funding agreement with Department of Planning, Industry and Environment (Office of Local Government division)</td>
</tr>
</tbody>
</table>

**Recommendation**

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td><strong>Lease with Resilience NSW</strong> over part Council land (Hepburn Park) located at 30 Holland Street, Goonellabah (part Lot 2 DP 1277273) for temporary emergency accommodation. (Ref: P33248)</td>
</tr>
<tr>
<td>B</td>
<td><strong>Funding agreement</strong> with Department of Planning, Industry and Environment (Office of Local Government division) for Capacity and Capability Grant</td>
</tr>
</tbody>
</table>

**Attachment/s**

1. **12 July 2022 Annexure for Documents for Signing and Sealing**
Annexure Page

Documents for Signing - Council meeting 12 July 2022

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

Agreement

<table>
<thead>
<tr>
<th>Item A:</th>
<th>Agreement to Lease for Temporary Emergency Accommodation at Hepburn Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background</td>
<td>Lismore City Council has received correspondence from the CEO of the Northern Rivers Reconstruction Corporation and the Deputy Secretary, Planning Policy – Housing Recovery Taskforce requesting an agreement to lease part of Hepburn Park for use as temporary emergency accommodation.</td>
</tr>
<tr>
<td></td>
<td>The area of land proposed to be leased is approximately 40,140 sq m and forms part of Hepburn Park at 30 Holland Street, Goonellabah (being part Lot 2, DP1277273). The area of land proposed to be leased is shown outlined orange in Image 1 below:</td>
</tr>
</tbody>
</table>

Image 1: Part of Hepburn Park (being Lot 2 DP 1277273) (outlined in blue) Land subject to proposed lease (outlined orange) approx. 40,140 sq m
The proposed lease land is owned freehold by Lismore City Council, zoned RE1 Public Recreation and classified community.

With respect to this land parcel, Council currently has in place a lease with Far North Coast Hockey Inc and a built dog park facility. As can be seen in Image 1, both facilities are located outside of the proposed lease area. However, the cricket net facility is located inside of the proposed lease area.

Currently, Council has in place the following scheduled arrangements for use of the proposed lease area:

<table>
<thead>
<tr>
<th>Land user / Event Scheduled</th>
<th>Date / Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Man Stands Cricket</td>
<td>1 June 2022 to 14 August 2022</td>
</tr>
<tr>
<td>Lismore Catholic Schools Office Boys &amp; Girls Cricket</td>
<td>26 August 2022</td>
</tr>
<tr>
<td>Marist Bros Seniors</td>
<td>22 March 2022 to 22 Sept 2022 Tuesdays &amp; Thursdays - 5:30pm to 7:30pm</td>
</tr>
<tr>
<td>Lismore Catholic Schools Office Richmond Zone Sport Day</td>
<td>19 August 2022 9am to 3pm</td>
</tr>
<tr>
<td>Lismore Catholic Schools Office Richmond Zone Sport (1500mts event)</td>
<td>25 July 2022 3pm to 6pm</td>
</tr>
<tr>
<td>Lismore City Rugby U’7s training</td>
<td>1 June 2022 to 12 August 2022 5pm to 6pm</td>
</tr>
</tbody>
</table>

Council also has in place seasonable hire bookings with Touch and Oztag over this area and regularly takes bookings from local schools to use for athletics carnival. This land has also been flagged as a potential site for a NAIDOC event.

Other future events proposed to occur at Hepburn Park include:

<table>
<thead>
<tr>
<th>Land user / Event Scheduled</th>
<th>Date / Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joey’s Mini World Cup</td>
<td>September / October 2022</td>
</tr>
<tr>
<td>Samson Challenge</td>
<td>March 2023</td>
</tr>
<tr>
<td>Lismore Masters Games</td>
<td>September 2023</td>
</tr>
<tr>
<td>Joey’s Mini World Cup</td>
<td>September / October 2023</td>
</tr>
<tr>
<td>Samson Challenge</td>
<td>March 2024</td>
</tr>
<tr>
<td>Joey’s Mini World Cup</td>
<td>September / October 2024</td>
</tr>
</tbody>
</table>

Existing users and proposed events would need to be relocated to other sporting fields and venues across Lismore and Goonellabah. To facilitate this, the State Government representatives have indicated rebuilding and upgrading of existing facilities, and acceleration of flood impacted recreational fields.
**Lease term** – it is envisaged the subject site will be required for a minimum period of 2 years, with an option to extend depending on the progress of recovery within Lismore and across the region.

**Rent** – the land will be leased at a commercial rate. Alternatively, the terms would be such that the State rebuilds and upgrades existing recreational facilities that have been impacted by flooding.

<table>
<thead>
<tr>
<th>Item B: Funding Agreement with Office of Local Government for Capacity and Capability Grant</th>
</tr>
</thead>
</table>

The Department of Planning, Industry and Environment (Office of Local Government division) is offering conditional funding to ensure Lismore City Council has the capacity to meet the challenges confronting the community to recover from the impact of recent flooding events.

$20,000,000 excluding GST, will be provided to support Council to undertake flood reconstruction, and to transform and rebuild the Council in line with the Morrison and Low roadmap.
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:

<table>
<thead>
<tr>
<th>Item</th>
<th>Grounds for Closure</th>
<th>Public Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.1</td>
<td>Write-off accrued interest on Rates &amp; Charges.</td>
<td>Section 10A(2) (b): Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: the personal hardship of any resident or ratepayer.</td>
</tr>
</tbody>
</table>
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 14 JUNE 2022 AT 6.00PM

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

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Rob, together with the General Manager, Director Corporate Services, Director Infrastructure Services, Director Partnerships, Planning & Engagement, Manager Finance, Manager Technology and Innovation, Governance & Customer Service Manager and Executive Assistant to the General Manager & Mayor and Councillors.

Apologies and Leave of Absence

119/22 RESOLVED that a leave of absence be granted from:

- Councillor Rob from 28 June to 1 July 2022 to attend the Risk to Resilience Summit in Sydney.
- Councillor Krieg from 18 to 22 June 2022 to attend the Australian Local Government Association National Assembly in Canberra.
- Councillor Bird from 8 to 22 July 2022 for family reasons.
- Councillor Jensen from 15 to 29 June 2022 for private reasons.

(Councillors Rob/Bird)

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

Voting against: Nil
Confirmation of Minutes of Previous Meeting

120/22  **RESOLVED** that the minutes of the Ordinary Meeting held on 10 May 2022 be confirmed.

(Councillors Gordon/Cook)

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

**Voting against:** Nil

Disclosure of Interest

**Clr Gordon declared a Pecuniary, Significant Conflict of Interest for the following item:** 9.1 Notice of Rescission - Airport Annualised Landing Fees  
**Nature:** His wife and he have recently made a business decision related to this.

**Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 10.5 Flood Recovery – Lismore Golf Course  
**Nature:** Lives opposite the golf course.

**Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 16.1 Documents for Signing and Sealing  
**Nature:** an item relates to the Lismore Rowing Club of which he and his wife are members.

**Clr Jensen declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 16.1 Documents for Signing and Sealing  
**Nature:** an item relates to the Lismore Rowing Club of which she is a member.

**Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.2 Santin Quarry and 11.3 North Lismore Plateau development – Dunoon Road  
**Nature:** known to the applicants.

**Clr Bird declared a Significant Conflict of Interest for the following item:** 13.2 Disaster Management Committee  
**Nature:** I am the Chair of Resilient Lismore, a community organisation actively participating in disaster recovery in Lismore.

**Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.2 Santin Quarry and 11.3 North Lismore Plateau development – Dunoon Road  
**Nature:** known to the applicants.

**Clr Guise declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 10.1 Flood Recovery – Raising Homes and 10.2 Flood Impacted Properties Buy backs/Land swaps  
**Nature:** I own flood affected property on the floodplain but I believe 4.6(b) applies as I am of a broad class of ratepayers also flood impacted.
Public Access Session on Agenda Items

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

Notices of Motion

10.5 Flood Recovery – Lismore Golf Course

<table>
<thead>
<tr>
<th>FOR</th>
<th>Linda Gleeson</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGAINST</td>
<td>Jerry Vanclay</td>
</tr>
</tbody>
</table>

Questions with Notice

11.2 Santin Quarry

<table>
<thead>
<tr>
<th>AGAINST</th>
<th>Belinda Berkaya, Monaltrie Area Community Association Inc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Scott Gapes, Monaltrie Area Community Association Inc</td>
</tr>
<tr>
<td></td>
<td>Peter Hovelroud, Monaltrie Area Community Association Inc</td>
</tr>
<tr>
<td></td>
<td>Crystal Maher</td>
</tr>
<tr>
<td></td>
<td>Nora Highfield</td>
</tr>
</tbody>
</table>

11.3 North Lismore Plateau development - Dunoon Rd

<table>
<thead>
<tr>
<th>FOR</th>
<th>Dot Moller</th>
</tr>
</thead>
</table>

11.7 Lismore CBD Markets

<table>
<thead>
<tr>
<th>FOR</th>
<th>Ellen Kronen, Lismore Chamber of Commerce</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Jamie Fell, Blue Kitchen Gourmet Foods</td>
</tr>
<tr>
<td>AGAINST</td>
<td>Robert Miller, Adornments</td>
</tr>
</tbody>
</table>
Reports of the General Manager

14.6 Development Application 5.2021.262.1 - Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension)

<table>
<thead>
<tr>
<th>FOR</th>
<th>Sam Rowe, McCloy Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGAINST</td>
<td>Aliison Kelly, Friends of the Koala</td>
</tr>
<tr>
<td></td>
<td>Al Oshlack, Indigenous Justice Advocacy Network</td>
</tr>
</tbody>
</table>

Councillor Elly Bird left the meeting, the time being 7:03PM
Councillor Elly Bird returned to the meeting, the time being 7:03PM

At this point Councillor Gordon disclosed a non-pecuniary, non-significant interest in item 14.6 as he is a real estate agent in Lismore, however he has not had any discussions with McCloy Group.

14.9 Draft Code of Meeting Practice & Briefings Policy

<table>
<thead>
<tr>
<th>FOR</th>
<th>Janine Wilson</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGAINST</td>
<td>Hugh Nicholson</td>
</tr>
</tbody>
</table>

Mayoral Minute(s) and Condolence Motions

8.1 Condolence Motion - Ron Hepburn

Ronald Norman Hepburn was a Lismore City Council from 1977 to 1995.

During his time on Council he was the Chairman of the Plant Committee, Civic Design Committee, Lake Management Committee and Public Transport Working Group and a member of the Promotion Development & Industries Committee, Pedestrian Footpath and Cycleway Working Party and Financial & Corporate Planning Committee.

Ron devoted a large part of his professional life trying to mitigate flood risks in Lismore and Ballina. As the chairman for 12 years of the Richmond River County Council he advocated and initiated the plan to construct the present CBD flood levee which was completed in 2005. This was a stance that cost him his position on the Lismore City Council after a public backlash over his suggested height and cost.

Ron had a passion for sport, including golf, baseball and cricket. He was the Captain at Lismore & Byron Bay Golf Clubs.

Ron passed away at this home in Melbourne aged 80.

He will be sadly missed by children and extended family.
RESOLVED that Council:
1. receive and note the Condolence motion.
2. a letter of condolence is sent to the family from the Mayor.

(Councillors Rob/Jensen) (BP22/308)

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

8.2 Condolence Motion - Ross Binney

Ross Edwin Binney was born, raised and educated in the Lismore area.

Ross began his career in the construction industry working at the first of many well known Lismore businesses, Dayal Singh Joinery Works. He went on to work at Bennet Constructions and Graingers Hardware before realising his dream of self employment with Ross Binney Constructions. The company grew with its own joinery works and later developed with Lismore Coffin Manufacturers. It became a leading Australian coffin manufacturing company.

For the past six years Ross has worked with his wife Joan and son Warwick at Binney Family Funerals.

In the community Ross was a founding member of the Goonellabah Rotary Club. He was awarded the Paul Harris Fellow for his contribution to the community through Rotary and was involved in the initial planning and creation of Kadina Park.

Ross passed away aged 77. He will be sadly missed by his wife Joan, children Warwick & Amanda and extended family.

RESOLVED that Council:
1. receive and note the Condolence motion.
2. a letter of condolence is sent to the family from the Mayor.

(Councillors Gordon/Cook) (BP22/385)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob
Voting against: Nil
8.3 Condolence Motion - Uncle Murray Roberts

Murray John Roberts was born in Lismore and grew up at Cubawee Reserve with his parents, 10 brothers and 8 sisters.

He left school early to help provide for his family, later moving to Mulli Mulli and Woodenbong to work at the sawmill. Eventually he joined his brothers in Sydney working in the factories.

During these years he was surrounded by the growing aboriginal and lands rights movements. His involvement led to a lifelong passion and dedication to his people, politics and land rights.

Even though his formal education as a child was limited, his learning never stopped. His knowledge and understanding of legislation, legal documents and reports has contributed to many native title claims and cultural heritage protections on Bundjalung country.

Uncle Murray was the first chairperson of the Regional Land Council and was instrumental in setting up Land Councils across the country.

Uncle Murray passed away aged 76. He will be sadly missed by his partner Inge, children, grandchildren, great grandchildren and large extended family.

RESOLVED that Council:

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

(Councillors Bing/Bird) (BP23/386)

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

Voting against: Nil

A moments silence was held in remembrance of Ron Hepburn, Ross Binney and Uncle Murray Roberts.
Altering Order of Business (Consideration of altering the order of business to debate matters raised during Public Access Session)

RESOLVED that the order of business be altered to debate the following matters raised during Public Access:

- 10.5 Flood Recovery – Lismore Golf Course
- 11.2 Santin Quarry
- 11.3 North Lismore Plateau development - Dunoon Rd
- 11.7 Lismore CBD Markets
- 14.6 Development Application 5.2021.262.1 - Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension)
- 14.9 Draft Code of Meeting Practice & Briefings Policy

(Councillors Rob/Ekins)

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

Voting against: Nil

10.5 Flood Recovery - Lismore Golf Course

MOTION moved that Council:

1. take no further preliminary feasibility, design work, or other action to develop a new commercial or residential zone in relation to the Lismore Golf Course;

2. advise all relevant organisations, including the Northern Rivers Reconstruction Corporation, that Lismore City Council does not support any action to develop a new commercial or residential zone in relation to the Lismore Golf Course.

(Councillor Rob) (BP22/370)

The MOTION lapsed due to want of a seconder.

11.2 Santin Quarry

Why has Council chosen Ardill Payne to determine the Santin Quarry s4.55 DA modification application (5.1992.523.5) when the standing resolution of council has determined that the DA has expired?

At this time the General Manager gave a verbal response to the question.
11.3 North Lismore Plateau development - Dunoon Rd

For the approved North Lismore Plateau Dunoon Rd development (5.2020.462.1), where is the valid approval for filling of these floodplain lots? In light of the flooding of these approved lots at the foothills of the North Lismore Plateau, what avenues are there for Council to review this DA?

As the development approval is before the Court, why is council only providing a 'submitting appearance'?

Why is Council's Senior Development Assessment Officer swearing an affidavit for the respondent Winten group for a strike out motion?

What is the assessed costs of her giving evidence?

At this time the General Manager gave a verbal response to the question.

11.7 Lismore CBD Markets

Can the General Manager please provide information relating to:

1. how the decision was made to introduce two of the Lismore region's biggest markets into the CBD, at a time when local CBD businesses are struggling to re-establish themselves after the recent flood events?

2. what consultation, if any, occurred prior to the decision being made?

3. whether CBD businesses will be allowed to trade free of charge at the markets?

and

4. whether any restrictions will be applied to the markets to ensure they are not selling items similar to those being sold in existing CBD businesses?

At this time the General Manager gave a verbal response to the question.

Councillor Electra Jensen left the meeting, the time being 7:35PM

Councillor Electra Jensen returned to the meeting, the time being 7:36PM

14.6 Development Application 5.2021.262.1 - Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension)

MOTION moved that Council refuses DA 5.2021.262.1 Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension) under s4.15 (1) a-e of the Environmental Planning & Assessment Act 1979 on the following grounds:

- the likely impacts of that development, including environmental impacts on both the natural and built environments
- the suitability of the site for the development
- the public interest

(Councillors Guise/Cook)
FORESHADOWED MOTION moved that:

1. Development Application 5.2021.262.1 for proposed subdivision at 226 Invercauld Road, Goonellabah be approved subject to the draft conditions of consent at Attachment 1 to this report.
2. the $185,017.86 contribution for cycleways be removed

(Councillor Rob)

125/22 On submission to the meeting the motion was RESOLVED that Council refuses DA 5.2021.262.1 Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension) under s4.15 (1) a-e of the Environmental Planning & Assessment Act 1979 on the following grounds:

- the likely impacts of that development, including environmental impacts on both the natural and built environments
- the suitability of the site for the development
- the public interest

(Councillors Guise/Cook) (BP22/105)

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

Committee of the Whole

126/22 RESOLVED that the session go into Committee of the Whole.

(Councillors Ekins/Cook)

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

Councillor Adam Guise left the meeting, the time being 8:20PM
Councillor Adam Guise returned to the meeting, the time being 8:23PM
Resumption of Council Meeting

127/22 RESOLVED that Council leave Committee of the Whole and return to the meeting.

(Councillors Gordon/Cook)

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

Voting against: Councillor Rob

14.9 Draft Code of Meeting Practice & Briefings Policy

128/22 MOTION moved that this matter be deferred to a future Council meeting following a workshop for councillors to discuss in detail.

(Councillors Krieg/Rob)

FORESHADOWED MOTION moved that:

1. in accordance with section 361 of the Local Government Act 1993, the draft Code of Meeting Practice at Attachment 1 to this report be placed on public exhibition for a period of 28 days.

2. in accordance with section 361 of the Local Government Act 1993, a period of 42 days is provided for the Public to make submissions on the draft Code of Meeting Practice.

3. Council endorses the inclusion of the following optional clauses and parts:

   a) Clauses 3.12 and 3.13 – Giving notice of business to be considered at council meetings
   b) Clause 3.33 – Briefings
   c) Part 4 – Public Access include unlimited speakers
   d) Clauses 5.14 and 5.15 – The quorum for a meeting
   e) Clauses 5.16, 5.17 & 5.18 – Meetings held by audio-visual
   f) Clauses 5.19 to 5.30 – Attendance by councillors at meetings by audio-visual link
   g) Part 7 – Modes of Address
   h) Clause 8.2 – Order of Business for Ordinary Council Meetings
   i) Clause 9.10 – Mayoral Minutes
   j) Clause 10.9 – Motions requiring the expenditure of funds
   k) Clause 11.11 – Voting at Council Meetings
   l) Part 13 – Dealing with Items by Exception
   m) Clause 14.20 – Obligations of councillors attending meetings by audio-visual link
Confidential Matters

14.11, 14.13, 14.16 and 14.17 – Representations by members of the public

15.15 and 15.16 – Expulsion from meetings

15.21 & 15.22 How disorder by councillors attending meetings by audio-visual link may be dealt with

16.2 - Conflicts of Interest

17.10 – Rescinding or altering council decisions

17.15 to 17.20 - Recommitting resolutions to correct an error

Part 18 – Time Limits on Council Meetings

Clause 15.21 & 15.22 How disorder by councillors attending meetings by audio-visual link may be dealt with

Clause 16.2 - Conflicts of Interest

Clause 17.10 – Rescinding or altering council decisions

Clause 17.15 to 17.20 - Recommitting resolutions to correct an error

Part 18 – Time Limits on Council Meetings

Clause 19.2 – Minutes of meetings

Clause 20.23 & 20.24 – Minutes of council committee meetings

4. the amended Council Briefings Policy be placed on public exhibition for 28 days and be reported back to Council for consideration with any submission received.

(Councillor Bird)

On submission to the meeting it was RESOLVED that this matter be deferred to a future Council meeting following a workshop for councillors to discuss in detail.

(Councillors Krieg/Rob) (BP22/282)

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

Notice of Rescission Motions

Councillor Andrew Gordon left the meeting, the time being 8:47PM

9.1 Notice of Rescission - Airport Annualised Landing Fees

129/22 DEFEATED that Council rescind its decision on Item 15.2 from 10 May 2022 meeting.

(Councillors Guise/Bird) (BP22/309)

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

Councillor Andrew Gordon returned to the meeting, the time being 8:57PM
Altering Order of Business

130/22 DEFEATED that the order of business be altered to debate the items listed in sections 13 and 14.

(Councillors Cook/Bird)

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

Notice of Motions

10.1 Flood Recovery - Raising Homes

131/22 MOTION moved that Council:

1. take no further action in relation to raising homes in the floodplain until a safe floor level is identified by engineers, following consideration of the 2022 floods, the Probable Maximum Flood (PMF) height, water velocity and the impact of debris at higher flood levels, isolation related issues, and any other relevant matters which may impact risk to life; and

2. advise all relevant organisations, including the Northern Rivers Reconstruction Corporation, that Lismore City Council does not support raising homes in the floodplain until a safe floor level has been identified by engineers.

(Councillor Rob) (BP22/368)

The MOTION lapsed due to want of a seconder.

10.2 Flood Impacted Properties Buy backs/Land swaps

132/22 DEFEATED that Council writes to the Prime Minister and relevant Commonwealth Government Ministers, David Witherdin and the Northern Rivers Reconstruction Corporation, seeking urgent funding for buybacks and land swaps for flood impacted properties, as well as prioritise investigating engineering solutions such as floating houses, flood resilient design, home relocations, house raising and pre-flood evacuations of people and property.

(Councillors Guise/Bird) (BP22/367)

Voting for: Councillors Bird, Cook, Ekins, Guise and Rob
Voting against: Councillors Bing, Colby, Gordon, Hall, Jensen and Krieg
10.3 Flood Level Monitoring & Warning System

133/22 RESOLVED that Council:

1. install a new digital sign to correctly show metres to overtopping at the Browns Creek Pump Station, and stream the data online on Council's website so it is publicly available to everyone;
2. install a new flood warning siren, preferably on top of a building in the CBD, to very clearly notify those in the floodplain when it is time to evacuate;
3. install flood monitoring cameras at prominent locations around the floodplain, and stream the data online on Council's website so it is publicly available to everyone;
4. seek grant funding to cover the costs of purchasing and installing the various flood level monitoring and warning system devices.

(Councillors Rob/Hall) (BP22/369)

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

Councillor Darlene Cook left the meeting, the time being 9:15PM
Councillor Big Rob left the meeting, the time being 9:16PM
Councillor Darlene Cook returned to the meeting, the time being 9:16PM
Councillor Big Rob returned to the meeting, the time being 9:17PM
Councillor Electra Jensen left the meeting, the time being 9:19PM
Councillor Electra Jensen returned to the meeting, the time being 9:20PM

10.4 Rainfall and Creek Level Gauges

134/22 RESOLVED that Council write to the relevant NSW and Federal Ministers requesting an urgent review of the flood warning systems used by the SES and BOM to ensure:

- Adequate stream and rain gauges are provided within river catchments as data inputs to flood modelling processes,
- Flood warning processes and infrastructure are recognised as vital to community safety and proposed improvements are not unnecessarily contingent on completion of other important but lengthy processes such as completion of Floodplain Risk Management Plans,
- Flood warning messaging include forward looking scenarios based on predicted rainfall and worst case scenario modelling,
- Consideration is given to providing interactive public facing flood prediction models.

(Councillors Ekins/Bird) (BP22/374)
Councillor Jeri Hall left the meeting, the time being 9:23PM
Councillor Elly Bird left the meeting, the time being 9:24PM
Councillor Jeri Hall returned to the meeting, the time being 9:25PM
Councillor Elly Bird returned to the meeting, the time being 9:28PM

10.6 Renaming of Lismore Airport

135/22 DEFEATED that community consultation be undertaken via Your Say for a period of 28 days to gauge community interest in the renaming of Lismore Airport to Lismore Nimbin Airport. Any submissions received be reported back to council for consideration before making any decision to place this item in next year’s budget.

(Councillors Rob/Ekins) (BP22/371)

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

10.7 CBD Electronic Vehicle Charging Station

136/22 DEFEATED that Council:

1. reconsider the location of the CBD Electronic Vehicle Charging Station scheduled to go into the Clyde Campbell Carpark so that it is located out of the floodplain;

2. contact the Commonwealth Government to seek approval to relocate the CBD Electronic Vehicle Charging Station out of the floodplain, and/or to request additional funding to ensure the project is ‘built back better’; or

3. decline to proceed with the CBD Electronic Vehicle Charging Station if a suitable out of flood location cannot be identified or the Commonwealth Government refuses to approve relocation and/or additional funding, if Council cannot identify any additional funding which may be required.

(Councillors Rob/Jensen) (BP22/372)

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

That Council develop a "Pothole Dashboard" on their website with simplified reporting and a regularly updated spreadsheet detailing upcoming works and timelines.

Councillor Hall withdrew the motion.

Questions with Notice

11.1 Lismore CBD Office

Can the General Manager please provide information relating to council's intention to re-establish a new council office in Lismore's CBD, including information relating to:

1. how it will be funded?
2. where the expenditure is included in the budget to be adopted?
3. how and why the decision was made, after council decided to close our previous CBD office not so long ago and have since rented out the space? and
4. the justification for placing additional council resources in the floodplain, after suffering such massive losses and incurring such considerable costs to be covered by ratepayers following our most recent flood events?

At this time the General Manager gave a verbal response to the question.

11.4 Electoral Campaign Signs

Can the General Manager please describe Council's policy relating to electoral campaign signs, what enforcement action occurred during the last two elections, why so many breaches of this policy occur every time there is an election, and what council plans to do during forthcoming election campaign periods to ensure compliance with Council's policy?

At this time the General Manager gave a verbal response to the question.

MOTION moved that Council actively remove all illegal campaign material from the Lismore area as they see it.

(Councillor Rob) (BP22/363)

The MOTION lapsed due to want of a seconder.
11.5 Infrastructure Contributions Discount Policy

Can the General Manager please explain:

1. how the Infrastructure Contributions Discount Policy can help small businesses looking to expand their operations?
2. why the Infrastructure Contributions Discount Policy was not renewed by council before it expired on 30 June 2020? and
3. whether the Infrastructure Contributions Discount Policy can be reinstated immediately?

At this time the General Manager gave a verbal response to the question.

11.6 Lismore Cycleways

Can the General Manager please advise how much the Lismore Cycleways program have cost ratepayers over the years, how much more the program is expected to cost ratepayers in the next financial year, how much maintenance of the cycleways is expected to cost ratepayers each year, and whether any further spending on cycleways can be cut and the program abandoned effective immediately?

At this time the General Manager gave a verbal response to the question.

MOTION moved that the Lismore Cycleways program be abandoned immediately.

(Councillor Rob)

The motion lapsed due to want of a seconder.

11.8 General Manager's Position

Can the General Manager please advise when the General Manager's position will be advertised so the selection process can commence, allowing sufficient time to process applications and sufficient time to seek further applications if required?

At this time the General Manager gave a verbal response to the question.

137/22 RESOLVED that an issue related to personnel be dealt with in the confidential session later in the meeting.

(Councillors Krieg/Guise) (BP22/382)

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

Councillor Electra Jensen left the meeting, the time being 9:53PM
Councillor Electra Jensen returned to the meeting, the time being 9:55PM
Councillor Peter Colby left the meeting, the time being 9:56PM
Councillor Peter Colby returned to the meeting, the time being 9:57PM

Altering Order of Business

138/22  **RESOLVED** that the order of business be altered to debate the following matters –

- 14.1 Final adoption of 2022/23 Operational Plan
- 14.2 2022/23 Rates and Charges

(Councillor Rob)

The motion lapsed due to want of a seconder.

Matters Arising

**13.1 Recycling and Resource Recovery Strategy 2022-2032**

MOTION moved that:


2. Councillors be kept informed of new initiatives and opportunities via City Notes and any investment opportunities or projects that require Council funding commitments are undertaken in accordance with Council’s procedures under existing budget provisions and delegations of authority or new budget submissions and supported by:
   a) business case approval
   b) outcome/s of funding submission/s
   c) relevant approvals
   d) risk management framework

(Councillors Guise/Cook)

**FORESHADOWED MOTION** moved that:


2. Councillors be kept informed of new initiatives and opportunities via City Notes and any investment opportunities or projects that require Council funding commitments are undertaken in accordance with Council’s procedures under existing budget provisions and delegations of authority or new budget submissions and supported by:
   a) business case approval
b) outcome/s of funding submission/s  
c) relevant approvals  
d) risk management framework

3. adopt an open approach toward merit consideration on a case by case basis of all and any technologies, systems, partnerships or options for resource recovery and residual waste management solutions, and specifically removing reference of not supporting waste to energy from the strategy.

(Councillor Rob)

139/22 On submission to the meeting it was **RESOLVED** that:


2. Councillors be kept informed of new initiatives and opportunities via City Notes and any investment opportunities or projects that require Council funding commitments are undertaken in accordance with Council’s procedures under existing budget provisions and delegations of authority or new budget submissions and supported by:
   a) business case approval  
   b) outcome/s of funding submission/s  
   c) relevant approvals  
   d) risk management framework

(Councillors Guise/Cook) (BP22/54)

Voting for: Councillors Bird, Colby, Cook, Ekins, Guise and Krieg

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

Councillor Elly Bird left the meeting, the time being 10:12PM

13.2 Disaster Management Committee

That:

1. Council prepare Terms of Reference establishing a Disaster Management Committee

2. the Committee consist of councillors and relevant staff, with relevant experts invited to attend Committee meetings as required

3. the Committee be tasked with creating, reviewing, maintaining and/or updating emergency management, disaster and/or recovery plans relating to any part of the Lismore City Council local government area

4. except when considering sensitive or personal information during closed sessions, Committee meetings be open to the public and live streamed to allow
the Committee to receive input from local residents both in attendance and viewing remotely as part the planning process

5. the Committee be empowered to create sub committees and working groups as required

6. the Chair of the Committee be a councillor, other than the Mayor, elected by councillor members of the Committee, who can call meetings as required.

Lapsed due to want of a mover.

Councillor Vanessa Ekins left the meeting, the time being 10:13PM
Councillor Elly Bird returned to the meeting, the time being 10:14PM
Councillor Vanessa Ekins returned to the meeting, the time being 10:16PM
Councillor Jeri Hall left the meeting, the time being 10:18PM
Councillor Jeri Hall returned to the meeting, the time being 10:19PM

13.3 Confirmation of Minutes - Ordinary Meeting 12 April 2022

140/22 RESOLVED that:

1. the minutes of the Ordinary Meeting held on 12 April 2022 be confirmed

2. Council acknowledges the incorrect process was followed for adopting recommendations by exception, however endorses the decisions on resolutions 102/22 to 110/22

(Councillors Cook/Krieg) (BP22/391)

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

Reports of the General Manager

14.1 Final adoption of 2022/23 Operational Plan

MOTION moved that:

1. all submissions be received and noted.

2. the Imagine Lismore Operational Plan 2022-2023 that includes the following documents be adopted the:
   - Imagine Lismore Operational Plan
   - 2022-2023 budgeted financials, including revenues and expenses by Program
   - 2022-2023 Revenue Policy & Borrowings
   - 2022-2023 Fees & Charges
DEFEATED that the session go into Committee of the Whole.

(Councillors Cook/Bird) (BP22/346)

**Voting for:** Councillors Bird, Cook and Ekins

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

AMENDMENT moved that:

1. all submissions be received and noted
2. the Imagine Lismore Operational Plan 2022-2023 that includes the following documents be adopted the:
   - Imagine Lismore Operational Plan
   - 2022-2023 budgeted financials, including revenues and expenses by Program
   - 2022-2023 Revenue Policy & Borrowings
   - 2022-2023 Fees & Charges
3. the budget be amended to include the following items:
   - $160,000 for amenities block in Nimbin
   - $140,000 for library contributions

(Councillors Cook/Bird)

Councillor Jeri Hall left the meeting, the time being 10:41PM
Councillor Jeri Hall returned to the meeting, the time being 10:43PM

141/22 On submission to the meeting the amendment was DEFERRED that:

1. all submissions be received and noted.
2. the Imagine Lismore Operational Plan 2022-2023 that includes the following documents be adopted the:
   - Imagine Lismore Operational Plan
   - 2022-2023 budgeted financials, including revenues and expenses by Program
   - 2022-2023 Revenue Policy & Borrowings
   - 2022-2023 Fees & Charges
3. the budget be amended to include the following items:
   - $160,000 for amenities block in Nimbin
   - $140,000 for library contributions

(Councillors Cook/Bird) (BP22/346)
Voting for: Councillors Bird, Colby, Cook, Ekins and Guise
Voting against: Councillors Bing, Gordon, Hall, Jensen, Krieg and Rob

AMENDMENT moved and RESOLVED that:
1. all submissions be received and noted.
2. the Imagine Lismore Operational Plan 2022-2023 that includes the following documents be adopted the:
   - Imagine Lismore Operational Plan
   - 2022-2023 budgeted financials, including revenues and expenses by Program
   - 2022-2023 Revenue Policy & Borrowings
   - 2022-2023 Fees & Charges
3. the budget be amended to include the following items:
   - $140,000 for library contributions

(Councillors Bird/Guise)

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

142/22 On submission to the meeting the amendment became the motion and was RESOLVED that:
1. all submissions be received and noted.
2. the Imagine Lismore Operational Plan 2022-2023 that includes the following documents be adopted the:
   - Imagine Lismore Operational Plan
   - 2022-2023 budgeted financials, including revenues and expenses by Program
   - 2022-2023 Revenue Policy & Borrowings
   - 2022-2023 Fees & Charges
3. the budget be amended to include the following items:
   - $140,000 for library contributions

(Councillors Bird/Guise) (BP22/346)

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

143/22 RESOLVED that the time being 11.00pm the meeting continue to the end of the business paper.

(Councillors Rob/Bing)

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

Voting against: Councillors Bird, Guise and Krieg

Councillor Elly Bird left the meeting, the time being 11:06PM

14.2 2022/23 Rates and Charges

144/22 RESOLVED that, following advertisement of the draft Imagine Lismore Operational Plan – 2022/23 in accordance with Section 405 of the Local Government Act, 1993, Council makes the Rates, Wastewater Charges, Waste Management Charges, Water Charges, Stormwater Management Services Charges and Interest Charges for 2022/23 as set out below:

**RATES**

(1) A **Business Rate** to be known as the ‘Business Inner CBD’ rate of three point seven two six nine (3.7269) cents in the dollar per assessment, on the land value as at base date 1 July 2019 with a base amount of four hundred and twenty three dollars ($423.00) per assessment be now made for the rating year 1 July 2022 to 30 June 2023, on all rateable land within the centre of activity known as the Inner CBD shown as within the red boundary of the map, Schedule C, and that meets the definition of Business as defined in Section 518 of the *Local Government Act 1993*. The total income from base amounts equates to six point zero (6.0%) percent of the Business Inner CBD income.

(2) A **Business Rate** to be known as the ‘Business Urban’ rate of one point four eight six eight (1.4868) cents in the dollar per assessment, on the land value as at base date 1 July 2019 with a base amount of four hundred and twenty three dollars ($423.00) per assessment be now made for the rating year 1 July 2022 to 30 June 2023, on all rateable land within the centre of activity outside the Inner CBD shown as within the red boundary of the map, Schedule C, but within the urban area of Lismore as shown by the red boundary on the map, Schedule D, and that meets the definition of Business as defined in Section 518 of the *Local Government Act 1993*. The total income from base amounts equates to eight point five (8.5%) percent of the Business Urban income.

(3) A **Business Rate** to be known as the ‘Business Other’ rate of point eight zero one two (0.8012) of a cent in the dollar per assessment on the land value as at base date 1 July 2019 with a base amount of four hundred and twenty three dollars ($423.00) per assessment be now made for the rating year 1 July 2022 to 30 June 2023, on all rateable land in the City of Lismore but not within the areas defined within the maps, Schedules C and D attached and the Village of Nimbin, as defined by the map of Nimbin in Schedule A, and that meets the definition of Business as defined in Section 518 of the *Local Government Act*.
The total income from base amounts equates to **twenty two point two (22.2%) percent of the Business Other income**.

(4) A Business Rate to be known as the ‘Nimbin Business’ rate of **point nine seven eight five (0.9785) cents in the dollar** per assessment on the land value as at base date 1 July 2019 with a **base amount of four hundred and twenty three dollars ($423.00)** per assessment be now made for the rating year 1 July 2022 to 30 June 2023, on all rateable land within the Village of Nimbin, as defined by the map of Nimbin in Schedule A, that meets the definition of Business as defined in Section 518 of the *Local Government Act 1993*. The total income from base amounts equates to **sixteen point three (16.3%) percent of the Nimbin Business income**.

(5) A Residential Rate to be known as the ‘Residential’ rate of **point five four one two (0.5412) of a cent in the dollar** per assessment, on the land value as at base date 1 July 2019 with a **base amount of four hundred and twenty three dollars ($423.00)** per assessment, be now made for the rating year 1 July 2022 to 30 June 2023, on all rateable land within the centres of population defined and within the red lines shown on the maps in Schedule A attached and meeting the definition of Residential as defined in Section 516 of the *Local Government Act 1993*. The total income from base amounts equates to **thirty two point four (32.4%) percent of the Residential income**.

(6) A Residential Rate to be known as the ‘Residential Rural’ rate of **point four two two seven (0.4227) of a cent in the dollar** per assessment on the land value as at base date 1 July 2019 with a **base amount of four hundred and twenty three dollars ($423.00)** per assessment, be now made for the rating year 1 July 2022 to 30 June 2023, on all rateable land that meets the definition of Residential except for land within the centres of population defined by the maps in Schedule A attached and meeting the definition of Residential as defined by Section 516 of the *Local Government Act 1993*. The total income from base amounts equates to **twenty five point nine (25.9%) percent of the Residential Rural income**.

(7) A Farmland Rate to be known as the ‘Farmland’ rate of **point four two one four (0.4214) of a cent in the dollar** per assessment, on the land value as at base date 1 July 2019 with a **base amount of four hundred and twenty three dollars ($423.00)** per assessment, be now made for the rating year 1 July 2022 to 30 June 2023, on all rateable land in the City of Lismore area that meets the definition of Farmland as defined in Section 515 of the *Local Government Act 1993*. The total income from base amounts equates to **sixteen point five (16.5%) percent of the Farmland income**.

**WASTEWATER CHARGES**

(8) In accordance with Sections 501 and 539 of the *Local Government Act 1993*, an annual charge be now made for the provision of sewerage services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the *Local Government Act 1993*, including residential strata units of **nine hundred and seventy seven dollars ($977.00)** per assessment. This charge applies to properties connected to the Lismore Sewer Scheme and is to be known as the ‘Sewer’ charge for the period 1 July 2022 to 30 June 2023, excluding properties charged the Sewer Rebate 1 or Sewer Rebate 2 annual charge.

(9) In accordance with Sections 501 and 539 of the *Local Government Act 1993*, an annual charge be now made for the provision of sewerage services of **four**
hundred and seventy six dollars and four cents ($476.04) per assessment for all rateable land connected to the Lismore Sewer Scheme in the area as defined by Schedule K, to be known as the ‘North Woodburn Connection’ charge for the period 1 July 2022 to 30 June 2023.

(10) In accordance with Sections 501 and 539 of the Local Government Act 1993, an annual charge, as per the attached Schedule F, where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of sewerage services to a parcel of land connected to the Lismore Sewer Scheme to be known as the ‘Sewer Multiple’ charge for the period 1 July 2022 to 30 June 2023, excluding residential Strata Units.

(11) In accordance with Sections 501 and 539 of the Local Government Act 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule G, where the charge is indicated by the number of equivalent tenants or part thereof allocated to an assessment in accordance with the methodology set out in Council’s Wastewater Usage Charging Strategy to be known as the ‘Non-Residential Sewer’ charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period 1 July 2022 to 30 June 2023.

(12) In accordance with Sections 501 and 539 of the Local Government Act 1993, an annual charge be now made for the availability of sewerage services of five hundred and eighty six dollars and twenty cents ($586.20) per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Scheme main and capable of discharging into that main but not connected thereto to be known as the ‘Sewer Unconnected’ charge for the period 1 July 2022 to 30 June 2023, excluding properties charged the Sewer Rebate 1 or Sewer Rebate 2 annual charge.

(13) In accordance with Sections 501 and 539 of the Local Government Act 1993, an annual charge be now made for the availability of sewerage services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of two hundred and ninety three dollars and ten cents ($293.10) per assessment. This charge applies to occupied properties for which an Occupation Certificate has been issued, which have a self-sufficient or stand-alone onsite system of wastewater management installed and which have no connection to the Lismore Sewer Scheme. In addition, all necessary State or Local Government approvals applicable to the onsite system of wastewater management must have been obtained and the system must be operated in compliance with these approvals. This charge is to be known as the ‘Sewer Rebate 1’ charge for the period 1 July 2022 to 30 June 2023.

(14) In accordance with Sections 501 and 539 of the Local Government Act 1993, an annual charge be now made for the provision of sewerage services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act 1993, including residential strata units of four hundred and eighty eight dollars and fifty cents ($488.50) per assessment. This charge applies to occupied properties for which an Occupation Certificate has been issued, which have at least one dry composting toilet installed, have no flush toilets installed, but which continue to discharge their grey water to the Lismore Sewer Scheme. In addition, all necessary State or Local Government approvals applicable to the dry composting toilet(s) must have been obtained and the toilet(s) must be operated in compliance with these approvals.
annual charge is to be known as the ‘Sewer Rebate 2’ charge for the period 1 July 2022 to 30 June 2023.

WASTE MANAGEMENT CHARGES

(15) An annual charge in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents of a 240 litre or 360 litre approved mobile bin as well as the approved waste contents of a 120 litre or 140 litre approved mobile bin. This charge is to be known as the ‘Integrated Waste’ collection service for the period 1 July 2022 to 30 June 2023 and will be charged at three hundred and twenty seven dollars and thirty cents ($327.30) per annum. Additional services will be charged at three hundred and twenty seven dollars and thirty cents ($327.30) per annum. Services commenced during the charging period will be charged for on a proportional basis.

(16) An annual charge in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal, on a fortnightly basis, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a monthly basis, Council will collect the approved recyclable contents of a 240 litre approved mobile bin as well as the approved waste contents of a 120 litre or 140 litre approved mobile bin. This charge is to be known as the ‘Integrated Waste – Urban Half’ collection service for the period 1 July 2022 to 30 June 2023 and will be charged at one hundred and eighty dollars and zero cents ($180.00) per annum. Additional services will be charged one hundred and eighty dollars and zero cents ($180.00) per annum. Services commenced during the charging period will be charged for on a proportional basis.

(17) An annual charge in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin and the approved waste contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents of a 240 litre or 360 litre approved mobile bin as well as the approved waste contents of a 240 litre approved mobile bin. This charge is to be known as the ‘Integrated Waste – Waste Plus’ collection service for the period 1 July 2022 to 30 June 2023 and will be charged at five hundred and forty dollars and zero cents ($540.00) per annum. Additional services will be charged at five hundred and forty dollars and zero cents ($540.00) per annum. Services commenced during the charging period will be charged for on a proportional basis.

(18) An annual charge in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin and the approved waste contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents of a 240 litre or 360 litre approved mobile bin. This charge is to be known as the ‘Integrated Waste – Premium’ collection service for the period 1 July 2022 to 30 June 2023 and will be charged at six hundred and twenty one dollars

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and zero cents ($621.00) per annum. Additional services will be charged at six hundred and twenty one dollars and zero cents ($621.00) per annum. Services commenced during the charging period will be charged for on a proportional basis.

(19) An annual charge in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal, weekly, of the organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents of a 240 litre approved mobile bin as well as the approved waste contents of an 80 litre approved mobile bin. This charge is to be known as the ‘Integrated Waste – Discount’ collection service for the period 1 July 2022 to 30 June 2023 and will be charged at two hundred and forty five dollars and zero cents ($245.00) per annum. Additional services will be charged at two hundred and forty five dollars and zero cents ($245.00) per annum. Services commenced during the charging period will be charged for on a proportional basis.

(20) An annual charge in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal, subject to approval by the Manager – Commercial Services, of the approved waste contents of an approved mobile bin. This charge is to be known as the ‘Special Needs’ collection service for the period 1 July 2022 to 30 June 2023 and will be charged at three hundred and seventy seven dollars and zero cents ($377.00) per annum. Additional services will be charged at three hundred and seventy seven dollars and zero cents ($377.00) per annum. Services commenced during the charging period will be charged for on a proportional basis.

(21) An annual charge in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council’s Corporate Centre for the removal, weekly, of the approved waste contents of a 240 litre approved mobile bin and on a fortnightly basis, the approved recycling contents of a 240 litre or 360 litre approved mobile bin. This charge is to be known as the ‘Waste Collection Service - Rural’ collection service for the period 1 July 2022 to 30 June 2023 and will be charged at four hundred and nine dollars and forty cents ($409.40) per annum. Additional services will be charged at four hundred and nine dollars and forty cents ($409.40) per annum. Services commenced during the charging period will be charged for on a proportional basis.

(22) An annual charge in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council’s Corporate Centre for the removal, fortnightly, of the approved waste contents of a 240 litre approved mobile bin and on a monthly basis the approved recyclable contents of a 240 litre approved mobile bin. This charge is to be known as the ‘Waste Collection Service - Rural Half’ collection service for the period 1 July 2022 to 30 June 2023 and will be charged at two hundred and forty six dollars and zero cents ($246.00) per annum. Additional services will be charged at two hundred and forty six dollars and zero cents ($246.00) per annum. Services commenced during the charging period will be charged for on a proportional basis.
(23) An annual charge in accordance with Section 496 of the *Local Government Act 1993*, for all land, located outside the urban area of Lismore but within the declared rural village service areas, a map of which is available at Council’s Corporate Centre for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin on a weekly basis, the approved waste contents of a 240 litre approved mobile bin on a fortnightly basis the approved recycling contents of a 240 litre or 360 litre approved mobile bin on a fortnightly basis. This charge is to be known as the ‘Waste Collection Service – Rural Village’ collection service for the period 1 July 2022 to 30 June 2023 and will be charged at **four hundred and nine dollars and forty cents** ($409.40) per annum. Additional services will be charged at **four hundred and nine dollars and forty cents** ($409.40) per annum. Services commenced during the charging period will be charged for on a proportional basis.

(24) An annual charge in accordance with Section 496 of the *Local Government Act 1993*, for all land, located outside the urban area of Lismore but within the declared rural village service areas, a map of which is available at Council’s Corporate Centre for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin on a fortnightly basis, the approved waste contents of a 240 litre approved mobile bin on a monthly basis the approved recycling contents of a 240 litre or 360 litre approved mobile bin on a monthly basis. This charge is to be known as the ‘Waste Collection Service – Rural Village Half’ collection service for the period 1 July 2022 to 30 June 2023 and will be charged at **two hundred and forty six dollars and zero cents** ($246.00) annum. Additional services will be charged at **two hundred and forty six dollars and zero cents** ($246.00) per annum. Services commenced during the charging period will be charged for on a proportional basis.

(25) An annual charge in accordance with Section 501 of the *Local Government Act 1993*, for all properties, located within the urban area of Lismore, a map of which is available at Council’s Corporate Centre, whose waste does not meet the definition of domestic waste contained within the *Local Government Act 1993* and where Council collects the approved waste contents of an approved 240 litre mobile waste bin and the approved contents of a 240 litre approved resource recovery bin on a weekly basis from that property. This charge is to be known as the ‘Waste Collection – Urban Business’ charge for the period 1 July 2022 to 30 June 2023 and will be charged at **four hundred and thirty four dollars and twenty cents** ($434.20) per annum. Additional services will be charged at **four hundred and thirty four dollars and twenty cents** ($434.20) per annum. Services commenced during the year a proportional charge will be made.

(26) An annual charge in accordance with Section 501 of the *Local Government Act 1993*, for all properties, located outside the urban area of Lismore but within the declared waste scavenging area, a map of which is available at Council’s Corporate Centre, whose waste does not meet the definition of domestic waste contained within the *Local Government Act 1993* and where Council collects the approved waste contents of an approved 240 litre mobile waste bin on a weekly basis and the approved contents of a 240 litre or 360 litre approved recycling bin on a fortnightly basis from that property. This charge to be known as the ‘Waste Collection – Rural Business’ charge for the period 1 July 2022 to 30 June 2023 and will be charged at **four hundred and thirty four dollars and twenty cents** ($434.20) per annum. Additional services will be charged at **four hundred and thirty four dollars and twenty cents** ($434.20) per annum. Services commenced during the year a proportional charge will be made.

(27) An annual charge in accordance with Section 496 of the *Local Government Act 1993*, for all land within the declared domestic waste scavenging areas, both
urban and rural, maps of which are available at Council’s Corporate Centre, not utilising the domestic waste management service provided by Council to be known as the ‘Waste Availability’ charge, of **eleven dollars and forty cents** ($11.40) per assessment, except for all land located within the Nimbin and District service area (Schedule I attached), maps of which are available at Council’s Corporate Centre, for the provision of the Nimbin Transfer Station Facility, for the period 1 July 2022 to 30 June 2023.

(28) An annual charge in accordance with Section 501 of the *Local Government Act 1993*, for all land within the Lismore City Council area, to be known as the ‘Waste Minimisation’ charge, of **sixty five dollars** ($65.00) per assessment, except for all land located within the Nimbin and District service area (Schedule I attached), maps of which are available at Council’s Corporate Centre, for the provision of the Nimbin Transfer Station Facility, for the period 1 July 2022 to 30 June 2023. This charge attracts GST.

(29) An annual charge in accordance with Sections 501 and 541 of the *Local Government Act 1993*, for all land located within the Nimbin and District service area (Schedule J attached), maps of which are available at Council’s Corporate Centre, for the provision of the Nimbin Transfer Station, of **one hundred and fifty dollars** ($157.80) per assessment and for properties with multiple units of residential occupancy a charge of **one hundred and fifty dollars** ($157.80) per unit of residential occupancy located on each assessment, to be known as the ‘Transfer Station’ charge for the period 1 July 2022 to 30 June 2023. Properties paying for a waste collection service are exempt from this charge.

**WATER CHARGES**

(30) In accordance with Section 502 of the *Local Government Act 1993*, for water recorded by the water meter on a property, a charge of **four dollars and fifty six cents** ($4.56) per kilolitre for the year 1 July 2022 to 30 June 2023 to be known as the ‘Consumption’ charge is made.

(31) In accordance with Sections 501, 539 and 541 of the *Local Government Act 1993*, an annual charge be now made for the year 1 July 2022 to 30 June 2023 for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected, the sum of the cost of the fixed service charges, except for Perradinya (Recycled) services which are not charged an annual charge, and water connections used solely for firefighting services, the cost of which shall be **three hundred and thirty four dollars and eighty three cents** ($334.83) per firefighting service, to be known as the ‘Fixed Service Charge’ is hereby made in respect of:

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100mm  $8,370.46
150mm  $18,833.54

(32) In accordance with Sections 501, 539 and 541 of the Local Government Act 1993 an annual charge, for the availability of water to property not connected to Council’s water supply but capable of connection thereto and within 225 metres of a Council water main in accordance with Section 552 (1)(b) of the Local Government Act 1993, for the year 1 July 2022 to 30 June 2023, to be known as the ‘Water Availability’ charge, of three hundred and thirty four dollars and eighty three cents ($334.83) per assessment is made, excluding properties paying the Water Rebate charge.

(33) In accordance with Sections 501, 539 and 541 of the Local Government Act 1993, an annual charge be now made for the availability of water to residential properties, residential as defined in Section 516 (1)(a) of the Local Government Act 1993, including residential strata units, of one hundred and sixty seven dollars and forty two cents ($167.42) per assessment. This charge applies to occupied residential properties for which an Occupation Certificate has been issued, which have a self-sufficient stand-alone system of water supply installed and which have no connection to Council’s reticulated water supply. In addition, all necessary State or Local Government approvals applicable to self-sufficient stand-alone water supply must have been obtained and the system must be operated in compliance with these approvals. This charge is to be known as the ‘Water Rebate’ charge for the period 1 July 2022 to 30 June 2023.

STORMWATER MANAGEMENT SERVICES CHARGE

(34) An annual charge in accordance with Section 496A (1) of the Local Government Act 1993, for all eligible residential property, as defined, excluding residential strata units, within the Tucki Tucki Creek catchment area shown on Schedule H, of twenty five dollars ($25.00) per assessment, to be known as the ‘Stormwater Charge - Residential - Tucki’ for the period 1 July 2022 to 30 June 2023.

(35) An annual charge in accordance with Section 496A (1) of the Local Government Act 1993, for all eligible residential property, as defined, excluding residential strata units, within the Wilsons River catchment area shown on Schedule I, of twenty five dollars ($25.00) per assessment, to be known as the ‘Stormwater Charge - Residential – Wilsons River’ for the period 1 July 2022 to 30 June 2023.

(36) An annual charge in accordance with Section 496A (1) of the Local Government Act 1993, for all residential strata units and all residential company titled units within the Tucki Tucki Creek catchment area shown on the map in Schedule H, of twelve dollars and fifty cents ($12.50), to be known as the ‘Stormwater Charge - Res Strata - Tucki’ for the period 1 July 2022 to 30 June 2023.

(37) An annual charge in accordance with Section 496A (1) of the Local Government Act 1993, for all residential strata units and all residential company titled units within the Wilsons River catchment area shown on the map in Schedule I, of twelve dollars and fifty cents ($12.50), to be known as the ‘Stormwater Charge - Res Strata – Wilsons River’ for the period 1 July 2022 to 30 June 2023.
(38) An annual charge in accordance with Section 496A (1) of the Local Government Act 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule H, of twenty five dollars ($25.00) for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be $25 per 350m² or part thereof to a maximum of $300; for properties whose area exceeds 4,200m², $25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has been determined using Council’s adopted Stormwater Appeals Procedure and the charge is to be known as the ‘Stormwater Charge - Business Tucki’ for the period 1 July 2022 to 30 June 2023.

(39) An annual charge in accordance with Section 496A (1) of the Local Government Act 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule I, of twenty five dollars ($25.00) for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be $25 per 350m² or part thereof to a maximum of $300; for properties whose area exceeds 4,200m², $25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has been determined using Council’s adopted Stormwater Appeals Procedure and the charge is to be known as the ‘Stormwater Charge - Business – Wilsons River’ for the period 1 July 2022 to 30 June 2023.

(40) An annual charge in accordance with Section 496A (1) of the Local Government Act 1993, for all eligible business/commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule H, to be calculated at twenty five dollars ($25.00) for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the ‘Stormwater Charge - Bus Strata - Tucki’, subject to a minimum charge of $25 per assessment, for the period 1 July 2022 to 30 June 2023.

(41) An annual charge in accordance with Section 496A (1) of the Local Government Act 1993, for all eligible business/commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule I, to be calculated at twenty five dollars ($25.00) for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the ‘Stormwater Charge - Bus Strata – Wilsons River’, subject to a minimum charge of $25 per assessment, for the period 1 July 2022 to 30 June 2023.

INTEREST CHARGES

(42) In accordance with Section 566 (3) of the Local Government Act 1993, the interest rate on outstanding rates and charges will be 6.0% and for the period 1 July 2022 to 30 June 2023.
Voting for: Councillors Bing, Colby, Cook, Ekins, Gordon, Hall, Jensen and Krieg
Voting against: Councillors Guise and Rob
Absent: Councillor Bird

Councillor Elly Bird returned to the meeting, the time being 11:09PM
Councillor Electra Jensen left the meeting, the time being 11:10PM
Councillor Electra Jensen returned to the meeting, the time being 11:12PM

14.3 Investments - May 2022

RESOLVED that the report be received and noted.

(Councillors Gordon/Bing) (BP22/36)

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

Councillor Elly Bird left the meeting, the time being 11:13PM

Altering Order of Business

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

- 14.7 Tendering Requirements for Flood Repair and Rebuild Works
- 14.8 Tender T2022-07 Supply and Delivery of Ready Mixed Concrete
- 16.1 Documents for Signing & Sealing
- 18.1 Organisation Structure

(Councillors Rob/Jensen)

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

Councillor Elly Bird returned to the meeting, the time being 11:14PM
RESOLVED that for repair and restoration works to Council assets damaged in the 2022 flood event AGRN1012 and the Fixing Country Bridges Program:

1. according to the *Local Government Act 1993* Section 55 Tendering (3)(i), Council resolve *not* to proceed to open tender processes for contracts up to $1,000,000 (excl. GST)

2. the reasons these procurements are considered to be in line with Sub-Section (3)(i), “a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders”, and can be exempt from a tender process are:

   - the extenuating circumstance of the significant scale of works to be undertaken following flood event AGRN1012. A full open tender process for all works packages relating to AGRN1012 will significantly slow down the rebuilding of public infrastructure

   - due to the current market conditions (shortage of construction contractors and tradespeople), it is not anticipated that inviting open tenders will achieve a satisfactory result. Recent tenders undertaken by Council have yielded very few submissions, despite actively seeking out suitable contractors to tender

3. in accordance with Section 377(1) of the *Local Government Act 1993* the General Manager be delegated authority to determine submissions or tenders and award contracts for all works relating to the rebuild of Council infrastructure damaged by the 2022 flood event, with upper limit of $1,000,000

4. the General Manager report to Councillors via *City Notes* the details of the successful tenderers and provide progress updates throughout the delivery of the projects

(Councillors Cook/Gordon) (BP22/294)

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

**Voting against:** Councillors Ekins, Guise and Rob
**14.8 Tender T2022-07 Supply and Delivery of Ready Mixed Concrete**

RESOLVED that:

1. Council accept the following list of suppliers to form an un-ranked panel of approved providers for Tender T2022-07 Supply and Delivery of Ready Mixed Concrete:
   
   a) Boral Limited  
   b) Graham’s Concrete Pty Ltd  
   c) Holcim Australia Pty Ltd  
   d) Hanson Construction Materials Pty Ltd  

2. the panel be awarded for an initial period from 1 July 2022 to 31 March 2024, with an option to extend the contract/s for an additional one year at Council’s absolute discretion  

3. Council implements the engagement of Tender T2022-07 Supply and Delivery of Ready Mixed Concrete in line with the schedule of rates stated within the tender submissions  

4. the General Manager be authorised to approve purchases without a fixed upper limit of expenditure from an approved budget source for Tender T2022-07 Supply and Delivery of Ready Mixed Concrete  

5. Council delegate authority to the General Manager to exercise the options when required to extend the contract/s subject to the satisfactory performance of the suppliers

(Councillors Gordon/Bird) (BP22/356)

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

**Documents for Signing and Sealing**

**16.1 Documents for Signing and Sealing**

RESOLVED that Council note the following documents be executed as negotiated under delegated authority by the General Manager:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item A</td>
<td>Licence with Tregeagle Hall Inc (ABN 51 713 420 287) over part of Crown Reserve 33732 (Tregeagle Reserve) located at 820 Tregeagle Road, Tregeagle (Lot 582, DP 728646) for five years for the permitted use of: Management of Public Hall. (Ref: AF15/6223)</td>
</tr>
<tr>
<td>Item B</td>
<td>Licence with The Channon Children’s Centre (ABN 58 386 949 559) over part of Crown Reserve 95885 (The Channon Community Centre) located at 16 and 18 Mill Street, The Channon (Lot 13 DP 41410 and part Lot 247 DP 728157) for five years for the permitted use of: Community Pre-School. (Ref: AF17/2389)</td>
</tr>
<tr>
<td>Item C</td>
<td>Lease (over Club House) and Licence with Lismore Rowing Club Inc (ABN 69 327 913 579) over part 120 Bruxner Highway, Loftville (Lot 1 DP 1261770)</td>
</tr>
</tbody>
</table>
for five years for the permitted use of: Rowing club, storage and other ancillary uses as approved by Council. (Ref: AF19/537)

Item D  Lease with Clunes Tennis Club Inc (ABN 93 025 363 281) over 29 Walker Street, Clunes (Lot 3 DP 627864) for five years with an option for a further five years for the permitted use of: Tennis club, storage and other ancillary uses as approved by Council. (Ref: AF22/349)

Item E  Licence with Rynadash Pty Ltd (CAN 001 688 839) ATF TNR Services Unit Trust (ABN 99 930 815 636) over Goonellabah Community Centre, Suite 3/27 Oliver Avenue, Goonellabah (Lot 2 DP 832169) for six months for the permitted use of: temporary reception and client contact point for financial services pending their rebuild of the CBD office. (Ref: AF22/1325)

Item F  Licence with Dorroughby Glenview Community Centre over Crown Reserve 140063 (Dorroughby Glenview Hall) located at 2144 Dunoon Road, Dorroughby (Lot 1 DP 121367) for five years for the permitted use of: Management of Public Hall. Conditional: Entering of licence is subject to and conditional upon both Condition 1 and Condition 2 being met as outlined in the attached Annexure to this report. (Ref: AF19/3842)

Item G  Outdoor Dining Licence with Dark Horse Espresso Pty Ltd (ABN 12 659 874 549) over the enclosed public road area at 74 Molesworth Street, Lismore for 12 months. (Ref: AF22/1459)

(Councillors Gordon/Rob) (BP22/339)

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

Deferral of Items

150/22  RESOLVED that the following matters be deferred to the next Ordinary Council meeting:

- 14.4 Infrastructure Contributions Discount Policy
- 14.5 Competitive Neutrality Complaints Policy
- 14.10 Unreasonable Conduct Advisory Group
- 15.1 Floodplain Management Committee Minutes - Meeting of 12 May 2022
- 15.2 Traffic Advisory Committee Minutes - Meeting 18 May 2022

(Councillors Rob/Gordon)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Hall, Jensen, Krieg and Rob
Voting against: Councillor Guise
14.4 Infrastructure Contributions Discount Policy

That Council adopts the attached Infrastructure Contributions Discount Policy for the Change of Use of Commercial Premises.

This matter was deferred to the July meeting.

14.5 Competitive Neutrality Complaints Policy

That adopt the Competitive Neutrality Complaints Policy.

This matter was deferred to the July meeting.

14.10 Unreasonable Conduct Advisory Group

That Council appoint …………. to the Unreasonable Conduct Advisory Group.

This matter was deferred to the July meeting.

Committee Recommendations

15.1 Floodplain Management Committee Minutes - Meeting of 12 May 2022

That the attached:

1. minutes of the Lismore Floodplain Management Committee meeting held on 12 May 2022 be received and the recommendations contained in the minutes be endorsed.
2. Terms of Reference, as amended by the Committee at the meeting held on 12 May 2022 be adopted by Council.

This matter was deferred to the July meeting.

15.2 Traffic Advisory Committee Minutes - Meeting 18 May 2022

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

This matter was deferred to the July meeting.
RESOLVED that Council now exclude the press and public and meet in Closed Council to consider the following matters;

Item 18.1 Organisation Structure
Grounds for Closure Section 10A(2) (a):
Public Interest Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: personnel matters concerning particular individuals (other than councillors)

(Councillors Gordon/Bing)

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

Resumption of Open Council

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

18.1 Organisation Structure
That:

1. Council receives a briefing from the General Manager on the organisation design and structure
2. Council determines an organisation structure and senior staff positions as at Attachment A in accordance with the requirements of the Local Government Act 1993
3. this confidential report relating to the matters specified in s10A(2)(a) of the Local Government Act 1993 be treated as confidential and remain confidential until councillors are advised by the General Manager that the new structure has been communicated to all staff

(Councillors Gordon/Bing) (BP22/352)

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

General Manager’s Position
That:

1. Council terminates the Acting General Manager’s contract of employment (the “Contract”) in accordance with 7.4 of the contract by giving four weeks notice, with effect on and from the passing of this resolution on 14 June 2022
2. as soon as practicable, the Mayor inform the Acting General Manager of the above decision

3. Council appoints Kate Webber as the Council’s Acting General Manager pursuant to Sections 336 and 351 of the *Local Government Act 1993*, with such person to remain as the Council’s Acting General Manager until the Council appoints a new General Manager or until further decision of the Council to appoint a different Acting General Manager

4. Council commence the recruitment process for the appointment of a General Manager

(Councillors Guise/Ekins)

**Voting for:** Councillors Ekins, Guise and Rob

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

**Closure**

This concluded the business and the meeting terminated at 1.31am.

CONFIRMED this > > 2022 at which meeting the signature herein was subscribed.

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MAYOR
MINUTES OF THE CONFIDENTIAL MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 14 JUNE 2022 AT 6.00PM

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

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Rob, together with the General Manager, Governance & Customer Service Manager and Executive Assistant to the General Manager & Mayor and Councillors.

18.1 Organisation Structure

119/22 RESOLVED that:

1. Council receives a briefing from the General Manager on the organisation design and structure
2. Council determines an organisation structure and senior staff positions as at Attachment A in accordance with the requirements of the Local Government Act 1993
3. this confidential report relating to the matters specified in s10A(2)(a) of the Local Government Act 1993 be treated as confidential and remain confidential until councillors are advised by the General Manager that the new structure has been communicated to all staff

(Councillors Gordon/Bing) (BP22/352)

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

At this time the General Manager left the meeting.

Committee of the Whole

120/22 RESOLVED that the session go into Committee of the Whole.

(Councillors Cook/Bird)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob
Voting against: Nil
RESOLUTION 121/22

RESOLVED that Council leave Committee of the Whole and return to the meeting.

(Councillors Krieg/Gordon)

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

Voting against: Nil

RESOLUTION 122/22

RESOLVED that:

1. Council terminates the Acting General Manager’s contract of employment (the “Contract”) in accordance with 7.4 of the contract by giving four weeks notice, with effect on and from the passing of this resolution on 14 June 2022

2. as soon as practicable, the Mayor inform the Acting General Manager of the above decision

3. Council appoints Kate Webber as the Council’s Acting General Manager pursuant to Sections 336 and 351 of the Local Government Act 1993, with such person to remain as the Council’s Acting General Manager until the Council appoints a new General Manager or until further decision of the Council to appoint a different Acting General Manager

4. Council commence the recruitment process for the appointment of a General Manager

(Councillors Guise/Ekins)

Voting for: Councillors Ekins, Guise and Rob

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

RESOLUTION 123/22

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

(Councillors Krieg/Gordon)

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

Voting against: Councillor Ekins
Closure

This concluded the business and the meeting terminated at 1.30am.

CONFIRMED this > > 2022 at which meeting the signature herein was subscribed.

______________________________
MAYOR
Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall together with the General Manager, Director Corporate Services, Director Infrastructure Services, Director Partnerships, Planning & Engagement, Manager Assets, Manager Technology and Innovation, Technology Support Officer, Governance & Customer Service Manager and Executive Assistant to the General Manager & Mayor and Councillors.

Apologies and Leave of Absence

Councillor Jensen was granted a leave of absence at the last meeting.

Disclosure of Interest

Clark Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 7.2 Notice of Rescission - Development Application 5.2021.262.1 - Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension)

Nature: as a real estate agent he has not had any dealings with McCloy Group and will not be party to any future sales in the estate.

Altering Order of Business

152/22 RESOLVED that the order of business be altered allow Public Access prior to debate.

(Councillors Krieg/Ekins)

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

Voting against: Nil
Public Access Session on Agenda Items

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

**Notice of Rescission**

7.2 Development Application 5.2021.262.1 - Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension)

<table>
<thead>
<tr>
<th>AGAINST</th>
<th>Aliison Kelly, Friends of the Koala</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Naomi Shine</td>
</tr>
<tr>
<td></td>
<td>Kashmir Miller</td>
</tr>
<tr>
<td></td>
<td>Ina Egermann</td>
</tr>
<tr>
<td></td>
<td>Al Oshlack</td>
</tr>
<tr>
<td></td>
<td>Janine Wilson</td>
</tr>
</tbody>
</table>

**Altering Order of Business**

153/22 **RESOLVED** that That the order of business be altered to debate the following matters raised during Public Access:

(Councillors Krieg/Gordon)

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

**Voting against:** Nil
Notice of Rescission Motions

7.2 Notice of Rescission - Development Application 5.2021.262.1 - Proposed Subdivision at 226 Invercauld Road, Goonellabah (Eastwood Estate extension)

MOTION moved that Council defer this rescission motion to the July Council meeting to enter into discussions with the developer to better clarify issues.

(Councillors Colby/Gordon) (BP22/414)

RESOLVED that the motion be put.

(Councillors Krieg/Gordon) (BP22/414)

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

On submission to the meeting it was RESOLVED that Council defer this rescission motion to the July Council meeting to enter into discussions with the developer to better clarify issues.

(Councillors Colby/Gordon) (BP22/414)

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

At this time, being 5.09pm, Councillor Rob entered the meeting.

7.1 Notice of Rescission - Tendering Requirements for Flood Repair and Rebuild Works

DEFEATED that Council defer this matter to the July Council meeting and have a workshop in the meantime.

(Councillors Guise/Ekins) (BP22/415)

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

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

MOTION moved that Council rescind its decision on Item 14.7 from the 14 June 2022 meeting.
FORESHADOWED MOTION moved that for repair and restoration works to Council assets damaged in the 2022 flood event AGRN1012 and the Fixing Country Bridges Program:

1. according to the Local Government Act 1993 Section 55 Tendering (3)(i), Council resolve not to proceed to open tender processes for contracts up to $1,000,000 (excl. GST)

2. the reasons these procurements are considered to be in line with Sub-Section (3)(i), “a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders”, and can be exempt from a tender process are:
   - The extenuating circumstance of the significant scale of works to be undertaken following flood event AGRN1012. A full open tender process for all works packages relating to AGRN1012 will significantly slow down the rebuilding of public infrastructure
   - Due to the current market conditions (shortage of construction contractors and tradespeople), it is not anticipated that inviting open tenders will achieve a satisfactory result. Recent tenders undertaken by Council have yielded very few submissions, despite actively seeking out suitable contractors to tender

3. In accordance with Section 377(1) of the Local Government Act 1993 the Acting General Manager John Walker be delegated authority to determine submissions or tenders and award contracts for all works relating to the rebuild of Council infrastructure damaged by the 2022 flood event, as itemised by Council staff in the report circulated to Councillors on 14 June, with the upper limit of $1,000,000

4. Any additional flood works not included in the report circulated to Councillors on 14 June must be brought to a future monthly meeting for ratification under this delegation

5. All projects and their costings, and procurement processes determining contracts awarded under this delegation, be detailed and reported to the ARIC and the External Auditor for consideration

6. the General Manager report to Councillors via City Notes the details of the successful tenderers and provide progress updates throughout the delivery of the projects

On submission to the meeting the motion was DEFEATED that Council rescind its decision on Item 14.7 from the 14 June 2022 meeting.

Voting for: Councillors Bird, Cook, Ekins, Guise and Rob
Voting against: Councillors Bing, Colby, Gordon, Hall and Krieg
The vote being tied the Mayor declared the motion DEFEATED with his casting vote.

Documents for Signing and Sealing

14.1 Document for Signing

157/22 RESOLVED that Council note the following document to be executed as negotiated under delegated authority by the General Manager:

Item A: Outdoor Dining approval for Zigby Hospitality Pty Ltd (ABN 64 646 594 363) t/a Metropole Hotel Lismore over part of the public road footway adjacent to 98 Keen Street, Lismore (Lot 1, DP 777823) for seven years (CDR21/1450)

(Councillors Ekins/Gordon) (BP22/413)

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

Voting against: Nil

Councillor Jeri Hall left the meeting, the time being 5:41PM
Councillor Jeri Hall returned to the meeting, the time being 5:43PM

16.1 Organisation Structure

158/22 DEFEATED that Council defer this matter to the July Council meeting and have a workshop in the meantime.

(Councillors Ekins/Guise)

Voting for: Councillors Bird, Cook, Ekins, Guise and Rob

Voting against: Councillors Bing, Colby, Gordon, Hall and Krieg

The vote being tied the Mayor declared the motion DEFEATED with his casting vote.
Confidential Matters – Closed Council Meeting

159/22  **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

<table>
<thead>
<tr>
<th>Item</th>
<th>Grounds for Closure</th>
<th>Public Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.1 Notice of Rescission - Organisation Structure</td>
<td>Section 10A(2) (a):</td>
<td>Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: personnel matters concerning particular individuals (other than councillors).</td>
</tr>
</tbody>
</table>

(Councillors Krieg/Gordon)

**Voting for:** Councillors Bing, Bird, Colby, Gordon, Hall and Krieg

**Voting against:** Councillors Cook, Ekins, Guise and Rob

Resumption of Open Council

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

**16.1 Notice of Rescission - Organisation Structure**

**DEFEATED** that Council rescind its decision on Item 18.1 from the 14 June 2022 meeting.

(Councillors Guise/Ekins) (BP22/416)

Closure

This concluded the business and the meeting terminated at 6.27pm.

CONFIRMED this > of > 2022 at which meeting the signature herein was subscribed.

______________________________
MAYOR
MINUTES OF THE CONFIDENTIAL EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON THURSDAY 23 JUNE 2022 AT 4.00PM

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

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Rob, together with the General Manager, Governance & Customer Service Manager and Executive Assistant to the General Manager & Mayor and Councillors.

16.1 Notice of Rescission - Organisation Structure

152/22 DEFEATED that Council rescind its decision on Item 18.1 from the 14 June 2022 meeting.

(Councillors Guise/Ekins) (BP22/416)

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

Resumption of Open Council

153/22 RESOLVED that Council reopen the doors to the public and return to open session.

(Councillors Krieg/Gordon)

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

Closure

This concluded the business and the meeting terminated at 6.26pm.

CONFIRMED this > of > 2022 at which meeting the signature herein was subscribed.

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MAYOR