

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 13 AUGUST 2024 AT 6.00PM**

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

## Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Rob, together with Mr Gibbons, General Manager; Mr Hartley, Acting Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Snow, Acting Chief Community Officer; Mr Schubert, Technology Support Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

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

41/24 **RESOLVED** that attendance by audio-visual link be approved for Councillors Hall and Jensen due to flooding.

(Councillors Gordon/Colby)

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

**Voting against:** Nil

## Confirmation of Minutes

42/24 **RESOLVED** that the minutes of the following meeting be confirmed:

- Ordinary Council meeting 9 July 2024
- Confidential Council meeting 9 July 2024

(Councillors Bing/Colby)

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

**Voting against:** Nil

## Disclosures of Interest

**Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 10.3 Proposal to rename New England Lane, Lismore  
**Nature:** I am known to Nic Volpato

**Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 Request for Land Acquisition from Council by way of boundary adjustment with Richmond River Gun Club  
**Nature:** I used to be a member of the Richmond River Gun Club years ago

**Clr Guise declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 12.4 Flood Prone Lands DCP  
**Nature:** I live in North Lismore on the floodplain but am a general class of persons also living on the floodplain

**Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 10.3 Proposal to rename New England Lane, Lismore  
**Nature:** Mr Volpato is an acquaintance

**Clr Rob declared a Non-Pecuniary, Significant Conflict of Interest for the following item:** 11.1 Request for Land Acquisition from Council by way of boundary adjustment with Richmond River Gun Club  
**Nature:** I have connections with acquaintances there that would make it inappropriate for me to be involved and will leave the meeting

## Public Forum

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

### Notices of Motion/Questions with Notice 12.4 Flood Prone Lands DCP

<b>AGAINST</b>	Shaun Stead
----------------	-------------

### 12.6 Drug Summit for Lismore

<b>FOR</b>	Brad Bower – ACON Health
<b>FOR</b>	Johnny Dawson

## Altering Order of Business

43/24 **RESOLVED** that the order of business be altered to debate the following matters

- 12.4 Flood Prone Lands DCP
- 12.6 Drug Summit for Lismore
- 11.1 Request for Land Acquisition from Council by way of Boundary adjustment with Richmond River Gun Club

(Councillors Gordon/Bing)

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

**Voting against:** Nil

### **12.4 Flood Prone Lands DCP**

---

MOTION moved that Council:

1. adopts a flood planning level of the 0.2% AEP design flood event (1 in 500 probability) + 500mm freeboard
2. adopts the revised Flood Prone Lands DCP with changes as proposed in the report previously provided to Council in September 2023
3. directs staff to consider what funding options exist to expand flood modelling beyond the urban area and across the LGA, using CSIRO data, and provide a report to the new Council that outlines these funding options, in the next term
4. revise the DCP accordingly, following expanded flood modelling across the LGA, if there is a material change to risk precincts in the urban area

(Councillors Bird/Ekins)

FORESHADOWED MOTION that Council directs the General Manager to consider what funding options exist to expand flood modelling beyond the urban area and across the LGA, using CSIRO data, and provide a report to the new Council that outlines these funding options, in the next term.

(Councillor Rob)

**RESOLVED** that the motion be put.

(Councillor Gordon)

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

**Voting against:** Councillors Bird, Cook, Ekins and Guise

**Councillor Hall left the meeting, the time being 6:45PM**

44/24 MOTION moved that Council:

1. adopts a flood planning level of the 0.2% AEP design flood event (1 in 500 probability) + 500mm freeboard
2. adopts the revised Flood Prone Lands DCP with changes as proposed in the report previously provided to Council in September 2023
3. directs staff to consider what funding options exist to expand flood modelling beyond the urban area and across the LGA, using CSIRO data, and provide a report to the new Council that outlines these funding options, in the next term
4. revise the DCP accordingly, following expanded flood modelling across the LGA, if there is a material change to risk precincts in the urban area

(Councillors Bird/Ekins) (BP24/817)

**Voting for:** Councillors Bird, Colby, Cook, Ekins and Guise

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

**Absent:** Councillor Hall

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

**Councillor Cook left the meeting, the time being 6:50PM**

45/24 On submission to the meeting the foreshadowed motion became the motion and was **RESOLVED** that Council directs the General Manager to consider what funding options exist to expand flood modelling beyond the urban area and across the LGA, using CSIRO data, and provide a report to the new Council that outlines these funding options, in the next term.

(Councillors Rob/Bird) (BP24/817)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Jensen, Krieg and Rob

**Voting against:** Nil

**Absent:** Councillors Cook and Hall

**Councillor Cook returned to the meeting, the time being 6:51PM**

**Councillor Hall returned to the meeting, the time being 6:51PM**

## **12.6 Drug Summit for Lismore**

---

MOTION moved that Council write to Premier Chris Minns MP, Minister for Health Ryan Park MP and Member for Lismore Janelle Saffin MP to request that one day of the recently announced Drug Summit be held in Lismore.

(Councillors Guise/Gordon)

FORESHADOWED MOTION that Council express strong support for staff and Janelle Saffin MP for advocating for the Drug Summit to be held in Lismore.

(Councillor Rob)

Motion withdrawn

46/24 **RESOLVED** that moved that Council write to Premier Chris Minns MP, Minister for Health Ryan Park MP and Member for Lismore Janelle Saffin MP to request that one day of the recently announced Drug Summit be held in Lismore.

(Councillors Guise/Gordon) (BP24/818)

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

**Voting against:** Nil

**Councillor Rob left the meeting, the time being 7:02PM**

## **11.1 Request for Land Acquisition from Council by way of Boundary adjustment with Richmond River Gun Club**

---

47/24 **RESOLVED** that:

1. Council resolve to sell part of 313 Wyrallah Road, Monaltrie (Lot 2 DP 1213261) as outlined in this report, directly to the Richmond River Gun Club Incorporated being the adjoining landowner of 340 Wyrallah Road, Monaltrie (Lot 1 DP 1213261)
2. the General Manager be delegated authority to negotiate final boundaries of the proposed boundary adjustment
3. the General Manager be delegated authority to negotiate the sale price in accordance with a valuation prepared by a registered valuer and finalise the settlement
4. the general manager be delegated authority for the transfer of land for the sum of \$1.00 and that consideration be deemed paid
5. the General Manager be delegated authority to sign the following documents:
  - Subdivision Certificate
  - Contract for Sale of Land

- Memorandum of Transfer

and any other documents necessary to implement this resolution

(Councillors Gordon/Bing) (BP24/738)

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

**Voting against:** Councillor Guise

**Absent:** Councillor Rob

**Councillor Rob returned to the meeting, the time being 7:04PM**

**Councillor Gordon left the meeting, the time being 7:04PM**

**Councillor Jensen left the meeting, the time being 7:05PM**

**Councillor Jensen returned to the meeting, the time being 7:06PM**

## Mayoral Minute(s) and Condolence Motions

### 8.1 Retirement of Councillors

---

48/24 **RESOLVED** that Council acknowledges the contribution of the retiring Councillors Bird, Colby and Cook.

(Councillor Krieg) (BP24/767)

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

**Voting against:** Nil

**Absent:** Councillor Gordon

## Reports of Committees

### 9.1 Disability and Inclusion Advisory Group Minutes - 5 June 2024

49/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Rob/Colby) (BP24/741)

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

**Voting against:** Nil

**Absent:** Councillor Gordon

## Matters Arising

### 10.1 Questions on Notice

50/24 **RESOLVED** that the Question on Notice response provided in this report be noted.

(Councillors Cook/Colby) (BP24/752)

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

**Voting against:** Nil

**Absent:** Councillor Gordon

### 10.2 Adoption of Amended Local Street Guide for Outdoor Dining

MOTION moved that Council:

1. receive and note the public exhibition of the proposed amendments to the Outdoor Dining Local Street Guide for the South Lismore business precinct
2. adopt the amended Outdoor Dining Local Street Guide as attached to this report

(Councillors Rob/Bing)

51/24 AMENDMENT moved and **DEFEATED** that Council:

1. receive and note the public exhibition of the proposed amendments to the Outdoor Dining Local Street Guide for the South Lismore business precinct
2. adopt the amended Outdoor Dining Local Street Guide as attached to this report

3. undertake precinct planning in South Lismore and consider Section 7.11 contributions for footpath widening

(Councillors Ekins/Guise) (BP24/776)

**Voting for:** Councillors Cook, Ekins and Guise

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

**Absent:** Councillor Gordon

52/24

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

1. receive and note the public exhibition of the proposed amendments to the Outdoor Dining Local Street Guide for the South Lismore business precinct
2. adopt the amended Outdoor Dining Local Street Guide as attached to this report

(Councillors Rob/Bing) (BP24/776)

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

**Voting against:** Nil

**Absent:** Councillor Gordon

**Councillor Jensen left the meeting, the time being 7:49PM**

**Councillor Jensen returned to the meeting, the time being 7:52PM**

### **10.3 Proposal to rename New England Lane, Lismore**

---

53/24

**RESOLVED** that Council:

1. submit the name change request from New England Lane to 'Volpato Lane' to the Geographical Names Board
2. if any issues arise, report back to Council

(Councillors Rob/Colby) (BP24/784)

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

**Voting against:** Councillors Cook, Ekins and Guise

**Absent:** Councillor Gordon



## Reports of the General Manager

### 11.2 Documents for Signing

---

54/24

**RESOLVED** that:

1. Council note the following document be executed under delegated authority by the General Manager:

Item 1 **Lease with Goonellabah Tennis Club Incorporated** over 5A Reserve Street, Goonellabah (Lot 1 DP814012) 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: AF12/3918)

2. between 14 August and 15 October 2024 the General Manager use his delegated authority to sign negotiated agreements and any executed during this period be reported to councillors via City Notes

(Councillors Bing/Colby) (BP24/423)

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

**Voting against:** Nil

**Absent:** Councillor Gordon

### 11.3 Investments - July 2024

---

55/24

**RESOLVED** that the report be received and noted.

(Councillors Bing/Rob) (BP24/809)

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

**Voting against:** Councillors Ekins and Guise

**Absent:** Councillor Gordon

### 11.4 Delivery Program Progress Report - April to June 2024

---

MOTION moved that Council receive and endorse the attached Delivery Program Progress Report for the period April to June 2024.

**Councillor Guise left the meeting, the time being 8:07PM**

**Councillor Guise returned to the meeting, the time being 8:09PM**

**Councillor Bird left the meeting, the time being 8:17PM**

**Councillor Bird returned to the meeting, the time being 8:18PM**

56/24 **RESOLVED** that that Council receive and endorse the attached Delivery Program Progress Report for the period April to June 2024.

(Councillors Colby/Bird) (BP24/810)

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

**Voting against:** Councillors Ekins, Guise and Rob

**Absent:** Councillor Gordon

### **11.5 Councillors Expenses and Facilities Policy - January 2024 to June 2024 Reporting**

---

57/24 **RESOLVED** that Council receive and note the report.

(Councillors Bing/Cook) (BP24/590)

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

**Voting against:** Nil

**Absent:** Councillor Gordon

**At this point the meeting adjourned for a short recess, the time being 8:29PM**

**The meeting resumed at 8:35PM**

**Councillor Ekins left the meeting, the time being 8:35PM**

**Councillor Ekins returned to the meeting, the time being 8:36PM**

## **Matter of Urgency**

58/2459/24 **RESOLVED** that the following issue be considered:

That Council approve as a matter of urgency, to have Richmond Hill considered to be part of the Urban waste rating category of Integrated Waste for the purpose of having their Green organics bin collected weekly instead of fortnightly

(Councillors Cook/Rob)

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

The Mayor ruled the matter was not urgent.

## Notices of Motion / Questions with Notice

### 12.1 Mayoral Attendance Report

60/24 **RESOLVED** that Council receives the Mayoral Attendance Report for July 2024.

(Councillors Krieg/Bing) (BP24/740)

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

**Voting against:** Councillor Rob

**Absent:** Councillor Gordon

### 12.2 Footpaths for Milton and Renwick Streets

61/24 **DEFEATED** that Council reinstate Milton and Renwick Streets as priority projects in the Walking, Cycling and Micromobility Strategy 2024-2034.

(Councillors Guise/Cook) (BP24/777)

**Voting for:** Councillors Bird, Cook, Ekins and Guise

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

**Absent:** Councillor Gordon

### 12.3 Lismore Inner CBD Safety

That Council review the use of rangers, security and CCTV in Lismore's inner CBD, present findings at a Council workshop prior to the December 2024 Council meeting and provide a recommendation for consideration no later than the December 2024 Council meeting looking to improve safety in the CBD by addressing non-compliant, unlawful and anti-social behaviour.

Motion withdrawn.

### **12.5 Lismore Inner CBD Pride**

---

That Council review current cleaning and asset management plans relating to Lismore's inner CBD, present findings at a council workshop prior to the December 2024 Council meeting and provide a recommendation for consideration no later than the December 2024 Council meeting looking to improve cleanliness and asset management in the CBD.

Motion withdrawn.

### **12.7 Councillor Communications & Hub Content**

---

62/24

**RESOLVED** that Council retain all councillor communications & Hub content, including confidential material and emails stored on servers used to provide access to emails by councillors, until the results of the 2024 election are known, at which point the email accounts of those councillors who are not re-elected will be closed, and any request by staff to delete material from the Hub will be presented to the new Council for consideration prior to deletion.

(Councillors Rob/Hall) (BP24/816)

**Voting for:** Councillors Bing, Bird, Colby, Cook, Ekins, Guise, Hall, Jensen and Rob

**Voting against:** Councillor Krieg

**Absent:** Councillor Gordon

### **12.8 Koala Advisory Group**

---

That Council establish a Koala Advisory Group to replace the Koala Implementation Group.

Lapsed due to want of a seconder.

### **12.9 The Hub**

---

That the councillors' section of the 'Hub', Council's file management system providing users with access to various files, is not cleared at the end of a council term, so newly elected councillors have access to information previously made available to returning councillors.

Motion withdrawn.

### **12.10 40 Woodlark Street**

---

Following on from Council's recent announcement regarding the upgrade to the pedestrian laneway at 56 Woodlark Street as part of the Safer Cities: Her Way initiative, can the General Manager please explain why and how the large car park on private property at the rear of 40 Woodlark Street is being upgraded under the program when the funds are supposed to be used to improve safety on public property?

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

The next phase of the Safer Cities: Her Way initiative, funded by Transport NSW, is underway.

This laneway was identified by the community as an area of safety concern, making it a priority site for the project and is part of Council's commitment to making the CBD a safer and more vibrant place to work, visit, and connect.

Works include an upgrade of the pedestrian laneway at 56 Woodlark Street, which links Woodlark Street and the Clyde Campbell Car Park. The upcoming closure will allow the asphalt to be relayed, creating a safer, smoother surface that reduces the risk of trips and falls. This upgrade will also improve accessibility for people with mobility aids, ensuring everyone can use the path comfortably.

The rear car park at 40 Woodlark Street was also closed for asphaltting (this section is being paid by the landowner but for convenience was undertaken at the same time as the project).

Notification was sent to business owners and residents.

Pedestrian access through the work site was not possible, but alternative routes are provided from the laneway adjacent to the Cedar and Lime shop or ANZ Bank.

This is the beginning of the delivery of these safety enhancements, and in the coming weeks Council will proceed with the installation of CCTV, catenary lighting, convex mirrors and safety bollards to further enhance the security and usability of this pedestrian pathway.

### **12.11 Industrial Manslaughter**

---

Can the General Manager please outline the effects of recent changes to Work, Health and Safety legislation creating an offence of industrial manslaughter, highlight any potential known impacts on councillors and staff, and address whether not acting promptly on known issues will increase both risk and liability?

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

The *Work Health and Safety Amendment (Industrial Manslaughter) Act 2024 No 43 (NSW)* does not provide any impact on Council or impose any additional work health and safety duties. The duties of the PCBU or an officer, as defined by the Act, remain the same, however, the amendment gives prosecutors the ability to hold a body corporate or individual responsible for the death of a person due to gross negligence in the workplace

Councillors are not deemed officers under the *Work Health and Safety Act 2017*.

Workers have an obligation to inform Council of any 'known issues' that have the potential to put workers or the public at risk. WHS vigilance and proactive reporting in workplaces throughout LCC has significantly increased in recent times, with Council officers conducting regular inspections and checks of works and provided training and support in high-risk activities. Timely reporting of events (including incidents, injuries and near misses) remains a priority with dedicated officers now available and trained in incident response and investigation.

### **12.12 Nimbin Rainbow Road Walking Track DA Modification**

---

Can the General Manager please outline when DAs decided by Council can be modified by staff without coming back to Council, and how it was decided that less lights along the Nimbin Rainbow Road Walking Track and closing it at night would be safer and better for community?

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

The determination of development applications (DA) under Delegated Authority Policy guides the process for Council, with attention drawn to section d) for DA modifications.

For ease of reference section d) this is replicated below:

*Applications to modify development applications determined by resolution of Council shall not be determined under delegated authority unless councillors have been notified and provided with details of the proposed modification sought, and no request as per a) above has been received within ten (10) working days of such notification being provided, in which case the application will be reported to Council.*

For completeness, section a) referenced therein states the following:

*a) Any application for which three (3) councillors have made a request in writing to the General Manager that the application is to be submitted to a Council meeting for consideration and determination must not be determined under delegated authority.*

The location of more than half of the Nimbin Rainbow Road Walking track is on private land owned by the Nimbin Community Centre Inc. It is therefore imperative that they have had a seat at the table in determining how the site will be managed.

Before the development application was submitted, the NSW Police were consulted, and the recommendation was to not install lighting on the track, for the fact that CCTV was not going to be installed. Upon discussions with additional Police NSW staff upon the modification application, they were happy to remove the lighting from the track and recommended closing it at night.

MOTION moved that Council immediately disband the Nimbin Advisory Group.

(Councillor Rob)

Lapsed due to want of a seconder.

## Closure

This concluded the business and the meeting terminated at 9.33pm.

CONFIRMED 15 October 2024 at which meeting the signature herein was subscribed.

---

**MAYOR**