

MAYOR

Steve Krieg

Harper Dalton-Earls

Virginia Waters

Jeri Hall

Electra Jensen

Andrew Gordon



Andrew Bing

Gianpiero Battista

Adam Guise

Big Rob

Jasmine Knight-Smith

Council

An Ordinary Meeting of Lismore City Council will be held at the Council Chambers on Tuesday 15 October 2024 at 6.00pm

Members of Council are requested to attend.

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

Jon Gibbons
General Manager

8 October 2024



ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A guiding checklist for councillors, staff and community committees

Ethical decision making

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

Conflict of interest

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

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

The test for conflict of interest

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

Identifying problems

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

Disclosure and participation in meetings

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

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

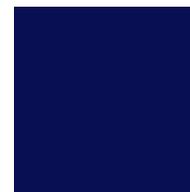
- It may be appropriate that no action be taken where the potential for conflict is minimal. However, councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. participate in discussion but not in decision making or vice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

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

Agenda

1. Opening of Meeting	
2. Acknowledgement of Country	
3. Pause for reflection	
4. Apologies and Applications for Leave of Absence or Attendance by Audio-Visual Link	
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6. Disclosures of Interest	
7. Public Forum	
8. Mayoral Minute(s) and Condolence Motions	
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Reports of the General Manager



Report

Subject	Oath or Affirmation of Office by Councillors
TRIM Record No	BP24/897:EF23/173
Prepared by	Governance & Risk Manager
Reason	To satisfy the requirements of the Local Government Act 1993
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

Under the *Local Government Act 1993* (the Act) councillors (including mayors) are required to take an oath or make an affirmation of office at or before the first meeting of the council after being elected.

Recommendation

That Council notes the General Manager has confirmed all councillors have undertaken the Oath of Office or Affirmation of Office at the first Ordinary meeting of the new Council held Tuesday 15 October 2024.

Background

Oaths or affirmations of office must be taken or made by each councillor at or before the first meeting of the council after being elected.

The oath or affirmation will be taken or made before the general manager or his delegate. Councillors need to be physically present before the general manager, when taking their oath or making their affirmation of office.

An oath or affirmation should be taken or made by each councillor as the first item of business for the first meeting. The general manager must ensure a record is kept of the taking of the oath or making of the affirmation. This can be done by way of a signed statement containing the oath or affirmation or by recording the taking of the oath or making of the affirmation by each councillor in the minutes of the Council meeting.

If a councillor is not able to attend the first council meeting, they may take the oath or affirmation of office at another location in front of the general manager. The oath or affirmation of office may also be taken or made before an Australian legal practitioner or a justice of the peace. The taking of the oath or making an affirmation of office outside a council meeting must be publicly recorded by the Council. Where an oath or affirmation is taken or made outside a Council meeting, a Council officer should also be present to ensure an accurate record can be kept by the council.

A councillor who fails, without a reasonable excuse, to take the oath or make an affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave. If

a councillor is absent without leave for three consecutive ordinary council meetings their office is automatically declared vacant and a byelection or countback must be held.

Conclusion

Oaths or affirmations will be taken or made by councillors as the first order of business at this Council meeting.

Attachment/s

There are no attachments for this report.

Report

Subject	Election of Deputy Mayor
TRIM Record No	BP24/792:EF23/173
Prepared by	Governance & Risk Manager
Reason	To determine if Council will elect a Deputy Mayor, how the election will be conducted and the term of the election.
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 purpose of this report is to determine if Council will elect a Deputy Mayor for the period 15 October 2024 until the Ordinary Council Meeting in September 2025.

The Deputy Mayor assumes all duties and powers of the Mayor in the Mayor's absence. The *Local Government (General) Regulation 2021* (the Regulation) outlines the process to be undertaken in electing a Deputy Mayor and this report details that process.

Recommendation

That:

1. Council appoint a Deputy Mayor
2. the period of appointment be until September 2025
3. the method of election be by open voting
4. Councillor is elected as Deputy Mayor

Background

Section 231 of the *Local Government Act 1993* (the Act) provides for councillors to elect a person from among their number to be the Deputy Mayor. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of Mayor.

The Deputy Mayor may be elected for the mayoral term or a shorter term and holds office for the term specified by the Council resolution. It is also noted Council is not required under the Act to have a Deputy Mayor.

Clause 394 of the Regulation stipulates that 'if a Mayor or Deputy Mayor is to be elected by the councillors of an area, the election is to be in accordance with Schedule 7'.

A Deputy Mayor nomination form has been circulated to councillors.

If more than one councillor is nominated, Council must resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. Ballot has its normal meaning of secret ballot and open voting means voting by show of hands or similar means. Councillors need to be present at the meeting in person to participate in voting by means other than an open ballot.

Open voting is the most transparent method of voting, is the least bureaucratic method and reflects normal Council voting methods. It is recommended that, should an election be required, it be carried out by open voting.

A copy of the Office of Local Government's Fact Sheet is shown as **Attachment 1** to assist with the Deputy Mayor election in accordance with the requirements of Schedule 7.

Previously Council has determined the election for Deputy Mayor would be by open voting and elected each September.

Comments

Finance

Not required.

Public consultation

Not required.

Conclusion

Council resolve to elect a Deputy Mayor by open voting until September 2025.

Attachment/s

1. [↓](#) Election Fact Sheet

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.

In accordance with the Local Government (General) Regulation 2021, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the

names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows th meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an “X” against the candidate of the councillor’s choice.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this section:

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this section, “**absolute majority**”, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Secretary and to the Chief Executive of Local Government NSW.

Report

Subject	Committee Delegates
TRIM Record No	BP24/791:EF13/463-6
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	To elect Council's delegates on Committees
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 purpose of this report is to elect councillors to Council's committees and advisory groups, both statutory and strategic.

Recommendation

That:

1. the election of delegates be undertaken for Council's committees and groups
2. if the number of nominations exceeds the number of vacancies an open ballot show of hands process will run
3. if the number of nominations does not exceed the number of vacancies, then the nominees are elected
4. if there are no nominations for a committee a second round of nominations will be conducted. If positions still remain unfilled the committee be hibernated until the next election
5. the following councillors be appointed to:
 - a. Audit Risk & Improvement Committee – Councillor
 - b. District Bushfire Management Committee – Councillor
 - c. General Manager's Performance Review Committee – Councillors Krieg,
 - d. Northern Rivers Joint Organisation – Councillor Krieg
 - e. NSW Rural Fire Service Zone Liaison Committee – Councillor
 - f. Local Traffic Committee – Councillor
 - g. Aboriginal Advisory Group – Councillors
 - h. Arts Northern Rivers – Councillor
 - i. Disability Inclusion Advisory Group – Councillors
 - j. Flood Risk Management Committee – Councillors
 - k. Nimbin Advisory Group – Councillors
 - l. Richmond Tweed Regional Library – Councillors

m. Sister City Advisory Panel – Councillors

Background

At the commencement of each Council term, councillor membership of both statutory and strategic committees and advisory groups is renewed through an election process.

Election of delegates should be undertaken through a nomination process and if the number of nominations exceeds the number of vacancies an open ballot show of hands process will run. If the number of nominations does not exceed the number of vacancies, then the nominees are elected.

The core functions of each of these groups is detailed in the attachment.

Committee	Delegate/s
Audit Risk & Improvement Committee	1 councillor (non-voting)
District Bushfire Management Committee	1 councillor and 1 alternate
General Manager's Performance Review Committee	Mayor, Deputy Mayor and 1 councillor
Northern Rivers Joint Organisation	Mayor
NSW Rural Fire Service Zone Liaison Committee	1 councillor
Local Traffic Committee	1 councillor
Aboriginal Advisory Group	Mayor and minimum of 2 and maximum of 4 councillors
Arts Northern Rivers	1 councillor and 1 alternate
Disability Inclusion Advisory Group	Minimum of 2 and maximum of 4 councillors
Flood Risk Management Committee	Minimum of 2 councillors
Nimbin Advisory Group	Minimum of 2 and maximum of 4 councillors
Richmond Tweed Regional Library	2 councillors and 1 alternate
Sister City Advisory Panel	Minimum of 2 and maximum of 4 councillors

Comments

Finance

Not required.

Public consultation

Not required.

Conclusion

Council elect representatives to committees and groups as noted in this report. Councillors should be mindful of competitive and commercial interests and the confidentiality implications when nominating for committees and groups.

Attachment/s

1. [Committees and advisory groups information book](#)

A Guide to Our Committees, Panels and Advisory Groups



lismore
city council

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Statutory Committees/Groups

Audit Risk & Improvement Committee

Purpose

The *Local Government Act* requires each council to establish an Audit, Risk and Improvement Committee to continuously review and provide independent advice to the general manager and the governing body of the council on:

- whether the council is complying with all necessary legislation, regulations and other legal requirements
- the adequacy and effectiveness of the council's risk management framework, fraud and corruption prevention activities, financial management processes, and the council's financial position and performance
- the council's governance arrangements
- the achievement by the council of the goals set out in the council's community strategic plan, delivery program, operational plan and other strategies
- how the council delivers local services and how it could improve the performance of its functions more generally
- the collection of performance measurement data by the council
- any other matters prescribed by the *Local Government Regulation* (including internal audit)

Membership

1 councillor (non-voting), 3 external members

Statutory Document

Local Government Act 1993

Local Government Regulation 2021

Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW

Meeting Frequency

Quarterly

District Bushfire Management Committee

Purpose

Under the *Rural Fires Act 1997* and *Rural Fires Regulation 2022* the Bush Fire Coordinating Committee (BFCC) must constitute a Bush Fire Management Committee (BFMC) for each area in the State, which is subject to the risk of bush fires. Its aim is to minimise the risk of an adverse impact of bush fires on life, property, and the environment.

Lismore is part of a zone arrangement with neighbouring councils Richmond Valley Council and Kyogle Council. As such the three councils sit on a combined Bushfire Management Committee rather than operate their own individual committee.

Membership

1 councillor, 1 alternate councillor and 1 employee from Lismore City Council
 1 councillor, 1 alternate councillor and 1 employee from Richmond Valley Council
 1 councillor, 1 alternate councillor and 1 employee from Kyogle Council
 2 NSW Rural Fire Service
 Fire and Rescue NSW
 NSW Police
 Essential Energy
 Local Land Services
 Forestry Corp
 Crown Lands
 National Parks and Wildlife
 Transport for NSW
 NSW Farmers Association
 Nature Conservation Council
 Ngulingah Land Council

Statutory Documents

Rural Fires Act 1997
Rural Fires Regulation 2022
 NSW Bushfire Management Committee Handbook

Meeting Frequency

Quarterly

General Manager's Performance Review Committee

Purpose

To delegate the process of performance management to the Review Committee and to enable this Committee to report its findings to council.

Membership

Mayor and Deputy Mayor
 1 councillor nominated by the Council
 1 councillor nominated by the General Manager.

Statutory Document

Local Government Act 1993

Meeting Frequency

Yearly

4

Northern Regional Planning Panel

Purpose

The principal functions of Planning Panels are to determine regionally significant development applications and undertake rezoning reviews of planning proposals.

Other functions of Planning Panels include:

- determining modification applications for regionally significant development
- determining Crown development applications
- determining development application reviews
- undertaking independent proposal reviews for specific Local Aboriginal Land Council lands
- preparing planning proposals if they are directed to be the planning proposal authority
- advising the Minister or the Secretary on other planning and development matters when requested

Membership

Each Panel consists of 5 members:

- 3 members, including the chair, appointed by the Minister (State members)
- 2 members appointed by the relevant council (council members)

Two council members are appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, or tourism.

To ensure Lismore City Council has a Northern Regional Planning member that meets the technical expertise requirements of the *Environmental Planning & Assessment Act 1979*, in 2019 Council entered into a Memorandum of Understanding for resource sharing with Richmond Valley Council to appoint officers to the position. In December 2023 Council resolved to extend the term of that Memorandum of Understanding with Richmond Valley Council for a further four (4) years.

Statutory Document

Environmental Planning & Assessment Act 1979
Regional Planning Panels Operational Procedures 2022

Meeting Frequency

As required

Northern Rivers Joint Organisation

Purpose

Northern Rivers Joint Organisation (NRJO) is a body corporate proclaimed under the *Local Government Act 1993* with the legal capacity and powers of an individual.

Its principal functions are to establish strategic regional priorities for the joint organisation area and develop strategies and plans for delivering these priorities and provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities.

Member councils are Tweed Shire, Byron Shire, Ballina Shire, Lismore City, Richmond Valley, Kyogle and Clarence Valley.

Membership

The Board comprises of the Mayor from each member council.

Statutory Document

Local Government Act 1993
Northern Rivers Joint Organisation Charter

Meeting Frequency

Quarterly

NSW Rural Fire Service Zone Liaison Committee

Purpose

The liaison committee is comprised of representatives of the NSW Rural Fire Service (RFS), both officers and volunteer, and the Council to monitor the performance of the Rural Fire Service in delivering services under the Zoning Agreement.

Membership

1 councillor and General Manager (or their delegate) from Lismore City Council
1 councillor and General Manager (or their delegate) from Richmond Valley Council
1 councillor and General Manager (or their delegate) from Kyogle Council
RFS personnel

Statutory Document

Rural Fires District Service Agreement Service Standard 1.3.4

Meeting Frequency

Half yearly

Rous County Council

Purpose

County Councils are different to local councils: specifically set up or delegated to provide one or more functions of local council. This means it has quite specific functions to undertake for local councils of the areas within which to operate. These councils are referred to as 'constituent councils'.

The elected Council is made up of eight councillors with two nominated from each of the constituent councils (Ballina, Byron, Lismore, and Richmond Valley). Councillors are elected for the term of Council with the Chairperson and Deputy Chairperson elected each year by the councillors.

Rous County Council has three main functions:

- Bulk Water Supply
- Weed Biosecurity
- Flood Mitigation

Membership

2 councillors

Statutory Document

Local Government Act 1993

Meeting Frequency

Quarterly

Local Traffic Committee

Purpose

To bring forward and discuss items of concern regarding traffic, traffic safety and parking and provide advice on new developments to measure and control impacts on traffic and parking within the local government area.

A typical list of issues would be speed and traffic issues, speed zone review, speeding vehicles, parking issues, review traffic management plans, changes to intersections/streets, development applications and variable message boards.

Membership

1 councillor (Chairperson)

Representatives from Transport for NSW, NSW Police, State Member of Parliament or their delegate

Statutory Authority

Transport for NSW

Meeting Frequency

Quarterly

Strategic Committees/Groups

Aboriginal Advisory Group

Purpose

To provide community representation and advice to Lismore City Council on its policies, strategies and services affecting Aboriginal and Torres Strait Islander people living in the Lismore local government area.

Membership

Mayor (Chairperson)

Minimum of 2 and a maximum of 4 councillors

1 Ngulingah representative

1 Widjabul Wia-bul Gurrumbil Aboriginal Corporation representative

Up to 15 community members

Guiding document

Terms of Reference – 2023

Meeting Frequency

Quarterly

Arts Northern Rivers

Purpose

To increase support for, participation in, and benefits from arts and cultural development for the communities of the Northern Rivers region.

Membership

1 councillor and 1 alternate (historically has been a Council officer)

Guiding document

Constitution of Arts Northern Rivers 2012

Meeting Frequency

Quarterly

Disability Inclusion Advisory Group

Purpose

To provide community representation to Council that is strategic, impartial and based on experience to improve the lives of people with a disability who are living, working, playing and visiting the Lismore local government area relating to:

- the objectives in the Community Strategic Plan concerning disability access and inclusion
- the development of any Disability Inclusion Action Plans

Membership

Minimum of 2 and a maximum of 4 councillors
11 community members

Guiding document

Terms of reference 2023

Meeting Frequency

Quarterly

Flood Risk Management Committee

Purpose

The primary objective of the Committee is to assist Lismore City Council in the development and implementation of the Flood Risk Management Plan for the area(s) under its jurisdiction. The Committee will assist 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
- coordinating with other relevant agencies

Membership

A minimum of 2 councillors (the Chair 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 Department of Climate Change, Energy, the Environment and Water

1 representative from SES

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.

Guiding Documents

NSW Government Flood Risk Management Manual
NSW Government Flood Prone Land Policy
Terms of Reference - 2024

Meetings

The Committee will meet as needed during the preparation of the Flood Risk Management Plan as directed by the Chairperson

Koala Implementation Group

Purpose

To provide advice and guidance to Council on the delivery of the management activities outlined in the Comprehensive Koala Plan of Management 2013.

Membership

The current group is made up of six stakeholders (Southern Cross University, Landcare, Friends of the Koala, a Bush Regenerator and landholders) and a Council officer.

There is no councillor representation on this Group.

Guiding Document

The Comprehensive Koala Plan of Management

Meeting Frequency

Quarterly

Nimbin Advisory Group

Purpose

To:

- provide input into the delivery program process
- identify potential funding and partnership opportunities
- assist in the prioritisation of projects related to the Nimbin community
- identify emerging community issues for Nimbin that are relevant to the strategic plan
- support Council's projects which are relevant to the Nimbin community
- advise Council on methods of consultation
- make submissions to the annual budget through the delivery program

Membership

Minimum of 2 and a maximum of 4 councillors
10 community members

Guiding document

Terms of reference - 2023

Meeting Frequency

Quarterly in Nimbin

Richmond Tweed Regional Library

Purpose

Created to provide library services to Lismore, Ballina, Byron and Tweed Councils. It operates under a deed of agreement which entitles all member councils to appoint two committee members and one alternate. Lismore City Council is the Executive Council and responsible for the provision and management of libraries, library services and information services within the above local government areas.

Membership

2 councillors and 1 alternate from Ballina Shire, Byron Shire, Lismore City and Tweed Shire Councils.

Guiding Document

Richmond Tweed Regional Library Deed Agreement

Meeting Frequency

Quarterly

Sister City Advisory Panel

Purpose

To:

- provide advice and recommendations to Council on maintaining, strengthening and developing sister city relationships
- facilitate connections between sister cities and local stakeholders, such as community groups, schools, university, businesses and other organisations
- promote cultural understanding through a collaborative approach by providing a forum for the exchange of ideas, experiences and opportunities related to current and possible Sister City relationships
- encourage international goodwill while enriching our community by broadening our understanding of other nations and their traditions, customs and cultures

Membership

Minimum of 2 and a maximum of 4 councillors
6-8 community members

Guiding document

Terms of Reference - 2023

Meeting Frequency

Quarterly

Report

Subject	Rous County Council Delegates
TRIM Record No	BP24/896:EF23/41-2
Prepared by	Governance & Risk Manager
Reason	To elect Council's delegates on Rous County Council
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 purpose of this report is to appoint councillors to various committees and groups.

Recommendation

That Council conduct and election for the two Council delegates to Rous County Council.

Background

Under the provisions of the *Local Government Act 1993, Local Government (General) Regulation 2021* and the Rous County Council Charter, Council must appoint two delegates to Rous County Council following each local government election.

Schedule 9 of the Regulation as amended 16 December 2022, outlines how the election should be conducted. Rous County Council requires each constituent council to elect two of its members to serve on the Board. Accordingly, the ballot is conducted under the Single Area Electorate provisions of Schedule 9, with the General Manager serving as the Returning Officer.

Nomination forms for Rous County Council delegates have been provided to each councillor. Part 2 (5) of Schedule 9 outlines how nominations may be received.

The nomination:

- (a) may be made without notice by any councillor of the council, and
- (b) is to be in writing delivered or sent to the returning officer, and
- (c) is not valid unless the nominee has indicated consent to the nomination in writing.

The Returning Officer will announce the names of the nominees at the Council meeting. If more than two nominations are received, a ballot will be conducted to appoint each delegate. If only two nominations are received, both nominees will be declared elected.

If there are more than two candidates, Schedule 9 stipulates the election is to be determined by preferential ballot. Ballot papers will be prepared and provided to councillors, they will contain the names of each candidate. Each councillor will be required to mark their vote by placing the figures 1, 2, 3 to indicate their order of preference.

Counting of the ballot papers will be conducted in accordance with Schedules 9 and 4 of Regulation.

Comments

Finance

Not required.

Public consultation

Not required.

Conclusion

Council is required to elect two delegates to Rous County Council.

Attachment/s

1. [↓](#) Schedule 9
2. [↓](#) Schedule 4

LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - SCHEDULE 9**SCHEDULE 9 – Election of members of county councils**

[\(Section 396\)](#)

Part 1 - General**1 When elections to be held**

- (1) The first ordinary election of members of a county council is to be held within 2 months of its establishment.
- (2) Subsequent ordinary elections are to be held within 2 months after each ordinary election of councillors under Part 4 of Chapter 10 of the Act.
- (3) A by-election to fill an office vacated by a member is to be held within 2 months after the occurrence of the vacancy.
- (4) No such by-election is to be held if the vacancy occurs after an ordinary election of councillors under Chapter 10 of the Act and before an ordinary election of members of a county council.

2 Notification of vacancy

- (1) The general manager of a county council must give notice of the occurrence of a vacancy in the office of a member of the county council to the Secretary and to the general managers of the councils of the areas part or all of which constitute the county council electorate in which the vacancy has occurred.
- (2) The general manager is to do that within 7 days of the occurrence of the vacancy.

Part 2 - Single area electorate**3 Application of Part**

This Part applies to the election of one or more members of a county council by the councillors of one constituent council, where the electorate comprises the whole or part of the area of that council only.

4 Returning officer

The general manager of the constituent council (or a person appointed by that general manager) is the returning officer.

5 Nomination

- (1) A councillor of the constituent council may be nominated for election as a member of the county council.
- (2) The nomination--
 - (a) may be made without notice by any councillor of the council, and
 - (b) is to be in writing delivered or sent to the returning officer, and
 - (c) is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The returning officer is to announce the names of the nominees at a council meeting.

6 Election

- (1) If the number of candidates nominated is not more than the number of vacancies to be filled, those candidates are to be declared elected.
- (2) If there are more candidates nominated than the number to be elected, an election is to be determined by preferential ballot. The ballot is to be conducted by the preparation, marking and counting of ballot-papers in the presence of the council.

7 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the figures 1, 2 and so on against the various names so as to indicate the order of their preference for at least the number of candidates to be elected.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with [section 345](#) of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper is to be rejected at the scrutiny of votes.

8 Count

- (1) For the election of 1 member, the votes are to be counted in accordance with Schedule 4.
- (2) For the election of 2 or more members, the votes are to be counted and the result of the election ascertained in accordance with the following procedures--
 - (a) one of the candidates is elected in accordance with subsection (1),
 - (b) all the unrejected ballot-papers are rearranged under the names of the respective candidates in accordance with the first preferences marked on the ballot-papers, except that each ballot-paper on which a first preference for the elected candidate is indicated is placed in the parcel of the candidate next in the order of the voter's preference,

(c) the number of ballot-papers in the parcel of each candidate is counted and the total number of votes counted for each candidate is ascertained,

(d) if a candidate then has an absolute majority of votes, the candidate is elected,

(e) if a candidate does not have an absolute majority of votes, the count proceeds according to Schedule 4, [section 3\(d\)](#), (e) and (f), until 1 candidate has received an absolute majority of votes,

(f) Schedule 4, [section 3\(d\)](#) and (e) are to be read for this section as if a reference in those paragraphs to first preference votes were a reference to all the votes counted to a candidate under this subsection,

(g) the candidate who has received an absolute majority of votes is elected.

(3) If more than 2 candidates are to be elected, the votes are to be counted in accordance with the procedures under subsection (2) until the result of the election of additional candidates is ascertained.

(4) In the process of counting under subsection (1) or (2), exhausted ballot-papers are set aside as finally dealt with and are not taken into account in the election of a candidate.

9 Result

The result of the election (including the names of the candidates elected as members) is--

(a) to be declared to the councillors by the returning officer at the council meeting where the election is held, and

(b) to be delivered or sent to the general manager of the county council and the Secretary.

LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - SCHEDULE 4

SCHEDULE 4 – Counting of votes under optional preferential system

([Sections 351](#) and [351A](#))

1 General

This Schedule sets out the method of counting votes according to the optional preferential system. The counting is to be carried out under the supervision of the returning officer.

2 Definitions

In this Schedule--

"absolute majority of votes" means a greater number than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers.

"continuing candidate" means a candidate not already elected or excluded from the count.

"exhausted ballot-paper" means a ballot-paper on which there is no indication of a next preference for a continuing candidate.

"next preference" means the first of the subsequent preferences marked on a ballot-paper that is not given to an elected or excluded candidate. However, if there is a repetition or omission in the consecutive numbering of preferences marked on a ballot-paper (other than a repetition or omission that makes the ballot-paper informal), only those preferences preceding the repetition or omission can be taken into account.

"unrejected ballot-papers" means all ballot-papers not rejected as informal.

3 Counting of votes

- (1) The votes are to be counted and the result of the election ascertained in accordance with the following procedures--
 - (a) the unrejected ballot-papers are arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate,
 - (b) the total number of first preferences given for each candidate on such ballot-papers are then counted,
 - (c) the candidate who has received the largest number of first preference votes is elected if that number constitutes an absolute majority of votes,

- (d) if no candidate has received an absolute majority of first preference votes, a second count is made,
 - (e) on the second count the candidate who has received the fewest first preference votes is excluded, and each unexhausted ballot-paper counted to him or her is counted to the candidate next in the order of the voter's preference,
 - (f) if a candidate then has an absolute majority of votes, he or she is elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his or her unexhausted ballot-papers to the continuing candidate next in the order of the voter's preference is repeated until one candidate has received an absolute majority of votes,
 - (g) the candidate who has received an absolute majority of votes is elected.
- (2) Any exhausted ballot-papers are set aside as finally dealt with and are not taken into account in the election of a candidate.

6 Equality

- (1) If, on any count at which the candidate with the fewest number of votes has to be excluded, 2 or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates)--
- (a) the candidate who had the fewest votes at the last count before the equality occurred is excluded, or
 - (b) if they had an equal number of votes at all preceding counts, the returning officer is to exclude a candidate by an approved method of random selection (including by electronic means).
- (2) In this section--

"approved method" means--

- (a) for an election for councillors--a method approved by the election manager for the election, and
- (b) for an election for a county council--a method approved by the returning officer for the election.

7 End of counting

The process of counting each of the unexhausted ballot-papers of an excluded candidate to the continuing candidate next in the order of the voter's preference is not repeated if there is only one continuing candidate. Instead, that continuing candidate is elected.

8 Records and returns of voting

(1) At each step of the proceedings the returning officer is to keep a record of the number of votes counted for each candidate, the exclusion of candidates and the transfer of their votes, the votes that are found to be informal and the votes that at some stage become exhausted votes.

(2) As soon as is reasonably practical after the declaration of the election, the election manager is to publish the results of the election (including a record of the voting, counting and transfers) on the election manager's website.

9 Electronic counting of votes

If votes are counted using electronic counting equipment, the returning officer may determine that a reference in this Schedule to the physical arrangement or movement of ballot-papers is not applicable if the equivalent process is performed electronically.

Report

Subject	Casual Vacancies
TRIM Record No	BP24/800:EF23/41-2
Prepared by	Governance & Risk Manager
Reason	Council consider using a countback of votes to fill casual vacancies in the first 18 months of the term.
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, Council must resolve, at the first meeting after the election, to use a countback to fill casual vacancies.

If Council does not resolve this at the first meeting after the election, a by-election will be required to fill any casual vacancies.

Recommendation

That Council, pursuant to section 291A(1)(b) of the *Local Government Act 1993*, declare that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the Electoral Commissioner for NSW of Council's decision within 7 days of this decision.

Background

Following the 2024 Local Government elections, Council has the option of using a countback of votes cast at the ordinary election to fill casual vacancies occurring in the office of councillors in the first 18 months after the election.

This will allow Council to use a countback to fill vacancies at a lower cost than the cost of holding a by-election. The NSW Electoral Commission has advised that estimated cost of a Countback election is between \$6,000 and \$10,000 and the estimated cost of a by-election is around \$340,000.

Should Council resolve to fill any casual vacancies using a countback in the first 18 months, the General Manager is required under the *Local Government (General) Regulation 2021* (the Reg) to notify the election manager of the Council's ordinary election of the Council's resolution within 7 days. The election manager for Lismore City Council is the NSW Electoral Commissioner.

Countbacks are not available to fill casual vacancies in the office of a councillor where:

- the councillor who vacated office was elected at an election using the optional preferential voting system (i.e. elections where only one civic office is required to be filled such as the election of popularly elected mayors), or
- the councillor was elected at an uncontested election.

A by-election must be used to fill these vacancies.

A factsheet prepared by the NSW Electoral Commission is attached to this report.

Comments

Finance

The recommendation is supported as printed. The option to use a countback to fill casual vacancies within 18 months following the election would be prudent from a financial perspective.

Public consultation

Not required.

Conclusion

Council adopt the recommendation to fill casual vacancies arising in the first 18 months of office by a countback of votes cast at the 14 September 2024 election.

Attachment/s

1. [countback-information-fact-sheet](#)



Countback elections

What is countback?

A quick, cost effective way to fill a casual vacancy.

Countback allows the council to fill a casual vacancy using a recount of the ballot papers from the last ordinary election instead of requiring an attendance by election.

Council must pass a resolution at its first meeting following the ordinary election to use countback to fill a casual vacancy.

Model resolution

That Council, pursuant to section 291A(1)(b) of the *Local Government Act 1993*, declare that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the Electoral Commissioner for NSW of Council's decision within 7 days of this decision.

Why would a Council choose to use countback?

Pros

- Time efficient:
 - Casual vacancy filled within 49 days or less, whereas a by-election can take up to 3 months
- Cost effective:
 - **Small by-election** >\$50,000
 - **Metro by-election** >\$500,000
 - **Countback election** \$6,000 - \$10,000
- Electorate not required to vote again
- No penalties for electors not voting
- No impact on sitting councillors
- Minimal effort from Council.

Cons

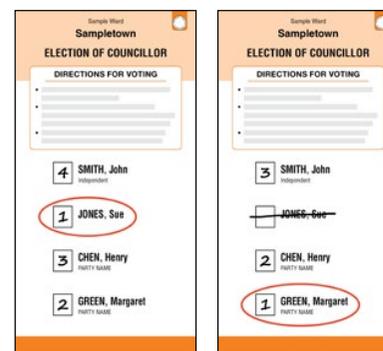
- No new candidates are able to be considered. Only unelected candidates from the previous ordinary election are able to apply
- Unelected candidates from the previous ordinary election cannot campaign to improve their vote.

How does a countback election work?

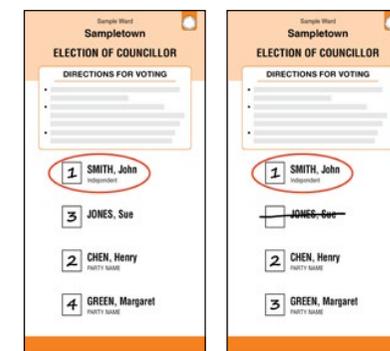
The count is conducted using the same ballot papers from the previous ordinary election which are stored as a data file in our computer count system.

Each ballot paper where the vacating councillor has a preference will be redistributed to the candidate with the next highest preference on that ballot paper by the count system. More examples, including ballot papers with groups, are available on our [website](#).

Example 1: Councillor Sue Jones resigns



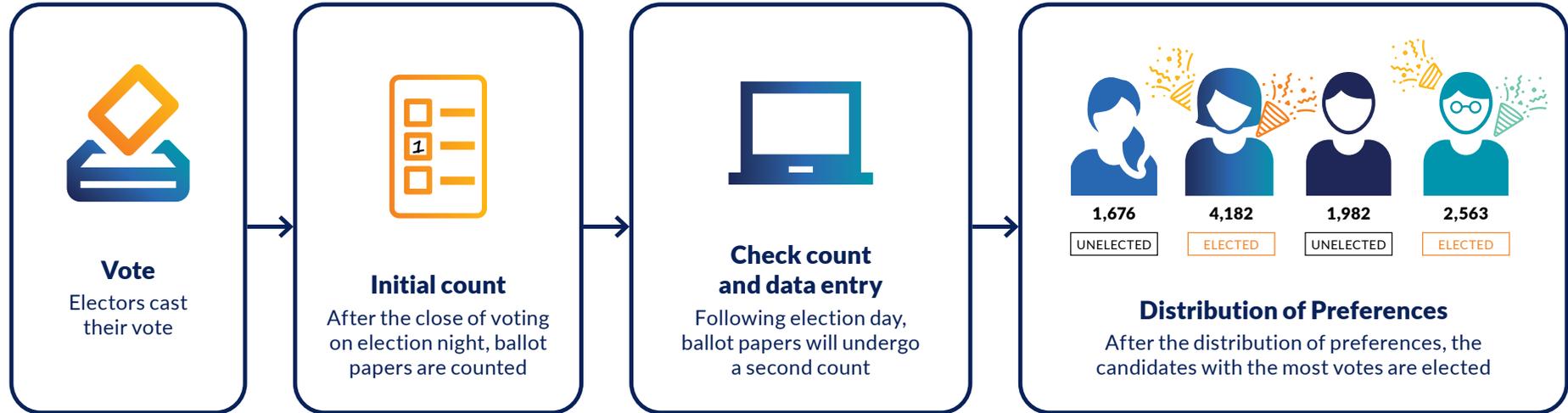
Example 2: Councillor Sue Jones resigns



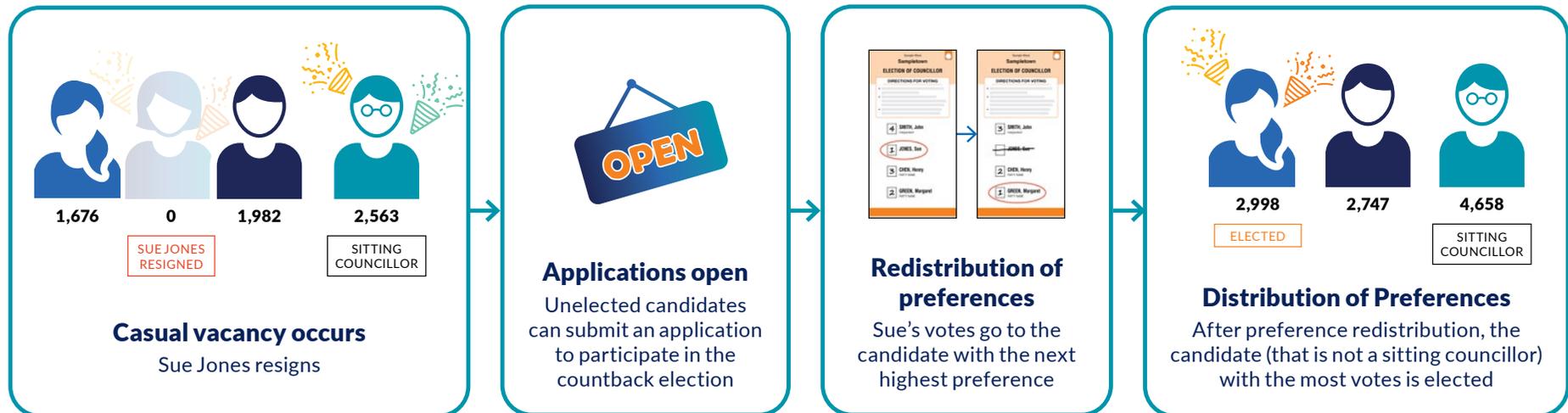
Left: Original ballot paper. Right: Countback preferences

How countback works in detail

Local Government election process



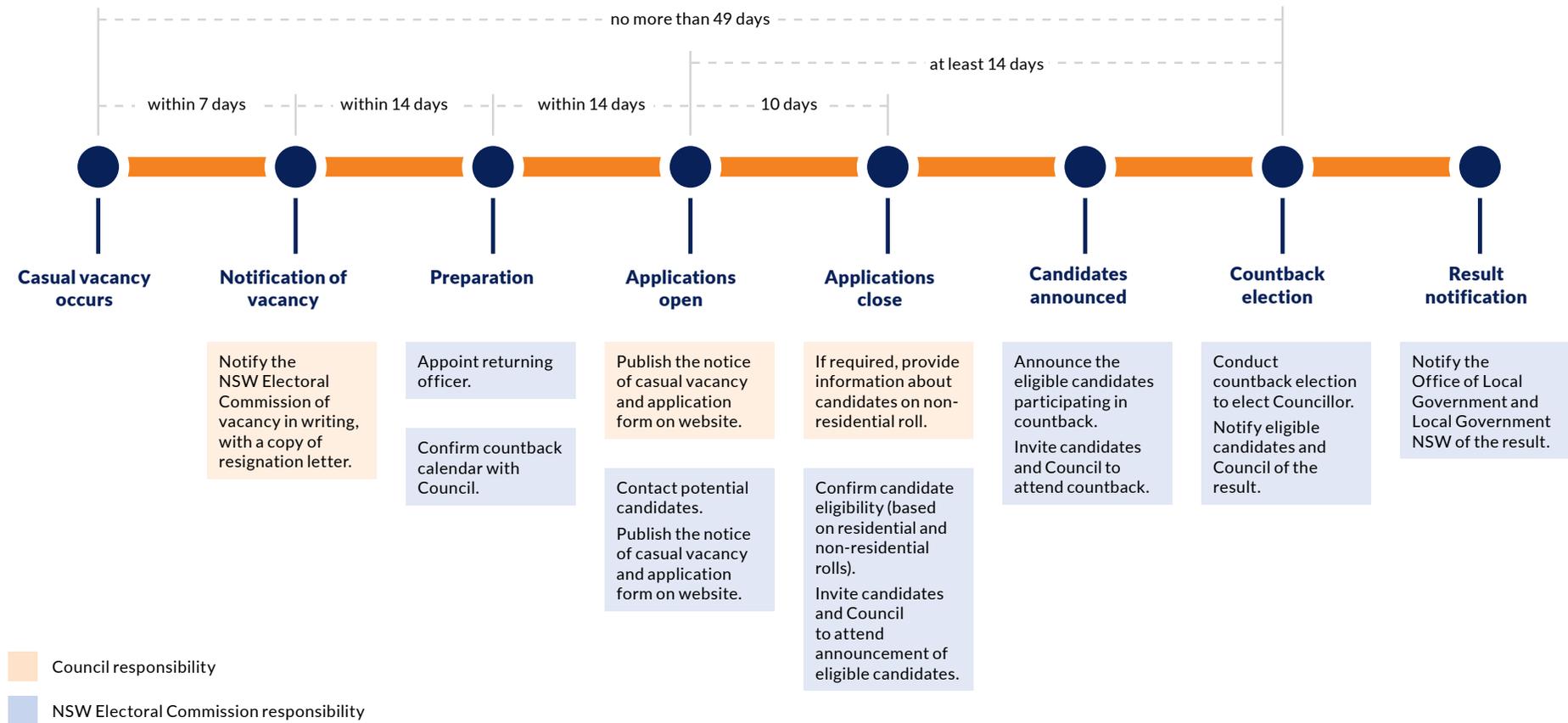
Countback election process



What is the timeline for a countback election?

Countback elections can only be used for 18 months after the Local Government ordinary elections. In the case of the 2024 local government elections, countback can only be used to fill casual vacancies until 14 March 2026.

The following summarises the steps involved in a countback election.



For more information about countback elections visit elections.nsw.gov.au/elections/how-counting-works/countback-elections

Report

Subject	Council's Ordinary Meeting Schedule
TRIM Record No	BP24/801:EF23/173
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	To determine Council's Ordinary Meeting Schedule
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

In accordance with the Councils adopted Code of Meeting Practice, this report sets out the Ordinary Meeting schedule for 2024-2025.

Recommendation

That:

1. Ordinary Meetings of Council for the remainder of 2024 be held on the second Tuesday of the month commencing at 6.00pm from 12 November to 10 December 2024
2. an Extra Ordinary Meeting of Council be held on Tuesday 29 October 2024 for the purposes of the Audited Financial Statements
3. Ordinary Meetings of Council for 2025 be held on the second Tuesday of the month commencing at 6.00pm from 11 February to 9 December 2025
4. a workshop be held in early 2025 to discuss options for future meetings

Background

The Council's adopted Code of Meeting Practice (Code) sets out the following:

3. BEFORE THE MEETING

Timing of ordinary council meetings

3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

The purpose of this report is to meet the above requirements.

The General Manager recommends a workshop be held in early 2025 to discuss options for future meetings/briefing times and frequency.

Public consultation

Not required.

Conclusion

Council set meeting dates and times of its ordinary meetings for the remainder of 2024 and 2025.

Attachment/s

There are no attachments for this report.

Report

Subject	2024 Local Government NSW Conference
TRIM Record No	BP24/262:EF19/25-6
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	To decide on delegates to attend the Conference
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

The 2024 Local Government NSW Conference will be held at Tamworth from Sunday 17 to Tuesday 19 November 2024.

Council is required to determine its three voting delegates and any proposed motions to be submitted to the Conference.

Recommendation

That Council's three voting delegates to the 2024 Local Government NSW Conference are Councillors Krieg, and

Background

The 2024 Local Government NSW (LGNSW) Conference will take place in Tamworth from Sunday 17 to Tuesday 19 November 2024.

The Conference is the main policy making event for the local government sector where issues are debated and motions put forward for consideration by delegates.

Lismore City Council is entitled to three voting delegates. The Councillors Expenses and Facilities Policy 1.2.23 clause 6.30 states the delegates will be the Mayor, or their nominee, and two councillors. A decision on voting delegates is required to meet the deadline to provide the names to LGNSW.

For three councillors attending, this is estimated to cost \$8,000, which includes conference fees, travel and accommodation.

Comments

Finance

The recommendation as printed is supported.

Attachment/s

There are no attachments for this report.

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

AGAINST	Shaun Stead
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12.6 Drug Summit for Lismore

FOR	Brad Bower – ACON Health
FOR	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 this > > 2024 at which meeting the signature herein was subscribed.

MAYOR