

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 15 OCTOBER 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 Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Rob, Waters together with Mr Gibbons, General Manager; Mr Hartley, Acting Chief Financial Officer; Dr Logan, Chief Operating 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

63/24 **RESOLVED** that :

1. a leave of absence be received from:

- Councillor Battista for the Extra Ordinary meeting on 29 October 2024
- Councillor Jensen from 30 October to 5 November 2024
- Councillor Waters from 24 October to 28 October 2024 as I will be out of the area

(Councillors Bing/Jensen)

**Voting for:** Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

**Voting against:** Nil

**Councillor Dalton-Earls left the meeting, the time being 6:27PM**

## Confirmation of Minutes

64/24 **RESOLVED** that the minutes of the Lismore City Council held on 13 August 2024 be confirmed.

(Councillors Bing/Guise)

<b>Voting for:</b>	Councillors Battista, Bing, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters
<b>Voting against:</b>	Nil
<b>Absent:</b>	Councillor Dalton-Earls

**Councillor Dalton-Earls returned to the meeting, the time being 6:29PM**

## Disclosures of Interest

**Clr Rob declared a Pecuniary, Significant Conflict of Interest for the following item:**  
11.4 Rous County Council Delegates  
**Nature:** not disclosed

## Mayoral Minute(s) and Condolence Motions

## Reports of Committees

## Matters Arising

## Reports of the General Manager

### 11.1 Oath or Affirmation of Office by Councillors

65/24 **RESOLVED** that Council notes the General Manager has confirmed all councillors have undertaken the Oath of Office or Affirmation of Office at or before the first Ordinary meeting of the new Council held Tuesday 15 October 2024.

(Councillors Hall/Bing) (BP24/897)

**Voting for:** Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

**Voting against:** Nil

### 11.2 Election of Deputy Mayor

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MOTION moved 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

(Councillors Battista/Bing)

FORESHADOWED MOTION moved that:

1. Council appoint a Deputy Mayor
2. the period of appointment be for a period of two years
3. the method of election be by open voting

(Councillor Rob)

66/24

**RESOLVED** 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

(Councillors Battista/Bing) (BP24/792)

**Voting for:** Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg and Waters

**Voting against:** Councillor Rob

At this time the Returning Officer took the Chair to carry out the election for Deputy Mayor.

Councillor Hall nominated by Councillors Jensen and Gordon

Councillor Knight-Smith nominated by Councillors Dalton-Earls and Waters

Following an open vote Councillor Hall was elected as the Deputy Mayor

### 11.3 Committee Delegates

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67/24

**RESOLVED** 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. a briefing be held, as a matter of priority, to discuss the Terms of Reference for the Aboriginal Advisory Group, Disability Inclusion Advisory Group, Nimbin Advisory Group, Sister City Advisory Group, Lismore Villages Advisory Group and the Disaster Management Committee

(Councillors Gordon/Bing) (BP24/791)

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

**Voting against:** Councillors Dalton-Earls, Guise, Knight-Smith, Rob and Waters

68/24

**RESOLVED** that the following councillors be appointed to:

- a. Audit Risk & Improvement Committee – Councillor Bing
- b. General Manager’s Performance Review Committee – Councillors Krieg, Hall and Jensen
- c. Northern Rivers Bushfire Management Committee – Councillor Battista and Councillor Knight-Smith as alternate
- d. Northern Rivers Joint Organisation – Councillor Krieg
- e. NSW Rural Fire Service Zone Liaison Committee – Councillor Battista and Councillor Knight-Smith as alternate
- f. Local Traffic Committee – Councillor Hall
- g. Arts Northern Rivers – Councillor Jensen and Councillor Waters as alternate
- h. Australia Day Awards Committee – Councillors Krieg, Dalton-Earls, Hall and Rob
- i. Flood Risk Management Committee – Councillors Dalton-Earls, Jensen, Knight-Smith, Rob and Waters. The Mayor delegated Councillor Rob as Chair.
- j. Richmond Tweed Regional Library – Councillors Dalton-Earls and Knight-Smith and Councillor Waters as alternate

(Councillors Gordon/Jensen) (BP24/791)

**Voting for:** Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

**Voting against:** Nil

**Councillor Dalton-Earls left the meeting, the time being 7:05PM**

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

#### 11.4 Rous County Council Delegates

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69/24 **RESOLVED** that Council conduct an election for the two Council delegates to Rous County Council.

(Councillors Bing/Battista) (BP24/896)

**Voting for:** Councillors Battista, Bing, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg and Waters

**Voting against:** Nil

**Absent:** Councillors Dalton-Earls and Rob

**Councillor Harper Dalton-Earls returned to the meeting, the time being 7:09PM**

**At this point the meeting adjourned for a short recess to prepare the ballot papers, the time being 7:09PM**

**The meeting resumed at 7:16PM**

At this time the Returning Officer took the Chair to carry out the election of the delegates for Rous County Council.

Nominations were received from Councillors Krieg, Gordon and Waters.

Following a ballot Councillors Krieg and Gordon were elected.

**Councillor Rob returned to the meeting, the time being 7:20PM**

#### 11.5 Casual Vacancies

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70/24 **RESOLVED** 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.

(Councillors Gordon/Knight-Smith) (BP24/800)

**Voting for:** Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

**Voting against:** Nil

### 11.6 Council's Ordinary Meeting Schedule

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MOTION moved that:

1. Ordinary Meetings of Council for the remainder of 2024 be held on the second Tuesday of the month commencing at 10.00am 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 at 10.00am
3. Ordinary Meetings of Council for 2025 be held on the second Tuesday of the month commencing at 10.00am from 11 February to 9 December 2025

(Councillors Battista/Gordon)

FORESHADOWED MOTION moved 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 briefing be held in early 2025 to discuss options for future meetings

(Councillor Dalton-Earls)

71/24

**RESOLVED** that:

1. Ordinary Meetings of Council for the remainder of 2024 be held on the second Tuesday of the month commencing at 10.00am 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 at 10.00am
3. Ordinary Meetings of Council for 2025 be held on the second Tuesday of the month commencing at 10.00am from 11 February to 9 December 2025

(Councillors Battista/Gordon) (BP24/801)

**Voting for:** Councillors Battista, Bing, Dalton-Earls, Gordon, Hall, Jensen and Krieg

**Voting against:** Councillors Guise, Knight-Smith, Rob and Waters

## Applications for Attendance by Audio-Visual Link

72/24 **RESOLVED** that attendance by audio-visual link be approved for Councillor Rob for the remainder of the year due to work commitments.

(Councillors Rob/Krieg)

**Voting for:** Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

**Voting against:** Nil

### 11.7 2024 Local Government NSW Conference

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MOTION moved that:

1. Council's three voting delegates to the 2024 Local Government NSW Conference are Councillors Krieg, Hall and Waters
2. Council submit the following motion Staff Recommendations Regarding Planning Matters to the conference

(Councillors Rob/Hall)

#### Motion Title

Staff Recommendations Regarding Planning Matters

#### Motion Wording

That LGNSW asks the Minister for Local Government to consider reviewing how planning matters are put before council for consideration.

#### Motion Background

Planning matter items are often put before council with a staff recommendation, often with no alternative option. Since councillors are not planners, and cannot possibly address the many relevant planning matters during a council meeting, it is essential that lawful options are made available so the consent authority can make an informed decision, as opposed to just doing what staff recommend when they have no alternative options available when a decision is to be made.

Staff should not make recommendations to council regarding planning matters, as it portrays wrongdoing by those councillors who do not support a recommendation from qualified planning staff regardless of their reasons. This can then result in expensive and time consuming legal actions which should never have been commenced.

Planning matters should wherever possible be presented to council in a neutral format, with at least one option to approve an application with conditions and at least one refusing it with reasons. Only in exceptional circumstances, where it is not lawfully possible, should only options to refuse or approve be presented.

The consent authority can then make informed decisions based on expert information.

FORESHADOWED MOTION that Council's three voting delegates to the 2024 Local Government NSW Conference are Councillors Krieg, Hall and Waters.

(Councillor Krieg)

73/24

**DEFEATED** that:

1. Council's three voting delegates to the 2024 Local Government NSW Conference are Councillors Krieg, Hall and Waters
2. Council submit the motion Staff Recommendations Regarding Planning Matters to the conference

(Councillors Rob/Hall) (BP24/262)

**Voting for:** Councillors Hall, Jensen and Rob

**Voting against:** Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Knight-Smith, Krieg and Waters

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On submission to the meeting the foreshadowed motion became the motion and was **RESOLVED** that Council's three voting delegates to the 2024 Local Government NSW Conference are Councillors Krieg, Hall and Waters.

(Councillors Krieg/Bing) (BP24/262)

**Voting for:** Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

**Voting against:** Nil

### **S.1 Additional Committee Delegates**

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This matter was integrated into item 11.3.

## Notices of Motion / Questions with Notice

## Closure

This concluded the business and the meeting terminated at 7.40pm.

CONFIRMED 14 November 2024 at which meeting the signature herein was subscribed.

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**MAYOR**