



Council

An Extra Ordinary Meeting of the City of Lismore Council will be held at the Council Chambers on Thursday 27 February 2025 at 12.30pm

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

25 February 2025



ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A guiding checklist for councillors, staff and community committees

Ethical decision making

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

Conflict of interest

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

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

The test for conflict of interest

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

Identifying problems

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

Disclosure and participation in meetings

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

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

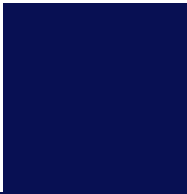
- It may be appropriate that no action be taken where the potential for conflict is minimal. However, councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. participate in discussion but not in decision making or vice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

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

Agenda

- 1. Opening of Meeting**
- 2. Acknowledgement of Country**
- 3. Pause for reflection**
- 4. Apologies and Applications for Leave of Absence or Attendance by Audio-Visual Link**
- 5. Disclosures of Interest**
- 6. Mayoral Minute(s) and Condolence Motions**
- 7. Reports of Committees**
- 8. Matters Arising**
- 9. Reports of the General Manager**
- 10. Notices of Motion / Questions with Notice**
 - 10.1 Property Strategy6
 - 10.2 DA5.2023.301.1 - Subdivision to create two (2) lots and the construction of a new dwelling on proposed Lot 2 and associated infrastructure at 7 Booyong Road, Clunes.....7
 - 10.3 Code of Meeting Practice Review.....9
 - 10.4 Policy Number 3.1.1 Definition of Nuclear Free Peace Zone Policy..... 10

Notices of Motion / Questions with Notice



Notice of Motion / Question with Notice

Councillors Adam Guise; Jasmine Knight-Smith; Virginia Waters have given notice of their intention to move the following rescission motion:

That Council rescind its decision of item 12.2 from the 11 February 2025 meeting.

Councillor Comment

We intend to move at the 27 February 2025 Ordinary Council meeting a rescission motion on item 12.2 of the 11 February 2025 meeting.

The foreshadowed motion became the motion and was **RESOLVED**:

1. the General Manager be requested to develop a Property Strategy, and an implementation model to implement the findings of the Property Strategy
2. the Strategy to include options for Council office presence in the CBD
3. the Property Strategy and implementation model be brought back to Council
4. priority be given to find a suitable location for the Richmond River Historical Society

(Councillors Battista/Krieg) (BP25/35)

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

Voting against: Councillors Guise

There are no attachments for this report. **TRIM Record No:** BP25/101:EF19/25-7

Notice of Motion / Question with Notice

Councillors Adam Guise; Jasmine Knight-Smith; Virginia Waters have given notice of their intention to move the following rescission motion:

That Council rescind its decision of item 11.2 from the 11 February 2025 meeting.

Councillor Comment

We intend to move at the 27 February 2025 Ordinary Council meeting a rescission motion on item 11.2 of the 11 February 2025 meeting.

RESOLVED that pursuant to Section 4.16 of the *Environmental Planning & Assessment Act 1979* (EP&A), development application No. 5.2023.312.1, for the subdivision of one lot to create 2 lots and associated driveway, carport, vegetation management works and on-site effluent disposal systems at 7 Booyong Road Clunes, be **refused** for the following reasons:

1. the proposed development does not provide for the orderly development of the site or good design and amenity of the built environment due to undersized lots and unacceptable sewage management arrangements (Section 1.3 of the *EP&A Act 1979*).
2. the proposed development is inconsistent with the following clauses of *Lismore Local Environmental Plan 2012* (Section 4.15(1)(a)(i) of the *EP&A Act 1979*):
 - a. Clause 2.3 – Zone objectives
 - b. Clause 4.1 – Minimum subdivision lot size
 - c. Clause 4.6 – Exceptions to development standards
 - d. Clause 6.4 – Drinking water catchments
 - e. Clause 6.9 – Essential services
3. the proposed development is inconsistent with the following requirements of the *Lismore Development Control Plan, Part A, Chapter 1 – Residential Development* (Section 4.15(1)(a)(iii) *EP&A Act 1979*):
 - a. Element 4.10 – On-Site Sewage and Waste Water Management.
4. the proposed development is inconsistent with the following requirements of the *Part A, Chapter 6 – Village Subdivision of the Lismore Development Control Plan* (Section 4.15(1)(a)(iii) *EP&A Act*):
 - a) Element 4.1 – Lot Size
 - b) Element 4.9 – Sewer (non-reticulated areas)
5. the site is not suitable for the proposed development (Section 4.15(c) of the *EP&A Act 1979*)
6. the proposed development is not in the public interest (Section 4.15(e) of the *EP&A Act 1979*)

(Councillors Gordon/Battista) (BP24/737)

Notices of Motion / Questions with Notice

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

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

There are no attachments for this report. **TRIM Record No:** BP25/102:EF19/25-7

Notice of Motion / Question with Notice

Councillors Adam Guise; Jasmine Knight-Smith; Virginia Waters have given notice of their intention to move the following rescission motion:

That Council rescind its decision of item 10.2 from the 11 February 2025 meeting.

Councillor Comment

We intend to move at the 27 February 2025 Ordinary Council meeting a rescission motion on item 10.2 of the 11 February 2025 meeting.

RESOLVED that Council adopt the Code of Meeting Practice as attached to the report, with the inclusion that Public Access is livestreamed.

(Councillors Gordon/Dalton-Earls) (BP25/38)

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

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

There are no attachments for this report. **TRIM Record No:** BP25/103:EF19/25-7

Notice of Motion / Question with Notice

Councillors Adam Guise; Jasmine Knight-Smith; Virginia Waters have given notice of their intention to move the following rescission motion:

That Council rescind its decision of item 12.7 from the 11 February 2025 meeting.

Councillor Comment

We intend to move at the 27 February 2025 Ordinary Council meeting a rescission motion on item 12.7 of the 11 February 2025 meeting.

RESOLVED that Council repeal policy number 3.1.1.

(Councillors Rob/Gordon) (BP25/20)

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

There are no attachments for this report. **TRIM Record No:** BP25/104:EF19/25-7