

**MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN COUNCIL CHAMBERS ON TUESDAY 3 JUNE 2025 AT 10.00AM**

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 and Rob together with Mr Butron, Acting General Manager; Mr Smith, Acting Chief Operating & Financial Officer; Mr Snow, Acting Chief Corporate & Community Officer; Ms van Iersel, Acting Head Planning & Environment; 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

104/25 **RESOLVED** that an apology be received from Councillor Waters.

(Councillors Hall/Dalton-Earls)

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

Voting against: Nil

Disclosures of Interest

Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.5 Santin Quarry legal outcome

Nature: I know Mr Santin

Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.10 Lismore CBD Levee update

Nature: I am a member of Rous County Council

Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.11 Santin's Quarry

Nature: I know Mr Santin

Clr Hall declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.5 Santin Quarry legal outcome

Nature: I know Mr Santin

Clr Hall declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.11 Santin's Quarry
Nature: I know Mr Santin

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.2 Rural Landsharing Community Development
Nature: I am a real estate agent

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.5 Santin Quarry legal outcome
Nature: I know Mr Santin

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.10 Lismore CBD Levee update
Nature: I sit as a member of Rous County Council

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.11 Santin's Quarry
Nature: I know Mr Santin

Clr Bing declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.5 Santin Quarry legal outcome
Nature: I know Mr Santin

Clr Bing declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.11 Santin's Quarry
Nature: I know Mr Santin

Clr Jensen declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.5 Santin Quarry legal outcome
Nature: I have met Mr Santin

Clr Jensen declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.11 Santin's Quarry
Nature: I have met Mr Santin

Clr Dalton-Earls declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.3 Temporary warehousing solution for relocatable homes
Nature: I actively involved in and created "Relocate Lismore Homes"

Clr Guise declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.2 Rural Landsharing Community Development
Nature: I am a member of a strata community but a general class of persons

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.5 Santin Quarry legal outcome
Nature: I know Mr Santin

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.11 Santin's Quarry
Nature: I know Mr Santin

Notices of Motion / Questions with Notice

10.1 Revert to evening Council meetings

105/25 MOTION moved that Ordinary Meetings of Council for 2025 be held on the second Tuesday of the month commencing at 6.00pm from 10 June to 9 December 2025.

(Councillors Guise/Knight-Smith) (BP25/255)

FORESHADOWED MOTION moved that Council:

1. amends clause 18.3 of the Code of Meeting Practice to read:
18.3 If the business of the meeting is unfinished after 5 hours and the council does not resolve to extend the meeting, or if the meeting is unfinished after 5.5 hours, the chairperson must either:
 - a) *defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or*
 - b) *adjourn the meeting to the next Thursday at 6pm to extend no later than 9pm and defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council if the business of the meeting is still unfinished.*
2. places the suggested changes to the Code of Meeting Practice on exhibition for a period of 28 days and accepts submissions for revised Code of Meeting Practice for a period of 42 days. Any submissions received are reported back to Council for consideration and adoption of the Code

(Councillor Rob)

106/25 **DEFEATED** that Ordinary Meetings of Council for 2025 be held on the second Tuesday of the month commencing at 6.00pm from 10 June to 9 December 2025.

(Councillors Guise/Knight-Smith) (BP25/255)

Voting for: Councillors Guise and Knight-Smith

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

On submission to the meeting the foreshadowed motion became the motion that Council:

2. amends clause 18.3 of the Code of Meeting Practice to read:
18.3 If the business of the meeting is unfinished after 5 hours and the council does not resolve to extend the meeting, or if the meeting is unfinished after 5.5 hours, the chairperson must either:
 - c) *defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or*
 - d) *adjourn the meeting to the next Thursday at 6pm to extend no later than 9pm and defer consideration of the remaining items of business on the agenda to*

the next ordinary meeting of the council if the business of the meeting is still unfinished.

3. places the suggested changes to the Code of Meeting Practice on exhibition for a period of 28 days and accepts submissions for revised Code of Meeting Practice for a period of 42 days. Any submissions received are reported back to Council for consideration and adoption of the Code

(Councillor Rob)

Lapsed due to want of a seconder.

10.2 Rural Landsharing Community Development

MOTION moved that:

1. Council prepares a Planning Proposal reviewing planning provisions relating to Rural Landsharing Community development, with a view to removing these provisions
2. A workshop be arranged to discuss:
 - a) existing Rural Landsharing Community developments and approved housing limits
 - b) non-compliant Rural Landsharing Community developments
 - c) land property titles for Rural Landsharing Community developments

(Councillor Rob)

Lapsed due to want of a seconder.

10.3 Temporary warehousing solution for relocatable homes

That Council:

1. writes to the NSW Reconstruction Authority, CEO Mal Lanyon and Minister for Recovery and Member for Lismore, The Hon Janelle Saffin MP to explore the opportunity to use land earmarked for the Resilient Lands Program for warehousing relocatable homes as a temporary storage solution until homes can be relocated to final location
2. request feedback on outcomes of discussions and any identified pathways to progressing the temporary use of land for this purpose

Motion withdrawn

10.4 Policy Number 5.17.10

107/25 **RESOLVED** that Council policy number 5.17.10 is revoked.

(Councillors Rob/Gordon) (BP25/257)

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

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

10.5 Santin Quarry legal outcome

MOTION moved that Council:

1. acknowledges the outcome of the Santin quarry court case where the Land and Environment Court ruled that the DA consent has expired and a new DA is required if the quarry wants to operate
2. provides to the public details of the legal costs incurred by Council and determines how these costs will be paid and who will be responsible for them

(Councillors Guise/Knight-Smith)

Councillor Dalton-Earls left the meeting, the time being 10:37AM

Councillor Dalton-Earls returned to the meeting, the time being 10:39AM

Councillor Dalton-Earls left the meeting, the time being 10:39AM

Councillor Dalton-Earls returned to the meeting, the time being 10:40AM

Councillor Jensen left the meeting, the time being 10:44AM

Councillor Jensen returned to the meeting, the time being 10:46AM

Councillor Knight-Smith left the meeting, the time being 10:47AM

Councillor Knight-Smith returned to the meeting, the time being 10:49AM

Councillor Rob left the meeting, the time being 10:51AM

Councillor Rob returned to the meeting, the time being 10:52AM

FORESHADOWED MOTION moved that Council provides to the public details of the legal costs incurred by Council and determines how these costs will be paid and who will be responsible for them.

(Councillor Knight-Smith)

108/25 **DEFEATED** that Council:

1. acknowledges the outcome of the Santin quarry court case where the Land and Environment Court ruled that the DA consent has expired and a new DA is required

if the quarry wants to operate

2. provides to the public details of the legal costs incurred by Council and determines how these costs will be paid and who will be responsible for them

(Councillors Guise/Knight-Smith) (BP25/258)

Voting for: Councillors Guise and Knight-Smith

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

- 109/25 On submission to the meeting the foreshadowed motion became the motion and was **DEFEATED** that Council provides to the public details of the legal costs incurred by Council and determines how these costs will be paid and who will be responsible for them.

(Councillors Knight-Smith/Guise) (BP25/258)

Voting for: Councillors Guise and Knight-Smith

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

10.6 Budget Variations

- 110/25 **RESOLVED** that Council:

1. immediately implement a reporting policy which requires a report be made to council at least quarterly highlighting any Budget variations to any line item which equates to 5% or more, to be included in council's Quarterly Budget Review Statement; and
2. reported Budget variations include at least the following information:
 - a) Budget Item Name
 - b) Budget Amount (\$)
 - c) Budget Variation (\$) & (%)
 - d) Budget Variation Reason
 - e) Budget Variation Resolution

(Councillors Rob/Hall) (BP25/261)

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

Voting against: Councillor Knight-Smith

10.7 Dunoon Road Repairs/Upgrades

111/25 MOTION moved that Council include upgrades to Dunoon Road (including the Dunoon/Alexandra Parade intersection/roundabout) in the 2025-2026 budget.

(Councillors Hall/Rob) (BP25/267)

FORESHADOWED MOTION moved that a briefing be held to consider road priorities.

(Councillor Guise)

112/25 **RESOLVED** that Council include upgrades to Dunoon Road (including the Dunoon/Alexandra Parade intersection/roundabout) in the 2025-2026 budget.

(Councillors Hall/Rob) (BP25/267)

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

Voting against: Councillor Guise

Councillor Hall left the meeting, the time being 11:25AM

Councillor Hall returned to the meeting, the time being 11:26AM

10.8 Lismore Affordable Housing Strategy

MOTION moved that:

1. Council apply a 100% discount to Sections 64 and 711 for:
 - a. secondary dwelling development applications (within sewerage areas)
 - b. development applications lodged by not-for-profit community groups from the LGA (within sewerage areas)
2. the policy conclude on 30 June 2027 and be reviewed at this time
3. Council receive a report detailing the number of applications submitted and costs every 6 months

(Councillors Battista/Dalton-Earls)

Councillor Krieg left the meeting, the time being 11:48AM

Councillor Gordon left the meeting, the time being 11:48AM

Councillor Gordon returned to the meeting, the time being 11:48AM

Councillor Krieg returned to the meeting, the time being 11:49AM

113/25

RESOLVED that:

1. Council apply a 100% discount to Sections 64 and 711 for:
 - a. secondary dwelling development applications (within sewerage areas)
 - b. development applications lodged by not-for-profit community groups from the LGA (within sewerage areas)
2. the policy conclude on 30 June 2027 and be reviewed at this time
3. Council receive a report detailing the number of applications submitted and costs every 6 months

(Councillors Battista/Dalton-Earls) (BP25/278)

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

Voting against: Councillor Guise

10.9 Flood related resolutions

Can the General Manager please list all current resolutions of council relating to flood mitigation, flood monitoring and flood warning which are yet to be actioned, explain why each has not yet been actioned, and advise when each will be actioned?

Acting General Manager's response:

June 2022

RESOLVED that Council:

1. *install a new digital sign to correctly show metres to overtopping at the Browns Creek Pump Station, and stream the data online on Council's website so it is publicly available to everyone;*
2. *install a new flood warning siren, preferably on top of a building in the CBD, to very clearly notify those in the floodplain when it is time to evacuate;*
3. *install flood monitoring cameras at prominent locations around the floodplain, and stream the data online on Council's website so it is publicly available to everyone;*
4. *seek grant funding to cover the costs of purchasing and installing the various flood level monitoring and warning system devices.*

Item 1 - work has commenced to enable cellular connectivity for the devices and source data that currently supply data to the external display at the Browns Creek Flood Station. This will allow the data to be displayed on the Council's disaster dashboard that matches what is displayed on the external display. Note connectivity is dependent on the cellular network remaining operational during weather events.

Future Improvements: When equipment upgrades comprising the replacement of the Bureau of Meteorology sensors and Council's operational sensors, due consideration will be given to enhance the connectivity and resilience of the data link to the Disaster

Dashboard, particularly in the event of a cellular outage.

Items 2 and 4 - grant funding is required and officers are continuing to look for suitable avenues.

Item 3 – there is currently cameras located on Boatharbour, Wyrallah and Nimbin Roads. Officers are continuing to work on having this footage available via the Disaster Dashboard.

10.10 Lismore CBD Levee update

Can the General Manager please provide an update regarding the state of the Lismore CBD levee, including any works required to maintain it and any planned upgrades, the ownership status of the Lismore CBD levee, and when any issues relating to ownership will be resolved so works and upgrades can be fast-tracked going forward?

Acting General Manager's response:

Lismore City Council, in conjunction with Rous, perform six monthly levee inspections. During these inspections, all components of the levee are assessed to the current condition and any necessary works are identified and prioritised based on collaboration between Lismore City Council and Rous.

Planned upgrades for the levee are the responsibility of the Resilience Program under the Flood Restoration Portfolio. These upgrades are proceeding in accordance with estimated timelines for the Resilience Program.

No element of works and upgrades are being delayed as a consequence of the current ownership model.

114/25

RESOLVED that Council:

1. enter discussions with Rous County Council regarding transfer of ownership of the Lismore CBD Levee to Lismore City Council
2. have a workshop to consider the implications of transfer

(Councillors Rob/Hall) (BP25/260)

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

Voting against: Councillor Guise

10.11 Santin's Quarry

Can the General Manager please explain the outcome of the Santin's Quarry modification application addressing each of the five grounds listed in the recent Land & Environment Court decision and, besides choosing to make a decision based on external legal advice relating to ground 1, whether councillors were found to be at fault in any way by making the decision made?

Acting General Manager's response:

Of the 5 grounds, the Applicants were successful on Ground 1, but that was sufficient for the Court to find in their favour and declare the modified consent invalid. Council was successful on Grounds 2, 3, and 4, and partly-successful on Ground 5.

The soundness of Council's actions and decisions in relation to the modification and the subsequent Court matter are outlined below:

Ground 1: The Applicants were successful on Ground 1. The Court found that the word "lapse" contained within Condition 2 had the effect of voiding the consent at the expiration of the specified period, preventing approval of the modification application.

Ground 2: Council was successful on Ground 2. The Court found that the acoustic impacts had been sufficiently considered by Council in the determining of the application.

Ground 3: Council was successful on Ground 3. The Court found that Council had the requisite state of satisfaction that the modification was 'substantially the same'.

Ground 4: Council was successful on Ground 4. The Court found that Council was reasonably justified, and within its powers, that the modification was 'substantially the same'.

Ground 5: Council was partly successful on Ground 5, with the second half of Condition 11 found to be voidable. If Council has been successful on all other Grounds, then the Court would have severed the second-part of Condition 11 (pertaining to adjustable hours of operation), but the consent would have remained valid.

Closure

This concluded the business and the meeting terminated at 12.13pm.

CONFIRMED 10 June 2025 at which meeting the signature herein was subscribed.

MAYOR