

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 13 FEBRUARY 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 Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Wilson, Executive Officer – Customer Strategy; Ms O'Regan, Head Investment & Growth; 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

That a leave of absence be received from:

- Councillor Guise for 12 March 2024 to visit family
- Councillor Jensen from 5 July to 15 July 2024

(Councillors Bing/Cook)

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

Voting against: Nil

Confirmation of Minutes

3/24 **RESOLVED** that the minutes of the following meetings be confirmed:

- Extra Ordinary Council Meeting 23 January 2024
- Extra Ordinary Council Meeting 28 December 2023
- Ordinary Council meeting 12 December 2023
- Confidential Council meeting 12 December 2023

(Councillors Rob/Gordon)

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: 12.5 Nimbin Water Supply
Nature: I am on Rous County Council

Clr Guise declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.4 Revised Flood Prone Lands DCP – post-exhibition report
Nature: my home is on the floodplain but I am of general class of persons so I will remain in the Chamber

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 12.5 Nimbin Water Supply
Nature: I am on Rous County Council

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 12.16 Nimbin Advisory Group
Nature: I am on the Nimbin Advisory Group

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:

Reports of the General Manager 11.3 Vision and Blueprint

FOR	Judith Forsyth, Lismore A Way Forward
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Notices of Motion 12.1 Recognition for Prominent Lismore Residents

FOR	John Bancroft
	Bill O'Sullivan

At this point in time the following disclosures of interest were made.

Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin Quarry Appeal
Nature: I know Mr Santin

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin Quarry Appeal
Nature: I know Mr Santin

Clr Hall declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin Quarry Appeal
Nature: I have met Mr Santin on a few occasions

Clr Jensen declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin Quarry Appeal
Nature: I have met Mr Santin

Clr Bing declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin Quarry Appeal
Nature: I know Mr Santin

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin Quarry Appeal
Nature: I know Mr Santin

Mayoral Minute(s) and Condolence Motions

8.1 Mayoral Attendance Report

4/24 **RESOLVED** that Council receives the Mayoral Attendance Report for December 2023 and January 2024.

(Councillors Bing/Hall) (BP24/1)

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

Voting against: Councillors Ekins and Guise

8.2 Condolence Motion - Mervyn King

5/24 **RESOLVED** that Council:

1. receive and note the Condolence motion
2. forward a letter of condolence to the family from the Mayor

(Councillors Gordon/Bing) (BP24/22)

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

Mervyn Herbert King was born in Murwillumbah on 24 September 1932 and spent his early years on the Tweed. The family moved to Tregeagle in the early 1940's. Bernice & Merv married in 1954 and had four children, Geoffrey, Gordon, Warren and Dianne.

They purchased their own dairy farm and operated it for 30 years. During this time, they also became involved with the CSIRO who were developing a tick & heat tolerant cattle breed called the Australian Milking Zebu. Many overseas visitors visited the farm to inspect the cattle and this breed of cattle were eventually exported to Malaysia, Philippines, Trinidad, and the Seychelles.

During Merv's time at Tregeagle, he was involved in the Tregeagle P&C Association, Hall Committee, Tennis Club, Hall Trust, Public Schools Sports Association, Agricultural Bureau and the NSW Farmers and he always believed it was everyone's responsibility to be involved in the communities where you lived. This unwittingly at the time stood him in good stead for his future role as a councillor as he usually held executive positions.

In the mid-eighties Merv joined the Lismore and District Ratepayers Association and for four years wrote a fortnightly column on Council and Ratepayers affairs for The Northern Star newspaper and served as Secretary for a number of years. He regularly attended Council meetings.

Merv was elected to Council in 1995 and so began a 13 year involvement which culminated with him serving the last six years as Mayor which he always regarded as a great honour and privilege. He retired from Council in 2008.

Merv always believed politics should not come into local government and councillors are elected to serve all the people in the Council area. Merv and the councillors who supported him always worked for the progress, development and employment for Lismore and the area in general. He was a quiet achiever and always listened and talked to the citizens, ratepayers, and stakeholders for their views before making a decision.

Two of his other passionate interests centred around the Lismore Showground with the Show Society and Lismore Speedway. He was involved with the Show Society for 40 years and served on the Management Committee for 20 of those years, along with several years as Vice President and Woodchop Chief Steward. He was later made a Life Member. He was an enthusiastic speedway follower hardly missing a meeting at Lismore over a 40 year period. Merv and Bernice also attended speedway meetings from Cairns to Adelaide and many tracks in between.

Merv lived a full and long life and will be sadly missed by his wife Bernice, children, grandchildren, brother and many friends.

Please join me in a moments silence for Merv King.

8.3 Cost Shifting onto Local Government

6/24

RESOLVED that Council:

1. receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year
2. write to the Premier, the NSW Treasurer and NSW Minister for Local Government requesting they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding

(Councillors Krieg/Bing) (BP24/74)

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

Voting against: Nil

Matter of Urgency

7/24

RESOLVED that the following issue be considered.

That Council:

1. formally requests that Transport for NSW urgently remove the railway bridge in Terania Street North Lismore
2. formally requests permission to urgently remove the railway bridge in Terania Street North Lismore if Transport for NSW refuse to do so, subject to a funding source being identified
3. urgently seeks legal advice regarding the fastest way to remove the railway bridge in Terania Street North Lismore if Transport for NSW refuse to do so, refuse to give council permission to do so, and a response to points 1 and 2 has not been received within 7 days

(Councillors Rob/Bing)

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

Voting against: Nil

The Mayor ruled the matter as urgent.

8/24

RESOLVED that Council:

1. formally requests that Transport for NSW urgently remove the railway bridge in Terania Street North Lismore
2. formally requests permission to urgently remove the railway bridge in Terania Street North Lismore if Transport for NSW refuse to do so, subject to a funding

source being identified

3. urgently seeks legal advice regarding the fastest way to remove the railway bridge in Terania Street North Lismore if Transport for NSW refuse to do so, refuse to give council permission to do so, and a response to points 1 and 2 has not been received within 7 days

(Councillors Rob/Bing)

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

Voting against: Nil

Reports of Committees

9.1 Aboriginal Advisory Group Minutes - 6 December 2023

9/24 **RESOLVED** that the minutes be received and adopted and that the recommendations contained therein be adopted.

(Councillors Bird/Ekins) (BP23/1046)

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

Voting against: Nil

9.2 Disability and Inclusion Advisory Group - 13 December 2023

10/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Rob/Ekins) (BP24/47)

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

Voting against: Nil

9.3 Capacity Capability & Recovery Roadmap Project Control Committee - 13 December 2023

- 11/24 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted.
- (Councillors Colby/Cook) (BP24/4)
- Voting for:** Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Hall, Jensen, Krieg and Rob
- Voting against:** Councillor Guise

9.4 Local Traffic Committee - 13 December 2023

- 12/24 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted.
- (Councillors Hall/Jensen) (BP24/35)
- Voting for:** Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob
- Voting against:** Nil

9.5 Australia Day Awards Committee Minutes - 28 December 2023

- 13/24 **RESOLVED** that the minutes be received and noted.
- (Councillors Rob/Cook) (BP24/3)
- Voting for:** Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Hall, Jensen, Krieg and Rob
- Voting against:** Councillor Guise

Matters Arising

Reports of the General Manager

11.1 December 2023 Quarterly Budget Review Statement

14/24 **RESOLVED** that Council adopts the attached December 2023 Quarterly Budget Review Statement and approve the recommended variations.

(Councillors Bing/Gordon) (BP24/89)

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

Voting against: Councillor Guise

11.2 Investments - December 2023 and January 2024

15/24 **RESOLVED** that the report be received and noted.

(Councillors Gordon/Bing) (BP24/77)

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

Voting against: Councillors Guise and Rob

11.3 Vision and Blueprint

MOTION moved that Council:

1. rename the Lismore Vision and Blueprint to 'Reimagine Lismore'
2. establish a 'Reimagine Lismore Advisory Panel'
3. prepare Terms of Reference to guide the 'Reimagine Lismore Advisory Panel', for consideration and endorsement by resolution of Council on or before the April Ordinary Council meeting
4. holds a workshop to review the 'Reimagine Lismore' community engagement program, for endorsement by resolution of Council on or before the April Ordinary Council meeting
5. continue with any scheduled community engagement options until the 'Reimagine Lismore' community engagement program is endorsed
6. schedule monthly public briefings to be updated and discuss the progress of 'Reimagine Lismore'

(Councillors Rob/Jensen)

FORESHADOWED MOTION moved that Council:

1. endorses the inclusion of a deliberative panel ('People's Panel') in the Vision and Blueprint program
2. endorses the inclusion of 'Reimagine Lismore' in reference to the Lismore Vision and Blueprint
3. endorses the remit, scope and promise as outlined in this report
4. requests regular workshops to be updated and discuss the progress of the Vision and Blueprint
5. endorses the correction to the Lismore Community Engagement Strategy 2019

(Councillor Ekins)

RESOLVED that the motion be put.

(Councillor Rob)

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

Voting against: Councillors Bird, Cook, Ekins and Guise

Councillor Bird left the meeting, the time being 7:34PM

16/24

RESOLVED that Council:

1. rename the Lismore Vision and Blueprint to 'Reimagine Lismore'
2. establish a 'Reimagine Lismore Advisory Panel'
3. prepare Terms of Reference to guide the 'Reimagine Lismore Advisory Panel', for consideration and endorsement by resolution of Council on or before the April Ordinary Council meeting
4. holds a workshop to review the 'Reimagine Lismore' community engagement program, for endorsement by resolution of Council on or before the April Ordinary Council meeting
5. continue with any scheduled community engagement options until the 'Reimagine Lismore' community engagement program is endorsed
6. schedule monthly public briefings to be updated and discuss the progress of 'Reimagine Lismore'

(Councillors Rob/Jensen) (BP24/20)

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

Voting against: Councillors Cook, Ekins and Guise

Absent: Councillor Bird

Councillor Bird returned to the meeting, the time being 7:36PM

11.4 Revised Flood Prone Lands DCP - post-exhibition report

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 Development Control Plan (DCP) with the changes as proposed in this report (Attachment 3)
3. notes the Engeny Interim Report was used in preparing the Flood Prone Lands DCP

(Councillors Ekins/Cook)

Councillor Cook left the meeting, the time being 7:38PM

Councillor Cook returned to the meeting, the time being 7:39 PM

Councillor Jensen left the meeting, the time being 7:41PM

Councillor Hall left the meeting, the time being 7:41 PM

Councillor Jensen returned to the meeting, the time being 7:42PM

Councillor Hall returned to the meeting, the time being 7:42 PM

RESOLVED that the motion be put.

(Councillor Hall)

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

Voting against: Councillors Bird, Cook, Ekins and Guise

17/24

DEFEATED 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 Development Control Plan (DCP) with the changes as proposed in this report (Attachment 3)
3. notes the Engeny Interim Report was used in preparing the Flood Prone Lands DCP

(Councillors Ekins/Cook) (BP24/19)

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

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

Councillor Bird left the meeting, the time being 7:56PM

11.5 Transfer of Crown Road to Council - Part Airforce Road, East Lismore

18/24

RESOLVED that:

1. Council submit an application to NSW Department of Planning, Housing and Infrastructure requesting part of the Crown road of Airforce Road, East Lismore, as described in this report, be transferred to Lismore City Council
2. to meet the criteria of NSW Department of Planning, Housing and Infrastructure, the General Manager submit a letter with the application giving consent to the transfer of Crown road as described in this report
3. Council officers coordinate the timing of the Crown road transfer with the development application process

(Councillors Gordon/Rob) (BP23/1079)

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

Voting against: Councillor Guise

Absent: Councillor Bird

Councillor Bird returned to the meeting, the time being 8:00PM

11.6 Sustainable Procurement & Contracts Policy

MOTION moved that Council make no change from the current policy.

(Councillors Guise/Ekins)

FORESHADOWED MOTION moved that:

1. Council endorse the draft Sustainable Procurement & Contracts Policy, subject to (2) below, for the purpose of placing the document on public exhibition
2. Council select option 3 outlined in Table 1 in relation to the Carmichael Mine disclosure
3. the amended Policy be placed on public exhibition for 28 days with any submissions received reported back to Council for consideration
4. in the event no submissions are received, the draft Policy be adopted at the conclusion of the exhibition period

(Councillor Gordon)

19/24 **DEFEATED** that Council make no change from the current policy.

(Councillors Guise/Ekins) (BP24/80)

Voting for: Councillors Ekins and Guise

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

20/24 On submission to the meeting the foreshadowed motion became the motion and was **RESOLVED** that:

1. Council endorse the draft Sustainable Procurement & Contracts Policy, subject to (2) below, for the purpose of placing the document on public exhibition
2. Council select option 3 outlined in Table 1 in relation to the Carmichael Mine disclosure
3. the amended Policy be placed on public exhibition for 28 days with any submissions received reported back to Council for consideration
4. in the event no submissions are received, the draft Policy be adopted at the conclusion of the exhibition period

(Councillors Gordon/Bing) (BP24/80)

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

Voting against: Councillors Ekins and Guise

11.7 Minutes from External Committees and Organisations

21/24 MOTION moved that Council notes the draft minutes of Rous County Council, Arts Northern Rivers, Richmond Tweed Regional Library and Northern Rivers Joint Organisation.

(Councillors Rob/Colby) (BP24/5)

FORESHADOWED MOTION moved that:

1. the draft minutes of Arts Northern Rivers, Richmond Tweed Regional Library and Northern Rivers Joint Organisation be noted
2. clarification be sought from Rous County Council on item 8.1

(Councillors Cook/Bird)

22/24 **RESOLVED** that Council notes the draft minutes of Rous County Council, Arts Northern Rivers, Richmond Tweed Regional Library and Northern Rivers Joint Organisation.

(Councillors Rob/Colby) (BP24/5)

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

Notices of Motion / Questions with Notice

12.1 Recognition for Prominent Lismore Residents

MOTION moved that Council:

1. name the new building at Oakes Oval/Crozier Field the “Adam Gilchrist AM Pavilion”
2. name the Lismore Regional Airport terminal the “James Strong AO Terminal”
3. name the Gordon Pavilion grandstand the “John McMahon OAM Grandstand”
4. name an Oakes Oval grandstand the “Lyn Larsen AM Grandstand”
5. erect appropriate signage at the above venues, as funding permits
6. investigate internal and external funding opportunities to construct a Walk of Honour, in the vicinity of Uralba Street between Dawson and Brewster Streets, of well-known Australians associated with the Lismore local government area

(Councillors Krieg/Bing)

AMENDMENT moved that Council:

1. name the new building at Oakes Oval/Crozier Field the “Adam Gilchrist AM Pavilion”
2. name the Lismore Regional Airport terminal the “Habie Habib Terminal”
3. name the Gordon Pavilion grandstand the “John McMahon OAM Grandstand”
4. name an Oakes Oval grandstand the “Lyn Larsen AM Grandstand”
5. erect appropriate signage at the above venues, as funding permits
6. investigate internal and external funding opportunities to construct a Walk of Honour, in the vicinity of Uralba Street between Dawson and Brewster Streets, of well-known Australians associated with the Lismore local government area

(Councillor Ekins)

Lapsed due to lack of a seconder.

23/24

RESOLVED that Council:

1. name the new building at Oakes Oval/Crozier Field the “Adam Gilchrist AM Pavilion”
2. name the Lismore Regional Airport terminal the “James Strong AO Terminal”

3. name the Gordon Pavilion grandstand the “John McMahon OAM Grandstand”
4. name an Oakes Oval grandstand the “Lyn Larsen AM Grandstand”
5. erect appropriate signage at the above venues, as funding permits
6. investigate internal and external funding opportunities to construct a Walk of Honour, in the vicinity of Uralba Street between Dawson and Brewster Streets, of well-known Australians associated with the Lismore local government area

(Councillor Krieg) (BP24/75)

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

Voting against: Councillor Guise

12.2 A free pool for Lismore

- 24/24 MOTION moved that fees and charges for admission to the Lismore Memorial Baths be waived for the balance of the 2023/2024 swimming season.

(Councillors Gordon/Bing) (BP24/55)

Councillor Colby left the meeting, the time being 8:59PM

Councillor Colby returned to the meeting, the time being 9:00PM

- 25/24 At this point in time the Mayor deferred this matter to the March Council meeting, as per clause 10.9 of the Code of Meeting Practice.

12.3 Rate Peg Deferral

MOTION moved that Council does not apply the rate peg of 4.7% for 2024/2025.

(Councillors Rob/Colby)

AMENDMENT moved and **RESOLVED** that Council hold a workshop to consider options relating to the rate peg of 4.7% for 2024/2025, to be brought back to Council for consideration and resolution at or before the April Ordinary Council meeting.

(Councillors Rob/Hall)

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

Voting against: Councillors Guise and Krieg

- 26/24 On submission to the meeting the amendment became the motion and was **RESOLVED** that Council hold a workshop to consider options relating to the rate peg of 4.7% for 2024/2025, to be brought back to Council for consideration and resolution at or before the April Ordinary Council meeting.

(Councillors Rob/Hall) (BP24/34)

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

Voting against: Councillors Bird, Ekins, Guise and Krieg

12.4 Minimum lot size in RU1 and RU2 zones

MOTION moved that a workshop be held to discuss a review of the planning controls that regulate rural subdivision regarding minimum lot sizes and dwelling entitlements provisions.

(Councillors Gordon/Hall)

- 27/24 AMENDMENT moved and **DEFEATED** that a briefing be held to discuss a review of the planning controls that regulate rural subdivision regarding minimum lot sizes and dwelling entitlements provisions.

(Councillors Bird/Cook) (BP24/61)

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

Voting against: Councillors Bing, Colby, Gordon, Hall, Jensen and Rob

- 28/24 On submission to the meeting the motion was **RESOLVED** that a workshop be held to discuss a review of the planning controls that regulate rural subdivision regarding minimum lot sizes and dwelling entitlements provisions.

(Councillors Gordon/Hall) (BP24/61)

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

Voting against: Councillors Bird and Guise

At this point the meeting adjourned for a short recess, the time being 9:49PM

The meeting resumed at 9:57PM

12.5 Nimbin Water Supply

29/24

MOTION moved that Council:

1. meet with Rous County Council in February 2024 to work towards progressing any opportunities to determine the feasibility of connecting Nimbin to the Rous network, including consideration of the financial impacts on both council and Rous County Council
2. consider all internal and external opportunities to fund any investigation to determine the feasibility, including preparing and submitting an application to the next round of the National Water Grid Fund
3. include a zero budget line item relating to the connection of Nimbin to the Rous network in council's integrated planning and reporting framework until such time as a funding opportunity presents itself

(Councillors Rob/Gordon) (BP24/51)

FORESHADOWED MOTION moved that:

1. Council meet with Rous County Council in February 2024 to work towards progressing any opportunities to determine the feasibility of connecting Nimbin to the Rous network, including consideration of the financial impacts on both council and Rous County Council
2. a briefing be held on the Rous County Council report

(Councillors Ekins/Bird)

30/24

RESOLVED that Council:

1. meet with Rous County Council in February 2024 to work towards progressing any opportunities to determine the feasibility of connecting Nimbin to the Rous network, including consideration of the financial impacts on both council and Rous County Council
2. consider all internal and external opportunities to fund any investigation to determine the feasibility, including preparing and submitting an application to the next round of the National Water Grid Fund
3. include a zero budget line item relating to the connection of Nimbin to the Rous network in council's integrated planning and reporting framework until such time as a funding opportunity presents itself

(Councillors Rob/Gordon) (BP24/51)

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

Voting against: Councillors Bird, Cook, Ekins and Guise

Continuation of Meeting

31/24 MOTION moved that the time being 10.20pm the:

- order of business be altered to debate the following matters:
 - 13.1 Santin Quarry Appeal
 - 12.16 Nimbin Advisory Group
 - 12.6 9 Sibley Street, Nimbin
- meeting continue to 11.00pm
- Council now exclude the press and public and meet in Closed Council

(Councillors Rob/Gordon)

Motion withdrawn.

32/24 **RESOLVED** that the time being 10.22pm the meeting continue to 11.00pm.

(Councillors Bird/Rob)

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

Voting against: Councillor Krieg

Altering Order of Business

33/24 MOTION moved that:

- the order of business be altered to debate the following matters:
 - 13.1 Santin Quarry Appeal
 - 12.16 Nimbin Advisory Group
- Council now exclude the press and public and meet in Closed Council

(Councillors Rob/Hall)

FORESHADOWED MOTION moved that order of business be altered to debate item 13.1 Santin Quarry Appeal.

(Councillors Bird/Guise)

34/24 **RESOLVED** that:

- the order of business be altered to debate the following matters:
 - 13.1 Santin Quarry Appeal
 - 12.16 Nimbin Advisory Group

- Council now exclude the press and public and meet in Closed Council

(Councillors Rob/Hall)

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

Voting against: Councillors Bird, Cook, Ekins and Guise

Matter of Urgency

35/24 **DEFEATED** that the following issue be considered.

That Council defer all remaining matters to the March Ordinary Council meeting.

(Councillors Ekins/Bird)

Voting for: Councillors Bird, Cook, Ekins and Guise

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

The time being 11.00pm the meeting was adjourned to Tuesday 20 February at 6.00pm.

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Colby, Cook, Ekins, Gordon together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Wilson, Executive Officer – Customer Strategy; Ms O'Regan, Head Investment & Growth; Mr Schubert, Technology Support Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

12.16 Nimbin Advisory Group

Considering the following points:

- over 27,500 people reside in our urban area
- almost 16,500 people reside outside our urban area
- the Nimbin and District area's population comprises less than 2,500 of those residing outside our urban area
- in the district profiles for the Lismore local government area, Nimbin and district ranks 8 out of 13 by population, 3 out of 13 by land area, and 11 out of 13 by population density
- while most Council Committee and Advisory Group meetings are held at Council Chambers where staff work and resources are readily available, Nimbin Advisory Group meetings are held at a location requiring considerable staff travel with limited resources

Can the General Manager please explain why Nimbin is the only district with such representation and influence over Council, and why Lismore does not instead have a Lismore Villages Advisory Group and/or a Lismore Rural Advisory Group and/or a Lismore Urban Advisory Group, providing for equal representation from each district, who regularly meet at Council Chambers?

General Manager's response:

In March 2009 Nimbin Chamber of Commerce and Nimbin Community Centre hosted a forum on Nimbin Community engagement with Council.

Twenty six recommendations were forwarded to council for consideration.

Council's ordinary meeting of 11 May 2010 resolved that:

1. *Council work with the Nimbin Chamber of Commerce and the Nimbin Community Centre Inc. and the Nimbin community to establish a community/Council reference and consultation structure. The models to be considered should include, but not be restricted to a community reference panel of elected, appointed or randomly selected members*
2. *Council's activities in the Nimbin area are communicated through local media including:*

- a. *newsletter in the Nimbin Good Times; and*
 - b. *notice board and information distribution point*
- 3. *Council's welcome and information for new residents include information specifically related to Nimbin*

As a result of point 1 of this resolution the Nimbin Advisory Group was formed and has been operating ever since.

I am not aware of any other districts or villages undertaking the same activity.

12.6 9 Sibley Street, Nimbin

That Council include community consultation and a feasibility study to consider the viability of establishing a permanent library, art gallery, information centre, and/or additional water storage at 9 Sibley Street, Nimbin in the 2024/2025 Operational Plan and other relevant IP&R documentation going forward.

Motion lapsed due to want of a mover.

12.7 Back Alley Gallery

Can the General Manager please explain the structure of the 'Back Alley Gallery' 'voluntary organisation', which reportedly curates and manages street art throughout the Lismore Laneways precinct, which includes creating new artwork and dealing with graffiti, how the organisation is registered as an entity, details relating to its elected representatives, how they were authorised to receive and spend ratepayer funds, and provide any plans and/or acquittals relating to the expenditure of ratepayer funds provided since the Lismore Laneways project commenced?

General Manager's response:

The Back Alley Gallery is independent to Lismore City Council, accordingly Council does not record its organisational details. It has been run by volunteers since 2011, currently including local artists Holly Ahern and Erica Gully. The Back Alley Gallery is led by experienced artists in Lismore's visual and street art community and facilitates commissioning of new artwork and maintaining current works, liaison with property owners, and community engagement around the projects. Featuring murals and street art by significant local and international talent, the Back Alley Gallery is recognised as a significant tourism attraction and activation space in the Lismore CBD, as evidenced and supported by the Lismore Laneways Project in 2021.

The Back Alley Gallery's involvement in the Lismore Laneways Project was funded through a NSW Government grant.

Recovering from the 2022 disaster, the Back Alley Gallery received \$10,000 funding from SRV funds in the second half of 2023 to revitalise the Lismore Laneways - to clean walls and repair damaged murals, commission artists, develop community partnerships with

local businesses and organisations, and activate the site. This was a special funding initiative due to disaster impacts on the Lismore Laneways, based on a proposal which was assessed by the Destination and Economy team according to criteria which have been used in 2021-2023 Business Activation Plan funding.

- Clarity of vision, merit and benefit for the local community
- Capacity to attract people to Lismore city to shop, do business, visit and play
- Promoting Lismore in a positive manner, in alignment with the Business Activation Plan
- Viability and value for money
- Sound project planning and management.

To date, while some graffiti mitigation has been done by Back Alley Gallery along with creative planning, there have been project delays and the acquittal will be received after completion.

12.8 Renewable Energy Master Plan

Can the General Manager please update council regarding progress on implementing all aspects of the Renewable Energy Master Plan, which was adopted in 2014 after an 18 month community consultation, whether we reached our goal to generate all our electricity from renewable sources by 2023, if not, how close are we to achieving that goal, how much ratepayer money has been spent trying to achieve it to date, how much more ratepayer money staff expect to allocate to trying to achieve the goal, and how much ratepayers have saved in real terms trying to implement the Plan?

General Manager's response:

Council has not met the target goal of generating all its electricity from renewable sources as set within the Renewable Energy Masterplan (REMP), within a period of 10 years, concluding 2023.

Specifically, Council's adopted 2017-2021 Delivery Program contained the most recent references to "meeting renewable targets" although no funding was provided in applicable budgets in this period. In fact in the 2017-2021 Delivery Program progress report for Quarter Three actions C3.1.3, D1.2.1 and D1.3.2 required funding opportunities to be explored in order to meet the renewable energy targets. In all cases due to Council budget decisions and lack of suitable funding opportunities the actions were not able to be progressed.

Tracking of the contribution from solar power on Council locations has lapsed, but a project is underway to assess any repairs or maintenance requirements for Council's solar assets and to re-establish the monitoring and tracking software.

The last reporting on the matter is from FY 2018/2019 which identified 11.7% of Council's energy consumption was generated from solar electricity. Total energy costs were reduced by 28% from \$2 million in 2012 to \$1.4 million at the end of FY2020/2021. As well, annual Green House Gas emissions from Council had fallen 40% in the same period.

The position tasked with the REMP was removed from the organisation structure in

September 2020 and this function has not been tasked to another areas to deliver on the actionable items in the plan.

However, Lismore City Council entered a Power Purchase Agreement (PPA) through Iberdrola in 2022 for Council's large sites to source wind-generated electricity from the Collector Wind Farm. The purchase of 100% renewable electricity through this PPA begins 1 January 2025.

Council's team are also in the process of re-establishing a system to calculate current energy use and greenhouse gas emissions and to track Council's renewable energy contribution to reducing emissions into the future. This assessment will measure current and future progress on achieving the of the intentions REMP. It will also enable tracking the savings generated through on-site solar generation, and support a mechanism, such as a Revolving Energy Fund, to re-invest the savings into developing future energy and cost saving initiatives.

Council is going through the process of reviewing and rationalising all outstanding strategies with the goal closing out work that will not be completed. It is expected to report this back to Council in the coming months.

12.9 Expenditure of Funds by Unelected Community Members

Can the General Manager please direct councillors to the specific legislative provision(s) allowing Council to delegate decision making functions regarding the expenditure of ratepayer funds to unelected members of the community?

General Manager's response:

The elected body sets the budget each year and approves any budget adjustments made during the year through the Quarterly Budget Review process. Section 377 (1) (g) of the *Local Government Act 1993* is shown below:

377 General power of the council to delegate

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—

(g) the voting of money for expenditure on its works, services or operations

Section 355 of the *Local Government Act 1993* is shown below:

355 How a council may exercise functions

A function of a council may, subject to this Chapter, be exercised—

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*
- (b) by a committee of the council, or*
- (c) partly or jointly by the council and another person or persons, or*

- (d) *jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or*
- (e) *by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).*

An example of delegating expenditure to unelected members of the community would be the case where a council sets up a Section 355 Management Committee to manage a council hall or community centre on behalf of the council. Typically, the committee is given a sum of money by the council, and is then responsible for cleaning, maintenance, managing bookings etc.

Section 356 of the *Local Government Act 1993* sets out the requirements when councils provide financial assistance to others for the purposes of exercising the council's functions (including charitable, community and sporting organisations and private individuals). This is shown below:

356 Can a council financially assist others?

- (1) *A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) *However, public notice is not required if—*
 - (a) *the financial assistance is part of a specific program, and*
 - (b) *the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - (c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) *the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- (4) *Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

It is a decision for Council as to whether the group or individual is required to provide an acquittal back to the Council in relation to the expenditure of those funds.

12.10 Recurring Energy Fund

Considering the ever increasing cost of energy, can the General Manager please provide an update on where staff are up to in relation to establishing a Recurring Energy Fund (REF), if a REF has not yet been established, how long before we expect to see a REF established, and whether there are any active submissions in the pipeline seeking out any grant funding opportunities, such as an application to the Community Energy Upgrades Fund (\$25,000 to \$2.5 million) to help deliver energy upgrades and bill savings for community facilities?

General Manager's response:

Council officers are currently investigating the concept and merits of introducing a Revolving Energy Fund (REF) with support from the Northern Rivers Joint Organisation. It is intended that, if found to be suitable, the REF will be established with the next relevant energy saving project that could provide the first savings contribution to the Fund.

Officers are preparing a list of potential projects that could be funded under the Australian Government's Community Energy Fund Program. This list will be reported to Executive Leadership Team in the coming weeks and may result in a number of projects being combined into one grant application. Round 1 submissions close 30 April 2024 and applicants must contribute at least 50% of the agreed eligible project costs. The savings resulting from a successful Lismore City Council application could provide the initial funding for the REF.

12.11 Public Art

Can the General Manager please explain:

1. why a very outdated Public Art Policy has never been updated since it was created in 2005;
2. why the very complicated Public Art Procedure has not been reviewed since 2012;
3. if we still operate a Public Art Reference Group that is seemingly allowed to deal with the relevant 'Section 94' (section 7.11) contributions made to the Public Art Fund, and also make decisions without a council resolution regarding how those funds are spent; and
4. how a Policy designed to capture contributions for commercial and public developments over \$2 million in value over a decade ago has been extended to use funds from the 'Safer Cities: Her Way Project', which would better and more appropriately be used installing more lights and CCTV cameras around the CBD?

General Manager's response:

Council resolved on 12 April 2016:

Council hold a workshop to review its policy on public art contributions. As part of that review Council investigates the plausibility of altering the existing arrangement for developer contributions for Public Art with a view to directing them to community infrastructure renewals.

Records show there was a briefing provided to the then councillors regarding the Public Art Policy on 24 May 2016. An email from a councillor was received advising they would move a NOM at the July meeting regarding the Public Art Policy however there is no record that this was forthcoming.

Due to competing priorities this policy has not been reviewed since this time.

The Public Arts Reference Group (PARG) was discontinued by Council resolution on 11 January 2022.

As the Public Arts Procedure was applicable to the PARG it effectively became null and void at that time.

The Policy has not been extended it has simply been referenced in the *Safer Cities: Her Way Project* to demonstrate its alignment to the objectives of the Policy, ie “to facilitate the acquisition and management of high quality public artworks that enrich and vitalise the public domain, enhance local identity, and reflect Lismore’s unique environment, history and culturally diverse society.” The inclusion of art in the project was following extensive community consultation. Additional lights and CCTV cameras are also part of the scope.

12.12 North Lismore Plateau Land Giveaway

Can the General Manager please explain what progress has been made in relation to North Lismore Plateau Land Giveaway, exactly where we are up to, and well with this matter be finalised?

General Manager’s response:

The Property Services team have developed recommendations to progress what is a complex matter. The next steps are to seek independent advice on the assessment from subject matter experts into these recommendations before returning to Council for resolution.

12.13 Disaster Management Committee

Pursuant to Council resolution 49/23 on 14 March 2023, can the General Manager advise when a Disaster Management Committee will be established?

General Manager’s response:

Council is currently recruiting for an Emergency Management Coordinator (full-time temporary role until June 2026). A key responsibility of this role will be to review and refine the Lismore City Council’s emergency management framework, including emergency response, and as necessary provide support to the Disaster Management Committee.

12.14 Keen Street Bollards

Can the General Manager please confirm how much each stainless steel bollard being installed in Keen Street, Lismore cost, how many Council purchased, and whether we bought the bollards locally?

General Manager’s response:

In November 2022, an order was placed with Area Safe Products Pty Ltd, listed head office

address of Glendenning, NSW. 210 units were purchased at a unit rate of \$450 (ex GST) each, plus delivery cost of \$2,759 (ex GST).

In August 2023, a final order was placed with the same supplier. 25 units were purchased at a unit rate of \$699 (ex GST) each, plus delivery cost of \$499 (ex GST).

Council's procurement guidelines were followed, with staff obtaining a minimum of three quotes and subsequent evaluation process of the quotes received.

Bollard style is in accordance with the Lismore City Council Lismore CBD Style Guide.

12.15 Nimbin Works

Can the General Manager please provide details (confidentially to councillors if required) relating to ownership of all privately owned land along the full lengths of where work is to be done and has been done in relation to the walking track and car park access on either side of Cullen Street Nimbin, where council is spending considerable ratepayer funds to establish public facilities and to maintain these facilities going forward, and confirm whether all necessary rights of walkway and access have been secured to facilitate permanent public access to these facilities?

General Manager's response:

As councillors have previously been advised via a councillor request, privacy issues do not allow details of property owners to be shared.

The locations accessing to the Nimbin Rainbow Road Walking Track were changed late in 2023, when it was confirmed that one landowner had public liability issues and withdrew their support for the project over their land. This detail was provided in City Notes dated 23 October 2023. Stage 1 construction works are due to begin within the coming few months. Stage 2 works, where the land-owner matter is occurring will remain postponed until a future agreement can be reached.

12.17 Koala Advisory Group

Can the General Manager please advise where Council is up to in relation to actioning point 2 of resolution 152/23 on 8 August 2023?

General Manager's response:

Point 2 of the resolution was:

2. *any decision about the future of the Koala Implementation Group (KIG) be deferred until after a briefing about the activities of the KIG and the requirements of the Comprehensive Koala Plan of Management for a 10 year review. That members of the KIG be invited to attend and participate in that briefing*

A briefing was provided to Councillors on 29 August 2023. That briefing sought to provide Councillors with an understanding of the background to the Koala Implementation Group, its formation, operational functions and achievements since 2013 as well as challenges encountered in providing non-regulatory, science-based information to Councils management activities in the defined CKPoM area.

Officers have prepared a further briefing presentation for councillors although delivery of the briefing has been delayed due to operational resourcing issues.

Since this resolution was affected, all planned meetings were postponed due to uncertainty about the group function pending the briefing and Council decision. Implementation of on-ground actions contained in the CKPoM have been ongoing as business as usual.

Officers are seeking to include funds in the 2024/25 Council budget for an internal review of the CKPoM. A formal 10-year review according to NSW Government determined guidelines cannot proceed as these guidelines are yet to be published.

A new date for the briefing will be sought in the coming months.

12.18 Considered and Well Informed Decision Making

Can the General Manager please provide an opinion on whether it is possible for a governing body to make considered and well informed decisions in the best interests of residents, ratepayers and the local community in relation to the integrated planning and reporting framework based on such outdated documents as the Community Strategic Plan last fully updated in 2012, Asset Management Plans dating back to 2012 which don't even list several assets at all, 2011 Cycleway and Pedestrian Access and Mobility Plans, a 2012 Housing Strategy, a 2014 Section 94 Contributions Plan, a 2013 Strategic Road Review, a 2014 Renewable Energy Master Plan, and 2016 Urban Stormwater Management Plans, none of which have been updated since the major and catastrophic flood events in 2017 and 2022, and please explain the importance of updating our full set of integrated planning and reporting framework documents as a priority by June 2025 to ensure compliance and to provide for better decision making going forward?

General Manager's response:

In accordance with Section 406 of the *Local Government Act 1993* current Community Strategic Planning documents must be adopted in accordance with the Integrated Planning and Reporting guidelines, which includes community consultation and engagement.

Officers will work with the documents adopted by Council.

Confidential Matters – Closed Council Meeting

36/24

RESOLVED that Council now exclude the press and public and meet in Closed Council to consider the following matters;

Item	13.2 General Manager's Performance Review Committee - 23 November 2023
Grounds for Closure	Section 10A(2) (a):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: personnel matters concerning particular individuals (other than councillors).

(Councillors Gordon/Bing)

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

Voting against: Nil

Resumption of Open Council

When the Council had resumed its former sitting, the Mayor reported that Council, meeting in Closed Session, had **RESOLVED** at the 13 February 2024 meeting:

13.1 Santin Quarry Appeal

That Council defend the Class 4 Appeal.

(Councillors Rob/Gordon) (BP24/52)

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

Voting against: Councillors Bird, Ekins and Guise

RESOLVED at the adjourned meeting on 20 February 2024:

13.2 General Manager's Performance Review Committee - 23 November 2023

That:

1. Council receive and note the report that the General Manager is performing his duties in line with Councils' expectations and that of his performance agreement
2. at the next stage of the General Manager's performance review the General Manager present to the Council in a confidential session and councillors have the opportunity to present feedback to the committee prior to the completion of the review

(Councillors Colby/Gordon) (BP24/116)

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

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 6.43pm.

CONFIRMED 12 March 2024 at which meeting the signature herein was subscribed.

MAYOR