

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN
COUNCIL CHAMBERS ON TUESDAY 9 APRIL 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, Gordon, Guise, Jensen, Rob (via audio-visual), 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 Duffy, Acting Head Customer Experience; Mr Kelly, 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

6/24	RESOLVED that: <ol style="list-style-type: none">1. Council note Councillors Ekins and Hall are on approved leave2. attendance by audio-visual link be approved for Councillor Rob due to personal health reasons <p>(Councillors Gordon/Colby)</p> <table><tr><td>Voting for:</td><td>Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Jensen, Krieg and Rob</td></tr><tr><td>Voting against:</td><td>Nil</td></tr></table>	Voting for:	Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Jensen, Krieg and Rob	Voting against:	Nil
Voting for:	Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Jensen, Krieg and Rob				
Voting against:	Nil				

Confirmation of Minutes

7/24	RESOLVED that the minutes of the following meeting be confirmed: <ul style="list-style-type: none">• Ordinary Council meeting 12 March 2024• Confidential Council meeting 12 March 2024 <p>(Councillors Rob/Bing)</p> <table><tr><td>Voting for:</td><td>Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob</td></tr></table>	Voting for:	Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob
Voting for:	Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob		

Voting against: Councillor Guise

Disclosures of Interest

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.4 Events Strategy 2024-2028

Nature: relates to ownership of the name Lismore Lantern Parade and there are references to my business name

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin's Quarry Legal Action

Nature: I am an acquaintance of Mr Santin

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

Nature: I am a friend of Mr Santin

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

Nature: I have had business dealings with Mr Santin in my previous business

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

Nature: as previously advised I have met Mr Santin on three occasions and Mr Gapes

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

Nature: as previously disclosed I know Mr Santin

Clr Guise declared a Non-Pecuniary, Significant Conflict of Interest for the following item: 12.3 Lismore Base Hospital Parking and 12.6 Lismore Base Hospital Parking Precinct

Nature: I work for NSW Health and will leave the Chamber

Clr Guise declared a Non-Pecuniary, Significant Conflict of Interest for the following item: 12.5 Food security

Nature: I work for NSW Health in this space so will leave the Chamber

Clr Bird declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.4 Events Strategy 2024-2028

Nature: I have a longstanding, real-life relationship with the Lismore Lantern Parade, I will stay in the Chamber unless it is specifically raised

Clr Bird declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 12.5 Food security

Nature: The notice of motion I submitted references NSW Reconstruction Authority and the organisation which I work for, Resilient Lismore, is funded by the Authority but in this matter is doesn't directly relate.

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

11.2 Reimagine Lismore

AGAINST	Miriam Torzillo, Reclaim Our Recovery
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Notices of Motion

12.1 Rescission motion – 9 Sibley Street, Nimbin

FOR	Virginia Waters
	Gwen Trimble

Councillor Guise left the meeting, the time being 6:45PM

12.5 Food security

FOR	Fiona Berry, UTS Institute for Sustainable Futures
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Councillor Cook left the meeting, the time being 6:58PM

Councillor Cook returned to the meeting, the time being 7:00 PM

	Nicola Buster, University Centre for Rural Health
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Altering Order of Business

8/24 **RESOLVED** that the order of business be altered after item 11.1 to debate the following matters raised during Public Forum –

- 11.2 Reimagine Lismore
- 12.1 9 Sibley Street, Nimbin
- 12.5 Food Security

(Councillors Krieg/Gordon)

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

Voting against: Nil
Absent: Councillor Guise

Councillor Guise returned to the meeting, the time being 7:06PM

Mayoral Minute(s) and Condolence Motions

Reports of Committees

9.1 Sister City Advisory Group Minutes - 20 March 2024

9/24	<p>RESOLVED that the minutes be received and adopted and the recommendations contained therein be adopted.</p> <p>(Councillors Gordon/Bing) (BP24/279)</p> <p>Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Jensen, Krieg and Rob</p> <p>Voting against: Nil</p>
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9.2 Local Traffic Committee Minutes - 9 April 2024

10/24	<p>RESOLVED that the minutes be received and adopted, and the recommendations contained therein be adopted.</p> <p>(Councillors Bing/Colby) (BP24/337)</p> <p>Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Jensen, Krieg and Rob</p> <p>Voting against: Nil</p>
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Councillor Jensen left the meeting, the time being 7:09PM

Matters Arising

10.1 Questions on Notice

11/24	<p>RESOLVED that the Questions on Notice responses provided in this report are noted.</p> <p>(Councillors Gordon/Colby) (BP24/325)</p> <p>Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Krieg and Rob</p> <p>Voting against: Nil</p> <p>Absent: Councillor Jensen</p>
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Councillor Jensen returned to the meeting, the time being 7:11PM

Councillor Rob left the meeting, the time being 7:11PM

Councillor Rob returned to the meeting, the time being 7:23PM

Councillor Colby left the meeting, the time being 7:49PM

Councillor Colby returned to the meeting, the time being 7:50 PM

Reports of the General Manager

11.1 Presentation by ARIC Chair

12/24	<p>RESOLVED that the Chairperson’s presentation be received.</p> <p>(Councillors Bing/Jensen) (BP24/308)</p> <p>Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob</p> <p>Voting against: Councillor Guise</p>
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11.2 Reimagine Lismore

MOTION moved that Council:

- 1. does not endorse the Terms of Reference for the Reimagine Lismore Advisory Panel
- 2. does not endorse the Community Engagement Program

(Councillor Rob)

Lapsed due to want of a seconder.

13/24

RESOLVED that Council:

1. endorse the Terms of Reference for the Reimagine Lismore Advisory Panel, stipulating that members have links to Lismore
2. endorse the Community Engagement Program

(Councillors Colby/Bird) (BP24/344)

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

Voting against: Councillors Jensen and Rob

12.1 9 Sibley Street, Nimbin

MOTION moved that Council rescind its decision of minute number 43/24 from the 12 March 2024 meeting.

(Councillors Bird/Cook)

Councillor Guise left the meeting, the time being 8:29PM

Councillor Guise returned to the meeting, the time being 8:31PM

RESOLVED that the motion be put.

(Councillor Rob)

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

Voting against: Councillor Bird, Cook and Guise

14/24

DEFEATED that Council rescind its decision of minute number 43/24 from the 12 March 2024 meeting.

(Councillors Bird/Cook) (BP24/266)

Voting for: Councillors Bird, Cook and Guise

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

Councillor Guise left the meeting, the time being 8:41PM

12.5 Food Security

MOTION moved that Council:

1. note the findings and recommendations of the Plan C and UTS Northern Rivers Food Security & Resilience Scoping Study, in particular the urgent need for coordinated food system governance, policies and planning in the region to build resilience to disasters and supply chain disruptions
2. note the 'Food Production and Supply in NSW' Inquiry and Report (November 2022), particularly Recommendation 6: that the NSW Government works with local councils to develop and implement strategies to improve local food systems, and provides appropriate funding as required
3. write to the following NSW Labor Government Ministers requesting the Government's response to the Inquiry, noting that Government has indicated it will respond to the findings by May, and highlighting the importance of Recommendation 6 for communities recovering from disasters such as the Northern Rivers:
 - i) NSW Premier the Hon Chris Minns MP
 - ii) Minister for Agriculture the Hon Tara Moriarty MP
 - iii) Minister for Local Government the Hon Ron Hoenig MP
 - iv) Minister for Regional New South Wales and North Coast the Hon Rose Jackson MP
 - v) Minister for Health and Regional Health the Hon Ryan Park MP
4. note the Northern Rivers Joint Organisation passed a similar motion at its February meeting
5. include questions regarding food and water security in the Reimagine Lismore community engagement process to understand community lived experience in the Lismore LGA
6. advocate to the NSW Reconstruction Authority for future possible use of buyback properties for urban and small scale agriculture in the Lismore LGA
7. provide a briefing to Council by July outlining current constraints and the mechanisms that could be considered to enable small scale urban agriculture in the Lismore LGA

(Councillors Bird/Colby)

AMENDMENT moved that Council:

1. note the findings and recommendations of the Plan C and UTS Northern Rivers Food Security & Resilience Scoping Study, in particular the urgent need for coordinated food system governance, policies and planning in the region to build resilience to disasters and supply chain disruptions
2. note the 'Food Production and Supply in NSW' Inquiry and Report (November 2022), particularly Recommendation 6: that the NSW Government works with local councils to develop and implement strategies to improve local food systems, and provides appropriate funding as required
3. write to the following NSW Labor Government Ministers requesting the

Government's response to the Inquiry, noting that Government has indicated it will respond to the findings by May, and highlighting the importance of Recommendation 6 for communities recovering from disasters such as the Northern Rivers:

- i) NSW Premier the Hon Chris Minns MP
 - ii) Minister for Agriculture the Hon Tara Moriarty MP
 - iii) Minister for Local Government the Hon Ron Hoenig MP
 - iv) Minister for Regional New South Wales and North Coast the Hon Rose Jackson MP
 - v) Minister for Health and Regional Health the Hon Ryan Park MP
4. note the Northern Rivers Joint Organisation passed a similar motion at its February meeting
 5. include questions regarding food and water security in the Reimagine Lismore community engagement process to understand community lived experience in the Lismore LGA
 6. advocate to the NSW Reconstruction Authority for future possible use of buyback properties for urban and small scale agriculture, possible rezoning and sale of buyback properties in the Lismore LGA
 7. provide a briefing to Council by July outlining current constraints and the mechanisms that could be considered to enable small scale urban agriculture in the Lismore LGA

(Councillor Rob)

Lapsed due to want of a seconder.

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

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

15/24 **RESOLVED** that Council:

1. note the findings and recommendations of the Plan C and UTS Northern Rivers Food Security & Resilience Scoping Study, in particular the urgent need for coordinated food system governance, policies and planning in the region to build resilience to disasters and supply chain disruptions
2. note the 'Food Production and Supply in NSW' Inquiry and Report (November 2022), particularly Recommendation 6: that the NSW Government works with local councils to develop and implement strategies to improve local food systems, and provides appropriate funding as required
3. write to the following NSW Labor Government Ministers requesting the Government's response to the Inquiry, noting that Government has indicated it will respond to the findings by May, and highlighting the importance of Recommendation 6 for communities recovering from disasters such as the Northern Rivers:

- i) NSW Premier the Hon Chris Minns MP
 - ii) Minister for Agriculture the Hon Tara Moriarty MP
 - iii) Minister for Local Government the Hon Ron Hoenig MP
 - iv) Minister for Regional New South Wales and North Coast the Hon Rose Jackson MP
 - v) Minister for Health and Regional Health the Hon Ryan Park MP
- 4. note the Northern Rivers Joint Organisation passed a similar motion at its February meeting
 - 5. include questions regarding food and water security in the Reimagine Lismore community engagement process to understand community lived experience in the Lismore LGA
 - 6. advocate to the NSW Reconstruction Authority for future possible use of buyback properties for urban and small scale agriculture in the Lismore LGA
 - 7. provide a briefing to Council by July outlining current constraints and the mechanisms that could be considered to enable small scale urban agriculture in the Lismore LGA

(Councillors Bird/Colby) (BP24/333)

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

Councillor Guise returned to the meeting, the time being 9:05PM

Councillor Jensen left the meeting, the time being 9:05PM

Councillor Jensen returned to the meeting, the time being 9:06PM

Councillor Bird left the meeting, the time being 9:06PM

11.3 NSW Public Spaces Charter

16/24 **RESOLVED** that Council become a signatory to the NSW Public Spaces Charter.

(Councillors Rob/Bing) (BP24/164)

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

11.4 Events Strategy 2024-2028

MOTION moved that Council adopt the Events Strategy 2024-2028.

(Councillors Gordon/Jensen)

Councillor Bird returned to the meeting, the time being 9:08PM

17/24 **RESOLVED** that Council adopt the Events Strategy 2024-2028.

(Councillors Gordon/Jensen) (BP24/136)

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

Voting against: Councillor Rob

11.5 Investments - March 2024

18/24 **RESOLVED** that the report be received and noted.

(Councillors Gordon/Bing) (BP24/341)

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

Voting against: Councillor Guise

11.6 Documents for Signing

19/24 **RESOLVED** that Council notes the following document be executed as negotiated under delegated authority by the General Manager:

Item 1: Lease to Lismore City Council (ABN 60 080 932 837) for commercial space in the Lismore CBD to facilitate pop-up CONVERGE program in line with funding by NSW Reconstruction Authority (Ref: EF21/88)

(Councillors Gordon/Bing) (BP24/239)

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

Voting against: Councillor Rob

20/24

RESOLVED that Council notes the following document be executed as negotiated under delegated authority by the General Manager:

Item 2: Occupation Agreement with City of Lismore RSL Sub-Branch over Suite A, 179 Molesworth Street, Lismore, subject to Conditions 1 and 2 included in the report annexure. (Ref: AF24/820)

(Councillors Gordon/Bing) (BP24/239)

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

Voting against: Nil

11.7 Policy Review

MOTION moved that Council revoke the following policies –

- a. Council Use of Lismore Airport Policy
- b. Biodiversity – Flora & Fauna Policy
- c. Council Cars – Car Agreement Policy
- d. Duties and Responsibilities of Committee Chairpersons Policy
- e. Plain English Policy
- f. Staff Exchange Program between Lismore City Council and Yamato Takada City Council Policy
- g. Closure of Offices Christmas/New Year Policy
- h. Dedication of Bequeathed Land for Community Purposes Policy
- i. Lismore Coat of Arms/Corporate Logo Policy
- j. Media Releases Policy

(Councillor Rob)

Lapsed due to want of a seconder.

21/24

RESOLVED that Council:

1. revoke the following policies –

- a. Council Use of Lismore Airport Policy
- b. Biodiversity – Flora & Fauna Policy
- c. Council Cars – Car Agreement Policy
- d. Duties and Responsibilities of Committee Chairpersons Policy
- e. Plain English Policy
- f. Staff Exchange Program between Lismore City Council and Yamato Takada

City Council Policy

2. note the following policies have been reviewed and no changes are required –
 - a. Closure of Offices Christmas/New Year Policy
 - b. Dedication of Bequeathed Land for Community Purposes Policy
 - c. Lismore Coat of Arms/Corporate Logo Policy
 - d. Media Releases Policy

(Councillors Bing/Cook) (BP23/328)

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

Voting against: Councillor Rob

11.8 2024 Floodplain Management Australia National Conference

MOTION moved that:

1. the two voting delegates to the 2024 Floodplain Management Australia National Conference are Councillors Ekins and Rob
2. if constitutional matters arise the voting delegate is Councillor Rob
3. Council approve the submission of the motion for AVL Link Remote Access to the Conference organisers

(Councillors Rob/Bing)

Councillor Gordon left the meeting, the time being 9:30PM

22/24

RESOLVED that:

1. the two voting delegates to the 2024 Floodplain Management Australia National Conference are Councillors Ekins and Rob
2. if constitutional matters arise the voting delegate is Councillor Rob
3. Council approve the submission of the motion for AVL Link Remote Access to the Conference organisers

(Councillors Rob/Bing) (BP24/250)

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

Voting against: Councillor Guise

Absent: Councillor Gordon

Councillor Gordon returned to the meeting, the time being 9:32PM

11.9 Minutes from External Committees and Organisations

23/24 **RESOLVED** that Council notes the draft minutes of Arts Northern Rivers.

(Councillors Colby/Bird) (BP24/265)

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

Voting against: Nil

Notices of Motion / Questions with Notice

12.2 Mayoral Attendance Report

MOTION moved that Council receives the Mayoral Attendance Report for March 2024.

(Councillors Cook/Gordon)

Councillor Cook left the meeting, the time being 9:35PM

Councillor Bird left the meeting, the time being 9:35PM

Councillor Cook returned to the meeting, the time being 9:37PM

Councillor Bird returned to the meeting, the time being 9:41 PM

24/24 **RESOLVED** that Council receives the Mayoral Attendance Report for March 2024.

(Councillors Cook/Gordon) (BP24/267)

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

Voting against: Councillor Rob

Councillor Guise left the meeting, the time being 9:50PM

12.3 Lismore Base Hospital parking

25/24

RESOLVED that Council write to The Hon Chris Minns MP Premier, The Hon Ryan Parks MP Minister for Health and Janelle Saffin MP Member for Lismore requesting the NSW Government fund Stage 2 of the multilevel carpark adjacent to the Lismore Base Hospital, to provide adequate and safe car parking facilities for our essential workers.

(Councillors Bing/Jensen) (BP24/309)

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

Voting against: Nil

Absent: Councillor Guise

Councillor Guise returned to the meeting, the time being 9:53PM

12.4 Koala Advisory Group

MOTION moved that Council establish a Koala Advisory Group to replace the Koala Implementation Group prior to 30 June 2024.

(Councillor Rob)

Lapsed due to want of a seconder.

Councillor Guise left the meeting, the time being 9:54PM

12.6 Lismore Base Hospital Parking Precinct

26/24

RESOLVED that:

1. Council approach both the Northern NSW Local Health District and also Transport for NSW (via the Local Traffic Committee) regarding the proposed amendments to the Parking Strategy
2. Council approach the NSW Department of Planning regarding authorisation of an amended Parking Strategy pursuant to Condition A5
3. if all parties respond favourably, engage a suitably qualified consultant to prepare an amended Parking Strategy in accordance with Transport for NSW Guidelines
4. complete an amended Parking Strategy supported by NSW Local Health District and also Transport for NSW (via the Local Traffic Committee) and endorsed by NSW Department of Planning and Council
5. implement the revised Parking Strategy

(Councillors Rob/Gordon) (BP24/328)

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

Councillor Guise returned to the meeting, the time being 10:17PM

Altering Order of Business

27/24 **RESOLVED** that the order of business be altered to debate the following matters:

- **13.2 Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park**
- **13.1 Santin's Quarry Legal Action**

(Councillors Rob/Gordon)

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

Confidential Matters – Closed Council Meeting

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

Item	13.1 Santin's Quarry Legal Action
Grounds for Closure	Section 10A(2) (g):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
Item	13.2 Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed

prejudice the commercial position of the person who supplied it

(Councillors Gordon/Bing)

Councillor Gordon left the meeting, the time being 10:20PM

Councillor Bird left the meeting, the time being 10:20PM

Councillor Gordon returned to the meeting, the time being 10:21PM

Councillor Colby left the meeting, the time being 10:21PM

Councillor Colby returned to the meeting, the time being 10:23PM

28/24 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

Item	13.1 Santin's Quarry Legal Action
Grounds for Closure	Section 10A(2) (g):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
Item	13.2 Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

(Councillors Gordon/Bing)

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

Voting against: Councillor Guise

Absent: Councillor Bird

Councillor Bird returned to the meeting, the time being 10:24 PM

The time being 10.31pm the meeting was adjourned to Wednesday 10 April at 6.00pm.

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Cook, Gordon, Jensen (via audio-visual), together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community 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

29/24

RESOLVED that:

1. Council note apologies received from Councillors Colby, Guise and Rob
2. attendance by audio-visual link be approved for Councillor Jensen

(Councillors Bing/Gordon)

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

Voting against: Nil

As the meeting on Tuesday 9 April 2024 was in confidential session when it was adjourned it will now return to conclude the listed business.

Resumption of Open Council

When the Council had resumed its former sitting, the Mayor reported that Council, meeting in Closed Session, had RESOLVED:

13.2 Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park

That:

1. in accordance with Clause 178(1)(b) of the *Local Government (General) Regulation 2021*, Council declines to accept any of the tenders for Tender TP23/210 – Construction of Walking Pathways – Harold Fredericks Car Park
2. in accordance with Clause 178(3)(b) of the *Local Government (General) Regulation 2021*, Council invite fresh tenders, in accordance with Clause 166 by tendering each portion of the works as a separate contract using a combination of Request for Quotations and existing Council approved panel contracts in line with Council's procurement policy
3. Council notes the funding for this engagement will be covered under a grant

provided by Transport for NSW under the Safer Cities: Her Way Program

(Councillors Gordon/Colby) (BP24/310)

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

Voting against: Councillor Guise

13.1 Santin's Quarry Legal Action

Motion withdrawn from adjourned meeting on 10 April 2024.

12.7 Aboriginal Back Alley Gallery

That Council hold a briefing to consider establishing an Aboriginal Back Alley Gallery to replace the current Back Alley Gallery.

Lapsed due to want of a mover.

12.8 Floating Solar

That Council:

1. redirect any spending to maintain the floating solar setup on pontoons at the waste facility to relocating the solar panels to a location where they will be more effective
2. divest any interest it has in the pontoons.

Lapsed due to want of a mover.

12.9 Safer Cities - Her Way Project

That Council stop any spending on 'art' included in the grant funding deed for the Safer Cities: Her Way Project, and redirect the funds allocated to 'art' towards improving lighting and CCTV options.

Motion withdrawn.

12.10 Bridge Removal

Per the previous Council resolutions, Council has contacted the appropriate entities and provided a reminder to State Member Ms Saffin. Council's position on the bridge removal was raised again in the last weeks in continuing discussions with Transport for NSW (TfNSW).

Responses to a number of Councillor requests have been provided by officers however, whilst there is advertising paid for by TfNSW for the businesses affected in particular with Terania Street bridge, there is no substitute for passing traffic... and these businesses are suffering immensely as a result.

Could the General Manager provide an update on the actions from TfNSW, Heritage, and all other relevant bodies, vis a vis the resolutions for removal of the bridges, for the public record.

General Manager's response:

Terania Street viaduct

Council has been verbally advised by TfNSW the Terania Street viaduct will be open in coming weeks following the installation of traffic calming islands and signage. The viaduct will remain closed to heavy vehicles. Their section 60 heritage application to remove the viaduct has been submitted and heritage personnel have been on site with the application currently on public exhibition at <https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/state-heritage-register-items/comment-on-applications>. Advice has been received the earliest date for removal would likely be sometime in June 2024. In the meantime, pedestrian access has been opened. TfNSW will continue with communicating progress to the community and businesses in the vicinity.

Alexandra Parade viaduct

Council has been verbally advised the Alexandra bridge will remain open under 24/7 traffic control for vehicles using the 2.8 metre height clearance lanes following improvements to protect the piers with the 3.5 metre clearance lane remaining closed for the foreseeable future. Council have been requested to undertake the necessary lease and licence arrangements to enable the nearby crossing to be opened as an alternate route for vehicles exceeding 2.8 metres in height.

Winterton Parade and Union Street viaducts

Council has been advised minor works have been undertaken to ensure safe traffic flow.

Crane Street viaduct

Remain open. No update.

12.11 CCTV System Use

Can the General Manager please advise Council if there are any current policies or procedures preventing staff from using and/or reviewing Council CCTV recordings in an attempt to identify individuals involved in alleged crimes or for enforcement action purposes, to be used internally or to be shared with law enforcement without first receiving a request from law enforcement, or if there is anything restricting the use of images taken from Council CCTV recordings to be published publicly in an attempt to help identify individuals unable to be otherwise identified?

General Manager's response:

Officer Comment

Council and NSW Police have executed a Memorandum of Understanding to articulate responsibilities associated with the CitySafe CCTV Network. Council's operational framework is consistent with the NSW Government – Justice publication '*NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places*'.

The management framework restricts access to, and use of recorded material will only take place:

- i) in compliance with the needs of Police in connection with the investigation of crime
- ii) if necessary for the purposes of legal proceedings or in compliance with applicable laws (such as the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*).

Richmond Police Command Officers may access the CitySafe CCTV network (Lismore and Nimbin systems), to view live footage and review footage. However, they are not authorised to independently download data. NSW Police must make a formal request to Council to obtain a copy of recorded data. Such requests are responded to by authorised/delegated Council staff.

NSW Police will make its own decision regarding the release of footage in alignment with associated legislative frameworks, policies and protocols and in the public interest.

12.12 Councillors Treated as Employees

Can the General Manager please advise if there are any known issues which will result if Council resolves to make councillors subject to PAYG withholding, which should also see councillors treated as employees during their term in relation to taxation and other services available only to staff?

General Manager's response:

Currently Mayor and councillor fees are not subject to income tax withholding, meaning councillors must manage their own income tax liability to the Australian Taxation Office (ATO).

Sections 446-5 of Schedule 1 of the *Taxation Administration Act 1953* (TAA) provides:

1. *An entity must withhold an amount from salary, wages, commission, bonuses or allowances it pays to an individual as:*
 - (e) *a member of a "local governing body where there is in effect in accordance with section 446-5, a unanimous resolution by the body that the remuneration of members of the body be subject to withholding under this part"*

The Mayor and councillor fees will be subject to PAYG withholding where there is a unanimous resolution to support the payment in this manner. If the resolution is not unanimous, LCC will be unable to withhold the tax in this manner and councillors will continue to be responsible for managing their own taxation circumstances.

Treating the Mayor and councillors in accordance with the above will see a reduction in their current take home monthly fee, with the corresponding amount paid by LCC to the ATO on behalf of the councillor towards their estimated annual income tax liability.

Subsection 275(2) of the *Local Government Act 1993* provides:

(2) A person is disqualified from holding civic office on a council if he or she is an employee of the council or holds an office or place of profit under the council.

Council has received advice that where it withholds PAYG tax for councillors (after passing a unanimous resolution), the councillors **do not** become common law employees, and it will not make them employees of the Council. However, withholding PAYG for councillors may result in the councillors being treated in the same manner as employees for certain purposes (eg fringe benefits tax).

A unanimous resolution in respect of PAYG withholding will deem councillors to be treated as employees for the purposes of the *Superannuation Guarantee Administration Act 1992* (Cth), therefore resulting in a financial impact to councillors. Under the current arrangement, a councillor can elect to forgo superannuation payments.

12.13 Northern Rivers Joint Organisation Operation and Membership

Can the General Manager please outline how the Northern Rivers Joint Organisation (NRJO) effectively operates as a regional layer of government, how the 7 Mayors of the member councils can make decisions without informing or consulting other councillors, whether NRJO decisions are binding on member councils, why information is regularly withheld from 55 of the 62 elected officials making up the member councils, why those 55 elected officials are often completely excluded from decision making processes, and any adverse impacts if Council resolves to withdraw from the NRJO?

General Manager's response:

Joint organisations are formed under Part 7 of Chapter 12 of the *Local Government Act 1993* (*The Act*) and proclaimed by the Governor. The proclamation constitutes the joint organisation as a body corporate.

The board of the Northern Rivers Joint Organisation consists of the Mayor of each of the seven member councils. Each Mayor has one vote. Agendas and minutes of the NRJO are published on its website. The joint organisation operates similarly to Rous County Council where members are required to vote in “the interests” of the organisation or County Council. This is evidenced below. Not all councillors of member councils have all information provided to them by either NRJO or Rous County Council and only the members of the NRJO or County Council vote.

Section 400ZA Decisions and powers of joint organisations states:

(2) A decision made, in good faith, by a voting representative on the board of a joint organisation is taken for the purposes of provisions of this Act relating to the functions and conduct of councillors not to have been taken by the representative in his or her capacity as the mayor or a councillor of a council.

The NRJO’s operational and governance principles are contained in its Charter.

A period of 12 months written notice is required to withdraw membership of the NRJO.

If Lismore City Council were to revoke its membership of the NRJO it would not be involved in the establishment, delivery and benefits of strategic regional priorities. The adverse impacts of this could be economic, environmental and a disconnected region.

12.14 Converge Creative Enterprise Development Program

Can the General Manager please explain whether council or the NSW Reconstruction Authority initiated the Converge Creative Enterprise Development Program, how it came to be applied to Lismore, if any other council areas are running the program, how much grant funding is being provided to council, if there will be any cost to ratepayers either directly or in kind, and exactly how the program is expected to proactively reduce the impact of future disasters and help Lismore recover faster?

General Manager’s response:

Following the 2022 natural disaster across the region, the Northern Rivers Reconstruction Corporation (now known as the NSW Reconstruction Authority) established the Business Industry and Tourism Advisory Group (BITAG). This group provided the three levels of government and industry with a forum for economic development and advice on rebuilding the Northern Rivers. Lismore City Council was a member. One of the functions of this group was to drive economic development through the identification of priority projects for councils. This Converge project opportunity was explored further by BITAG following considerations raised at the Creative Industries Recovery Forum held in July 2022, discussions held regarding the Renew Newcastle initiative and Lismore’s very own Art in the Heart Program delivered in 2010-11. BITAG members across all three levels of government were keen to see the establishment of a similar program to support social, community and business recovery in the Lismore local government area (LGA). The Converge project (formerly known as Art in the Heart) was placed on the BITAG Action Sheet as one of many projects for the Lismore LGA to pursue.

Throughout 2023 discussions were held frequently with the NSW Reconstruction Authority regarding funding opportunities. In October 2023 a funding agreement was signed between the NSW Reconstruction Authority and Lismore City Council to deliver the Converge project during 2024. The total amount of funding provided is \$145,000 excluding GST. The program includes in kind project management delivered by officers within the Destination and Economy Team. All other costs associated with the program delivery are fully funded through the funding agreement.

As the program is funded from the BITAG, its objective is to deliver economic recovery initiatives to address economic and social impacts of the 2022 flood disaster. This will include occupying vacant spaces within business centres, increasing foot traffic and activation, resulting in increased spend, and creating vibrant and dynamic collective spaces to develop Lismore's creative sector and celebrate the creativity and diversity of the local community. The project objectives do not aim to reduce the impact of future disasters.

12.15 GSAC Youth & Community Centre

Can the General Manager please outline the services and facilities available at GSAC, such as meeting or gathering spaces, offices, cafe, gym, etc, which could be used to support a youth & community centre operating out of GSAC, and share any known reasons why a youth & community centre could not commence operations from GSAC in future?

General Manager's response:

The Goonellabah Aquatic and Sports Centre (GSAC) contains the following facilities:

- Stadium (two basketball courts) with permanent bookings for netball, basketball, and futsal. School programs also operate during the day.
- 2 x function spaces used by hirers - including the youth boxing group, jazz ballet, etc
- 1 x meeting room used by council staff and external hirers
- 2 x offices used by Council for operations of the facility
- 1 x small office available to rent.
- Cafe with limited hours
- 25m and learn to swim pool
- Waterslide
- 24-hour gym
- 2 fitness program rooms for spin classes, yoga, dance and step classes.
- Outdoor BBQ area
- Adjacent skate park

The GSAC effectively serves as a community hub, accommodating a wide range of users, activities and programs. The facility offers various spaces and facilities managed via private hire agreements and bookings. Any individuals, clubs, schools, entities and organisations are able to access and use the facility via this booking and hiring process.

This operational framework not only generates revenue to sustain the facility's operations but also fosters inclusivity by catering to diverse sections of the community, including youth.

Potential challenges to repurposing the facility, include the need to ensure continued access to sports facilities for existing contracted arrangements, managing competing demands for space, and maintaining financial viability.

Any decision would also need to take into consideration the findings of any operational reviews as well as the needs and preferences of residents, current users, and stakeholders.

Closure

This concluded the business and the meeting terminated at 6.13pm.

CONFIRMED this > > 2024 at which meeting the signature herein was subscribed.

MAYOR