

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 10 JUNE 2025 AT 10.00AM

Please note: These minutes are subject to confirmation at the next Council meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

Present

Mayor, Councillor Krieg; Councillors Battista, Dalton-Earls, Guise, Hall, Jensen, Knight-Smith, Rob, Waters together with Mr Butron, Acting General Manager; Mr Smith, Acting Chief Operating & Financial Officer; Ms van Iersel, Acting Chief Corporate & Community Officer; Ms Robb, Head Corporate Services; Mr Geikie, Acting Head Customer Experience; Mr Singh-Pangly, Head Finance; Ms Williams, Property Officer; Mr Hartcher, Executive Director Flood Restoration Portfolio; Ms Foy, Director Commercial & Corporate Services; 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

115/25 **RESOLVED** that:

1. a leave of absence be approved for:
 - a) Councillor Waters from 12 June 2025 to 24 July 2025
 - b) Councillor Jensen for 17 June 2025
 - c) Councillor Rob from 19 June to 21 June 2025
2. an apology be received from Councillors Bing and Gordon

(Councillors Hall/Jensen)

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

Voting against: Nil

Confirmation of Minutes

116/25 **RESOLVED** that the minutes of the following meeting be confirmed:

- Extraordinary Council meeting 3 June 2024
- Ordinary Council meeting 13 May 2025
- Confidential Council meeting 13 May 2025

(Councillors Dalton-Earls/Hall)

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

Voting against: Councillor Guise

Disclosures of Interest

Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.2 Proposed Acquisition of Part 136 Gundurimba Road, Monaltrie NSW
Nature: the owner of the property is known to me

Clr Hall declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.2 Proposed Acquisition of Part 136 Gundurimba Road, Monaltrie NSW
Nature: the owner of the property is known to me

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.2 Proposed Acquisition of Part 136 Gundurimba Road, Monaltrie NSW
Nature: the owner of the property is known to me

Mayoral Minute(s) and Condolence Motions

Reports of Committees

Matters Arising

9.1 Questions on Notice

117/25 **RESOLVED** that the Questions on Notice responses provided in this report be noted.

(Councillors Dalton-Earls/Waters) (BP25/303)

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

Voting against: Nil

Reports of the General Manager

10.1 Reconciliation Action Plan (RAP) 2025-2029

118/25 **RESOLVED** that Council adopt the Reconciliation Action Plan 2025-2029 as attached.

(Councillors Knight-Smith/Waters) (BP25/293)

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

Voting against: Nil

10.2 Proposed Acquisition of Part 136 Gundurimba Road, Monaltrie NSW

119/25 **RESOLVED** that Council:

1. endorse the acquisition of part of Lot 1 in DP 772418, known as 136 Gundurimba Road, Monaltrie
2. the landowner's costs associated with the acquisition be met by Council, including but not limited to survey, fencing, Council fees, the landowner's reasonable legal fees, valuation fees and plan registration fees
3. delegate authority to the General Manager to negotiate the terms of acquisition and compensation and to execute all documents necessary to give effect to this resolution

(Councillors Knight-Smith/Hall) (BP25/241)

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

Voting against: Councillor Guise

10.3 Investments - May 2025

120/25 **RESOLVED** that the report be received and noted.

(Councillors Rob/Dalton-Earls) (BP25/324)

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

Voting against: Councillors Guise and Waters

10.4 Loan with Commonwealth Bank

MOTION moved that:

1. the Council approve a new loan with Commonwealth Bank of Australia to refinance an existing loan
2. delegation be provided to the General Manager to negotiate a two year fixed or two year variable with an off-set/redraw/line of credit facility

(Councillors Rob/Hall)

FORESHADOWED MOTION that the Council approve a new loan with Commonwealth Bank of Australia to refinance an existing loan with a two year term, interest only and at an indicative interest rate of 4.92%.

(Councillor Waters)

121/25 **RESOLVED** that:

1. the Council approve a new loan with Commonwealth Bank of Australia to refinance an existing loan
2. delegation be provided to the General Manager to negotiate a two year fixed or two year variable with an off-set/redraw/line of credit facility

(Councillors Rob/Hall) (BP25/325)

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

Voting against: Councillors Battista, Guise and Waters

Councillor Waters left the meeting, the time being 10:52 AM

10.5 Advisory Groups

MOTION moved that:

1. Council appoint the following community members to the below:
 - a) Lismore Villages – Tracey Whitby (Clunes) and Des Harris (Bexhill)
 - b) Aboriginal – Jenny Smith and Ros Sten
2. Council confirm the first meeting times and dates will be in the Council Chambers:
 - a) Aboriginal Advisory Group – Tuesday 15 July at 2.00pm
 - b) Koala Advisory Group – Thursday 10 July at 1.00pm
 - c) Lismore Villages Advisory Group – Monday 4 August at 2.00pm
 - d) Sister City Advisory Group – Thursday 10 July at 5.00pm
 - e) Disability Inclusion Advisory Group – Thursday 19 June at 12.00pm
3. staff provide ongoing scheduling and administration support for the advisory groups

(Councillors Rob/Hall)

Councillor Waters returned to the meeting, the time being 10:54AM

Councillor Jensen left the meeting, the time being 11:00AM

Councillor Jensen returned to the meeting, the time being 11:01AM

122/25 **RESOLVED** that :

1. Council appoint the following community members to the below:
 - a) Lismore Villages – Tracey Whitby (Clunes) and Des Harris (Bexhill)
 - b) Aboriginal – Jenny Smith and Ros Sten
2. Council confirm the first meeting times and dates will be in the Council Chambers:
 - a) Aboriginal Advisory Group – Tuesday 15 July at 2.00pm
 - b) Koala Advisory Group – Thursday 10 July at 1.00pm
 - c) Lismore Villages Advisory Group – Monday 4 August at 2.00pm
 - d) Sister City Advisory Group – Thursday 10 July at 5.00pm
 - e) Disability Inclusion Advisory Group – Thursday 19 June at 12.00pm
3. staff provide ongoing scheduling and administration support for the advisory groups

(Councillors Rob/Hall) (BP25/322)

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

Voting against: Nil

Councillor Rob left the meeting, the time being 11:14AM

10.6 Annual Mayor and Councillor Fees

MOTION moved that the fees payable to the Mayor and councillors for 2025-2026 be \$68,800 and \$27,860 respectively.

(Councillors Krieg/Waters)

Councillor Rob returned to the meeting, the time being 11:15AM

FORESHADOWED MOTION that the overall maximum fee for councillors be reduced by \$11,000, making it \$26,860.

(Councillor Battista)

FORESHADOWED MOTION that the fees be the same as 2024-2025, that being \$66,800 and \$27,050.

(Councillor Dalton-Earls)

123/25 **DEFEATED** that the fees payable to the Mayor and councillors for 2025-2026 be \$68,800 and \$27,860 respectively.

(Councillors Krieg/Waters) (BP25/240)

Voting for: Councillors Guise, Knight-Smith, Krieg and Waters

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

124/25 On submission to the meeting the foreshadowed motion became the motion and was **DEFEATED** that the overall maximum fee for councillors be reduced by \$11,000, making it \$26,860.

(Councillors Battista/Hall) (BP25/240)

Voting for: Councillors Battista and Rob

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

125/25 On submission to the meeting the foreshadowed motion became the motion and was **RESOLVED** that the fees be the same as 2024-2025, that being \$66,800 and \$27,050.

(Councillors Dalton-Earls/Knight-Smith) (BP25/240)

Voting for: Councillors Battista, Dalton-Earls, Guise, Hall, Jensen, Knight-

Smith, Krieg, Rob and Waters
Voting against: Nil

Councillor Waters left the meeting, the time being 11:42AM
Councillor Hall left the meeting, the time being 11:42AM
Councillor Dalton-Earls left the meeting, the time being 11:42AM
Councillor Jensen left the meeting, the time being 11:42AM
Councillor Guise left the meeting, the time being 11:42AM

The meeting was suspended at 11.42 AM due to lack of a quorum.

Notices of Motion / Questions with Notice

11.1 Mayoral Attendance Report

MOTION moved that Council receives the Mayoral Attendance Report for May 2025.

(Councillors Krieg/Dalton-Earls)

Councillor Waters returned to the meeting, the time being 11:43AM
Councillor Jensen returned to the meeting, the time being 11:43AM
Councillor Knight-Smith left the meeting, the time being 11:43AM
Councillor Battista left the meeting, the time being 11:43AM
Councillor Guise returned to the meeting, the time being 11:44AM

The meeting resumed.

Councillor Hall returned to the meeting, the time being 11:45AM
Councillor Knight-Smith returned to the meeting, the time being 11:45AM
Councillor Dalton-Earls returned to the meeting, the time being 11:46AM
Councillor Dalton-Earls left the meeting, the time being 11:46AM
Councillor Jensen left the meeting, the time being 11:46AM
Councillor Dalton-Earls returned to the meeting, the time being 11:47AM
Councillor Rob left the meeting, the time being 11:47AM
Councillor Rob returned to the meeting, the time being 11:47AM

Councillor Jensen returned to the meeting, the time being 11:47AM

126/25 **RESOLVED** that Council receives the Mayoral Attendance Report for May 2025.

(Councillors Krieg/Waters) (BP25/332)

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

Voting against: Councillor Rob

Absent: Councillor Battista

11.2 Council Meeting Overflow

127/25 **RESOLVED** that Council:

1. amends clause 18.3 of the Code of Meeting Practice to read:

18.3 If the business of the meeting is unfinished after 5 hours and the council does not resolve to extend the meeting, or if the meeting is unfinished after 30 minute extension, the chairperson must either::

- a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or*
- b) adjourn to the Thursday following meeting at 6pm to extend no later than 9pm, and defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council if the business of the meeting is still unfinished.*

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

(Councillors Rob/Hall) (BP25/366)

Voting for: Councillors Hall, Jensen, Krieg, Rob and Waters

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

Absent: Councillor Battista

11.3 Council and RA liaise regarding housing stock

That Council:

1. liaises with the NSW Reconstruction Authority to seek a subdivision approval on Resilient Land sites within the LGA with a view to relocating the houses bought back be sited on the location of proposed subdivision lots
2. holds a workshop with NSW Reconstruction Authority

(Councillors Waters/Knight-Smith)

AMENDMENT moved that Council liaises with the NSW Reconstruction Authority to identified Resilient Lands sites within the LGA to store the dwelling stock bought back due to the 2022 flood.

(Councillor Dalton-Earls)

Lapsed due to want of a seconder.

128/25

RESOLVED that Council:

1. liaises with the NSW Reconstruction Authority to seek a subdivision approval on Resilient Land sites within the LGA with a view to relocating the houses bought back be sited on the location of proposed subdivision lots
2. holds a workshop with NSW Reconstruction Authority

(Councillors Waters/Knight-Smith) (BP25/262)

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

Voting against: Nil

Absent: Councillor Battista

11.4 Advisory Group Admin Support

That Council staff provide advisory group admin support to prepare and distribute agendas, and to schedule meetings to assist councillors chairing the advisory group meetings.

Motion withdrawn.

At this point the meeting adjourned for lunch, the time being 12:30PM

Councillor Knight-Smith left the meeting, the time being 12:40PM

The meeting resumed at 1:00PM

11.5 Public Private Partnerships

129/25 **RESOLVED** that Council as part of the Property Strategy consider public private partnership opportunities which may add value to or improve existing council assets and infrastructure.

(Councillors Rob/Jensen) (BP25/346)

Voting for: Councillors Dalton-Earls, Hall, Jensen, Krieg, Rob and Waters

Voting against: Councillor Guise

Absent: Councillors Battista and Knight-Smith

11.6 Pothole Repair Solutions

Can the General Manager outline any pothole repair solutions being considered by council to address the seemingly increasing backlog of pothole repairs, including the use of machinery to cut, crop and clean areas more efficiently (eg: jcbcea.com.au/machines/wheeled-excavator/pothole-pro/) or self-propelled pothole patching equipment to operate independently (eg: superiorroads.com/products/5000/)?

Acting General Manager's response:

Yes, various solutions are being considered. In regards to the Pothole Pro mentioned, the Roads Strategic Asset Engineer attended a demonstration at a neighbouring council to view the operation of the machine and is undertaking a cost assessment of whether the machine would suit the needs of the Lismore LGA.

Further discussion on this topic will take place during the multi-site Roads Workshop scheduled for 1 July 2025.

11.7 45 McKenzie Street Lismore

Can the General Manager provide details relating to the current use at 45 McKenzie Street Lismore, explain what is currently happening there, if a development application has been lodged, has work already commenced, and who is the consent authority?

Acting General Manager's response:

Prior to the 2022 floods, the site at 45 McKenzie Street was used as an aged care facility. The facility was significantly damaged during the 2022 floods and has not been re-occupied since. There are works currently being undertaken on the site, to repair and reinstate the building to pre-flood conditions. These works are being undertaken under the exempt development provisions; consent is not required for these repair works.

A development application (DA) for the site has been very recently submitted and is still in the DA intake phase. This DA proposes to change the use of the premise to temporary accommodation and associated support services to homeless persons. The proposed temporary accommodation includes 58 rooms, primarily involving single rooms, with a small number of larger rooms suitable for family groups. While the application is still in the DA intake phase, it appears on initial assessment that the consent authority will be Lismore City Council.

130/25 **RESOLVED** that the Development Application for 45 McKenzie Street Lismore be called up for decision by Council.

(Councillors Rob/Hall) (BP25/344)

Voting for: Councillors Hall, Jensen, Knight-Smith, Krieg and Rob

Voting against: Councillors Dalton-Earls, Guise and Waters

Absent: Councillors Battista and Knight-Smith

11.8 Northern Rivers Recovery and Resilience Program

Can the General Manager please provide an update regarding any Northern Rivers Recovery and Resilience Program project details, the expected impact of each project, funding milestone information, and outline how each project was selected, whether there was public and/or councillor consultation, and who decided to progress each project?

Acting General Manager's response:

An upcoming Councillor Briefing scheduled for 15 July 2025 will provide information on the Northern Rivers Recovery and Resilience Program.

Matter of Urgency

131/25 **RESOLVED** that the following issue be considered.

That Council write to The Hon Janelle Saffin MP, Member for Lismore, The Hon Rose Jackson MP, Minister for Water, Housing, Homelessness, Mental Health and Youth, The Hon Tara Moriarty MLC, Minister for Agriculture, and The Hon John Graham MLC, Minister for Tourism requesting them to:

1. review NSW Water's decision to close the Bell's Bay Campground at Toonumbar Dam
2. develop a Plan, with Kyogle Shire Council and the Kyogle Fishing Club, for the Bell's Bay Campground to remain open and address infrastructure, amenity and safety issues
3. fund the implementation of the Plan developed for the Bell's Bay Campground

(Councillors Hall/Rob)

Voting for: Councillors Dalton-Earls, Hall, Jensen, Krieg, Rob and Waters

Voting against: Councillor Guise

Absent: Councillors Battista and Knight-Smith

The Mayor ruled the matter is urgent.

132/25 **RESOLVED** that Council write to The Hon Janelle Saffin MP, Member for Lismore, The Hon Rose Jackson MP, Minister for Water, Housing, Homelessness, Mental Health and Youth, The Hon Tara Moriarty MLC, Minister for Agriculture, and The Hon John Graham MLC, Minister for Tourism requesting them to:

1. review NSW Water's decision to close the Bell's Bay Campground at Toonumbar Dam
2. develop a Plan, with Kyogle Shire Council and the Kyogle Fishing Club, for the Bell's Bay Campground to remain open and address infrastructure, amenity and safety issues
3. fund the implementation of the Plan developed for the Bell's Bay Campground

(Councillors Hall/Rob)

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

Voting against: Councillor Guise

Absent: Councillors Battista and Knight-Smith

Confidential Matters – Closed Council Meeting

133/25	RESOLVED that Council now exclude the press and public and meet in Closed Council to consider the following matters;
Item	12.1 RFQ T25/3 – Acceptance of Quotation for Supply of Waste Collection Vehicles and Approval for Disposal of Aged Fleet Assets
Grounds for Closure Public Interest	Section 10A(2) (d i): 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.
Item	12.2 Request for Proposal Recommendation - T24/21 Landslip Restoration Package Evaluation Recommendation
Grounds for Closure Public Interest	Section 10A(2) (d ii): 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 confer a commercial advantage on a competitor of the Council.
(Councillors Jensen/Dalton-Earls)	
Voting for:	Councillors Dalton-Earls, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters
Voting against:	Nil
Absent:	Councillors Battista and Knight-Smith

Resumption of Open Council

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

That in accordance with:

1. Clause 178(1)(a) of the *Local Government Act 1993*, Council accepts the following proposal from request for quotation T25/3 Supply of Waste Collection Vehicles from Volvo Group Australia Pty Ltd for the total purchase price of \$5,495,638.79 including GST for the supply of:
 - a. three Volvo FE320 Dual Control Cab Chassis with Bucher Sport Gen 6 Side Loaders with standard bin lifter 24m³
 - b. four Volvo FE320 Dual Control Cab Chassis with Bucher Sport Gen 6 Side Loader with extenda slide bin lifter 24m³
 - c. one Volvo FE280 Dual Control Cab Chassis with Bucher Sport Gen 6 Side Loader 18m³

2. Section 55(1)(g) of the *Local Government Act 1993*, Council approves asset disposal under Local Government Asset Disposal Panel Contract LGP2.21 for collection truck assets v1702, v1912 and v1751 via LGP2.21 Panel member, Pickles Auctioneers Pty Ltd

(Councillors Jensen/Hall) (BP25/348)

Voting for: Councillors Dalton-Earls, Guise, Hall, Jensen, Krieg, Rob and Waters

Voting against: Nil

Absent: Councillors Battista and Knight-Smith

That:

1. Council awards T24/21 Landslip Restoration Package to the preferred Proponent, as outlined in this report
2. notes the probity assured evaluation process has been completed in accordance with the approved procurement plan
3. delegation be provided to the General Manager to approve variations deemed to be necessary and appropriate within their financial delegations

(Councillors Dalton-Earls/Jensen) (BP25/297)

Voting for: Councillors Dalton-Earls, Hall, Jensen, Krieg, Rob and Waters

Voting against: Councillor Guise

Absent: Councillors Battista and Knight-Smith

Closure

This concluded the business and the meeting terminated at 1.27pm.

CONFIRMED this > > 2025 at which meeting the signature herein was subscribed.

MAYOR