

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY, 12 DECEMBER 2017 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 Smith; Councillors Battista, Bennett, Casson, Cook, Ekins, Guise, Lloyd, Marks and Moorhouse, together with the General Manager, Executive Director-Sustainable Development, Executive Director-Infrastructure Services, Manager Finance and Governance, Manager Development and Compliance, Manager Integrated Planning, Manager Assets and Support Services, Manager Major Recreation and Cultural Facilities, Manager - People and Workplace Development, Strategic Property Projects Manager, Strategic Planning Coordinator, Media and Community Relations Coordinator, City Centre Manager, Acting Governance Coordinator and Executive Assistant – Mayor and Councillors.

## On Approved Leave

Councillor Bird

### Leave of Absence

146/17

**RESOLVED** that:

- A leave of absence be granted to Councillor Bennett 13 December to 31 December 2017
- A leave of absence be granted to Councillor Casson 13 December 2017 to 9 February 2018
- A leave of absence be granted to Councillor Ekins 21<sup>st</sup> December 2017 to 16 January 2018
- A leave of absence be granted to Councillor Guise 13 December 2017 to 5 February 2018
- A leave of absence be granted to Councillor Lloyd 13 December 2017 to 12 February 2018
- A leave of absence be granted to Mayor, Councillor Smith 17 January 2018 to 25 January 2018

(Councillors Marks/Cook)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Ekins, Guise, Lloyd, Marks, Moorhouse and Smith

**Voting against:** Nil

## Minutes of Previous Meeting

147/17 **RESOLVED** that the minutes of the Lismore City Council held on 14 November 2017 be confirmed.

(Councillors Marks/Moorhouse)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Ekins, Guise, Lloyd, Marks, Moorhouse and Smith

**Voting against:** Nil

## Disclosure of Interest

### Disclosure of Interest

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**Councillor Battista declared a Non Pecuniary, Significant Conflict of Interest for the following item:**

**13.1 Documents for Signing and Sealing**

**Nature:** He knows the owner of the business (item deferred to Feb)

**Councillor Guise declared a Non Pecuniary, Non-Significant Conflict of Interest for the following item:**

**11.2 Regional Growth Fund Applications**

**Nature:** Due to where his girlfriend lives He may have a potential conflict of interest if the site is to go ahead. However at this stage no sites are proposed therefore there is no current conflict.

**Councillor Lloyd declared a Non Pecuniary, Significant Conflict of Interest for the following item:**

**11.1 Swim Clubs Access License**

**Nature:**

**Councillor Moorhouse declared a Non Pecuniary, Non-Significant Conflict of Interest for the following item:**

**10.4 Procurement Policy Amendments**

**Nature:** He owns a property with his Daughter in Gladston (item deferred to Feb)

**Councillor Moorhouse declared a Non Pecuniary, Non-Significant Conflict of Interest for the following item:**

**10.9 Investments - November 2017 and changes to Investment Policy**

**Nature:** He owns a property with his Daughter in Gladston (item deferred to Feb)

## Public Access Session

Prior to dealing with the circulated reports and associated information, a Public Access Session was held at which Council was addressed by the following:

Matters Arising

10.1 Proposed Sale of 308 James Gibson Road, Clunes

<b>AGAINST</b>	
<b>FOR</b>	Paul Schell

Reports

**Councillor Eddie Lloyd left the meeting, the time being 06:15 PM**

11.1 Swim Clubs Access Licence

<b>AGAINST</b>	Tracey Menger
<b>AGAINST</b>	Jo Young
<b>AGAINST</b>	Deniece Hawkins
<b>AGAINST</b>	Andrew Hunter – President Lismore Workers Swim Team
<b>AGAINST</b>	Jody Everson
<b>FOR</b>	Christine Bowyer – Summerland Racing Team

**Councillor Eddie Lloyd returned to the meeting, the time being 06:49 PM**

11.2 Regional Growth Fund Application

<b>AGAINST</b>	Kashmir Miller
<b>AGAINST</b>	Jeff Dickson - resident
<b>AGAINST</b>	Jenny Dickson - resident
<b>AGAINST</b>	Lindsay Roberts - resident
<b>AGAINST</b>	Jess Emmett
<b>AGAINST</b>	Megan Williams
<b>AGAINST</b>	Patrick Santucci
<b>AGAINST</b>	Jarrod Anconodich
<b>FOR</b>	Karen Jones – Executive Director, Sport Infrastructure Group

**Councillor Darlene Cook left the meeting, the time being 07:19 PM**

**Councillor Darlene Cook returned to the meeting, the time being 07:21 PM**

11.3 Development Application 2017/276 – Conduct an additional 20 race meetings annually at the Lismore Greyhound Track

<b>AGAINST</b>	Ray Mezieres
<b>AGAINST</b>	Anna Ludvik
<b>AGAINST</b>	Heather Dunn
<b>FOR</b>	Damien Chapelle

**Councillor Eddie Lloyd left the meeting, the time being 08:02 PM**

**Councillor Eddie Lloyd returned to the meeting, the time being 08:04 PM**

11.5 Permanent Business Special Rate Variation Levy funding application to  
NSW Independent Pricing and Regulatory Tribunal

<b>AGAINST</b>	Paul Deegan
<b>AGAINST</b>	Deborah Benhayon
<b>FOR</b>	Hayley Brown (owner of Horns Gas and LBP Chair

**Councillor Adam Guise left the meeting, the time being 08:07 PM**

**Councillor Adam Guise returned to the meeting, the time being 08:09 PM**

**Councillor Eddie Lloyd left the meeting, the time being 08:28 PM**

**Councillor Eddie Lloyd returned to the meeting, the time being 08:28 PM**

**Councillor Bill Moorhouse left the meeting, the time being 08:29 PM**

**Councillor Bill Moorhouse returned to the meeting, the time being 08:31 PM**

## Notice of Motions

### 8.1 Lismore Square Expansion

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RESOLVED that the MOTION be PUT that Council hold a workshop early next year, with the intention of progressing the expansion of Lismore Shopping Square. The workshop to consider, but not be limited to:

- The minimum footprint requirements for the expansion of the Lismore Shopping Square,
- full impact that the expansion of Lismore Shopping Square would have on Humbly Oval,
- Opportunities to mitigate the impact that an expansion of Lismore Shopping Square might have on the Lismore CBD.

It is recognised that the consideration of some of the elements to be presented at the workshop will require that staff engage with McConaghy Properties, the Lismore Chamber of Commerce and others.

(Councillors Marks/Battista) (BP17/1587)

RESOLVED that the MOTION be PUT that;

Council hold a workshop early next year, to discuss the expansion of the Lismore Shopping Square. The workshop to consider, but not be limited to:

- The minimum footprint requirements for the expansion of the Lismore Shopping Square,
- Full impact that the expansion of Lismore Shopping Square would have on Humbly Oval,

- Opportunities to mitigate the impact that an expansion of Lismore Shopping Square might have on the Lismore CBD.
- To consider all options for the funds raised from the sale of Council held community land. (should the expansion include the sale of such land)
- Consider alternative options including expansion of the shopping centre not involving the sale of Council held community land

It is recognised that the consideration of some of the elements to be presented at the workshop will require that staff engage with McConaghy Properties, the Lismore Chamber of Commerce and others.

(Councillors Battista/Marks) (BP17/1587)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Marks, Moorhouse and Smith

**Voting against:** Councillors Ekins, Guise and Lloyd

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION that;

Council hold a workshop early next year, to discuss the expansion of the Lismore Shopping Square. The workshop to consider, but not be limited to:

- The minimum footprint requirements for the expansion of the Lismore Shopping Square,
- Full impact that the expansion of Lismore Shopping Square would have on Humbley Oval,
- Opportunities to mitigate the impact that an expansion of Lismore Shopping Square might have on the Lismore CBD.
- To consider all options for the funds raised from the sale of Council held community land. (should the expansion include the sale of such land)
- Consider alternative options including expansion of the shopping centre not involving the sale of Council held community land

It is recognised that the consideration of some of the elements to be presented at the workshop will require that staff engage with McConaghy Properties, the Lismore Chamber of Commerce and others

(Councillors Bennett/Casson) (BP17/1587)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Marks, Moorhouse and Smith

**Voting against:** Councillors Ekins, Guise and Lloyd

148/17

**RESOLVED** that:

Council hold a workshop early next year, to discuss the expansion of the Lismore Shopping Square. The workshop to consider, but not be limited to:

- The minimum footprint requirements for the expansion of the Lismore Shopping Square,
- Full impact that the expansion of Lismore Shopping Square would have on Humbley Oval,

- Opportunities to mitigate the impact that an expansion of Lismore Shopping Square might have on the Lismore CBD.
- To consider all options for the funds raised from the sale of Council held community land. (should the expansion include the sale of such land)
- Consider alternative options including expansion of the shopping centre not involving the sale of Council held community land

It is recognised that the consideration of some of the elements to be presented at the workshop will require that staff engage with McConaghy Properties, the Lismore Chamber of Commerce and others.

(Councillors Bennett/Casson) (BP17/1587)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Marks, Moorhouse and Smith

**Voting against:** Councillors Ekins, Guise and Lloyd

## 8.2 GSAC Fees

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149/17

**RESOLVED** that ;  
Council reduce the current fee structure for the use of the inflatable and waterslide at GSAC by 50%.

(Councillors Ekins/Lloyd) (BP17/1588)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Ekins, Guise, Lloyd, Marks, Moorhouse and Smith

**Voting against:** Nil

## Reorder of Business

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150/17

**RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

- 10.1 Proposed Sale of 308 James Gibson Road, Clunes
- 11.1 Swim Clubs Access Licence
- 11.2 Regional Growth Fund Application
- 11.3 Development Application 2017/276 – Conduct an additional 20 race meetings annually at the Lismore Greyhound Track
- 11.5 Permanent Business Special Rate Variation Levy funding application to NSW Independent Pricing and Regulatory Tribunal

(Councillors Marks/Battista)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Ekins, Guise, Lloyd, Marks, Moorhouse and Smith

**Voting against:** Nil

## Matters Arising

### 10.1 Proposed Sale of 308 James Gibson Road, Clunes

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151/17

**RESOLVED** that :

1. Council sell the property at 308 James Gibson Road, Clunes, being Lot 3 in DP 1008469 to Chelsea McMahon or nominee for a sale price of \$950,000 including GST (if applicable).
2. The General Manager be authorised to negotiate and finalise the terms and conditions of the sale.
3. The seal of Council be affixed to the following documents:
  - Contracts for the sale of land.
  - Memorandums of transfer.
  - Any other documents that are necessary to finalise this resolution.
4. The funds realised from the sale after expenses be returned to the Wastewater Fund.

(Councillors Battista/Bennett) (BP17/1577)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Ekins, Guise, Lloyd, Marks, Moorhouse and Smith

**Voting against:** Nil

**Councillor Eddie Lloyd left the meeting, the time being 09:20 PM**

## Reports

### 11.1 Swim Clubs Access License

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152/17

**RESOLVED** that :

1. Council not accept this report.
2. The matter is referred to a committee of interested Councillors for a full review of the agreement.
3. The LWST and SRT is invited to participate in the process.
4. The recommendations of that committee are brought back to Council for consideration in March.

That until the matter is reviewed and a new agreement adopted by Council it will remain business as usual at the Lismore Memorial Baths and GSAC.

(Councillors Bennett/Casson) (BP17/1270)

<b>Voting for:</b>	Councillors Battista, Bennett, Casson, Cook, Ekins, Guise, Marks and Moorhouse
<b>Voting against:</b>	Councillor Smith

**Councillor Eddie Lloyd returned to the meeting, the time being 09:47 PM**  
**Councillor Nancy Casson left the meeting, the time being 09:48 PM**  
**Councillor Darlene Cook left the meeting, the time being 09:48 PM**  
**Councillor Greg Bennett left the meeting, the time being 09:48 PM**  
**Councillor Greg Bennett returned to the meeting, the time being 09:48 PM**  
**Councillor Darlene Cook returned to the meeting, the time being 09:48 PM**  
**Councillor Nancy Casson returned to the meeting, the time being 09:49 PM**

### **11.2 Regional Growth Fund Applications**

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- 153/17 **RESOLVED** that :
- Items 1.a), 1.b) and 1.c) and 4 be separated so that they may be discussed and voted on separately  
(Councillors Lloyd/Bennett) (BP17/1449)
- |                        |  |
|------------------------|--|
| <b>Voting for:</b>     | Councillors Battista, Bennett, Casson, Cook, Ekins, Guise, Lloyd, Marks, Moorhouse and Smith |
| <b>Voting against:</b> | Nil  |

### **11.2 Regional Growth Fund Applications – New Library**

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- 154/17 **RESOLVED** that:
1. Council make application through the NSW State Government Regional Growth Fund to the Regional Cultural Fund for a new library, open space plaza and public car parking
  2. Council delegate to the General Manager to finalize and lodge the application
- (Councillors Marks/Moorhouse)
- |                        |   |
|------------------------|---|
| <b>Voting for:</b>     | Councillors Battista, Cook, Ekins, Guise, Lloyd, Marks, Moorhouse and Smith |
| <b>Voting against:</b> | Councillors Bennett and Casson  |

### **11.2 Regional Growth Fund Application - Gordon Pavilion upgrade**

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- 155/17 **RESOLVED** that:
1. Council make application through the NSW State Government Regional Growth Fund to the Regional Sports Infrastructure Fund to expand Gordon Pavilion's spectator and conferencing capacity, provide additional spectator capacity at Crozier Field, provide additional amenities, and provide additional cricket practice facilities and complete stage two of the Oakes Oval refurbishment.
  2. Council delegate to the General Manager to finalize and lodge the application



(Councillors Marks/Battista)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Ekins, Marks, Moorhouse and Smith

**Voting against:** Councillors Guise and Lloyd

### **11.2 Regional Growth Fund Application - Lismore Parkland**

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156/17

**RESOLVED** that:

1. Council make application through the NSW State Government Regional Growth Fund to the Growing Local Economies Fund for the improvement of Lismore Parkland.
2. Council delegate to the General Manager to finalize and lodge the application
3. Council resolve to borrow, if required, up to \$3m to support the application to the Regional Growth Fund, Growing Local Economies Fund noted in recommendation above.

(Councillors Lloyd/Marks)

**Voting for:** Councillors Cook, Ekins, Guise, Lloyd, Marks, Moorhouse and Smith

**Voting against:** Councillors Battista, Bennett and Casson

### **11.2 Regional Growth Fund Application - Regional Sports Hub**

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157/17

**RESOLVED** that:

Council works with the Office of Sport to develop a project proposal and business case for a Lismore Regional Sports Hub involving a multi-sport precinct with indoor and outdoor facilities for a community participation and pre-elite athletes, and incorporates a proposed Olympic Ski Jump Training Facility. The Hub is to promote new partnerships and be premised on co-investment by government and the non-government sectors. The project proposal and Business Case are to be reported back to Council for further consideration.

(Councillors Marks/Moorhouse)

**Voting for:** Councillors Battista, Cook, Marks, Moorhouse and Smith

**Voting against:** Councillors Bennett, Casson, Ekins, Guise and Lloyd

The voting being tied the Mayor declared the MOTION APPROVED with his casting vote (Councillor Smith)

**This matter is the subject of a Rescission Motion. At the Extraordinary Meeting held on 30<sup>th</sup> January 2018 the Rescission Motion was defeated**

Councillor Nancy Casson left the meeting, the time being 10:31 PM

Councillor Greg Bennett left the meeting, the time being 10:32 PM  
Councillor Greg Bennett returned to the meeting, the time being 10:34 PM  
Councillor Nancy Casson returned to the meeting, the time being 10:34 PM  
Councillor Nancy Casson left the meeting, the time being 10:36 PM  
Councillor Nancy Casson returned to the meeting, the time being 10:37 PM

**To extend the Council meeting past 10.30pm**

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158/17

**RESOLVED** that:

the time being 11.00pm the meeting continue to the end of the business paper.

(Councillors Marks/Battista)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Ekins, Marks, Moorhouse and Smith

**Voting against:** Councillors Guise and Lloyd

At this time a 5 minute break was had by all those in the Chamber

**11.3 Development Application 2017/276 - Conduct an additional 20 race meetings annually at Lismore Greyhound Racing Track**

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159/17

**RESOLVED** that :

1. Development Application No. 217/176 lodged on 30 August 2017, for the Lismore Greyhound Racing Club at 1, 1A, 1C, 1D, 1E and 1 F Molesworth Street, Lismore to permit consent for an additional twenty (20) race meets annually be approved subject to the conditions of development consent contained in Attachment 4 of this report.
2. the '*Direction to Take Preventive Action*' issued by Council in 2010 in relation to the Lismore Greyhound Track under the provisions of the *Protection of the Environment Operations Act 1997*, be revoked.

(Councillors Bennett/Casson) (BP17/1489)

**Voting for:** Councillors Battista, Bennett, Casson, Marks, Moorhouse and Smith

**Voting against:** Councillors Cook, Ekins, Guise and Lloyd

**This matter is the subject of a Rescission Motion. At the Extraordinary Meeting held on 30<sup>th</sup> January 2018 the Rescission Motion was defeated**

**11.5 Permanent Business Special Rate Variation Levy funding application to NSW Independent Pricing and Regulatory Tribunal**

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160/17 RESOLVED that the MOTION be PUT that:

1. Council apply to the NSW Independent Pricing & Regulatory Tribunal for a permanent Business Special Rate Variation at a rate pegged level of \$120,000 per annum, commencing on 1 July 2018 for the reason outlined in the conclusion of this report.

(Councillors Battista/Marks) (BP17/953)

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION that;

Council apply to the NSW Independent Pricing & Regulatory Tribunal for a Business Special Rate Variation at a rate pegged level of \$120,000 per annum for a period of 5 years, commencing on 1 July 2018 for the reason outlined in the conclusion of this report.

(Councillors Marks/Moorhouse) (BP17/953)

**Voting for:** Councillors Battista, Cook, Marks, Moorhouse and Smith

**Voting against:** Councillors Bennett, Casson, Ekins, Guise and Lloyd

The voting being tied the Mayor declared the MOTION APPROVED with his casting vote.  
(Councillor Smith) (BP17/953)

161/17 **RESOLVED** that:

Council apply to the NSW Independent Pricing & Regulatory Tribunal for a Business Special Rate Variation at a rate pegged level of \$120,000 per annum for a period of 5 years, commencing on 1 July 2018 for the reason outlined in the conclusion of this report.

(Councillors Marks/Moorhouse) (BP17/953)

**Voting for:** Councillors Battista, Cook, Marks, Moorhouse and Smith

**Voting against:** Councillors Bennett, Casson, Ekins, Guise and Lloyd

The voting being tied the Mayor declared the MOTION APPROVED with his casting vote.  
(Councillor Smith) (BP17/953)

**This matter is the subject of a Rescission Motion. At the Extraordinary Meeting held on 30<sup>th</sup> January 2018 the Rescission Motion was defeated**

## Matters Arising

### 10.2 Clifford Park - Jarjum Preschool - Request to Purchase Land

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162/17

**RESOLVED** that :

1. Council staff continue to work with and support Jarjum Centre Inc with its proposal to relocate their preschool to Clifford Park.
2. Council note the reclassification of the land (Lots 1 and 2 in DP 630988) from Community to Operational status is due for completion around December 2017.
3. Upon change of classification to Operational Land, Council sell the land at Clifford Park, being Lot 1 in DP 630988, known as 2 Cassia Crescent, Goonellabah to Jarjum Centre Inc for the amount of \$25,000 plus GST.
4. The seal of Council be affixed to the following documents:
  - a) Contracts for the sale of land
  - b) Memorandums of transfer
  - c) Any other documents that are necessary to finalise this resolution.
5. The funds realised from the sale of the land be held in reserve, pending future consideration of financial support for any improvements on Council land at Lot 2 in DP 630988, for the shared car park and access.
6. A further report be prepared and submitted to Council during the Development Application process for Council to consider the level and type of financial support for the development.

(Councillors Lloyd/Marks) (BP17/1390)

**Voting for:** Councillors Battista, Bennett, Casson, Cook, Ekins, Guise, Lloyd, Marks, Moorhouse and Smith

**Voting against:** Nil

**Councillor Greg Bennett left the meeting, the time being 11:57 PM**

**Councillor Nancy Casson left the meeting, the time being 11:57 PM**

## Reports

### 11.9 Tender T2017-32 Delegation of Authority to General Manager to award Contract Packages of Works

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163/17

**RESOLVED** that Council resolve to delegate authority to the General Manager to award all works packages, without a fixed upper limit, under Tender T2017-32 Civil Works Panel of Providers.

(Councillors Lloyd/Moorhouse) (BP17/1562)

**Voting for:** Councillors Battista, Cook, Ekins, Lloyd, Marks, Moorhouse and Smith

**Voting against:** Councillor Guise

**Councillor Greg Bennett returned to the meeting, the time being 11:59 PM**  
**Councillor Nancy Casson returned to the meeting, the time being 11:59 PM**

#### **To adjourn the Council meeting**

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On submission to the meeting the MOTION was DEFEATED that standing orders be adjourned due to the lateness of the hour

(Councillors Bennett/Casson)

**Voting for:** Councillors Battista, Bennett, Casson and Guise

**Voting against:** Councillors Cook, Ekins, Lloyd, Marks, Moorhouse and Smith

## Confidential Matters – Closed Council Meeting

164/17 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

<b>Item</b>	15.1 General Managers Contract Renewal
<b>Grounds for Closure</b>	Section 10A(2) (a):
<b>Public Interest</b>	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 Lloyd/Marks)

**Voting for:** Councillors Cook, Ekins, Lloyd, Marks, Moorhouse and Smith

**Voting against:** Councillors Battista, Bennett, Casson and Guise

## Resumption of Open Council

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Closed Council, had RECOMMENDED:

### **15.1 General Managers Contract Renewal**

That the Mayor be authorised along with members of the General Manager Performance Review Committee to negotiate a new contract of employment with the General Manager, Gary Murphy and to report back to the Council so the matter can be finalised

Councillor Gianpiero Battista left the meeting, the time being 12:18 AM

Councillor Nancy Casson left the meeting, the time being 12:18 AM

Councillor Greg Bennett left the meeting, the time being 12:18 AM

**Deferring of Council reports to February 2018 Council meeting**

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165/17

**RESOLVED** that:

the following matters be deferred to the February 2018 Council Meeting;

- 10.3 Draft Code of Meeting Practice
- 10.4 Procurement Policy Amendments
- 10.5 Water Leak Policy
- 10.6 Planning Proposal for Lismore Local Environmental Plan Amendment to minimum lot size at 270 Dunoon Road, North Lismore
- 10.7 Amended Planning Proposal for Lismore Local Environmental Plan Amendment to minimum lot size at 366 Dunoon Road, Tullera
- 10.8 Planning Proposal for Lismore Local Environmental Plan Amendment to rezone 4 Blue Knob Road, Nimbin for Large Lot Residential subdivision.
- 10.9 Investments - November 2017 and changes to Investment Policy
- 11.4 Larkin Lane Wastewater Project
- 11.6 DA17/207 Proposed Removal of a Dwelling at 24 Parkes Street, Girards Hill (Girards Hill Heritage Conservation Area)
- 11.7 DA17/205 Proposed Removal of an existing dwelling at 75 Ballina Road, Girards Hill within the Girards Hill Heritage Conservation area
- 11.8 DA17/206 Proposed Removal of an Existing Dwelling at 71 Ballina Road, Girards Hill within the Girards Hill Heritage Conservation Area
- 11.10 Sister City Advisory Panel Operational Guidelines
- 11.11 Annual Code of Conduct Complaint Statistics
- 11.12 Outstanding Rates & Charges - Change to Debt Recovery Practices for Pensioners
- 11.13 Repeal of Council Policy No. 1.8.5 Undergrounding of Power Lines - Central Business District
- 11.14 Annual Community Grants Scheme - Revised Policy - Final Sign Off
- 11.15 2018-2023 Waste Management and Resource Recovery Strategy
- 12.1 Traffic Advisory Committee Report - 15 November 2017
- 13.1 Documents for Signing and Sealing
- 14.1 Financial Assistance – Section 356 Report

(Councillors Ekins/Lloyd)

**Voting for:** Councillors Cook, Ekins, Guise, Lloyd, Marks, Moorhouse and Smith

**Voting against:** Nil

**This matter is the subject of a Rescission Motion. At the Extraordinary Meeting held on 9<sup>th</sup> January 2018 the Rescission Motion was Successful.**

#### **Resumption of Standing orders – 5 February 2018**

166/17

**RESOLVED** that:

that standing orders be resumed due to the Council's resolution from the Extraordinary Council Meeting on Tuesday 9 January 2018 that the Deferring of Council reports to the February 2018 Council meeting be rescinded.

(Councillors Cook/Battista)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

**Voting against:** Nil

### Present

Mayor, Councillor Smith; Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Lloyd, and Moorhouse, together with the General Manager, Executive Director-Sustainable Development, Executive Director-Infrastructure Services, Manager Finance and Governance, Manager Information Services, Manager Development and Compliance, Acting Manager Integrated Planning, Business Manager, Media and Community Relations Coordinator, Governance Coordinator, Customer Contact Coordinator and Executive Assistant – Mayor and Councillors.

### Apology

Councillor Marks

#### **Apologies and Leave of Absence**

167/17

**RESOLVED** that:

That an Apology from Councillor Marks for this meeting be received and noted.  
(Councillors Lloyd/Bird)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

**Voting against:** Nil

## Matters Arising

### 10.3 Draft Code of Meeting Practice

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That the MOTION be PUT that:

1. The draft Code of Meeting Practice at Attachment 1 to this report be placed on public exhibition for 28 days and otherwise in accordance with section 361 of the Local Government Act 1993, and that Council endorses the incorporation of the following specific provisions arising from the Councillor working party sessions held to develop the draft code:
  - a) Clause 2.12 Public Access Session – Addressing Council on an agenda item
  - b) Clause 2.18 Questions for Next Meeting
  - c) Clause 2.19.1 Adjournment of Council Meetings at 10.30pm
  - d) Clause 2.21.8 Votes for or against a motion or amendment being recorded in minutes
  - e) Clause 2.23.4 Expulsions recorded in the Minutes
  - f) Clause 3.6 Order of Speakers
  - g) Clause 3.12.1 General Procedural Motions
  - h) Clause 3.14.3 Rescission Motions
  - i) Clause 7.11 being amended to incorporate the words “and the public”.
  - j) The provisions of clause 249 of the Local Government (General) Regulation 2005 relating to how questions are put to Councillors and council employees be included after clause 3.6
2. The draft Practice Notes at Attachment 2 to this report be placed on public exhibition concurrently with the draft Code of Meeting Practice.
3. Council Policy 1.2.20 be revoked and the draft Councillor Briefing Policy 1.2.20 at Attachment 3 to this report be adopted and further, that the Public Forum sessions provided for in that policy be promoted via Council’s website and other media to commence from the first Councillor briefing session in February 2018.
4. Council hold a workshop in 12 months’ time to conduct a further review of the Code of Meeting Practice and Councillor Briefing Policy to ascertain if the Code and Policy are functioning as required for good governance.
5. That Council commence using the provisions of this revised code of meeting practice to conduct our future meetings effective from tonight

(Councillors Cook/Bird) (BP17/1490)

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION. That:

1. The draft Code of Meeting Practice at Attachment 1 to this report be placed on public exhibition for 28 days and otherwise in accordance with section 361 of the Local Government Act 1993, and that Council endorses the incorporation of the following specific provisions arising from the Councillor working party sessions held to develop the draft code:
  - a) Clause 2.12 Public Access Session – Addressing Council on an agenda item



- the deletion of sub clauses 2.12.3 and 2.12.4 that limit the number of speakers and
  - a change to 2.12.6 reduced the time limit per speaker to 3 minutes each.
- b) Clause 2.18 Questions for Next Meeting
  - c) Clause 2.19.1 Adjournment of Council Meetings at 10.30pm
  - d) Clause 2.21.8 Votes for or against a motion or amendment being recorded in minutes
  - e) Clause 2.23.4 Expulsions recorded in the Minutes
  - f) Clause 3.6 Order of Speakers
  - g) Clause 3.12.1 General Procedural Motions
  - h) Clause 3.14.3 Rescission Motions
  - i) Clause 7.11 being amended to incorporate the words "and the public".
  - j) The provisions of clause 249 of the Local Government (General) Regulation 2005 relating to how questions are put to Councillors and council employees be included after clause 3.6
2. The draft Practice Notes at Attachment 2 to this report be placed on public exhibition concurrently with the draft Code of Meeting Practice.
  3. Council Policy 1.2.20 be revoked and the draft Councillor Briefing Policy 1.2.20 at Attachment 3 to this report be adopted and further, that the Public Forum sessions provided for in that policy be promoted via Council's website and other media to commence from the first Councillor briefing session in February 2018.
  4. Council hold a workshop in 12 months' time to conduct a further review of the Code of Meeting Practice and Councillor Briefing Policy to ascertain if the Code and Policy are functioning as required for good governance.
  5. That Council commence using the provisions of this revised code of meeting practice to conduct our future meetings effective from tonight.

(Councillors Guise/Bennett) (BP17/1490)

**Voting for:** Councillors Bennett, Bird, Casson, Ekins, Guise and Lloyd

**Voting against:** Councillors Battista, Cook, Moorhouse and Smith

On submission to the meeting the AMENDMENT was DEFEATED.

That:

1. The draft Code of Meeting Practice at Attachment 1 to this report be placed on public exhibition for 28 days and otherwise in accordance with section 361 of the Local Government Act 1993, and that Council endorses the incorporation of the following specific provisions arising from the Councillor working party sessions held to develop the draft code:

- a) Clause 2.12 Public Access Session – Addressing Council on an agenda item
  - the deletion of sub clauses 2.12.3 and 2.12.4 that limit the number of speakers and
  - a change to 2.12.6 reduced the time limit per speaker to 3 minutes each.

- b) Clause 2.14.2 point 3 is amended to: The opening prayer.
  - c) Clause 2.18 Questions for Next Meeting
  - d) Clause 2.19.1 Adjournment of Council Meetings at 10.30pm
  - e) Clause 2.21.8 Votes for or against a motion or amendment being recorded in minutes
  - f) Clause 2.23.4 Expulsions recorded in the Minutes
  - g) Clause 3.6 Order of Speakers
  - h) Clause 3.12.1 General Procedural Motions
  - i) Clause 3.14.3 Rescission Motions
  - j) Clause 7.11 being amended to incorporate the words "and the public".
  - k) The provisions of clause 249 of the Local Government (General) Regulation 2005 relating to how questions are put to Councillors and council employees be included after clause 3.6
2. The draft Practice Notes at Attachment 2 to this report be placed on public exhibition concurrently with the draft Code of Meeting Practice.
  3. Council Policy 1.2.20 be revoked and the draft Councillor Briefing Policy 1.2.20 at Attachment 3 to this report be adopted and further, that the Public Forum sessions provided for in that policy be promoted via Council's website and other media to commence from the first Councillor briefing session in February 2018.
  4. Council hold a workshop in 12 months' time to conduct a further review of the Code of Meeting Practice and Councillor Briefing Policy to ascertain if the Code and Policy are functioning as required for good governance.
  5. That Council commence using the provisions of this revised code of meeting practice to conduct our future meetings effective from tonight.

(Councillors Bennett/Casson) (BP17/1490)

**Voting for:** Councillors Battista, Bennett and Casson

**Voting against:** Councillors Bird, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION. That:

1. The draft Code of Meeting Practice at Attachment 1 to this report be placed on public exhibition for 28 days and otherwise in accordance with section 361 of the Local Government Act 1993, and that Council endorses the incorporation of the following specific provisions arising from the Councillor working party sessions held to develop the draft code:
  - a) Clause 2.12 Public Access Session – Addressing Council on an agenda item
    - the deletion of sub clauses 2.12.3 and 2.12.4 that limit the number of speakers and
    - a change to 2.12.6 reduced the time limit per speaker to 3 minutes each.
  - b) Clause 2.18 Questions for Next Meeting
  - c) Clause 2.19.1 Adjournment of Council Meetings at 10.30pm

- d) Clause 2.21.8 Votes for or against a motion or amendment being recorded in minutes
  - e) Clause 2.23.4 Expulsions recorded in the Minutes
  - f) Clause 3.6 Order of Speakers
  - g) Clause 3.11.3 to reduce the time limit per Councillor to 3 minutes each
  - h) Clause 3.12.1 General Procedural Motions
  - i) Clause 3.14.3 Rescission Motions
  - j) Clause 7.11 being amended to incorporate the words “and the public”.
  - k) The provisions of clause 249 of the Local Government (General) Regulation 2005 relating to how questions are put to Councillors and council employees be included after clause 3.6
2. The draft Practice Notes at Attachment 2 to this report be placed on public exhibition concurrently with the draft Code of Meeting Practice.
  3. Council Policy 1.2.20 be revoked and the draft Councillor Briefing Policy 1.2.20 at Attachment 3 to this report be adopted and further, that the Public Forum sessions provided for in that policy be promoted via Council’s website and other media to commence from the first Councillor briefing session in February 2018.
  4. Council hold a workshop in 12 months’ time to conduct a further review of the Code of Meeting Practice and Councillor Briefing Policy to ascertain if the Code and Policy are functioning as required for good governance.
  5. That Council commence using the provisions of this revised code of meeting practice to conduct our future meetings effective from tonight.

(Councillors Casson/Bennett) (BP17/1490)

**Voting for:** Councillors Bennett, Casson, Cook, Guise, Moorhouse and Smith

**Voting against:** Councillors Battista, Bird, Ekins and Lloyd

168/17

**RESOLVED** that :

1. The draft Code of Meeting Practice at Attachment 1 to this report be placed on public exhibition for 28 days and otherwise in accordance with section 361 of the Local Government Act 1993, and that Council endorses the incorporation of the following specific provisions arising from the Councillor working party sessions held to develop the draft code:
  - a) Clause 2.12 Public Access Session – Addressing Council on an agenda item
    - the deletion of sub clauses 2.12.3 and 2.12.4 that limit the number of speakers and
    - a change to 2.12.6 reduced the time limit per speaker to 3 minutes each.
  - b) Clause 2.18 Questions for Next Meeting
  - c) Clause 2.19.1 Adjournment of Council Meetings at 10.30pm
  - d) Clause 2.21.8 Votes for or against a motion or amendment being recorded in minutes
  - e) Clause 2.23.4 Expulsions recorded in the Minutes

- f) Clause 3.6 Order of Speakers
  - g) Clause 3.11.3 to reduce the time limit per Councillor to 3 minutes each
  - h) Clause 3.12.1 General Procedural Motions
  - i) Clause 3.14.3 Rescission Motions
  - j) Clause 7.11 being amended to incorporate the words "and the public".
  - k) The provisions of clause 249 of the Local Government (General) Regulation 2005 relating to how questions are put to Councillors and council employees be included after clause 3.6
2. The draft Practice Notes at Attachment 2 to this report be placed on public exhibition concurrently with the draft Code of Meeting Practice.
  3. Council Policy 1.2.20 be revoked and the draft Councillor Briefing Policy 1.2.20 at Attachment 3 to this report be adopted and further, that the Public Forum sessions provided for in that policy be promoted via Council's website and other media to commence from the first Councillor briefing session in February 2018.
  4. Council hold a workshop in 12 months' time to conduct a further review of the Code of Meeting Practice and Councillor Briefing Policy to ascertain if the Code and Policy are functioning as required for good governance.
  5. That Council commence using the provisions of this revised code of meeting practice to conduct our future meetings effective from tonight.

(Councillors Guise/Bennett) (BP17/1490)

**Voting for:** Councillors Bird, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

**Voting against:** Councillors Battista, Bennett and Casson

#### 10.4 Procurement Policy Amendments

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169/17 **RESOLVED** that

1. The Procurement Policy be advertised for 28 days and reported back to Council with any submissions received for consideration and determination in April 2018.

(Councillors Cook/Bird) (BP17/1546)

**Voting for:** Councillors Bird, Cook, Ekins, Guise, Lloyd and Smith

**Voting against:** Councillors Battista, Bennett, Casson and Moorhouse

#### 10.5 Water Leak Policy

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170/17 **RESOLVED** that :

1. The amended Write-Off Charges on Undetected Water Leaks policy is advertised for 28 days and reported back to Council with any submissions received for consideration and determination in April 2018.

(Councillors Cook/Ekins) (BP17/1554)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

**Voting against:** Nil

**10.6 Planning Proposal for Lismore Local Environmental Plan Amendment to minimum lot size at 270 Dunoon Road, North Lismore**

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171/17

**RESOLVED** that Council:

1. Adopt the Planning Proposal for land at 270 Dunoon Road, North Lismore to amend the minimum lot size from 2ha to 1.5ha as detailed in Attachment 1 and illustrated in Figures 2 and 3.
2. makes the draft Local Environmental Plan in accordance with the Department of Planning and Environment's written authorisation to exercise delegation.

(Councillors Bird/Bennett) (BP17/1284)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Lloyd, Moorhouse and Smith

**Voting against:** Councillor Guise

**10.7 Amended Planning Proposal for Lismore Local Environmental Plan Amendment to minimum lot size at 366 Dunoon Road, Tullera.**

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172/17

**RESOLVED** that Council:

1. adopt the Amended Planning Proposal for 366 Dunoon Road, Tullera to:
  - amend the minimum lot size from 2 hectares to 3600m<sup>2</sup> as detailed in Attachment 1 and illustrated in Figures 2 and 3 in this report;
2. makes the draft Local Environmental Plan in accordance with the Department of Planning and Environment's written authorisation to exercise delegation.

(Councillors Cook/Bennett) (BP17/1459)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Lloyd, Moorhouse and Smith

**Voting against:** Councillors Ekins and Guise

**10.8 Planning Proposal for Lismore Local Environmental Plan Amendment to rezone 4 Blue Knob Road, Nimbin for Large Lot Residential subdivision.**

173/17

**RESOLVED** that Council:

1. adopt the Amended Planning Proposal for 4 Blue Knob Road, Nimbin to:
  - amend the zone applying to part of the land from Zone RU1 Primary Production to Zone R5 Large Lot Residential;
  - amend the minimum lot size applying to part of the land from 40ha to 2,500m<sup>2</sup> and 4,000m<sup>2</sup> and 10ha;
  - apply a building height limit of 8.5 metres to part of the land consistent with other land in the R5 Large Lot Residential zone,

as detailed in Attachment 1 and illustrated in Figures 5, 7 and 9 of this report.
2. make the draft Local Environmental Plan in accordance with the Department of Planning and Environment's written authorisation to exercise delegation

(Councillors Bennett/Battista) (BP17/1463)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Lloyd, Moorhouse and Smith

**Voting against:** Councillors Ekins and Guise

**10.9 Investments - November 2017 and changes to Investment Policy**

That:

1. The report be received and noted.
2. The Investment Policy be advertised for 28 days and reported back to Council with any submissions received for consideration and determination in April 2018.

On submission to the meeting the AMENDMENT was DEFEATED that;

1. Council's current investment policy be amended to reflect the Credit Quality & Limits advice provided by the NSW Treasury Corporation.

<u>Long Term Rating Range</u>	<u>Maximum Holding</u>	<u>Individual Issuer Maximum</u>
AAA	100%	100%
Major Banks AA-	100%	40%
A+ to A-	40%	20%
BBB+	10%	5%
BBB-BBB-	5%	\$250,000
TCorp	100%	

2. The Investment Policy be advertised for 28 days and reported back to Council with any submissions received for consideration and determination in April 2018.

(Councillors Bennett/Casson) (BP17/749)

**Voting for:** Councillors Battista, Bennett, Casson and Moorhouse

**Voting against:** Councillors Bird, Cook, Ekins, Guise, Lloyd and Smith

174/17

**RESOLVED** that :

1. The report be received and noted.
2. The Investment Policy be advertised for 28 days and reported back to Council with any submissions received for consideration and determination in April 2018.

(Councillors Cook/Battista) (BP17/749)

**Voting for:** Councillors Bird, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

**Voting against:** Councillors Battista, Bennett and Casson

## Reports

Item - Swim Clubs Access License (11.1) - has been moved to another part of the document.

Item - Regional Growth Fund Applications (11.2) - has been moved to another part of the document.

Item - Development Application 2017/276 - Conduct an additional 20 race meetings annually at Lismore Greyhound Racing Track (11.3) - has been moved to another part of the document.

### 11.4 Larkin Lane Wastewater Project

175/17

**RESOLVED** that :

1. Council note that no tenders were received for the proposed contract.
2. In light of the advice from the General Manager that the value of the required work has been re-assessed and is now well below the tender threshold of \$150,000:
  - a) In accordance with Clause 178(3)(a) of the Local Government (General) Regulation 2005 (NSW), Council cancel the proposed contract under tender T17/14.
  - b) Council note that procurement of the project has now been progressed in accordance with Council's existing procurement policy and staff delegations.

(Councillors Moorhouse/Battista) (BP17/1473)

<b>Voting for:</b>	Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith
<b>Voting against:</b>	Nil

Item - Permanent Business Special Rate Variation Levy funding application to NSW Independent Pricing and Regulatory Tribunal (11.5) - has been moved to another part of the document.

**11.6 DA17/207 Proposed Removal of a Dwelling at 24 Parkes Street, Girards Hill (Girards Hill Heritage Conservation Area)**

---

that the MOTION be PUT that;

1. Council approve the removal of the houses detailed in 11.6 subject to standard conditions as per attachment 7 or Item 11.7
2. The Girards Hill Heritage Conservation area be amended to remove houses that are subjected to serious flooding issues i.e. water over 1.5 or 2m in a 1 in 100 flood
3. The amended LEP come back to council

(Councillors Moorhouse/Bennett) (BP17/1283)

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION. That:

1. Development Application No. 5.2017.207.1 for proposed removal of the dwelling on land at DP 995297 lot 1, 24 Parkes Street GIRARDS HILL, as shown on plans DA00, DA01, DA02, DA03, and DA04 (as drawn by Belinda Kehoe Drafting & Design), be refused for the following reasons:
  - 1) Approval of the application would be detrimental to the amenity of the neighbourhood now and in the future, and result in an adverse impact on the heritage values of the Girards Hill Heritage Conservation Area as identified in Schedule 5 of Lismore Local Environmental Plan 2012;
  - 2) The cottage at 24 Parkes Street, Girards Hill forms part of a significant group of cottages that comprise "important remnants of early working class housing" and the removal of this cottage would be undesirable in achieving Council's planning controls and objectives for heritage conservation;
  - 3) Insufficient justification has been given for the removal of the dwellings;
  - 4) Approval of the subject application would be contrary to the provisions of clause 5.10 Heritage Conservation of Lismore Local Environmental Plan 2012;
  - 5) Approval of the application would not be in the public interest, and would conflict with the aims and objectives of Lismore Development Control Plan Part A Chapter 12 – Heritage Conservation;
  - 6) Approval of the application would set an undesirable precedent and result in undesirable and adverse cumulative impacts in relation to heritage conservation.
2. Council encourages the applicant and owner to engage with Council in good faith for a "whole of land" DA for future use of the numerous parcels of land in this locality.

(Councillors Ekins/Guise) (BP17/1283)

**Voting for:** Councillors Bird, Cook, Ekins, Guise, Lloyd and Smith



**Voting against:** Councillors Battista, Bennett, Casson and Moorhouse

176/17 **RESOLVED** that :

1. Development Application No. 5.2017.207.1 for proposed removal of the dwelling on land at DP 995297 lot 1, 24 Parkes Street GIRARDS HILL, as shown on plans DA00, DA01, DA02, DA03, and DA04 (as drawn by Belinda Kehoe Drafting & Design), be refused for the following reasons:
  - 1) Approval of the application would be detrimental to the amenity of the neighbourhood now and in the future, and result in an adverse impact on the heritage values of the Girards Hill Heritage Conservation Area as identified in Schedule 5 of Lismore Local Environmental Plan 2012;
  - 2) The cottage at 24 Parkes Street, Girards Hill forms part of a significant group of cottages that comprise "important remnants of early working class housing" and the removal of this cottage would be undesirable in achieving Council's planning controls and objectives for heritage conservation;
  - 3) Insufficient justification has been given for the removal of the dwellings;
  - 4) Approval of the subject application would be contrary to the provisions of clause 5.10 Heritage Conservation of Lismore Local Environmental Plan 2012;
  - 5) Approval of the application would not be in the public interest, and would conflict with the aims and objectives of Lismore Development Control Plan Part A Chapter 12 – Heritage Conservation;
  - 6) Approval of the application would set an undesirable precedent and result in undesirable and adverse cumulative impacts in relation to heritage conservation.
2. Council encourages the applicant and owner to engage with Council in good faith for a "whole of land" DA for future use of the numerous parcels of land in this locality.

(Councillors Ekins/Guise) (BP17/1283)

**Voting for:** Councillors Bird, Cook, Ekins, Guise, Lloyd and Smith

**Voting against:** Councillors Battista, Bennett, Casson and Moorhouse

**Councillor Nancy Casson left the meeting, the time being 07:32 PM**

**Councillor Nancy Casson returned to the meeting, the time being 07:33 PM**

#### **11.7 DA17/205 Proposed Removal of an existing dwelling at 75 Ballina Road, Girards Hill within the Girards Hill Heritage Conservation area**

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that the MOTION be PUT. That:

1. Development Application No. 5.2017.205 for the proposed removal of the dwelling on land at DP 1102897 lot 8, 75 Ballina Road GIRARDS HILL, as shown on plans DA02 and DA04 (as drawn by Belinda Kehoe Drafting & Design dated 19.05.17), be refused for the following reasons:
  - 1) Approval of the application would be detrimental to the amenity of the neighbourhood now and in the future, and result in an adverse impact on the

heritage values of the Girards Hill Heritage Conservation Area as identified in Schedule 5 of the Lismore Local Environmental Plan 2012;

- 2) The dwelling at 75 Ballina Road, Girards Hill has been raised and was above the level of flood water in the flood event this year and the removal of this cottage will result in the loss of part of “a diverse collection of houses unified by their consistent use of timber and iron” and the removal of this dwelling would be undesirable in achieving Council’s planning controls and objectives for heritage conservation;
  - 3) Insufficient planning justification has been given for the removal of the dwellings;
  - 4) Approval of the subject application would be contrary to the provisions of clause 5.10 Heritage Conservation of Lismore Local Environmental Plan 2012;
  - 5) Approval of the application would not be in the public interest, and would conflict with the aims and objectives of the Lismore Development Control Plan Part A Chapter 12 – Heritage Conservation;
  - 6) Approval of the application would set an undesirable precedent and result in undesirable and adverse cumulative impacts in relation to heritage conservation.
2. Council encourages the applicant and owner to engage with Council in good faith for a “whole of land” DA for future use of the numerous parcels of land in this locality.

(Councillors Ekins/Lloyd) (BP17/1286)

On submission to the meeting the AMENDMENT was DEFEATED. That;

1. Council approve the removal of the houses detailed in 11.7 subject to standard conditions as per attachment 7 or Item 11.7
2. The Girards Hill heritage Conservation area be amended to remove houses that are subjected to serious flooding issues i.e water over 1.5 or 2m in a 1 in 100 flood
3. The amended LEP come back to council

(Councillors Battista/Moorhouse) (BP17/1286)

**Voting for:** Councillors Battista, Bennett, Casson and Moorhouse

**Voting against:** Councillors Bird, Cook, Ekins, Guise, Lloyd and Smith

177/17

**RESOLVED** that :

1. Development Application No. 5.2017.205 for the proposed removal of the dwelling on land at DP 1102897 lot 8, 75 Ballina Road GIRARDS HILL, as shown on plans DA02 and DA04 (as drawn by Belinda Kehoe Drafting & Design dated 19.05.17), be refused for the following reasons:
  - 1) Approval of the application would be detrimental to the amenity of the neighbourhood now and in the future, and result in an adverse impact on the heritage values of the Girards Hill Heritage Conservation Area as identified in Schedule 5 of the Lismore Local Environmental Plan 2012;
  - 2) The dwelling at 75 Ballina Road, Girards Hill has been raised and was above the level of flood water in the flood event this year and the removal of this cottage will result in the loss of part of “a diverse collection of houses unified by their consistent use of timber and iron” and the removal of this dwelling would be undesirable in achieving Council’s planning controls and objectives for heritage conservation;
  - 3) Insufficient planning justification has been given for the removal of the dwellings;

- 4) Approval of the subject application would be contrary to the provisions of clause 5.10 Heritage Conservation of Lismore Local Environmental Plan 2012;
  - 5) Approval of the application would not be in the public interest, and would conflict with the aims and objectives of the Lismore Development Control Plan Part A Chapter 12 – Heritage Conservation;
  - 6) Approval of the application would set an undesirable precedent and result in undesirable and adverse cumulative impacts in relation to heritage conservation.
2. Council encourages the applicant and owner to engage with Council in good faith for a “whole of land” DA for future use of the numerous parcels of land in this locality.

(Councillors Ekins/Lloyd) (BP17/1286)

**Voting for:** Councillors Bird, Cook, Ekins, Guise, Lloyd and Smith

**Voting against:** Councillors Battista, Bennett, Casson and Moorhouse

#### **11.8 DA17/206 Proposed Removal of an Existing Dwelling at 71 Ballina Road, Girards Hill within the Girards Hill Heritage Conservation Area**

---

178/17

**RESOLVED** that :

1. Development Application No. 5.2017.206 for proposed removal of the dwelling on land at DP 773319 lot 1, 71 Ballina Road GIRARDS HILL, as shown on plans DA00, DA01, DA02, DA03 and DA04 (as drawn by Belinda Kehoe Drafting & Design dated 19.05.17), be refused under delegated authority for the following reasons:-
  - 1) Approval of the application would be detrimental to the amenity of the neighbourhood now and in the future, and result in an adverse impact on the heritage values of the Girards Hill Heritage Conservation Area as identified in Schedule 5 of Lismore Local Environmental Plan 2012;
  - 2) The removal of the dwelling at 71 Ballina Road, Girards Hill will result in the loss of part of “a diverse collection of houses unified by their consistent use of timber and iron” and the removal of this dwelling would be undesirable in achieving Council’s planning controls and objectives for heritage conservation;
  - 3) Insufficient planning justification has been given for the removal of the dwellings;
  - 4) Approval of the subject application would conflict with the provisions of clause 5.10 Heritage Conservation of Lismore Local Environmental Plan 2012;
  - 5) Approval of the application would not be in the public interest, and would conflict with the aims and objectives of Lismore Development Control Plan Part A Chapter 12 – Heritage Conservation;
  - 6) Approval of the application would set an undesirable precedent and result in undesirable and adverse cumulative impacts in relation to heritage conservation.
2. Council encourages the applicant and owner to engage with Council in good faith for a “whole of land” DA for future use of the numerous parcels of land in this locality.

(Councillors Lloyd/Ekins) (BP17/1287)

**Voting for:** Councillors Bird, Cook, Ekins, Guise, Lloyd and Smith  
**Voting against:** Councillors Battista, Bennett, Casson and Moorhouse

Item - Tender T2017-32 Delegation of Authority to General Manager to award Contract Packages of Works (11.9) - has been moved to another part of the document.

**Councillor Bill Moorhouse left the meeting, the time being 07:55 PM**

#### **11.10 Sister City Advisory Panel Operational Guidelines**

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179/17 **RESOLVED** that :

1. The Council adopt the Sister City Advisory Panel Operational Guidelines.  
(Councillors Smith/Bird) (BP17/1415)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd and Smith

**Voting against:** Nil

#### **11.11 Annual Code of Conduct Complaint Statistics**

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180/17 **RESOLVED** that:

1. The 2017 Code of Conduct Complaints Report collection form be received and noted.  
(Councillors Lloyd/Bird)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd and Smith

**Voting against:** Nil

**Councillor Bill Moorhouse returned to the meeting, the time being 07:58 PM**

#### **11.12 Outstanding Rates & Charges - Change to Debt Recovery Practices for Pensioners**

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181/17 **RESOLVED** that:

that :

1. Notify all Pensioners of the proposal to remove the exemption for Pensioners from the Council's Debt Recovery practices from 1 October 2018.
2. The proposal be advertised and a letter be sent to Pensioners with an outstanding amount greater than \$20 as at 31 January 2018, requesting submissions, and any submissions be reported back to Council's May 2018 meeting for consideration and determination.

(Councillors Ekins/Bird) (BP17/1438)

**Voting for:** Councillors Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

**Voting against:** Councillor Battista

**Councillor Elly Bird left the meeting, the time being 08:15 PM**

**Councillor Elly Bird returned to the meeting, the time being 08:17 PM**

**11.13 Repeal of Council Policy No. 1.8.5 Undergrounding of Power Lines - Central Business District.**

182/17 **RESOLVED** that :

1. Council resolve to repeal Policy No. 1.8.5 'Undergrounding of Power Lines – Central Business District' for the reasons outlined in the report.
2. the repeal of the policy is to take effect on 12 December 2017.
3. notification of the repeal of Policy No. 1.8.5 is published in Local Matters under 'Council Decides'.

(Councillors Bennett/Moorhouse) (BP17/1529)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Guise, Moorhouse and Smith

**Voting against:** Councillors Ekins and Lloyd

**11.14 Annual Community Grants Scheme - Revised Policy - Final Sign Off**

183/17 **RESOLVED** that Council:

1. adopt the attached amended Annual Community Grants Scheme Policy.

(Councillors Bird/Cook) (BP17/1392)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

**Voting against:** Nil

**11.15 2018-2023 Waste Management and Resource Recovery Strategy**

184/17 **RESOLVED** that :

1. The draft 2018-2023 Waste Management and Resource Recovery Strategy entitled *The Recycling Revolution* be placed on public exhibition for a period of 28 days.
2. The results of the exhibition period be reported back to Council.

(Councillors Ekins/Lloyd) (BP17/1423)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

**Voting against:** Nil

## Committee Recommendations

### 12.1 Traffic Advisory Committee Report - 15 November 2017

- 185/17 **RESOLVED** that the report be received and adopted and the Committee's agreed actions therein be endorsed.

(Councillors Moorhouse/Lloyd) (BP17/1559)

**Voting for:** Councillors Battista, Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

**Voting against:** Nil

**Councillor Gianpiero Battista left the meeting, the time being 08:27 PM**

## Documents for Signing and Sealing

### 13.1 Documents for Signing and Sealing

- 186/17 **RESOLVED** that the seal of Council be affixed to the following documents:

**P6397-04 Variation of Lease AK305219 to Binney Family Funerals Pty Ltd**  
Premises: Gundurimba Building, 59 Magellan Street, Lismore  
being part Lot 1 in DP 776471  
Variation: Delete Clause 8.2

**P17487-07 Licence Agreement with Cricket NSW**  
Premises: Suite/Meeting Room 3 (former front counter) and right  
half of garage  
Goonellabah Community Centre, 27 Oliver Avenue,  
Goonellabah  
being part Lot 2 in DP 17487  
Licence Fee \$2,802.25 incl GST (being a CPI increase on previous  
year)  
Term: 12 months from 14 November 2017 to 13 November  
2018

(Councillors Lloyd/Bird) (BP17/1493)

**Voting for:** Councillors Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith  
**Voting against:** Nil

## Financial Assistance – Section 356

### 14.1 Financial Assistance – Section 356 Report

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187/17

**RESOLVED** that:

In accordance with Section 356(1) of the *Local Government Act* 1993, the assistance to persons as listed above is hereby approved.

(Councillors Bird/Cook) (BP17/1578)

**Voting for:** Councillors Bennett, Bird, Casson, Cook, Ekins, Guise, Lloyd, Moorhouse and Smith

**Voting against:** Nil

## Closure

This concluded the business and the meeting terminated at 8.29 pm.

CONFIRMED this > of > 201> at which meeting the signature herein was subscribed.

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**MAYOR**