

**MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN COUNCIL CHAMBERS ON TUESDAY, 19 NOVEMBER 2019 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, Bird, Casson, Cook, Ekins, Marks, Moorhouse, together with the General Manager, Director Corporate Services, Director Infrastructure Services, Director Partnerships, Planning & Engagement, Acting Manager Finance, Manager Integrated Planning, Corporate Planning & Engagement Coordinator, Media & Community Relations Coordinator, Manager Assets, Assets Engineer, Manager Governance & Risk and Executive Assistant – Mayor and Councillors.

Apologies and Leave of Absence

77/19

RESOLVED that:

A leave of absence was received and accepted for Cr Lloyd (11 to 25 November 2019 inclusive) at a previous Council meeting.

Apologies were received for Cr Bennett and Cr Guise.

A leave of absence be accepted for Cr Battista from 5 December 2019 to 20 January 2020 due to family reasons

(Councillors Cook/Bird)

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

Voting against: Nil

Disclosure of Interest

Nil

Public Access Session on Agenda Items

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

AGAINST	Neville King
AGAINST	Jeremy Shand
AGAINST	Robert Stavrou
AGAINST	Richard Jux
AGAINST	Megan Biggin
AGAINST	Peter Hetherington

Reports of the General Manager

1. Council request the General Manager submit an application to the Independent Pricing and Regulatory Tribunal under Section 508A of the *NSW Local Government Act 1993* for a Special Rate Variation over a period of four years. This Special Rate Variation would be for a permanent increase in the rate base of 7.5% in year one (2020/21), 9.4% in year two (2021/22), 3.9% in year three (2022/23) and 3.2% in year four (2023/24) inclusive of the annual rate peg;
2. In order to meet Independent Pricing and Regulatory Tribunal requirements, Council place the amended Delivery Program on public exhibition for 28 days with the inclusion of all three options considered in the community consultation process and report back to Council;
3. Staff be required to develop a model to allow for the tracking of expenditure and progress against the SRV, R2R and General Funds road programs;
4. This model be presented to Council at a briefing within three months for consideration;
5. This model be included in the budget for FY20/21 and the Long Term Financial Plan;
6. That the General Manager is instructed to look at alternative resourcing models, over and above councils roads team to complete the additional road works so that they can be completed within a timeframe that is acceptable to the community. That the General Manager report back to council on these methods and approaches when updating the Asset Management Plan.

(Councillors Smith/Cook) (BP19/1382)

Suspend Standing Orders

78/19 **RESOLVED** that Council suspend standing orders in order to discuss the Special Rate Variation.

(Councillors Marks/Bird)

Voting for: Councillors Bird, Cook, Ekins, Marks and Smith
Voting against: Councillors Battista, Casson and Moorhouse

Councillor Nancy Casson left the meeting, the time being 07:28 PM

Councillor Nancy Casson returned to the meeting, the time being 07:29 PM

Resume Standing Orders

79/19 **RESOLVED** that Council resume standing orders in order to debate the Special Rate Variation.

(Councillors Bird/Moorhouse)

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

Voting against: Councillor Casson

12.1 Special Rate Variation Application

80/19 **RESOLVED** that:

1. Council request the General Manager submit an application to the Independent Pricing and Regulatory Tribunal under Section 508A of the NSW Local Government Act 1993 for a Special Rate Variation over a period of four years. This Special Rate Variation would be for a permanent increase in the rate base of 7.5% in year one (2020/21), 9.4% in year two (2021/22), 3.9% in year three (2022/23) and 3.2% in year four (2023/24) inclusive of the annual rate peg;
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6. That the General Manager is instructed to look at alternative resourcing models, over and above councils roads team to complete the additional road works so that they

can be completed within a timeframe that is acceptable to the community. That the General Manager report back to council on these methods and approaches when updating the Asset Management Plan.

(Councillors Smith/Cook) (BP19/1382)

Voting for: Councillors Bird, Cook, Ekins, Marks and Smith

Voting against: Councillors Battista Casson and Moorhouse

Councillor Elly Bird left the meeting, the time being 07:33 PM

Councillor Elly Bird returned to the meeting, the time being 07:35 PM

12.2 Investments - October 2019

81/19 **RESOLVED** that the report be received and noted with a correction on page 30 to reflect 89%.

(Councillors Cook/Bird) (BP19/1383)

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

Voting against: Councillor Casson

Committee Recommendations

13.1 Traffic Advisory Committee Minutes - Meeting of 16 October 2019

82/19 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted, with a correction of changing corner of Conway and Keen Streets to be corner of Zadoc and Keen Streets.

(Councillors Moorhouse/Marks) (BP19/1384)

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

Voting against: Nil

Confidential Matters – Closed Council Meeting

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

Item	16.1 Acquisition of Easements for Pineapple Road Sewerage Scheme
Grounds for Closure	Section 10A(2) (c):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
Item	16.2 Sale of Council Owned Land at Lismore Heights
Grounds for Closure	Section 10A(2) (c) (d i) (d ii):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.
Item	16.3 Confidential Staff Matter
Grounds for Closure	Section 10A(2) (a):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:personnel matters concerning particular individuals (other than councillors).
Item	General Managers Annual Performance Review
Grounds for Closure	Section 10A(2) (a):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:personnel matters concerning particular individuals (other than councillors).

Councillor Nancy Casson left the meeting, the time being 08:11 PM
Councillor Bill Moorhouse left the meeting, the time being 08:12 PM
Councillor Gianpiero Battista left the meeting, the time being 08:12 PM

Councillor Nancy Casson returned to the meeting, the time being 08:12 PM
Councillor Gianpiero Battista returned to the meeting, the time being 08:12 PM
Councillor Bill Moorhouse returned to the meeting, the time being 08:14 PM

Resumption of Open Council

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

83/19 **RESOLVED** that

16.1 Acquisition of Easements for Pineapple Road Sewerage Scheme

That:

1. The General Manager be authorised to conduct and finalise the relevant negotiations with affected property owners and NSW Department of Industry, including payment of compensation, and the execution of all documentation necessary to complete the acquisition of all land; easements; rights of carriageway and Crown roads necessary for completion of the Pineapple Road sewerage scheme or the achievement of other related strategic objectives.
2. The seal of Council be affixed to the following documents:
 - a) Administration Sheet and Plan of Proposed Easements
 - b) Deed of Acquisition
 - c) Transfer Granting Easementand any other documents necessary to finalise the acquisition of land; easements; rights of carriageway; and Crown roads.
3. Council submit an application to NSW Department of Industry requesting the transfer of Crown roads off Lagoon Grass Road, Lagoon Grass, which contain constructed driveway access to private property.
4. Council accept the dedication of Crown roads to Council, required to facilitate the construction of the pipeline forming part of the Pineapple Road sewerage scheme, and to ensure private properties all have direct frontage to Council roads.
5. The General Manager be authorised to conduct and finalise negotiations with land owners to transfer ownership of the road reserves containing constructed driveways.
6. Councillors acknowledge that this resolution replaces the resolution on this matter made at the 9 April ordinary Council meeting

16.2 Sale of Council Owned Land at Lismore Heights

That:

1. Council sell Lot 100 in Deposited Plan 1240302, being 134 High Street, Lismore Heights, as outlined in the report.
2. Council delegate authority to the General Manager to negotiate the terms of a sale and sign all legal documents necessary to finalise the sale.

16.3 Confidential Staff Matter

That:

1. Council resolves to gift a plot of land at the Lismore Memorial Cemetery as identified in the report.

16.4 General Managers Annual Performance Review

That Council:

1. Receives the Mayoral Minute on behalf of the General Manager Performance Review Committee and adopts the recommendations contained within the report

(Councillors Marks/Bird)

Voting for:	Councillors Battista, Bird, Casson, Cook, Ekins, Marks, Moorhouse and Smith
Voting against:	Nil

Closure

This concluded the business and the meeting terminated at 08:43 PM.

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

MAYOR