

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY, 26 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, Bennett, Bird, Casson, Cook, Ekins, Lloyd, Marks, Moorhouse, together with the General Manager, Director Corporate Services, Director Infrastructure Services, Director Partnerships, Planning & Engagement, Acting Manager Finance, Manager Technology and Customer Services, Principal Accountant, Media & Community Relations Coordinator and Executive Assistant – Mayor and Councillors.

## Apologies and Leave of Absence

84/19 **RESOLVED** that:

Apologies were received from Cr Guise.

A leave of absence be accepted for Cr Cook from 14 December 2019 to 12 January 2020

(Councillors Cook/Bird)

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

**Voting against:** Nil

## Confirmation of Minutes of Previous Meeting

85/19 **RESOLVED** that the minutes of the following meetings be confirmed:

- Ordinary Meeting held on 12 November 2019
- Extra Ordinary Meeting held on 19 November 2019
- Confidential Extra Ordinary Meeting held on 19 November 2019

(Councillors Bird/Marks)

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

### 9.1 Notice of Rescission

<b>AGAINST</b>	Simon Clough
<b>AGAINST</b>	Louise Somerville
<b>FOR</b>	Neville King
<b>FOR</b>	Janine Wilson
<b>FOR</b>	Big Rob
<b>FOR</b>	Robert Stavrou
<b>FOR</b>	Jeremy Shand

## Mayoral Minute(s) and Condolence Motions

## Notice of Rescission Motions

### 9.1 Notice of Rescission

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86/19 **RESOLVED** that Council rescind its decision on Item 12.1 of 19 November 2019 Extra Ordinary Council Meeting – Special Rate Variation

(Councillors Casson/Bird) (BP19/1428)

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

**Voting against:** Councillors Bird, Cook, Ekins, Marks and Smith

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

## Notice of Motions

## Questions for Next Meeting

## Altering Order of Business (Consideration of altering the order of business to debate matters raised during Public Access Session)

## Matters Arising

### 13.1 September 2019 Quarterly Budget Review Statement

87/19 **RESOLVED** that Council adopt the:

1. September 2019 Quarterly Budget Review with all the recommended adjustments as contained in this report and Attachment 1.

(Councillors Bird/Marks) (BP19/1276)

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

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

### 13.2 Amended Planning Proposal to amend Schedule 1 of Lismore Local Environmental Plan 2012 to allow additional permitted uses at 34 and 36 Union Street, South Lismore

88/19 **RESOLVED** that Council:

1. adopt the attached Amended Planning Proposal to amend Schedule 1 Additional Permitted Uses of the Lismore LEP 2012 to allow additional permitted uses on part of the land at 34 and 36 Union Street, South Lismore (Part Lots 1 & 2 DP 608006) as detailed below:

***Schedule 1 Additional permitted uses***

***5 Use of certain land at 34 and 36 Union Street, South Lismore***

- (1) *This clause applies to part 34 and 36 Union Street, South Lismore (Part Lots 1 & 2 DP 608006) identified as "Item 5" on the Additional Permitted Uses Map.*
- (2) *Development for the purpose of the following land uses is permitted with development consent on the land to which this clause applies:*
  - a. *Office premises;*
  - b. *Food and Drink Premises;*
  - c. *Markets;*
  - d. *Information and Education Facilities [limited to Art Galleries]; and*

e. *Entertainment Facilities.*

**Local Environmental Plan Maps**

2. amend the Additional Permitted Uses Map – [Sheet APU\_005A] to identify part of 34 and 36 Union Street, South Lismore (Part Lots 1 & 2 DP 608006) as Item 5, as provided in Figure 2 of this report.
3. make the draft Local Environmental Plan in accordance with the Department of Planning and Environment's written authorisation to exercise delegation.

(Councillors Marks/Cook) (BP19/1273)

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

**Voting against:** Nil

## Reports of the General Manager

### **14.1 Planning Proposal to amend Schedule 1 of the Lismore Local Environmental Plan 2012 to allow an additional permitted use at 464 Broadwater Road, Dungarubba**

89/19 **RESOLVED** that Council:

1. support the Planning Proposal to amend Schedule 1 of the Lismore Local Environment Plan 2012, as detailed in Attachment 1 of this report, to allow an additional permitted use described as *General Industry (manufacturing of concrete erosion mats)* on part of the land at 464 Broadwater Road, Dungarubba (Lot 3 DP 593867) for the purposes of seeking a Gateway Determination;
2. forward the Planning Proposal to the Department of Planning, Industry and Environment with a request for a Gateway Determination;
3. agree that staff place the Planning Proposal on public exhibition and consult with government agencies in accordance with a Gateway Determination and report back to Council any issues raised by government agencies and in public submissions during public exhibition.

(Councillors Marks/Battista) (BP19/1227)

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

**Voting against:** Councillors Ekins and Lloyd

**14.2 Audited Financial Statements for the year ended 30 June 2019**

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90/19

**RESOLVED** that:

1. In accordance with Section 413 (2) (c) of the Local Government Act 1993 and clause 215 of the Local Government (General) Regulation 2005, adopt the Audited Financial Statements for the year ended 30 June 2019 and form an opinion based on the attached 'Statement by Councillors and Management' for both the General Purpose Financial Statements and Special Purpose Financial Statements.
2. Delegate to the Mayor and Deputy Mayor to sign the 'Statement by Councillors and Management' on behalf of Council.
3. Delegate to the General Manager to on receipt of the Independent Audit Reports to;
  - a) set the presentation date of the Audited Financial Statements and Auditors Report.
  - b) submit the Audited Financial Statements to the NSW Office of Local Government.

(Councillors Bird/Cook) (BP19/1149)

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

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

**14.3 2018/19 Reserves (Internally Restricted)**

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91/19

**RESOLVED** that:

1. Council adopts the 2018/19 Reserves (Internally Restricted) annual report which has reserves of \$17,978,600 as at 30 June 2019 comprising \$12,915,200 in cash, cash equivalents and investments, \$1,565,800 in working capital and \$3,497,600 in internal loans.
2. Council adopts amendment to Policy 1.5.10 – Reserves (Internally Restricted).

(Councillors Cook/Bird) (BP19/1161)

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

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

#### **14.4 Delivery Plan Progress Report - July to September 2019**

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92/19 **RESOLVED** that Council receive and endorse the attached Delivery Program Progress Report July to September 2019

(Councillors Bird/Marks) (BP19/1286)

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

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

## Committee Recommendations

#### **15.1 Lismore Floodplain Management Committee**

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93/19 **RESOLVED** that the minutes of the 12 September 2019 meeting of the Floodplain Management Committee be received and adopted and the recommendations contained therein be adopted.

(Councillors Ekins/Bird) (BP19/1277)

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

**Voting against:** Councillors Bennett and Casson

## Financial Assistance – Section 356

#### **17.1 Financial Assistance – Section 356 Report**

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94/19 **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 Marks/Bird) (BP19/1359)

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

**Voting against:** Nil

## Confidential Matters – Closed Council Meeting

95/19 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

**Item** 18.1 Tender T2019/23 Lismore Memorial Baths Heating Repair  
**Grounds for Closure** Section 10A(2) (d i):  
**Public Interest** Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**Item** 18.2 T2019-14 Environmental Sampling and Analytical Services Panel  
**Grounds for Closure** Section 10A(2) (d i):  
**Public Interest** Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

(Councillors Cook/Bird)

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

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

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

## Resumption of Open Council

96/19 When the Council had resumed its former sitting, the Mayor reported that Council, meeting in Closed Session, had RECOMMENDED:

### 18.1 Tender T2019/23 Lismore Memorial Baths Heating Repair

That:

1. Council **accept** the tender from Laser Plumbing and Electrical for T19/23 – Lismore Memorial Baths pool Heating Repair in accordance with their submission and for the amount of \$327,104.08 (inclusive of GST)
2. Council delegate authority to the General Manager to finalise any minor amendments or variations and enter into the contract.

**18.2 T2019-14 Environmental Sampling and Analytical Services Panel**

That:

1. Council accept the tenders from the attached list of non-ranked capped suppliers for Tender T2019-14 Environmental Sampling and Analytical Services in accordance with their submission and the Schedule of Rates provided, for a period of two years with an additional two-year option at Council's discretion.
2. Due to the varying nature of the work required under the contract, engagement of the suppliers will occur on a project by project basis with an assessment of the best supplier for the work to be undertaken at the time based on the requirements of the project and an assessment of each supplier's capability to meet those requirements.
3. Council delegate authority to the General Manager to exercise the options when required, to extend the contract, subject to satisfactory performance of the contractors.

## Closure

This concluded the business and the meeting terminated at 8.42pm.

CONFIRMED this 3<sup>rd</sup> day of December 2019 at which meeting the signature herein was subscribed.

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**MAYOR**