

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY, 13 AUGUST 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, Cook, Ekins, Guise, Lloyd, Marks, Moorhouse, together with the General Manager, Director Corporate Services, Acting Executive Director-Infrastructure Services, Director Partnerships, Planning & Engagement, Manager Development and Compliance, Manager Finance, Media and Community Relations Coordinator, Governance and Risk Manager and Acting Executive Assistant – Mayor and Councillors

## Apologies and Leave of Absence

### Leave of Absence

119/19 **RESOLVED** that

A leave of absence was received and accepted for Cr Bennett (7 July 2019 to 15 August 2019 Inclusive) and Cr Casson (9 August 2019 to 19 August 2019 Inclusive) at a previous Council meeting.

A leave of absence be accepted for

- Cr Cook from 1<sup>st</sup> to 5<sup>th</sup> September 2019 to attend a water conference in Albury
- Cr Battista from 18<sup>th</sup> to 23<sup>rd</sup> September 2019 to attend a fire fighting training in Armidale
- Cr Lloyd 20<sup>th</sup> August 2019 to sit an exam in Sydney
- Cr Ekins from 2<sup>nd</sup> to 4<sup>th</sup> September 2019 to attend a water conference in Albury and 6<sup>th</sup> to 12<sup>th</sup> September 2019 for a family event
- Cr Bird from 27<sup>th</sup> August to 1<sup>st</sup> September 2019 to attend the Australian Institute Disaster Resilience Conference

(Councillors Marks/Cook)

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

**Voting against:** Nil

## Confirmation of Minutes of Previous Meeting

120/19 **RESOLVED** that the

- minutes of the Lismore City Council held on 16 July 2019 contained a typographical error, which was identified by staff and corrected. This error removed Cr Smith from the division for Item 13.1 as he was absent from the Chamber due to a disclosed conflict of interest on the matter.
- confidential minutes of the Lismore City Council held on 16 July 2019 contained a typographical error, which was identified by Councillor Cook and corrected by staff. This error removed Cr Bennett from the list of Councillors present as he was absent from this meeting.

(Councillors Marks/Bird)

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

**Voting against:** Nil

## Disclosure of Interest

Cr Moorhouse for Item 14.1 a non-significant conflict of interest as he owns a property on James Road.

Cr Guise for Item 15.1 and 18.1 a non-significant conflict of interest as he usually works for NSW Health, but is currently on leave without pay.

## 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:

### Notice of Motions

#### Climate Emergency

FOR	Annie O'Shannessy
FOR	Naomi Shine
FOR	Stephen Hocking
FOR	Ruth Rosenhek
FOR	Geoff Reid

## Notice of Motions

### 5G Technology

FOR	Lydia Connelly
FOR	Gwilym Summers
FOR	Martin Oliver
FOR	Douglas Ferguson
FOR	Mark Broomhall

## Mayoral Minute(s) and Condolence Motions

### 8.1 Condolence Motion - Harold Crozier

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Harold Crozier, also known as HG or Cro to his mates was a local legend excelling throughout his life in a number of sporting arenas.

Born in 1932, Harold was raised with three sisters and one brother and spent parts of his early childhood in Lismore and then Mummulgum, before moving to Tuckombil for a short time.

He then spent his teenage years in Alstonville. It was there that he found his first love Cricket where he started his illustrious sporting career in 1946 as a cricketer for the Alstonville Club.

But he was in his early 20's when Harold met the love of his life Nan and they were married in 1957 at St Andrews Anglican Church in Lismore. When they celebrated their 60th wedding anniversary in 2017 they cited their strong Christian faith as their reason for a solid marriage.

Sport at this point was already a major part of Harold's life, he was a First grade cricketer for 40years - well into his 50's an astonishing achievement in itself but his career also included being in the representative cricket team for NSW playing against South Africa when they toured in 1963 and then in 1966 against England. He was captain of both the Marist brothers Cricket team and the Easts Cricket Club, which under his captaincy won either a minor or major premiership seventeen times over a 20-year period.

During his career it's reported that he scored close to 10,000 runs, including 10 centuries.

He was also a life member of Eastern Districts Cricket Club in Lismore, Far North Coast Cricket Council, Far North Coast Cricket Umpires' Association and Lismore District Cricket Association.

His second sporting love was baseball which he started at the age of ten suiting up for Brothers. In his early twenty's he transferred to a new club, The Wanderers, in a bid to strengthen the competition in the early 1960s. Over his long baseball career he also played for Norths and Ballina.

He was a part of the Far North Coast representative team from 1952 through to 1962 as the regular second baseman. Then in 1959 Harold reached the pinnacle of his career when he was selected to be in the Australian team as a second baseman.

He was secretary of FNC Baseball from 1960 to 1962 and president of the association from 1963 to 1965.

Crozier retired from baseball in 1973 at the age of 41, but did not leave the game, when the association was short of experienced umpires he returned taking up umpiring to help out the sport he loved.

He took to the field two years later, playing for a young and inexperienced Workers team, which had not won a game in the minor rounds, under Harold's guidance the team went on to play in the 1975 grand final. He then made one more return to baseball at the age of 72, to play alongside his son David, for the Ballina Sharks. He played for two years, finishing a great sporting career by winning the grand final in the second year.

A lifelong ambition of Harold's was to witness a World Series in the US so when he was 21 years old he took out a life insurance policy to cover the costs associated with the trip. He then tenaciously searched for and ultimately connected to the right person in New York who helped him fulfil this dream. In 1975 he travelled to the USA with fellow baseballer Barry Wappett and saw the Boston Red Sox play the Cincinnati Reds - a game that was voted in 2003 as the second-greatest World Series ever played.

After retiring for good, Crozier and his lifelong friend Reg Baxter could be found every Saturday afternoon sitting behind the screen at home plate on Baxter Field, analysing the game's progress, along with the player's performance and the Coaches decisions. His love of the sport spurring him on even when he had health problems.

Harold was a fierce competitor who played the sports he loved by the rules but he was always available as a mentor to many younger players in both Cricket and Baseball. He was an avid supporter of junior sports and was one of the pioneering coaches of junior softball in the area. I have been informed that he was a true gentleman on and off the field and that all those that knew him will miss him greatly.

Harold passed away on Saturday July 6th the age of 86, He is survived by his wife Nan, his children Linda, Joanne and David and his six grandchildren.

121/19 **RESOLVED** that Council:

1. Receive and note the Condolence motion.
2. Ask the Mayor to send a letter of condolence to the family.

(Councillors Smith/Marks) (BP19/786)

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

**Voting against:** Nil

### 8.2 Business Rate – Inner CBD

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122/19

**RESOLVED** that:

1. Council host a workshop on Tuesday, 1 October 2019 to investigate a new Council Rating Structure or other feasible measures to reduce the Business Rate – Inner CBD.
2. Council determine and adopt measures to reduce the Business Rate – Inner CBD by 1 July 2020.

(Councillors Smith/Marks) (BP19/897)

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

**Voting against:** Councillor Bird, Guise

### 8.3 Emergency Procurement Provisions for the Waste Facility

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123/19

**RESOLVED** that:

1. Under s377 of the Local Government Act 1993, Council delegates authority to the General Manager for emergency procurement of the following items at the Lismore Waste Facility as a result of the recent fire:
  - Interim management of any product that would have been processed through the MRF.
  - Interim arrangements for the management of green waste.
  - Interim solutions for the management of residual waste.
  - Disposal of fire damaged product; and
  - Engage services required to stabilize the site or make the site safe.
2. Where existing panel arrangements exist for goods or services identified in the management of the emergency, the General Manager is required to procure under these panels.
3. Under s55 (3) (k) of the Local Government Act 1993, Council recognises that the above items are a result of an emergency situation and goods and services may not be available under existing Panels. In this case, Council authorises the General Manager to enter into these contracts, using an Request for Quotation Process without submitting tenders for the items listed in point 1.
4. That the General Manager is authorised to sub delegate aspects of the emergency procurement delegation to the Program Manager Commercial Services and Director Infrastructure Services, within approved limits.

5. That a report be brought back to the Ordinary Council Meeting in September to provide an update on progress and costs incurred to date as a result of the emergency delegations

(Councillors Smith/Bird) (BP19/965)

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

**Voting against:** Nil

## Notice of Rescission Motions

## Notice of Motions

### 10.1 Climate Emergency

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124/19

**RESOLVED** that Council:

1. Publicly declares the world is in a state of climate emergency that requires urgent action by all levels of government; that human-induced climate change represents one of the greatest threats to humanity, civilisation, other species, and the life-supporting capacity of air, water, soil and ecosystems; and that it is possible to prevent the most harmful outcomes if societies take sustained emergency action, including local councils, and
  - a. Notes the latest report of the Intergovernmental Panel on Climate Change (IPCC);
  - b. Notes the Federal government's latest emissions data showing we are increasing, not reducing our carbon emissions;
  - c. Acknowledges that Lismore City Council LGA is likely to be substantially affected by climate impacts, particularly floods, bushfires, drought, heatwaves and sea level rise, and notes that economic data for the 2017 floods was not collected but research by Roche et al. (2013) estimated that the total normalised economic cost of the previous 1954 floods in current dollars, throughout the Northern Rivers region would have been of the order of \$7.5 billion. The 2017 Flood was marginally smaller than the 1954 flood but the magnitude of economic impact would have been significant;
  - d. Acknowledges that agriculture is one of the leading industries in Lismore, and that it is at risk from climate change;
  - e. Acknowledges that the Northern Rivers region is facing significant impacts from sea level rise.
2. Reaffirms commitment to its 100% Renewable Energy Target and continues to actively pursue opportunities to meet this target.

3. Calls for a briefing on how the current Community Strategic Plan (CSP) addresses the climate emergency.
4. Includes specific questions regarding Climate Change and Disaster Preparedness in the next CSP review and Community Satisfaction Survey in order to inform Council's operational response.
5. Maintains strong partnerships with local Emergency Services and seeks funding opportunities to work with them to deliver disaster preparedness information and initiatives across the LGA.
6. Writes to the Member for Page, the Member for Lismore, the Parliamentary Secretary for Northern NSW, the Federal Environment Minister, and the NSW Environment Minister advising them of Council's resolution and urging them to acknowledge a climate emergency and to act to address the crisis.
7. Submits point 1 with sub points 1a and 1b above as a motion to the LGNSW Conference.

(Councillors Bird/Ekins) (BP19/898)

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

**Voting against:** Councillor Battista

## 10.2 5G Technology

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125/19

**RESOLVED** that Council:

1. Notes that there is some community concern with respect to reports that 5G network technologies may affect the health of the community and animal populations;
2. Writes to the Federal Minister for Communications, the Shadow Minister for Communications, and State Member for Lismore and Federal Member for Page seeking assurance that community concerns with respect to 5G network technologies are being assessed and taken into consideration;
3. Writes to Telstra, seeking assurances that community concerns with respect to 5G network technologies are being assessed and taken into consideration and that the precautionary principle has been applied when progressing the 5G rollout;
4. Writes to those listed in 2 and the State Government requesting a review of the cumulative impacts and an identification of who holds responsibility for monitoring cumulative impacts of microwave frequency technologies of 'small cell installations' on the residential community and, in light of the findings of this review, request the State Government to reconsider the appropriate planning process for the installation of small cells;
5. Writes to LGNSW with a request to support this review and possible planning adjustments as outlined in 4;

6. Receives advice on any potential for Council's infrastructure being used to house 5G.

(Councillors Ekins/Cook) (BP19/927)

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

**Voting against:** Councillors Marks and Moorhouse

## 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 Unsolicited Proposals - Policy and Procedure

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126/19

**RESOLVED** that:

1. the draft Unsolicited Proposals Policy attached to this report be adopted by Council, and the accompanying Operational Procedures are noted.

(Councillors Cook/Bird) (BP19/882)

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

**Voting against:** Councillor Lloyd

**Councillor Gianpiero Battista left the meeting, the time being 7.17PM**

**Councillor Gianpiero Battista returned to the meeting, the time being 7.20PM**

## Reports of the General Manager

### 14.1 DA5.2019.196.1 - Relocation of an existing dwelling to create a detached dual occupancy, including a Clause 4.6 LEP variation.

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On submission to the meeting the MOTION was DEFEATED that:

1. pursuant to clause 64 of the *Environmental Planning and Assessment Regulation 2000*, Council assumes the concurrence of the Secretary of the Department of Planning and Environment for a Lismore Local Environmental Plan 2012 clause 4.6

variation to the development standard in clause 4.2C(2)(c) that each dwelling will be located within 100m of each other; and

2. pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, Council grant consent to Development Application 2019.196.1 for a detached dual occupancy and for the use of a portable cabin as an expanded dwelling at 76 James Road, Goonellabah, subject to the conditions attached to this report.

(Councillors Cook/Bird) (BP19/787)

**Voting for:** Councillors Battista, Bird, Cook and Smith

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

A FORESHADOWED MOTION WAS MOVED that DA2019/196 be refused for the following reasons:

Council is not satisfied that the proposed cl 4.6 variation demonstrates that the development standard is properly satisfied.

(Councillors Ekins/Marks)

127/19 **RESOLVED** that DA2019/196 be refused for the following reasons:

Council is not satisfied that the proposed cl 4.6 variation demonstrates that the development standard is properly satisfied.

(Councillors Ekins/Marks)

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

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

#### **14.2 DA5.2019.155.1 Proposed detached dual occupancy at 657 Corndale Road, Corndale**

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128/19 **RESOLVED** that :

1. pursuant to clause 64 of the *Environmental Planning and Assessment Regulation 2000*, Council assumes the concurrence of the Secretary of the Department of Planning and Environment for a Lismore Local Environmental Plan 2012 clause 4.6 variation to the development standard in clause 4.2C(2)(b) that each dwelling will use the same vehicular access to and from a public road; and
2. pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, Council grant consent to Development Application 5.2019.155.1 for a detached dual occupancy at 657 Corndale Road, Corndale subject to the conditions attached to this report as Attachment 1, inclusive of dual driveways.

(Councillors Marks/Bird) (BP19/801)

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

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

#### **14.3 Proposed Transfer of Asset to Council - St John's College Woodlawn Sewer Pipeline**

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129/19

**RESOLVED** that:

1. In the event that St John's College, Woodlawn (Woodlawn College) replaces the sewer pipeline running from the college to Council's existing sewerage system in North Lismore, Council accept the transfer of this new pipeline asset to Council.
2. Upon transfer ownership, Council accept responsibility for future operation and maintenance of the pipeline.
3. Acceptance of the transfer of the pipeline asset to Council be on the condition that construction and transfer is made at no cost to Council.

(Councillors Battista/Moorhouse) (BP19/522)

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

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

**Councillor Adam Guise left the meeting, the time being 7.58PM**

#### **14.4 Northern Regional Planning Panel Representatives**

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130/19

**RESOLVED** that:

1. Grants delegated authority to the General Manager to:
  - a) enter into a resource sharing (reciprocal) arrangement with an adjoining Council to ensure Lismore City Council has a Northern Regional Planning member that meets the technical expertise requirements of the Environmental Planning & Assessment Act 1979, and
  - b) subsequently appoint an appropriate technical member (or alternate as required) to the Northern Regional Planning Panel on behalf of Council consistent with that agreement;
2. Provision be made in Council's draft 2020/21 budget for an independent community Northern Regional Planning Panel member (and alternate) to be appointed by Council. The remuneration for that community Northern Regional Planning Panel member is to match the fees offered for members of the Audit Risk and Improvement Committee of Council.
3. An expression of interest process be undertaken in July/August 2020 and a report presented back to Council post the September 2020 Council elections to appoint independent community Northern Regional Planning Panel members to the roles currently held by the Mayor and Councillor Marks.

(Councillors Marks/Bird) (BP18/1521)

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

**Councillor Adam Guise returned to the meeting, the time being 8.00PM**

#### **14.5 Councillors Expenses and Facilities Policy - January 2019 to June 2019 Reporting**

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131/19 **RESOLVED** that Council receive and note the report.

(Councillors Cook/Marks) (BP19/446)

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

**Voting against:** Nil

#### **14.6 Investments - July 2019**

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132/19 **RESOLVED** that the report be received and noted.

(Councillors Cook/Bird) (BP19/758)

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

**Voting against:** Councillor Battista

#### **14.7 LG NSW Conference - Notice of Motions**

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133/19 **RESOLVED** that:

1. Council submit the following Notices of Motion to the 2019 LG NSW Conference:

- Social Justice; and
- Climate Emergency; and
- Election Costs

With an additional motion for 5G Technology that:

LGNSW requests the State Government conduct a review of the cumulative impacts of microwave frequency technologies of 'small cell installations' on residential communities and identifies who holds responsibility for monitoring cumulative impacts, in light of the findings from this review. Request the State Government to consider the appropriate planning process for the installation of small cells.

(Councillors Ekins/Bird) (BP19/876)

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

**Voting against:** Councillor Battista

## Committee Recommendations

### 15.1 Traffic Advisory Committee Minutes - Meeting of 17 July 2019

134/19 **RESOLVED** that the minutes be received and adopted and the Committee's agreed decisions contained therein be endorsed.

(Councillors Marks/Moorhouse) (BP19/852)

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

**Voting against:** Nil

**Councillor Eddie Lloyd left the meeting, the time being 8.16PM**

### 15.2 Audit Risk and Improvement Committee Meeting - 17 July 2019

135/19 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Cook/Bird) (BP19/895)

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

**Voting against:** Nil

## Documents for Signing and Sealing

### Financial Assistance – Section 356

#### 17.1 Financial Assistance – Section 356 Report

136/19 **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 Smith/Marks) (BP19/909)

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

**Councillor Eddie Lloyd returned to the meeting, the time being 8.20PM**

## Confidential Matters – Closed Council Meeting

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

<b>Item</b>	18.1 Carparking Permit Implementation
<b>Grounds for Closure</b>	Section 10A(2) (e):
<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:information that would, if disclosed, prejudice the maintenance of law.
<b>Item</b>	18.2 Cell 2B - Construction Quality Assurance Variation
<b>Grounds for Closure</b>	Section 10A(2) (d i):
<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:commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

## Resumption of Open Council

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

### **18.1 Carparking Permit Implementation**

That Council defer implementation until a report is returned to Council relating to the CBD Revitalisation Project.

(Councillors Bird/Moorhouse)

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

**Voting against:** Nil

### **18.2 Cell 2B - Construction Quality Assurance Variation**

That:

1. Council continue with its engagement of Insitu Advisory to provide independent construction quality assurance services and oversee the remainder of construction of the landfill Cell 2B project.

2. Council delegate authority to the General Manager to accept a variation to the initial contract as outlined in the report and finalise the contract.

(Councillors Bird/Cook) (BP19/925)

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

**Voting against:** Nil

## Closure

This concluded the business and the meeting terminated at 8.56PM.

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

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**MAYOR**