

Notice of Council Meeting

Extra-Ordinary Meeting

An EXTRA-ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **September 30, 2008 at 6.00p.m.** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

September 26, 2008



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Disclosure of Interest

Condolences

Mayoral Minutes

Business

- 1 Election of Deputy Mayor
- 2 County Councils
- 3 Election of Delegates to External Organisations
- 4 Lismore Floodplain Management Committee
- 5 2008 Local Government Conference



Strategic Plan Summary

Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic development	<p>Build Lismore's reputation as a regional city for residents, businesses, education providers, health services and government.</p> <p>Increase regional economic development, tourism and job creating investments.</p>	<ul style="list-style-type: none"> ▶ Pursue ongoing CBD growth and development ▶ Develop and support cultural, sporting and tourism activities, services and facilities ▶ Foster the business climate to encourage business growth, investment and jobs ▶ Identify and support key industries that drive economic development in Lismore including existing industries ▶ Foster a co-operative and proactive approach on major regional development issues
Quality of Life	<p>Make Lismore a safe, healthy and caring community in which to live.</p>	<ul style="list-style-type: none"> ▶ Increase social cohesion ▶ Support villages ▶ Provide community services ▶ Encourage sustainable development ▶ Promote recreation and leisure
Leadership by Innovation	<p>Lead the region by demonstrating innovative practices in governance, customer service, communication, consultation, virtual amalgamation and financial management.</p>	<ul style="list-style-type: none"> ▶ Lead the region ▶ Increase revenue from grants ▶ Improve customer service ▶ Consult the community ▶ Update technology ▶ Provide user pays services ▶ Privatised selected services ▶ Share assets and resources
Natural Environment	<p>Preserve and rehabilitate Lismore's natural environment.</p>	<ul style="list-style-type: none"> ▶ Provide sustainable land use planning ▶ Improve catchment management ▶ Conserve and repair the environment
Infrastructure	<p>Further enhance Lismore's transportation, parking and pedestrian networks.</p>	<ul style="list-style-type: none"> ▶ Improve transport systems ▶ Improve roads, cycleways and footpaths ▶ Assist with public transport ▶ Assist airport operations ▶ Support fleet operations
Water and Waste Cycle	<p>Educate our community and lead the state in water and waste-cycle management.</p>	<ul style="list-style-type: none"> ▶ Manage stormwater drainage systems ▶ Manage water and sewage ▶ Manage the waste stream and reduce waste

1 ELECTION OF DEPUTY MAYOR

1.1 METHOD OF ELECTION OF DEPUTY MAYOR

The method of election is to be found in Schedule 3 of the Local Government (Elections) Regulation 1993. Relevant extracts of this Schedule are detailed below:-

Returning Officer

- 1) *The General Manager (or a person appointed by the General Manager) is the Returning Officer.*

Nomination

- 2) a) *A councillor may be nominated without notice for election as mayor or deputy mayor.*
 - b) ***The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.***
 - c) *The nomination is to be delivered or sent to the returning officer.*
 - d) *The returning officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.*

Election

- 3) a) *If only one councillor is nominated, that councillor is elected.*
 - b) *If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
 - c) *The election is to be held at the Council meeting at which the Council resolves the method of voting.*
 - d) *In this clause:*
 - “ballot” has its normal meaning of secret ballot;*
 - “open voting” means voting by a show of hands or similar means.*

Previously this Council has determined that the election for Deputy Mayor would be by open voting.

Recommendation

That the method of election for Deputy Mayor be by open voting.

1.2 TERM OF DEPUTY MAYOR

Section 231

- 1) *The councillors may elect a person from among their number to be the deputy mayor.*
- 2) ***The person may be elected for the mayoral term or a shorter term.***
- 3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- 4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

From a practical viewpoint it is preferable that Council elect a deputy mayor. Council needs to

determine the period of this appointment. It can be for the full term of this Council or for a lesser period.

Previously the appointment has been for a 12 month period, from September to September, which coincided with the annual election of the mayor. It is appropriate that the deputy mayor's position be appointed for a term which is linked to the September cycle.

Recommendation

That the Council exercise its prerogative to determine the period of appointment for the deputy mayor.

1.3 ELECTION OF DEPUTY MAYOR

Policy No. 1.2.10

Prior to any election, each candidate for the position of Deputy Mayor may give a short presentation outlining her/his reasons for standing, how s/he would operate as Deputy Mayor, what time commitment would be given and the skills s/he would have to offer. Each candidate may be asked questions from the floor about their candidacy.

Presentation

Deputy Mayoral Candidate/s

Election

To be conducted by the General Manager

2 COUNTY COUNCILS

The role of a Councillor on a County Council is unique in that they are not delegates of the constituent Council. They are elected to make policy and implement strategies on behalf of the whole of the defined county district. The County Councils are autonomous, independent entities subject to the provisions of the Local Government Act.

ELECTION OF MEMBERS TO COUNTY COUNCILS

Election to the county councils is for the term of the Council. Detailed below are extracts from Schedule 9 of the Local Government (General) Regulation 2005 on the election process.

Returning officer

- 4) *The general manager of the constituent council (or a person appointed by that general manager) is the returning officer.*

Nomination

- 5) (1) *A councillor of the constituent council may be nominated for election as a member of the county council.*
(2) *The nomination:*
(a) *may be made without notice by any councillor of the council; and*
(b) *is to be in writing delivered or sent to the returning officer, and*
(c) *is not valid unless the nominee has indicated consent to the nomination in writing.*
(3) *The returning officer is to announce the names of the nominees at a council meeting.*

Election

- 6) (1) *If the number of candidates nominated is not more than the number of vacancies to be filled, those candidates are to be declared elected.*
- (2) *If there are more candidates nominated than the number to be elected, an election is to be determined by preferential ballot. The ballot is to be conducted by the preparation, marking and counting of ballot papers in the presence of the council.*

Ballot Papers and voting

- 7) (1) *The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the figures, 1, 2 and so on against the various names so as to indicate the order of their preference for at least the number of candidates to be elected.*
 - (2) *The formality of a ballot paper under this Part is to be determined in accordance with Clause 345 of this Regulation as if it were a ballot paper referred to in that clause.*
 - (3) *An informal ballot paper is to be rejected at the scrutiny of votes.*
- 8) *The votes are to be counted in accordance with Schedule 4 of this Regulation.*

2.1 Far North Coast County Council

Background

Operating as Far North Coast Weeds (FNCW) the County Council is responsible for the management of declared noxious weeds across the Council areas of Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed. Each constituent council elects one of its number as a County Council member.

FNCW controls a budget of \$1.3m, it has a staff of 12. The Council meets bi-monthly and its headquarters are in Lismore where it is administered under a service agreement with Rous Water.

Recommendation

One Councillor to be elected.

2.2 Richmond River County Council

Background

The Richmond River County Council (RRCC) is responsible for construction and maintenance of flood mitigation infrastructure for the Councils of Ballina, Lismore and Richmond Valley. The works in question were built since 1959 and are located on or adjacent to the Wilson/ Richmond River system, at and downstream of Lismore and downstream of Tatham. RRCC was the construction authority for the Lismore Flood Levee Scheme, and owns the physical works for which LCC is responsible for the day-to-day maintenance and operation. For other ongoing projects RRCC has an annual budget of around \$1.1 Million, it employs 9 staff, the Council meets bi-monthly and it too is administered under a service agreement with Rous Water. The Council has six members, two elected by Lismore, Ballina and Richmond Valley.

Recommendation

Two Councillors to be elected.

2.3 Rous County Council

Background

Rous Water is the trading name used by this utility which provides treated water in bulk to the Councils of Ballina (except Wardell), Byron (except Mullumbimby), Lismore (except Nimbin) and Richmond Valley (except Casino). The importance of water management was highlighted during the 2002/03 drought and Rous Water is faced with the challenge of addressing long term sustainable water management. A case can be made for integration and rationalisation of water and wastewater resources in the region as well as accessing new water sources in adjacent areas. LCC's 2008 submission to the State Government supported a Regional Water Authority covering the Tweed, Brunswick and Richmond Valleys.

Each member Council elects two Councillors who attend monthly Council meetings. Rous Water manages a budget of \$23.5m, employs up to 65 staff and runs its operations from Lismore.

Recommendation

Two Councillors to be elected.

3 ELECTION OF DELEGATES TO EXTERNAL ORGANISATIONS

Lismore City Council is called upon to provide representatives to various external bodies. This is a reflection upon the status of a Councillor as an elected community representative. The Richmond Tweed Regional Library Committee and NOROC are perhaps exception to this role, being solely Local Government organisations.

Listed below are the organisations, with a brief outline of their role. The method of election is by open voting.

3.1 NOROC

Number of Councillors: The Mayor

NOROC is the Northern Rivers Regional Organisation of Councils and its membership is exclusively Mayors and General Managers, and the latter without voting rights. The member Councils are Tweed, Byron, Ballina, Lismore, Kyogle, Richmond Valley, Clarence Valley, Rous and Richmond Valley.

The objectives of NOROC are directed to providing a forum for co-operative action on issues of regional significance, including lobbying governments on regional issues. NOROC member Councils support a dedicated Executive Officer to further these regional objectives. NOROC meets quarterly.

Recommendation

That the Mayor be acknowledged as Council's representative.

3.2 Richmond Tweed Regional Library Committee

Number of Councillors: 2 and 1 alternate

RTRL is a Committee of LCC which was created to provide library services to Lismore, Ballina, Byron and Tweed Councils. It operates under a default agreement (1974) which entitles all member Councils to appoint two (2) delegates. LCC is the Executive Council and is responsible for the governance structures and determinations which are unable to be delegated to RTRL under the Local Government Act. A priority issue for LCC/RTRL is to develop a workable legally sustainable agreement between the member Councils.

Recommendation

That two Councillors be elected as delegates and one Councillor as an alternate delegate.

3.3 Richmond River Historical Society

The Richmond River Historical Society Inc (RRHS) is a voluntary group, dedicated to preserving the social history and artefacts of the Lismore and greater Richmond River area. RRHS are accommodated rent free in the former Council Chambers at 165 Molesworth Street. A Museum Adviser, jointly funded by Council and Museums and Galleries NSW, is assisting RRHS in the preparation of a strategic plan and a Memorandum of Understanding (MoU) between Council and RRHS. Among other things, the MoU will outline how the collection will be owned and managed in the future. Council may elect a representative to attend RRHS meetings, which occur monthly.

Recommendation

That one Councillor be elected as delegate.

3.4 Area Assistance Scheme (AAS)

AAS is a regional community development program funded by Communities Division of NSW Department of Community Services (DoCS). Lismore City Council receives the equivalent of one day per week funding to administer the program on behalf of DoCS.

AAS provides funding to Councils and non-Government organisations for projects which improve community well being and how communities function.

The structure of this program into 2008 and beyond is currently under question.

Number of Councillors: 2 Councillors on the annual Local Ranking Committee.

Recommendation

That two Councillors be elected as delegates.

3.5 The Northern Rivers (NSW) ACC

NRACC is part of the national network of Area Consultative Committees which provides a strong link between the Australian Government and regional Australia. As volunteer community based organisations, ACCs are uniquely placed to respond to issues in their regions and provide a vital conduit to government on local, social and economic conditions.

The NRACC Charter comprises three core responsibilities from which our activities are derived:

1. To be a key facilitator of change and development in the Northern Rivers region.
2. To be a link between Government, business and the community.
3. To facilitate whole of government responses to opportunities in their communities.

The Members of the Committee are leading members of the Region, representing local business, local government and local communities. They are appointed by the Minister for Regional development and Local Government. Current representatives for the "Local Government" affiliation are Cr Ernie Bennett, Local Government – Kyogle and Cr Avid Tomlinson, Local government – Lismore. Cr Brian Henry is appointed under the "Business – Lismore" affiliation.

Recommendation

That one Councillor be nominated for appointment.

3.6 Bush Fire Management Committee

This committee takes a strategic regional role in relation to bush fires in this area. Specifically it reviews and implements the Area Bushfire Management Plan and approved variations to the Statutory Bush Fire periods.

Council is represented by staff and one elected member.

Recommendation

That one Councillor be elected as delegate.

3.7 Lismore Rainforest Botanic Gardens Management Committee

The primary role of the organisation is the construction and promotion of the LRBG located on Council land adjoining the Waste Disposal Depot at Wyrallah Road.

Council has been invited to appoint a Councillor to the community based committee.

Recommendation

That one Councillor be elected as delegate.

4 LISMORE FLOODPLAIN MANAGEMENT COMMITTEE

The Lismore Floodplain Management Committee was established in accordance with the State Government's Floodplain Development Manual 2005 to assist Council to review the current Lismore Floodplain Management Plan. The purpose of a Floodplain Management Plan is to evaluate all factors (including social, economic, ecological and cultural impacts and flood risk) that affect the use of flood prone land and address existing, future and continuing flood risks in a comprehensive manner through a range of different management measures. The Floodplain Management Committee's role is advisory in nature and reports directly to Council. The objectives of the Committee are to:

1. Ensure the Lismore Floodplain Management Plan is updated in accordance with the NSW Government's 2005 Floodplain Development Manual; and
2. Review options for improve the hydraulic capacity of certain floodways within the Lismore urban area that may have the effect of reducing peak flood levels in flood affected parts of the CBD and in North and South Lismore; and
3. Review the policy on house raising in floodways; and
4. Review the floodway acquisition policy.

In accordance with the requirements of the NSW Floodplain Development Manual 2005, membership of the Lismore Floodplain Management Committee comprises Councillors, representatives from the SES and Department of Environment and Climate Change and three (3) representatives from the community representing North Lismore, South Lismore and businesses in the CBD. The Manual notes that once the committee has reviewed the management plan, and

council has adopted the plan, a limited group remains to oversee implementation. The committee is supported by Council staff with relevant expertise.

Recommendation

1. Council establish a new Lismore Floodplain Management Committee with membership comprising:
 - Two (2) Councillors
 - One (1) community member representing businesses in the CBD
 - One (1) community member representing North Lismore
 - One (1) community member representing South Lismore
 - One (1) member representing the SES
 - One (1) member representing the Department of Environment and Climate Change;
2. Council appoint two (2) Councillors as members;
3. Nominations for the three (3) community members be invited by advertising.

5 2008 LOCAL GOVERNMENT CONFERENCE

The 2008 Local Government Conference will be held in Broken Hill from October 25-29.

The conference is the prime policy making body for local Government and this Council is entitled to send three voting delegates.

Council has resolved that it will be represented at the Conference by the Mayor and two delegates to be determined by this Council.

Accommodation has been reserved in Broken Hill but no travel arrangements have been made.

Recommendation

That Council determine its two delegates