

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY, 12 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, Acting Director Infrastructure Services, Director Partnerships, Planning & Engagement, Manager Finance, Manager Development & Compliance, IT Projects & Strategy Coordinator, Corporate Planning & Engagement Coordinator, Media & Community Relations Coordinator, Strategic Engineer-Water & Wastewater, Governance & Risk Manager and Acting Executive Assistant – Mayor & Councillors.

Apologies and Leave of Absence

A leave of absence was received and accepted for Cr Guise (12 November 2019) and Cr Lloyd (11 to 25 November 2019 inclusive) at a previous Council meeting.

Apologies were received for Cr Bennett due to him defending his home from the bushfires.

Cr Battista sent his apologies but advised he may attend the meeting late.

Confirmation of Minutes of Previous Meeting

70/19 **RESOLVED** that the minutes of the Lismore City Council held on 8 October 2019 be confirmed.

Councillor Cook declared a retrospective disclosure of interest for Item 8.1 Lismore as a RV Friendly Town as she recently became a member of the CMCA. The appropriate paperwork around this declaration has been lodged with staff

(Councillors Marks/Bird)

Voting for: Councillors 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	Keith Graham
AGAINST	Neville King
AGAINST	Jeremy Shand (booked in to speak, however left meeting prior)
AGAINST	Robert Stavrou (booked in to speak, however left meeting prior)
AGAINST	Janine Wilson
AGAINST	Big Rob
FOR	Colin Lyte

Councillor Gianpiero Battista joined the meeting, the time being 06:29 PM

FOR	Christine Devine
AGAINST	Barry Potts
AGAINST	Mellony Burke
AGAINST	Raegyn Whittle

Mayoral Minute(s) and Condolence Motions

Notice of Rescission Motions

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)

71/19 **RESOLVED** that the order of business be altered to debate the following matters

- **14.2 – Change to Meeting Schedule**
- **13.1 - DA 2019/96, Change of use to a recreation facility (indoor), 256A Keen Street Girards Hill**

(Councillors Bird/Cook)

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

Voting against: Councillor Ekins

14.2 Change to Meeting Schedule

72/19 **RESOLVED** that

- An Additional Ordinary meeting be held on Tuesday 26 November 2019 at 6pm;
- An Additional Ordinary meeting be scheduled for Tuesday 3 December 2019 at 6pm;
- If there is no business to transact at the Additional Ordinary Meeting scheduled for Tuesday 3 December 2019, then the General Manager may, in consultation with the Mayor, cancel the meeting, and:
 - This cancellation must occur at least three days prior to the scheduled start of the meeting.
 - This cancellation must be made public via Councils website and social media pages.

(Councillors Cook/Bird) (BP19/1308)

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

Voting against: Nil

Matters Arising

13.1 DA 2019/96, Change of use to a recreation facility (indoor), 256A Keen Street Girards Hill

73/19

1. Development Application No. 2019.96.1 for a change of use to Recreation Facility (indoor) at 256A Keen Street GIRARDS HILL be **REFUSED** for the following reasons:
 - a) The application has not submitted adequate technical reporting to satisfy the assessment requirements under *State Environmental Planning Policy 55 - Remediation of Land*.
 - b) The application has not provided sufficient information to enable the proper assessment of the application against relevant NSW and Federal statutory requirements and National Standards, and properly consider submissions including the following matters:
 - i) Noise impacts
 - ii) Car parking and Access
 - iii) Pedestrian safety
 - iv) Fire safety
 - v) Outdoor evening classes
 - vi) Outdoor lighting
 - vii) Crime Prevention Through Environmental Design
 - viii) Flood evacuation and storage
 - ix) Water supply
 - x) Residential Zone objectives
 - c) The site is not suitable for the proposed development (EP&A Act Cl 4.15 (c)) due to the above inadequacies, the severe limitations on both vehicular and disability accessible access, potential for harmful contamination and inadequate fire safety provisions for the premises.
 - d) The proposed development is not in the public interest (EP&A Act Cl 4.15 (e)), because of the unacceptable risk posed to the safety of the occupants, adjoining owners, pedestrians and vehicle accessing the site.
2. The urgent enforcement of the *Order to Cease the Use of the Premises* issued in March 2019 be endorsed to protect the building occupants, patrons, visitors and the general public from the continued unlawful use of the premises.

AN AMENDMENT WAS MOVED to allow the Proponent 90 days further trading to give him the opportunity to locate alternate premises to conduct this training.

(Councillors Casson/Battista) (BP19/1248)

Voting for: Councillors Battista and Casson

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

74/19 AN AMENDMENT WAS MOVED to delay the compliance enforcement order and allow the Proponent 90 days further trading to give him the opportunity to locate alternate premises to conduct this training.

(Councillors Casson/Battista) (BP19/1248)

Voting for: Councillors Battista and Casson

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

75/19 **RESOLVED** that:

1. Development Application No. 2019.96.1 for a change of use to Recreation Facility (indoor) at 256A Keen Street GIRARDS HILL be **REFUSED** for the following reasons:
 - a) The application has not submitted adequate technical reporting to satisfy the assessment requirements under *State Environmental Planning Policy 55 - Remediation of Land*.
 - b) The application has not provided sufficient information to enable the proper assessment of the application against relevant NSW and Federal statutory requirements and National Standards, and properly consider submissions including the following matters:
 - i) Noise impacts
 - ii) Car parking and Access
 - iii) Pedestrian safety
 - iv) Fire safety
 - v) Outdoor evening classes
 - vi) Outdoor lighting
 - vii) Crime Prevention Through Environmental Design
 - viii) Flood evacuation and storage
 - ix) Water supply
 - x) Residential Zone objectives
 - c) The site is not suitable for the proposed development (EP&A Act CI 4.15 (c)) due to the above inadequacies, the severe limitations on both vehicular and disability accessible access, potential for harmful contamination and inadequate fire safety provisions for the premises.
 - d) The proposed development is not in the public interest (EP&A Act CI 4.15 (e)), because of the unacceptable risk posed to the safety of the occupants, adjoining owners, pedestrians and vehicle accessing the site.
2. The urgent enforcement of the *Order to Cease the Use of the Premises* issued in March 2019 be endorsed to protect the building occupants, patrons, visitors and the general public from the continued unlawful use of the premises.

(Councillors Bird/Marks) (BP19/1248)

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

Councillor Nancy Casson left the meeting, the time being 08:01 PM

Councillor Nancy Casson returned to the meeting, the time being 08:03 PM

Adjournment of Meeting

76/19 **RESOLVED** that due to the emergency bush fire conditions across NSW, and the absence of several Councillors from tonight's meeting, the Ordinary Council meeting of 12 November 2019 be adjourned on agenda item 14.1, with the remainder of this meeting to be reconvened at an extraordinary meeting, scheduled for 6.00 PM on 19 November 2019.

(Councillors Smith/Bird)

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

Voting against: Councillor Ekins

Closure

This concluded the business and the meeting terminated at 8.03PM.

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

MAYOR