

**MINUTES OF THE ENVIRONMENTAL & SUSTAINABILITY COMMITTEE
MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
17/5/11 AT 4.00 PM AND RESUMED ON 19/5/11 AT 4.00 PM**

Attendance

Cr P W Silver (Mayor - in the chair), S L Cadwallader, B C Smith, K H Johnson, R A Hordern, D E Wright, A J Brown and S M Meehan.

Steve Barnier (Strategic & Community Services Group Manager), Matthew Wood (Strategic Planner), Simon Scott (Strategic Planner), Kate Singleton (Strategic Planner) and Rod Willis (Regulatory Services Group Manager) were in attendance.

There were 24 people in the gallery at this time.

1. Apologies

An apology was received from Cr Jeff Johnson.

RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

Absent was Cr Peter Moore.

2. Declarations of Interest

- **Cr Cadwallader** – declared an interest in Item 4.7 Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report F – Brighton Street and Easton Place, East Ballina. (Nature of Interest: pecuniary – she owns property in the vicinity). She will be departing the meeting while the matter is discussed.
- **Cr Meehan** – declared an interest in Items 4.3, 4.8 and 4.9 - Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report B – Summerhill Crescent, Cumbalum, Report G – Oakland Avenue, West Ballina and Report H – Camoola Avenue, Ballina. (Nature of Interest: pecuniary – she own property in each of these vicinities). She will be departing the meeting during any deputations on these items and while the matters are discussed.
- **Cr Brown** – declared an interest in Item 4.5 – Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report D – North Creek Road, North Ballina. (Nature of Interest: pecuniary – his immediate family own property in North Creek Road). He will be departing the meeting while the matter is discussed.

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- **Cr Silver** – declared an interest in Items 4.2, 4.4 and 4.6 – Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report A – Duck Creek/Gum Creek Catchment Area, Report C – Fawcett Street, Ballina and Report E – Alstonville Village Centre. (Nature of Interest: pecuniary – he is a property owner in each of these vicinities). He will be departing the meeting while these matters are discussed.

3. Deputations

1. Alice Woodhead - Figtree Hill, Lennox Head - 69
2. Kari Tanttari - Industrial estates - 187
3. Brett Lacey - House with No Steps - 171
4. Damien Chapelle - North Creek Road (Fahey) - 45
5. Bernard Grinberg - South Ballina Beach Resort - 130
6. Damien Chapelle - Clark Street property owners - 105
7. Ballina Coastcare Inc - Environmental protection - 109
8. Lyn Walker, Ballina Environment Society - Environmental protection - 122
9. Glen Charleston - Lennox Point south to Flat Rock - 47
10. Laurie Marchment - Cumbalum - 60 & 184
Cr Meehan left the meeting at 4.32pm
Cr Meehan returned to the meeting at 4.37pm
11. Lee White - Environment - 148
12. Paul Snellgrove - Ballina Heights - 174
13. Steve Connelly – Waterways – Burns Point Ferry Road- West Ballina – no submission
14. Steve Connelly - Allsop - Lennox Head - 65
15. Steve Connelly - Hickey - Fig Tree Hill - 66
16. Steve Connelly - Margaret Condon - Condon Hill - 72
17. Steve Connelly - North Angels Beach - Angels Beach - 74
18. Steve Connelly - Supbrook - Riverbend - 75
19. Steve Connelly - Catholic Church - Commercial zoning and Condon Hill - 76 or 77
20. Scott Marchant, King & Campbell - Aspen Village - 186
21. Peter Carmont/Glenn Costello - Ballina Chamber of Commerce - 121
23. Warren Cubitt - Environmental protection – 55
Cr Meehan left the meeting at 5.49pm
Cr Meehan returned to the meeting at 5.50pm

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24. Eddie Standfield - Environmental protection - 55
25. Ken Silva - West Ballina - no submission
27. Karen Wiggins - Storage premises - 172
28. Dr Chris McKenzie - Medical facilities - 38
29. Fiona Folan - no submission
31. Peter Anderson - Lennox Head zonings - 106
32. Mia Spain - Land use zoning at Wardell - no submission
33. Phil Meehan - Summerhill Crescent area – 49
Cr Meehan left the meeting at 6.15pm
Cr Meehan returned to the meeting at 6.23pm
34. Simon Prendergast - Alstonville - no submission
35. Paul Earner - Alstonville buffer - 146
36. Simon Kalinowski - Rural subdivision – 39

Adjournment

The Mayor declared the meeting adjourned at 6.38pm on Tuesday 17 May 2011.

The meeting resumed at 4.00 pm on Thursday 19 May 2011

Attendance

Cr P W Silver (Mayor - in the chair), S L Cadwallader, B C Smith, K H Johnson, R A Hordern, D E Wright, A J Brown and S M Meehan.

Paul Hickey (General Manager), Steve Barnier (Strategic & Community Services Group Manager), Matthew Wood (Strategic Planner), Simon Scott (Strategic Planner) and Kate Singleton (Strategic Planner) were in attendance.

There were 6 people in the gallery at this time.

Absent were Crs Jeff Johnson and Peter Moore.

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4. Committee Reports

4.1 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Principal Report

RECOMMENDATIONS

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. That Council amend the Draft Ballina Local Environmental Plan 2010 as exhibited based on:
 - (a) the amendments set out in Attachments 1 and 2 and associated consequential adjustments to descriptions, numbering and plan formatting; and
 - (b) the recommended amendments with respect to the February 2011 Standard LEP Instrument amendment as set out in this report; and
 - (c) Council's decisions with respect to each of the items relating to the content of the LEP contained elsewhere in this business agenda.
2. That Council re-exhibit the revised Draft Ballina Local Environmental Plan 2011 in accordance with the terms of the Environmental Planning and Assessment Act for a period of at least 4 weeks.
3. That Council receive a further report in relation to the re-exhibition of the Draft Ballina Local Environmental Plan 2011 (as amended) prior to finalisation of the Plan for submission to the Department of Planning and Infrastructure & Infrastructure.
4. That Council seek written advice from the Department of Planning and Infrastructure & Infrastructure that it is committed to address, in a timely manner, the following items to achieve outcomes discussed in the body of this report:
 - (a) the address of boundary adjustment subdivisions;
 - (b) split zone lot and residual lots;
 - (c) vegetation management; and
 - (d) structure and form of land use definitions
5. That Council advise the Department of Planning and Infrastructure of the feedback provided in submissions received in response to the public exhibition of the Draft Ballina Local Environmental Plan 2010 with respect to the form and content of Standard LEP Instrument where such feedback is not addressed by way of amendments to the exhibited draft plan.

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6. That Council endorse the recommended actions contained in attachments 1 and 2 that are in addition to the recommended amendments to the Draft Ballina Local Environmental Plan 2010, including:
- Preparation of development control plan provisions to support the introduction of the new LEP in relation to:
 - Ensuring consistency with the definition structure contained within the LEP;
 - Ensuring consistency with the framework for managing building height and floor space ratio in the LEP;
 - Residential development;
 - Urban subdivision;
 - Managing building height within the Ballina Town Centre;
 - Environmental management in relation to clause 7.8;
 - Vegetation management in relation to clause 5.9; and
 - Land use in the B6 Enterprise zone.
 - Provision of an invitation to landholders as identified in Attachment 1 to progress their requested amendments in relation to potential urban land release areas via the planning proposal process separate to the LEP renewal program.
7. That Council endorse in principle the undertaking of the following projects, subject to the receipt of a further report regarding each item.
- Preparation of a biodiversity strategy or similar document that includes comprehensive mapping of the shire's ecological attributes.
 - Preparation of a new analysis and study in relation to large format retailing activity in the shire including review of the application of a bulky goods specific zone within the shire.
 - Review of the development potential of Ballina Island following completion of the Council's Climate Action Plan.
8. That Council conduct a series of workshops during the period from now until completion of receipt and review of further submissions to the re-exhibition. Each workshop is to cover a major item or group of items of the DLEP and submissions.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

Cr Silver declared a pecuniary interest in Item 4.2, 4.4 and 4.6 and left the meeting at 04:29 PM.

Cr Meehan, Deputy Mayor assumed the Chair.

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4.2 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report A - Duck Creek/ Gum Creek Catchment Area

RECOMMENDATION

(Cr David Wright/Cr Alan Brown)

That Council endorse the planning framework for the Duck Creek/Gum Creek catchment area as exhibited under the Draft Ballina Local Environmental Plan 2010, subject to the planning framework adopted for the urban buffer adjacent to the southern extent of the Alstonville urban area.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Moore, Cr J Johnson

4.4 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report C - Fawcett Street, Ballina

RECOMMENDATION

(Cr David Wright/Cr Robyn Hordern)

That Council endorse the planning framework for Fawcett Street in the vicinity of Fawcett Park, Ballina as exhibited under the Draft Ballina Local Environmental Plan 2010, (subject to the endorsed approach with respect to building heights in the Ballina Town Centre).

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Moore, Cr J Johnson

4.6 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report E - Alstonville Village Centre

RECOMMENDATION

(Cr David Wright/Cr Robyn Hordern)

That Council endorse the planning framework for the Alstonville village Centre as exhibited under the Draft Ballina Local Environmental Plan 2010, but with amendment to apply a 9m building height standard in the site of Crawford House and Lots 77, 78 and 70 DP 247578 in Robertson Street, Alstonville.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Moore, Cr J Johnson

Cr Silver returned at 04:35 PM and resumed the Chair

Cr Meehan declared a pecuniary interest in Items 4.3, 4.8 and 4.9 and left the meeting at 04:36 PM.

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4.3 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report B - Summerhill Crescent, Cumbalum

RECOMMENDATION

(Cr David Wright/Cr Keith Johnson)

That with respect to the renewal of the Ballina Local Environmental Plan, Council endorse the application of an RU2 Rural landscape zone and 40 ha minimum lot size for subdivision for the Summerhill Crescent locality.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson, Cr Meehan

4.8 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report G - Oakland Avenue West Ballina

RECOMMENDATION

(Cr Robyn Hordern/Cr Ben Smith)

That Council endorse the planning framework for the southern end of Oakland Avenue, West Ballina as exhibited in the Draft Ballina Local Environmental Plan 2010.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson, Cr Meehan

4.9 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report H - Camoola Avenue, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Alan Brown)

That Council endorse the planning framework for the land in the vicinity of Camoola Avenue, Ballina as exhibited in the Draft Ballina Local Environmental Plan 2010.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson, Cr Meehan

Cr Meehan returned at 04:46 PM

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Cr Brown declared a pecuniary interest in Item 4.5 and left the meeting at 04:46 PM.

4.5 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report D - North Creek Road North Ballina

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That Council endorse the planning framework for the southern end of North Creek Road at North Ballina as exhibited in the Draft Ballina Local Environmental Plan.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson, Cr Brown

Cr Brown returned at 04:47 PM

Cr Cadwallader declared a pecuniary interest in Item 4.7 and left the meeting at 04:47 PM.

4.7 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report F - Brighton Street and Easton Place, East Ballina

RECOMMENDATION

(Cr Keith Johnson/Cr Ben Smith)

That Council endorse the planning framework for the residential areas in Brighton Street and Easton Place, East Ballina as exhibited in the Draft Ballina Local Environmental Plan 2010.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson

MEETING CLOSURE

4.48 pm