Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Robyn Hordern and Ben Smith.

Paul Hickey (General Manager), David Kelly (Acting Civil Services Group Manager), Rod Willis (Development and Environmental Health Group Manager), Matthew Wood (Acting Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 14 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Bodhi Scott-Jones.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

3. Apologies

Nil

4. Confirmation of Minutes

230114/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 19 December 2013.

FOR VOTE - All Councillors voted unanimously.

5. Declarations of Interest and Reportable Political Donations

• Sandra Bailey – declared an interest in Item 8.2 – DA 2013/385 – 59 Teakwood Drive, Alstonville – Conversion of Existing Shed to Dwelling. (Nature of Interest: non significant, non pecuniary – the property adjoins property owned by her). She will be departing the meeting while the matter is discussed.

There were no reportable political donations.

6. Deputations

• Peter Mehan on behalf of Ballina and Alstonville/Wollongbar Chambers of Commerce – spoke in favour of Item 10.7 – Business Promotion and Development Levy – Consultation.

Sandra Bailey left the meeting at 9.10 am.

• **Ralph James** – spoke in opposition to Item 8.2 – DA 2013/385 – 59 Teakwood Drive, Alstonville – Conversion of Existing Shed to Dwelling.

Sandra Bailey returned to the meeting at 9.15 am.

- **Denis Magnay** spoke in favour of Item 13.2 Notice of Motion Coastal Recreational Pathway Position.
- **Peta Best** spoke in favour of Item 8.1 DA 2013/441 377 Houghlahans Creek Road, Booyong (Riding for the Disabled).
- Steve Connelly spoke in opposition to Item 9.1 LEP Amendment Request Burns Point Ferry Road, West Ballina.

10.7 Business Promotion and Development Levy - Consultation

A Motion was moved by Cr Ben Smith and seconded by Cr Jeff Johnson

- 1. That based on the feedback received Council resolves not to proceed with an application to IPART for the proposed special business levy as there has been significant objection to the proposal.
- 2. That Council not adopt the exhibited amendment to our existing Delivery Program, to include a reference to the special business levy, as this levy is no longer proceeding.

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Sharon Cadwallader

- 1. That based on the feedback received Council resolves not to proceed with an application to IPART for the proposed special business levy as there has been significant objection to the proposal, at this time.
- 2. That Council not adopt the exhibited amendment to our existing Delivery Program, to include a reference to the special business levy, as this levy is no longer proceeding.
- 3. That Council hold further discussions with the Chambers to discuss options for the future.

The Amendment was LOST.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams and Cr Susan Meehan

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

The Motion was CARRIED.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Sharon Cadwallader and Cr Keith Williams

230114/2 RESOLVED

(Cr Ben Smith/Cr Jeff Johnson)

- 1. That based on the feedback received Council resolves not to proceed with an application to IPART for the proposed special business levy as there has been significant objection to the proposal.
- 2. That Council not adopt the exhibited amendment to our existing Delivery Program, to include a reference to the special business levy, as this levy is no longer proceeding.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith AGAINST VOTE - Cr Sharon Cadwallader and Cr Keith Williams

7. Mayoral Minutes

Nil items.

Sandra Bailey declared an interest in Item 8.2 and left the meeting at 10.10 am

8.2 <u>DA 2013/385 - 59 Teakwood Drive, Alstonville - Conversion of Existing</u> Shed to Dwelling

A Motion was moved by Cr Paul Worth and seconded by Cr Keith Johnson

That Development Application 2013/385 for the Change of Use of the farm shed to a dwelling at 59 Teakwood Drive, Alstonville, be REFUSED on the following grounds:

- Unreasonable building style and materials
- Negative impacts on the streetscape
- The building proposed is a shed not a house
- The proposal is inconsistent with the covenant(s)

The Motion was LOST on the casing vote of Mayor.

FOR VOTE - Cr Jeff Johnson, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston and Cr Ben Smith and the casting vote of the Mayor Cr David Wright

230114/3 RESOLVED

(Cr Robyn Hordern/Cr Jeff Johnson)

That Development Application 2013/385 be deferred to seek legal advice.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Sharon Cadwallader and Cr Ken Johnston

Adjournment

The Mayor declared the meeting adjourned at 10.46 am

The meeting resumed at 11.08 am (Sandra Bailey was in attendance at this stage).

13.2 Notice of Motion - Coastal Recreational Pathway Position 230114/4 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council re-affirm its position with regards to the construction priority of the coastal cycleway/recreational pathway by confirming the resolution of the Civil Committee of 12/11/2011, that priority be given to the construction of the recreational pathway between Pat Morton Lookout car park and Angels Beach as the next stage of this project.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith AGAINST VOTE - Cr Jeff Johnson

8. Development and Environmental Health Group Reports

8.1 <u>DA 2013/441 - 377 Houghlahans Creek Road, Booyong (Riding for the Disabled)</u>

230114/5 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

- 1. That Development Application 2013/441 to establish a riding for the disabled facility at 377 Houghlahans Creek Road Booyong, be APPROVED subject to the planning, environmental and engineering conditions <u>attached.</u>
- 2. That Council not levy the Section 94 road contributions as the development is a public benevolent institution providing a demonstrated public benefit as allowed in the Section 94 Roads Plan.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith AGAINST VOTE - Cr Jeff Johnson

9.1 <u>LEP Amendment Request - Burns Point Ferry Road, West Ballina</u> 230114/6 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

- 1. That Council continue the processing of the LEP amendment request relating to Lot 4 DP 537149 Burns Point Ferry Road, West Ballina.
- 2. That prior to the preparation of a planning proposal, the following steps be undertaken
 - (a) That, based on the agreement of the proponent in correspondence dated 7 June 2013, Council engage an independent ecologist to undertake a review of the ecology of the land within the proposed urban footprint on Lot 4 DP 537149, Burns Point Ferry Road, West Ballina, with the cost of such engagement to be borne by the proponent.
 - (b) That, given the e-zone review has not yet been completed, Council obtains advice from the Department of Planning and Infrastructure in relation the availability and potential for use of environmental protection zones under the BLEP 2012 in relation to the proposed rezoning.
- 3. Where the independent ecological study is not completed before 30 May 2014, or the outcomes of the study indicate that there are significant constraints to the proposed land uses, that the LEP amendment request be reported to the Council for further consideration.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith AGAINST VOTE - Cr Jeff Johnson

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8.3 Compliance Work Plan - Half Yearly Update

230114/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the status of the Compliance Work Plan for 2013/14.

FOR VOTE - All Councillors voted unanimously.

8.4 <u>Development Consent Statistics - December 2013</u> 230114/8 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of the report on development consent statistics for 1 December 2013 to 31 December 2013.

FOR VOTE - All Councillors voted unanimously.

8.5 <u>Development Applications - Works in Progress - January 2014</u> 230114/9 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of the report on the status of outstanding development applications for January 2014.

FOR VOTE - All Councillors voted unanimously.

9. Strategic and Community Facilities Group Reports

9.2 <u>Ballina Shire Development Control Plan 2012 - Draft Development</u> <u>Controls - Cumbalum Precinct B</u>

230114/10 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

- 1. That the draft development control plan amendment for Cumbalum Precinct B be placed on public exhibition for a minimum of six weeks, in accordance with the requirements of the *Environmental Planning and Assessment Act* 1979.
- 2. That Council receive a further report addressing the exhibition and submissions received following the conclusion of the public exhibition period.
- 3. That Council receive a separate report regarding the process involved in identifying an alternative name for Cumbalum Precinct B for the purpose of future geographic reference.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith AGAINST VOTE - Cr Jeff Johnson

9.3 Ballina Shire Cultural Plan

230114/11 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council endorses the draft cultural plan *Our community: Our Culture Ballina Shire Cultural Plan 2014 -2020* for public exhibition.

FOR VOTE - All Councillors voted unanimously.

9.4 <u>Policy (Review) - Community Gardens</u> 230114/12 RESOLVED

(Cr Paul Worth/Cr Keith Johnson)

- 1. That Council reaffirm adopt the Community Gardens Policy, as attached to this report.
- 2. That Council place this policy on exhibition for public comment, with any submissions received to be reported to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Use of Council Seal

230114/13 RESOLVED

(Cr Paul Worth/Cr Keith Johnson)

That Council affix the Common Seal to the following document.

US14/01	Ballina Shire Council Lease to Airservices Australia, Part Lot 7 DP 1043261 Southern Cross Drive, Ballina (part of Ballina Byron Gateway Airport) for thirty years with a further two terms of ten years at \$1.00 rent p.a for an aviation rescue and fire fighting service.

FOR VOTE - All Councillors voted unanimously.

10.2 Investment Summary - December 2013 230114/14 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council notes the record of banking and investments for December 2013.

FOR VOTE - All Councillors voted unanimously.

10.3 <u>Councillor Expenses</u>

230114/15 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

- 1. That Council authorises the claim for expenses from Cr Cadwallader in excess of the three month timeframe as per the contents of this report.
- 2. That Council authorises the reimbursement of Seachange Taskforce expenses totalling \$80.52.
- 3. That receive a further report on the review of the Councillor Expenses & Facilities policy.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith AGAINST VOTE - Cr Paul Worth

10.4 <u>Water Charges Write Off – Water Leak</u> 230114/16 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council approves the total write off of \$1,024.04 in water consumption charges in accordance with Council's Concealed Water Leak policy and pursuant to clause 131 of the Local Government (General) Regulations 2005 and section 607 of the Local Government Act 1993 (LGA), for 26 Owens Crescent, Alstonville, as outlined within this report.

FOR VOTE - All Councillors voted unanimously.

10.5 <u>Lennox Head Bowling Club - Lease</u> 230114/17 RESOLVED

(Cr Keith Johnson/Cr Paul Worth)

- 1. That Council confirms that the 50% rebate for the lease of the Lennox Head Bowling Club, to Club Lennox, is applicable for years four and five of the lease, with Council noting that this concession will be reviewed every five years, as part of any review to market.
- 2. That Council approves the attaching of the Council seal to any documents associated with the implementation of point one.

FOR VOTE - All Councillors voted unanimously.

10.6 <u>Policy (Draft Review) Donations - Financial Assistance</u> 230114/18 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

- 1. That Council adopt the amended Donations Financial Assistance Policy, as attached to this report, with the amendment to Strategies Point 2 at the end of sentence three where considered appropriate by the General Manager.
- 2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

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11. Civil Services Group Reports

Nil Items

13. Notices of Motion

13.1 Notice of Motion - Recording of Council Committee Meetings

A Motion was moved by Cr Jeff Johnson and seconded by Cr Sharon Cadwallader

- 1. Council gives in-principle support for the recording of Council Committee meetings (Environment and Sustainability, Facilities, Commercial and Civil Services)
- 2. Council receives a report at the February Ordinary Meeting outlining the costs and staff time involved to record and upload these meetings to the Ballina Shire Council website, or to provide the recordings to interested members of the public on request.

The Motion was LOST.

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston

AGAINST VOTE - Cr David Wright, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

230114/19 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council receive a report on the cost effectiveness of uploading the recordings instead of indefinite DVD storage.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith AGAINST VOTE - Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern

A Motion was moved by Cr Keith Johnson and seconded by Cr Ben Smith

That attendance records for Council and Committee Meetings for the preceding four years be compiled and published.

The **Motion** was **LOST**.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston and Cr Paul Worth

12. Public Question Time

12.1 Effie Ablett - Koala Management Study

Effie Ablett of Ballina Environment Society – if the proposed highway upgrade goes ahead in the current route the Meerschaum Vale koala habitat will be lost. What is the Council doing to protect the Meerschaum Vale and Blackwall koala habitat?

The Mayor advised that a meeting has been organised with Bob Higgins of the RMS on 17 February. A copy of the study has been forwarded to all relevant agencies, including the RMS.

Paul Hickey advised that we will forward a copy of the Study to the other relevant Ministers. (Greg Hunt, Brad Hazzard, Duncan Gay and Don Page).

12.2 Ralph Moss - Antisocial Behaviour

Ralph Moss – on 27 December 2013 antisocial behaviour was experienced in the Ballina CBD through to Tamar Street near Saunders Oval. What is the Council is going to do about this worst outbreak for at least five years? Has the Council liaised with the Police Department.

Paul Hickey advised that we were unaware of this incident but we meet with Police on a regular basis and we will pass this onto the Police.

12.3 Ralph Moss - King Tides

Ralph Moss – king tides were experienced on 2 January 2014 when the bus depot in Tamar Street was completely flooded. What is going to be done about that?

Paul Hickey advised that this was an issue with the whole drainage in Ballina and was not a simple solution.

14. Advisory Committee Minutes

Nil Items

15. Reports from Councillors on Attendance on Council's behalf

15.1 <u>Mayoral Meetings</u>

230114/20 RESOLVED

(Cr Keith Williams/Cr Paul Worth)

That Council notes the contents of the report on Mayoral meetings.

FOR VOTE - All Councillors voted unanimously.

16. Questions Without Notice

16.1 Cr Susan Meehan - Airport Concerns

Cr Susan Meehan – raised concerns in respect to the Airport regarding the positioning of Rusty Miller guides, commissions for local art, other goods for sale on consignment and a primary focus on Byron.

Paul Hickey will follow these matters up.

16.2 Cr Paul Worth - Crown Road Closure

Cr Paul Worth - can Council investigate the Crown road closure that is proposed between Cooks Lane and Victoria Park Road and in particular that the corridor is retained by Council for future generations?

John Truman to follow up.

16.3 Cr Robyn Hordern - Fawcett Park Cafe

Cr Robyn Hordern - expressed disappointment that the Fawcett Park Café site still has material stored outside of the building along with a poor appearance of the site. Can the timing for the finalisation of these works be confirmed?

Paul Hickey to follow up.

16.4 Cr Ben Smith - Fawcett Park Cafe

Cr Ben Smith – is the tenant completely committed to the Fawcett Park Café?

Paul Hickey advised that he believed that the tenants were due to occupy the building in mid February.

16.5 Cr Jeff Johnson - Model Raft at Airport

Cr Jeff Johnson - can the model raft located in the Airport terminal be moved away from the corner to a more prominent location?

Paul Hickey will follow this up with the Airport Manager.

16.6 Cr Jeff Johnson - Delays with Baggage at Airport

Cr Jeff Johnson – there seems to be an issue with delays waiting for baggage at the Airport. People have been waiting over half an hour for baggage. Can something be done so that people can get baggage earlier?

Paul Hickey advised that this was a matter for the airlines but we will continue to raise the issue with the them.

16.7 Cr Sharon Cadwallader - Advertising on Carousel at Airport

Cr Sharon Cadwallader – the baggage carousel at the Airport is the most prominent location for advertising but we don't have any paid advertising on the carousel.

Paul Hickey to follow up.

16.8 <u>Cr David Wright - Roundabout Clean Up - Teven Road Interchange</u> Cr David Wright - can we request the RMS to clean up the roundabout at the Teven Road interchange?

The roundabouts at Lennox Head/Ross Lane interchange were also mentioned as needing clean up.

16.9 <u>Twilight Markets</u>

Paul Hickey advised that notification had been received that the last Twilight Market in Fawcett Park would be held today, due to insufficient public support.

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16.9 Lennox Head Markets

Paul Hickey sought clarification of Council's resolution relating to the relocation of the Lennox Markets from Lake Ainsworth to the Lennox Head Cultural & Community Centre and whether the northern end of Williams Reserve was to be available for the markets. The general consensus was to allow use of the northern end of the reserve to improve the overall amenity of the markets.

MEETING CLOSURE

1.15 pm

The Minutes of the Ordinary Meeting held on 23/01/14 were submitted for confirmation by council on 27 February 2014 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 February 2014.