

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 25/08/16 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson (arrived at 9.11 am), Sharon Cadwallader, Keith Williams (arrived at 9.19 am), Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Robyn Hordern and Ben Smith.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 11 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Councillors and staff.

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

Apologies were received from Cr Keith Williams and Cr Jeff Johnson who both indicated they would be late to the meeting.

250816/1 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

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4. Confirmation of Minutes

250816/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 July 2016.
2. That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 10 August 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

5. Declarations of Interest and Reportable Political Donations

Nil

There were no reportable political donations.

6. Deputations

- **Pamela Andrews** – spoke in opposition to Item 8.1 – DA 2016/25 – Service Station, River Street, Ballina.
- **David Fuller** – spoke in opposition to Item 11.1 – Coastal Recreational Path Project.

Cr Jeff Johnson arrived at the meeting at 9:11 am.

Extension to Deputation

250816/3 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Mr Fuller be granted an extension of time for his deputation.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Williams

- **Ralph Moss** – spoke in favour of Item 10.4 – Council Induction Program (Draft).

Cr Keith Williams arrived at the meeting at 9:19 am.

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- **Ralph Moss** – spoke in favour of Item 11.6 – North Creek Dredging – Planning and Approvals Funding.
- **Ray Karam, Ballina Chamber of Commerce** – spoke in favour of Item 13.3 – Notice of Motion – Economic Development Officer.

7. Mayoral Minutes

Nil

8. Development and Environmental Health Group Reports

8.1 DA 2016/25 - Service Station, River Street, Ballina

250816/4 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That DA 2016/25 to undertake the demolition of the existing buildings for the construction of a Service Station, Ancillary Kiosk and associated works at Lo 12 DP 1086670, No. 323 River Street, Ballina be **REFUSED** on the following grounds

- The application is not in the public interest
- Adverse traffic impacts
- The location, size and shape of the land is unsuitable for the style of the development

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

11.1 Coastal Recreational Path Project

250816/5 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That in respect of the alignment of the Coastal Recreational Path, Council authorises the construction to continue as per the original design (Coastal Recreational Path Alignment option two as outlined in this report including the 0.7 metres to the east).

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

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A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Susan Meehan

That in respect to the access for 4WD vehicles to Angels Beach, based on advice from our insurer, Council take no action to modify the approval for the Coastal Recreational Path meaning access will be restricted to emergency vehicles as required by the existing consent.

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Susan Meehan and Cr Robyn Hordern

AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

250816/6 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council proceed with the resolution to maintain the status quo and retain 4WD beach access at Angels Beach.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Susan Meehan and Cr Robyn Hordern

250816/7 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That in respect of the rehabilitation of existing tracks under the Coastal Recreational Path project, the rehabilitation be undertaken as per the conditions of approval and supporting documentation, subject to point four below.
2. That the current pathway from the underpass to chainage 180, remain open.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.44 am

The meeting resumed at 11.06 am

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10.4 Council Induction Program (Draft)

250816/8 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report regarding the draft Council Induction Program with consideration being given to other matters such as basic economics, emphasis on Code of Meeting Practice, planning issues and role playing.

FOR VOTE - All Councillors voted unanimously.

11.6 North Creek Dredging - Planning and Approvals Funding

A **Motion** was moved by Cr Paul Worth and seconded by Cr Sharon Cadwallader

1. That Council notes the contents of this report regarding the project risks and the information that the total cost of all the preconstruction activities for the North Creek Dredging project is estimated to be \$729,000.
2. That Council write to the NSW Government with a request for part or full funding to allow the next stage of the preconstruction activity for this project, being sediment investigations, to proceed, with the expected costs between \$60,000 and \$100,000.

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Paul Worth

1. That Council notes the contents of this report regarding the project risks and the information that the total cost of all the preconstruction activities for the North Creek Dredging project is estimated to be \$729,000.
2. That Council write to the NSW Government with a request for part or full funding for the project.
3. That Council proceed with the sediment investigations with estimated costs between \$60,000 and \$100,000.

The **Amendment** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

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250816/9 RESOLVED

(Cr Keith Williams/Cr Paul Worth)

1. That Council notes the contents of this report regarding the project risks and the information that the total cost of all the preconstruction activities for the North Creek Dredging project is estimated to be \$729,000.
2. That Council write to the NSW Government with a request for part or full funding for the project.
3. That Council proceed with the sediment investigations with estimated costs between \$60,000 and \$100,000.

FOR VOTE - All Councillors voted unanimously.

13.3 Notice of Motion - Economic Development Officer

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

That Council receives a report on the cost/benefits of reinstating the Economic Development Officer position on Council.

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Ben Smith

That this matter be deferred to the new Council for consideration.

The **Amendment** was **LOST**.

FOR VOTE - Cr Keith Williams and Cr Ben Smith

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

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Ken Johnston

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

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8.2 DA 2011/506 - Section 96 South Ballina Beach Caravan Park

250816/10 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That the matter be deferred pending further information and assessment of the application.

FOR VOTE - All Councillors voted unanimously.

8.3 Development Applications – Development Standard Variations

250816/11 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of this report on the development applications approved under delegation for variations to development standards less than 10% for July 2016.

FOR VOTE - All Councillors voted unanimously.

8.4 Development Consent and Infrastructure Approvals - July 2016

250816/12 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 July 2016 to 31 July 2016.

FOR VOTE - All Councillors voted unanimously.

8.5 Development Applications - Works in Progress - August 2016

250816/13 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on the status of outstanding development applications for July, 2016.

FOR VOTE - All Councillors voted unanimously.

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9. Strategic and Community Facilities Group Reports

9.1 Open Space and Community Facilities Contributions Plan (Draft)

250816/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council authorises the draft Ballina Shire Open Space and Community Facilities Contributions Plan 2016 for the purpose of public exhibition in accordance with relevant provisions of the *Environmental Planning and Assessment Act 1979* and associated *Regulation*.
2. Following the conclusion of the public exhibition, the matter be presented to the elected Council for further consideration, including the consideration of submissions received during the exhibition period.

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Investment Summary - July 2016

250816/15 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for July 2016.

FOR VOTE - All Councillors voted unanimously.

10.2 Rates and Charges Write Offs - 2015/16

250816/16 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes that rates, charges, and interest totalling \$1,985.16 were written off under delegation of the General Manager for the 2015/16 rating year and \$1,610 of room hire pursuant to clause 131 of the Local Government (General) Regulation 2005.

FOR VOTE - All Councillors voted unanimously.

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10.3 Legal Costs - Request for Assistance

250816/17 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council approves the request from LGNSW for a contribution towards Cowra Shire Council's legal costs of \$587.03.

FOR VOTE - All Councillors voted unanimously.

Cr Keith Johnson left the meeting at 12:14 pm.

10.5 Shellys on the Beach - Site Works

250816/18 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council authorises the General Manager to implement the works associated with Conditions 9 and 14 of DA 2012/348 as well as relocating the sewer rising main that runs through the Shellys on the Beach Site.
2. The funds for these works to be allocated from the Property Development Reserve, at an estimated cost of \$80,000.
3. That Council confirms that it is not supportive of providing any financing for the construction of a new building / café on this site.
4. That the General Manager take all necessary actions, as per the existing lease, to ensure that the lessee maintains the site in a fair and reasonable condition.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Johnson

10.6 Leasing Proposal - 60 Crane Street, Ballina

250816/19 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the lease negotiations for 60 Crane Street, Ballina.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Johnson

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10.7 Policy (Review) - Voluntary Planning Agreements

250816/20 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council adopts the amended Voluntary Planning Agreements Policy, as attached to this report.
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.
ABSENT. DID NOT VOTE - Cr Keith Johnson

10.8 Councillor Expenses and Facilities Policy (Review)

250816/21 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That Council adopts the updated Council Expenses and Facilities Policy, as attached, with an amendment to retain Clause 3.3.4 – Qantas Club Membership.

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith
AGAINST VOTE - Cr David Wright and Cr Robyn Hordern
ABSENT. DID NOT VOTE - Cr Keith Johnson

10.9 Budgets Carried Forward and Reserve Movements

250816/22 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council notes the contents of this report in respect to the forecast operating results for 2015/16.
2. That Council approves the works and services carried forward and reserve movements, as outlined in Tables Five and Six of this report, for inclusion in Council's Long Term Financial Plan.

Cr Keith Johnson returned to the meeting at 12:23 pm.

FOR VOTE - All Councillors voted unanimously.

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10.10 Community Strategic Plan - Reporting

250816/23 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report in respect to the implementation of Council's Community Strategic Plan, as per the attachment to this report.

FOR VOTE - All Councillors voted unanimously.

11. Civil Services Group Reports

11.2 Martin Street Boat Harbour Precinct - Master Plan

250816/24 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council endorse the public exhibition of the draft Martin Street Boat Harbour Master Plan report, as attached to this report, with the outcomes from the exhibition to be reported to Council.

FOR VOTE - All Councillors voted unanimously.

11.3 Sharpes Beach - Access from Car Park

250816/25 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council notes the contents of this report regarding Access Improvements to Sharpes Beach.
2. That Council consider the inclusion of the works proposed in the Sharpes Beach Master Plan in the proposed Beach Access, Walkways, and Viewing Platforms Asset Management 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 Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson

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11.4 Commercial Activities on Public Land - Surf School Licences

250816/26 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That Council approves the extension of the current licences for surf schools, elite surf coaching and stand up paddle boarding until 30 June 2017, subject to the implementation of a pro rata charge for the extended time period based on the existing fee arrangements.
2. That the General Manager, following the Local Government Election, convene a briefing to consider options for the renewal of these licences, along with any other associated matters.

FOR VOTE - All Councillors voted unanimously.

11.5 Road Widening Subdivision - Coast Road and Skennars Head Road

250816/27 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That the Council approves the proposed road widening subdivision of Lot 12 DP 1181479 to facilitate the road upgrade at the intersection The Coast Road and Skennars Head Road, as per the contents of this report.
2. That the Council authorises the Council seal to be attached the subdivision plan and documents necessary to undertake the road widening.

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

AGAINST VOTE - Cr Jeff Johnson

11.7 Policy (Review) - Naming of Roads, Bridges and Places

250816/28 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Naming of Roads, Bridges and Places Policy, as attached to this report.
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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11.8 Policy (Review) - Events on Public Land

250816/29 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Events on Public Land Policy, as attached to this report.
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.

13. Notices of Motion

13.1 Rescission Motion - Ballina Ocean Pool

250816/30 RESOLVED

(Cr Paul Worth/Cr Keith Johnson)

That Resolution 280716/19, as follows, be rescinded:

That Council allocate \$15,000 from the Community Infrastructure Reserve to assist with the costs associated with preparing the environmental and engineering reports needed for the Ballina Ocean Pool (Shelly Beach rock shelf) approval process.

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

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

12. Public Question Time

12.1 Fees for Hire of Richmond Room

Ralph Moss – advised that the Ballina and District Ratepayers and Citizens Association were proposing to hold a “Meet the Candidates” meeting for A Ward and Mayoral Candidates on 3 September 2016 at 1 pm. They have hired the Richmond Room at a cost of \$163. Is Council prepared to allow the hire fees to be waived?

Paul Hickey advised that Council has agreed to waive the fee for the Lennox Residents Association “Meet the Candidates Night” at the Lennox Community Centre. He would be prepared to waive the fees to be consistent with another community group.

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12.2 Questions for Candidates for Local Government Election

Ralph Moss – he has four pages of questions to the five current Councillors running for Mayor at the 10 September election. Can these questions be answered for the “Meet the Candidates” meeting to be held on 3 September?

He also has a list of questions to be answered by candidates on the issue of the floodplain. Mr Moss tabled the questions for distribution.

Staff will arrange for distribution of the information.

13.2 Notice of Motion - Delegates to Rous County Council

A **Motion** was moved by Cr Ken Johnston and seconded by Cr Jeff Johnson

That Ballina Shire Council write to Rous County Council asking that they write to all constituent Councils to seek a reduction in the number of delegates from each constituent council, from two to one, to assist further with reducing the overall operating costs for the County Council.

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

FOR VOTE - Cr Jeff Johnson and Cr Ken Johnston

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

14. Advisory Committee Minutes

Nil Items

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

15.1 Mayoral Meetings

250816/31 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

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16. Questions Without Notice

16.1 Cr Ben Smith - Thanks

Cr Ben Smith – thanked his fellow Councillor colleagues for their hard work over the last four years.

16.2 Cr Robyn Hordern - Election Material

Cr Robyn Hordern – spoke in relation to election material being displayed. Can candidates be mindful and consider where they place/park their advertising material, particularly parking in front of businesses who rely on the parking spaces available.

16.3 Cr Keith Williams - Warm Wishes

Cr Keith Williams – gave warm wishes for all Councillors not running in the election.

16.4 Cr Sharon Cadwallader - Thanks to Staff

Cr Sharon Cadwallader – thanked staff for responses to her requests recently.

16.5 Cr Sharon Cadwallader - Warm Wishes

Cr Sharon Cadwallader - wished everyone well, those Councillors retiring and those Councillors campaigning.

16.6 Cr Jeff Johnson - Warm Wishes

Cr Jeff Johnson – reiterated Cr Cadwallader's comments.

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17. Confidential Session

250816/32 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

17.1 Leasing Proposal - 60 Crane Street, Ballina (Respondents)

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 1.44 pm).

Open Council

250816/33 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That Council move into Open Council and out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 2.04 pm).

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The General Manager reported to the Open Meeting the recommendations made while in Confidential Session:

17.1 Leasing Proposal - 60 Crane Street, Ballina (Respondents)

CF250816/1 RECOMMENDED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That based on the contents of this report and the financial returns envisaged for the lease of 60 Crane Street, Ballina, Council resolves not to accept any tenancy.
2. That Council authorises the General Manager to allow the Northern Rivers Community Gallery to operate from 60 Crane Street, Ballina, for an initial period of 12 months. This 12 month period will allow Council to assess the viability of the expanded range of programs to be conducted by the Gallery.
3. That Council authorise expenditure of up to \$25,000 to expand the community gallery into 60 Crane Street funded from the Community Infrastructure Reserve.

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

AGAINST VOTE - Cr Ken Johnston

Adoption of Recommendations from Confidential Session

250816/34 RESOLVED

(Cr Keith Johnson/Cr Susan Meehan)

That the recommendations made whilst in Confidential Session, be adopted.

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

2.06 pm

The Minutes of the Ordinary Meeting held on 25/08/16 were submitted for confirmation by council on 29 September 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 29 September 2016.