

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams, Sharon Cadwallader 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 16 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

Nil

4. Oath or Affirmation of Office by Councillors

Cr David Wright, Mayor, undertook the Oath.
Cr Phillip Meehan, undertook the Oath.
Cr Sharon Parry, undertook the Affirmation.
Cr Jeff Johnson, undertook the Affirmation.
Cr Eoin Johnston, undertook the Oath.
Cr Stephen McCarthy, undertook the Oath.
Cr Nathan Willis, undertook the Oath.
Cr Keith Williams, undertook the Affirmation.
Cr Sharon Cadwallader, undertook the Oath.
Cr Ben Smith, undertook the Oath.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

5. Confirmation of Minutes

290916/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 August 2016.

FOR VOTE - All Councillors voted unanimously.

6. Declarations of Interest and Reportable Political Donations

- **Cr Nathan Willis** – declared an interest in Item 8.1 – Mayoral Minute – Safe Haven Enterprise Visa Scheme. (Nature of Interest: potential perception of a pecuniary interest - he is a migration lawyer). He will be departing the meeting while the matter is discussed.
- **Cr Sharon Cadwallader** – declared an interest in 14.6 – Notice of Motion – Crematorium. (Nature of Interest: non significant, non pecuniary – she is a Civil Celebrant). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Phillip Meehan** – declared an interest in Item 12.1 – Camoola Avenue, Ballina – Traffic Arrangements. (Nature of Interest: non significant, non pecuniary – his family owns a property in the street). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Eoin Johnston** – later in the meeting declared an interest in Item 12.7 – Tender – Construction of Surf Club Building B. (Nature of Interest: non significant, non pecuniary - he is a life member of the Ballina Surf Club). He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

7. Deputations

- **Simon Jones** – spoke in favour of Item 14.4 – Notice of Motion – Lake Ainsworth Eastern Road.
- **Lyn Walker** – spoke in opposition to Item 14.4 – Notice of Motion – Lake Ainsworth Eastern Road.
- **Ralph Moss** – spoke in opposition to Item 9.4 – Development Applications – Works in Progress – September 2016 and in particular DA 2016/389 and DA 2016/391.
- **Ralph Moss** – spoke in opposition to Item 11.7 – Committees – Internal – Appointments, and in particular the Environmental and Sustainability Committee.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

8. Mayoral Minutes

Cr Nathan Willis declared an interest in Item 8.1 and left the meeting at 09:33 am.

8. Mayoral Minute - Safe Haven Enterprise Visa Scheme

A **Motion** was moved by Cr David Wright

That Ballina Shire Council confirms its support for the Ballina Shire to participate in the Safe Haven Enterprise Visa (SHEV) Scheme for refugees and asylum seekers.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Jeff Johnson

That Council provide its in-principle support for the scheme and defer any further action until further information is supplied on the structure and nature of the scheme.

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

FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry and Cr Jeff Johnson
AGAINST VOTE - Cr David Wright, Cr Eoin Johnston, Cr Stephen McCarthy,
Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith
ABSENT. DID NOT VOTE - Cr Nathan Willis

The **Motion** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

290916/2 RESOLVED

(Cr David Wright)

That Ballina Shire Council confirms its support for the Ballina Shire to participate in the Safe Haven Enterprise Visa (SHEV) Scheme for refugees and asylum seekers.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

Cr Nathan Willis returned to the meeting at 09:54 am.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

14.4 Notice of Motion - Lake Ainsworth Eastern Road

290916/3 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

1. That Council write to the NSW Minister for Sport to request the Department provide its preferred options, including financial support, for maintaining access via the East Road and enhancing the amenity of the Eastern precinct of Lake Ainsworth.
2. That Council take no further action in relation to the proposed closure of the East Road until negotiations with the State Government have been finalised and a set of options are available for consideration.

FOR VOTE - Cr Sharon Parry, Cr Eoin Johnston, , Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Stephen McCarthy and Cr Jeff Johnson

Adjournment

The Mayor declared the meeting adjourned at 10.47 am

The meeting resumed at 11.07 am

9.4 Development Applications - Works in Progress - September 2016

290916/4 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

1. That Council notes the contents of the report on the status of outstanding development applications for September 2016.
2. That the Building Certificate application for 162 Lindendale Road, Wollongbar be dealt with by Council.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

11.7 Committees - Internal - Appointments

290916/5 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council confirms it will retain the following Standing Committees:

- Commercial Services Committee
- Environmental and Sustainability Committee
- Finance Committee
- Facilities Committee
- Reserve Trust

with the existing Civil Committee disbanded due to a lack of meetings.

2. The terms of reference for the Standing Committees is to be as follows:

- Commercial Services Committee - To introduce, evaluate and review the commercial dealings and operations of Council, with the aim of any commercial activity being the provision of supplementary revenue streams that assist Council in the delivery of services to the community.
- Environmental and Sustainability Committee - To consider land use planning matters of a strategic and regulatory nature
- Finance Committee - To consider financial matters of a strategic nature including Council's annual budget deliberations
- Facilities Committee – To provide strategic input into the facilitation and construction of major community facilities
- Reserve Trust Committee - To consider crown land matters where Council is the appointed Trust Manager.

3. Membership of the Standing Committees is to consist of all Councillors.

4. The Commercial Services, Environmental and Sustainability, Finance and Facilities Committees have no delegated authority.

5. The Reserve Trust Committee has the following delegated authority:

"To determine all matters presented to the Committee in respect to items where Ballina Shire Council is the Reserve Trust Manager, excluding those not able to be delegated as per Section 377 of the Local Government Act".

6. That Council confirms it will retain the existing structure and membership of the three Ward Committees, with expressions of interest to be called for additional membership. These Committees have no delegated authority.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

7. That Council confirms it will retain the Aboriginal Community Committee, with three Councillors now appointed to this Committee, being Cr Jeff Johnson, Cr Nathan Willis and Cr Stephen McCarthy.
8. That Council notes the comments of this report in respect to the Access Reference Group.
9. That the General Manager seek agreement with the Alstonville Agricultural Society to determine whether the need for the Alstonville Leisure and Entertainment Centre Committee can be deleted from the existing deed.
10. That Council confirms it will retain the Australia Day Committee, with membership consisting of all Councillors. This Committee has delegated authority to determine the recipients for the Australia Day Awards.
11. That Council notes the update on the retention of the existing members of the Conduct Review Panel.
12. That Council confirms the General Manager's Performance Review Committee is to comprise the Mayor and Deputy Mayor.
13. That Council confirms the retention of the Internal Audit Committee based on the terms of reference as attached to this report. That Council appoint two Councillors as its representatives (Cr Ben Smith and Cr Stephen McCarthy) to the Internal Audit Committee, with expressions of interest to be called for a maximum of three independent members. The two Councillor representatives, and the General Manager have the delegated authority to determine the independent members following the expression of interest process.
14. That Council notes the contents of this report in respect to the Local Traffic Committee and confirms that the General Manager (or nominated delegate) is the Council appointment to that Committee.
15. That Council confirms it will retain the Port Ballina Taskforce and its membership structure, with Councillors Williams, Cadwallader, Johnson and Johnston, as well as the Mayor, as Council representatives. Council also confirms it will call expressions of interest for the three community representatives and one Recreational Fisher Group representative, with the Councillor representatives having the authority to determine the appointments to the Taskforce following that process. The terms of reference for this Taskforce are to remain as follows, with the Committee having no delegated authority:

The Port Ballina Taskforce was formed to improve the overall marine infrastructure and marine environment for Ballina, through the promotion and lobbying of activities that result in improvements to:

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

- a) *Overall health of the Richmond River*
- b) *Safer boating*
- c) *Marine infrastructure both commercial and public*
- d) *Tourism and business opportunities*
- e) *Recognising and preserving Ballina's maritime history*
- f) *Implementation of existing strategies and studies such as the Ballina Foreshore Master Plan*

16. That Council determine its representatives to the Public Art Advisory Panel, with a representative from Arts Northern Rivers to be the other member on the Panel, as per Council's Public Art Policy. Councillors Meehan and Parry confirmed as the representatives.

17. That Council confirms that the Ballina Ocean Pool Committee Inc is to be retained as a Committee of Council based on the existing terms of reference as follows:

To oversee and implement the actions necessary to allow a planning application to be lodged with Council for the establishment of an ocean pool at Shelly Beach, Ballina. The Committee is to be set up on the basis that the ocean pool will be constructed through funding sources other than Council, and the pool is to be designed to ensure that nil, or minimal maintenance, is required for the facility on an on-going basis.

18. That Council conduct a review of the Committees listed prior to 30 June 2017.

FOR VOTE - All Councillors voted unanimously.

9. Development and Environmental Health Group Reports

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

290916/6 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the content of this report on the outcome of the assessment of the Section 96 modification application for Development Application 2011/506.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

9.2 Development Applications – Variation to Development Standards

290916/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

9.3 Development Consent and Infrastructure Approvals - August 2016

290916/8 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

10. Strategic and Community Facilities Group Reports

Nil Items

11. General Manager's Group Reports

11.1 Use of Council Seal

290916/9 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following document.

US16/09	Licence from the Department of Primary Industries – Lands to Council for the occupation and use of land at Tamarind Drive, Ballina at statutory minimum rent.
---------	---

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

11.2 Investment Summary - August 2016

290916/10 RESOLVED

(Cr Phillip Meehan/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.

11.3 Deputy Mayor - Election

290916/11 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council elect a Deputy Mayor for the period to September 2017.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

FOR VOTE - All Councillors voted unanimously.

The General Manager performed the role of Returning Officer. Following the ballot, Cr Jeff Johnson was declared Deputy Mayor for the twelve month period to September 2017.

11.4 Councillor Attendance

290916/12 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council authorises the attendance of any interested Councillor at the Local Government NSW Annual Conference to be held in Wollongong from 16 to 18 October 2016.
2. That Council confirm its voting delegates (maximum of three) for the Conference.

FOR VOTE - All Councillors voted unanimously.

At this stage there were no nominations from Councillors to attend the Conference.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

11.5 Councillor Fees

290916/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council adopts the maximum annual Councillor and Mayoral fees for a Regional Rural category council for the 2016 – 2020 Council Term.

FOR VOTE - All Councillors voted unanimously.

11.6 Councillor Expenses - Claim

290916/14 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council authorises the \$386.30 claim for expenses from Cr Jeff Johnson, in excess of the three month timeframe, as per the contents of this report.

FOR VOTE - All Councillors voted unanimously.

11.8 Committees - External - Appointments

290916/15 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council confirm its representation for the following external committees / organisations:

- a) Rous County Council – Cr Keith Williams and Cr Sharon Cadwallader following an election in accordance with the Local Government (General) Regulation.
- b) Richmond-Tweed Regional Library Committee (RTRL) – Cr Nathan Willis and Cr Sharon Cadwallader
- c) Arts Northern Rivers – Cr Phillip Meehan with Cr Sharon Parry as an alternate
- d) Alstonville/Wollongbar Chamber of Commerce - Three C ward Councillors plus the Mayor and Cr Sharon Cadwallader
- e) Ballina & District Chamber of Commerce – Three A ward Councillors plus the Mayor and Cr Sharon Cadwallader
- f) Lennox Head Chamber of Commerce - Three B ward Councillors plus the Mayor and Cr Sharon Cadwallader
- g) Cape Byron Marine Park Advisory Committee – Cr Keith Williams

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

- h) Rural Fire Service Management Committee – Cr Sharon Cadwallader
- i) Joint Regional Planning Panel – Mayor with the Deputy Mayor as the alternate. The Group Manager – Strategic and Community Facilities, with the Group Manager – Civil Services as the alternate. Council also adopts the maximum meeting fee as provided by the NSW Department of Planning and Infrastructure, which is currently \$600 per meeting, for the Councillor appointment.

FOR VOTE - All Councillors voted unanimously.

12. Civil Services Group Reports

12.1 Camoola Avenue, Ballina - Traffic Arrangements

290916/16 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

That Council, due to the negative impacts that are likely to occur in the Brunswick Street precinct, resolves not to proceed with its previous decision to provide one way traffic access in Camoola Avenue and confirms that the status quo, being two way access, will be maintained.

FOR VOTE - All Councillors voted unanimously.

12.2 Policy (Review) - Urban Vegetation on Public Land

290916/17 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Urban Vegetation 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.
3. That Council receives a report on the status of the Significant Tree Register contained within the DCP.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

12.3 Policy (Review) - Street Light Shielding Policy

290916/18 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council adopts the reviewed Street Light Shielding 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.

12.4 Tender - Tennis Clubhouse - Wollongbar Sporting Fields

290916/19 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council accepts the tender for the construction of the tennis clubhouse from Bennett Constructions for \$411,731 (excl GST).
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

12.5 Tender - Air Conditioning System and Roof - Administration Building

290916/20 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council accepts the tender for the replacement of the air conditioning and roof replacement from Goldsmiths Building Services for \$1,370,740 (excl GST).
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

12.6 Tender - Supply and Delivery of Quarry Products 2016/2018

290916/21 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council accepts the Tenders of Boral Country Concrete & Quarries, Holcim (Australia) P/L, Northern Rivers Quarry & Asphalt, Swan Bay Sandstone and Smith Plant (Lismore) Pty Ltd as preferred contractors for the supply of quarry products for the period from 1 July 2016 to 30 June 2018, with the preferred supplier for each order determined by an assessment undertaken having regard to cost and program requirements applicable at the time of the order.
2. That in accordance with the terms of the Contract, the General Manager, or delegate, is authorised to extend the contract period to 30 June 2019, if that arrangement is to the best advantage of Council.
3. That Council authorises the seal to be attached to any contract documents.

Cr Sharon Parry left the meeting at 12:43 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

Cr Sharon Parry returned to the meeting at 12:43 pm.

Cr Eoin Johnston – declared a non significant, non pecuniary interest in Item 12.7. He is a life member of the Ballina Surf Club. He will be remaining in the meeting while the matter is discussed and voting on the matter.

12.7 Tender - Construction of Surf Club Building B

290916/22 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council resolves not to accept any tender for the design and construction of the Ballina Surf Club Building B on the basis that all of the tenders are substantially in excess of the available budget.
2. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council authorises the General Manager to enter into direct negotiations with companies considered capable and interested in completing the design and construction of the Ballina Surf Club Building B.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

3. The General Manager is authorised to execute a contract, subject to the negotiations in point two above confirming the project is able to proceed in accordance with the current approved budget.
4. In the event that point three above is not able to be achieved, a further report is to be submitted to Council to review the options for this project.
5. That Council authorises the seal to be attached to any contract documents.

FOR VOTE - All Councillors voted unanimously.

13. Public Question Time

13.1 David Fuller - Coastal Recreational Path

David Fuller – can Council staff explain the shortages in decking materials on the coastal recreational path project?

Can council staff work on the 450 metres at Angels Beach rather than waiting for the contractors.

John Truman advised that there were some supply shortages and the contractor has experienced some staff resourcing issues. Council staff have been constructing the section between the Sharpes Beach car park to the underpass.

13.2 David Bester - Killen Falls

David Bester – Is it feasible to put portable toilets at Killen Falls? He is concerned with the amount of visitors and traffic to the area about the safety of children and pedestrians.

Rod Willis advising that during the school holidays Ranger rosters will be changed to address parking matters.

Paul Hickey advised that the July 2016 Ordinary Council meeting debated the matter of placing portable toilets in that location. This was not supported by the majority of Councillors.

Staff have inspected the site again this week. A Plan of Management is being prepared for the area.

13.3 Lyn Walker - Cr Ben Smith

Lyn Walker – Cr Ben Smith’s election flyer says he would not listen to minority groups. How would he define the minority and how is it best for minority groups to correspondence with him?

Cr Smith advised that he could not answer this with a short answer.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

13.4 Ralph Moss - Council's Charter

Ralph Moss – advised that he believed that it was a requirement under the Local Government Act that the Council's Charter be displayed in Council's foyer.

Paul Hickey advised that he was not aware of any section of the Act which requires the Charter to be displayed. If Mr Moss can supply that section, we will comply.

13.5 Ralph Moss - Public Consultation

Ralph Moss – is the Council prepared at the December meeting to throw the morning tea open and invite the shop keepers and inn keepers of the community to a morning tea? His Ratepayers Association is interested in having a meeting in March and September.

Paul Hickey advised that he did not believe that it was the best way to consult with the community. If you want consultation with the Councillors, put forward your ideas to the General Manager.

Adjournment

The Mayor declared the meeting adjourned at 1.13 pm.

The meeting resumed at 2.20 pm

12.8 Tender - Certified Air Ground Radio Service (CAGRS) Provider

290916/23 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That this matter be deferred.

FOR VOTE - All Councillors voted unanimously.

12.9 Tender - Airport Terminal Precinct Expansion - Design

290916/24 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council accepts the tender for the design, documentation and development approval of the Ballina Byron Gateway Airport Terminal Precinct Expansion Project from Stea Astute Architecture for \$355,650 (excl GST).

2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

14. Notices of Motion

14.1 Notice of Motion - Ocean Pool Support

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

That a meeting be organised with NSW Premier Mike Baird, the Crown Lands Minister, Niall Blair and a small delegation from Council comprising the General Manager or delegate and up to two Councillors, to formally ask for the Ballina Ocean Pool (Shelly Beach rock shelf) to be funded from a grant program, eg the NSW Shark Mitigation Strategy.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Sharon Cadwallader

That a meeting be organised with NSW Premier Mike Baird, the Crown Lands Minister, Niall Blair and a small delegation from Council comprising the General Manager or delegate and up to two Councillors, to formally ask for the Ballina Ocean Pool project to be included in the NSW Shark Mitigation Strategy.

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

FOR VOTE - Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis and Cr Keith Williams

The **Motion** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

290916/25 RESOLVED

(Cr Jeff Johnson/Cr Ben Smith)

That a meeting be organised with NSW Premier Mike Baird, the Crown Lands Minister, Niall Blair and a small delegation from Council comprising the General Manager or delegate and up to two Councillors, to formally ask for the Ballina Ocean Pool (Shelly Beach rock shelf) to be funded from a grant program, eg the NSW Shark Mitigation Strategy.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

Motion or Urgency - Shark Mitigation

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Sharon Parry

That Council consider the matter of Shark Mitigation as a matter of urgency.

The Mayor advised that he believed that this matter was not a matter of great urgency.

Motion of Dissent

A Motion of Dissent from the ruling of the Mayor was moved by Cr Sharon Parry and seconded by Cr Jeff Johnson.

The Motion of Dissent was CARRIED on the casting vote of the Mayor.

FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Sharon Cadwallader and the casting vote of the Mayor

AGAINST VOTE - Cr David Wright, Cr Eoin Johnston, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

290916/26 RESOLVED

(Cr Phillip Meehan/Cr Sharon Parry)

That Council consider the matter of Shark Mitigation as a matter of urgency.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Sharon Cadwallader

AGAINST VOTE - Cr Eoin Johnston, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

290916/27 RESOLVED

(Cr Phillip Meehan/Cr Sharon Parry)

That Council write to the NSW Premier Mike Baird and Primary Industries Minister, Niall Blair, as a matter of urgency, seeking a meeting to discuss and request, that as an additional part of the NSW Government's Shark Mitigation Strategy, the Government provide a 50% rebate for the purchase of a 'Shark Shield Freedom + Surf electronic shark deterrent'.

- That this rebate be initially available on a trial basis, to surfers residing in the LGAs of Ballina, Byron, Richmond Valley and Lismore.
- That a delegation to this meeting include the Mayor, a Councillor and the General Manager (or representative).

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Sharon Cadwallader

AGAINST VOTE - Cr Eoin Johnston, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Phillip Meehan

That the matter of shark meshing and lifeguard patrols be dealt with as a matter of urgency.

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

FOR VOTE - Cr Phillip Meehan, Cr Eoin Johnston and Cr Sharon Cadwallader

AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

14.2 Notice of Motion - Ocean Pool

290916/28 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council receive a report on options required to fully fund an ocean pool at Shelly Beach within this term of Council.
2. As part of this report, Council also receives modelling and additional funding requirements required to bring Shaws Bay to what would be considered ocean pool standard, including, but not limited to removal of excess seagrass and improved water flow between the bay and ocean.

FOR VOTE - Cr David Wright, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson and Cr Eoin Johnston

Cr Keith Williams left the meeting at 03:44 pm.

14.3 Notice of Motion - No Rate Rise Modelling

290916/29 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council receive a report and financial modelling on no rate rises for this term of Council.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Eoin Johnston, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Nathan Willis

ABSENT. DID NOT VOTE - Cr Keith Williams

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

14.5 Notice of Motion - North Creek Road Extension

290916/30 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council write to the NSW Minister for Planning and the NSW Minister for Roads to highlight the extreme challenge before Council in respect of funding the program of works within our Roads Developer Contribution Plan and request financial assistance to enable the Council to accelerate the delivery of the program to ensure we achieve the timely delivery of the infrastructure needed to support the planned population growth for this region.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Eoin Johnston and Cr Nathan Willis

ABSENT. DID NOT VOTE - Cr Keith Williams

14.6 Notice of Motion - Crematorium

290916/31 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council receive a report on the feasibility of Council constructing and operating a Crematorium for the Ballina Shire.

FOR VOTE - Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry and Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Williams

15. Advisory Committee Minutes

Nil Items

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

16.1 Mayoral Meetings

290916/32 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

17. Questions Without Notice

17.1 Cr Phillip Meehan - Derelict Farmhouse

Cr Phillip Meehan – spoke in relation to the old derelict farmhouse on the former Sweeney property adjacent to Summerhill Crescent. It has been vandalised and residents are concerned about potential exposure to asbestos and broken glass. Can someone inspect the building to see if it requires demolition or fencing.?

Rod Willis to follow up.

17.2 Cr Phillip Meehan - Deadmans Creek Road Drainage

Cr Phillip Meehan - can we have staff look at the drainage ditch along Deadmans Creek Road to see if it requires further clearing of weeds and growth.

John Truman to follow up.

17.3 Cr Jeff Johnson - Tennis Courts at Lennox Head

Cr Jeff Johnson – with the construction of the ski jump facility at the Lake Ainsworth Sport and Recreation facility are they going to remove the public tennis courts? The Mayor advised that these will be removed and won't be replaced.

Have tennis courts been considered as part of the hardstanding area at the sporting fields at the Epic development?

Paul Hickey advised that a briefing with Councillors will be arranged to discuss the sporting fields at Epic. We will also check with Sport and Recreation to see whether the courts will be removed and/or replaced.

17.4 Cr Eoin Johnston - Shark Mitigation Strategy

Cr Eoin Johnston - how does one become a stakeholder or invited to meetings as part of the Shark Mitigation Strategy?

John Truman advised that this is a Committee managed by DPI. If a Councillor wanted to become invited we could make that request of DPI.

17.5 Cr Eoin Johnston - LGNSW Annual Conference

Cr Eoin Johnston – would like to attend the LGNSW Conference.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 29/09/16 AT 9.00 AM**

17.6 Cr Sharon Cadwallader - Marine Rescue Tower

Cr Sharon Cadwallader – has noticed that the upper awning of the new Marine Rescue Tower remains unpainted and the scaffolding has already been removed.

John Truman advised that there was a sealant in the concrete, however he would follow the matter up to see if it was to be painted.

17.7 Cr Ben Smith - Rifle Range Road Realignment

Cr Ben Smith – a section of road leftover from the Rifle Range Road realignment (the old S-bend) is being used for illegal dumping and anti-social activity. Is this Council land or private land and can we investigate?

Rod Willis to follow up.

17.8 Cr Phillip Meehan - Questions Without Notice

Cr Phillip Meehan – asked the General Manager how would he like to have questions asked as he believed that the Questions Without Notice section of the business paper was not legal.

Paul Hickey advised that there have been various publications from the Office of Local Government advising that there shouldn't be anything on the agenda where there is no notice of that business and that the preference is for Councillors to email or ask their questions before the meeting.

MEETING CLOSURE

4.23 pm

The Minutes of the Ordinary Meeting held on 29/09/16 were submitted for confirmation by council on 27 October 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 October 2016.