

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, 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 in excess of 100 people in the gallery and foyer at this time.

1. Australian National Anthem

The National Anthem was performed by Ballina Public School.

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

An apology was received from Cr Sharon Parry.

271016/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

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4. Confirmation of Minutes

271016/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 29 September 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

5. Declarations of Interest and Reportable Political Donations

- **Cr Sharon Cadwallader** – declared an interest in Item 13.2 – Rescission 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 Jeff Johnson** – declared an interest in Item 13.6 – Notice of Motion – State Government Shark Mitigation Strategy. (Nature of Interest: non significant, non pecuniary – he is a member of the Lennox Surf Club). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Eoin Johnston** – declared an interest in Item 13.4 – Notice of Motion – Alstonville Plateau Historical Society Lease. (Nature of Interest: non significant, non pecuniary - his wife is a member of the Society). He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Simon Mahony** – spoke in opposition to Item 11.3 – Tender – Design and Construction – Wollongbar Skatepark
- **Tony Chauvez** – spoke in favour of Item 11.3 – Tender – Design and Construction – Wollongbar Skatepark
- **Bruce Kemp** – spoke in opposition to Item 8.1 – Building Certificate Application – 162 Lindendale Road, Wollongbar
- **Lesley Davis** – spoke in favour of Item 8.1 – Building Certificate Application – 162 Lindendale Road, Wollongbar
- **Tony Hart, Consultant for Intrapac** – spoke in favour of Item 9.4 – Development Control Plan Amendment – Skennars Head Expansion.

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HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
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ON 27/10/16 AT 9.00 AM**

- **Luke Sansom** – spoke in favour of Item 9.3 – LEP Amendment Request – 111 Friday Hut Road Tintenbar
- **Pip Carter** – spoke in opposition to Item 13.1 – Rescission Motion – Lake Ainsworth Eastern Road.
- **Lyn Walker, Lake Ainsworth Interest Group** – spoke in favour of Item 13.1 – Rescission Motion – Lake Ainsworth Eastern Road
- **Lyn Walker, Ballina Environment Society** – spoke in favour of Item 9.2 – Ballina Local Environmental Plan 2012 – Integration of E Zones
- **Jos Webber** – spoke in favour of Item 13.3 – Notice of Motion – Houghlahans Creek Road Upgrade
- **John Sim** – spoke in favour of Item 13.4 – Notice of Motion Alstonville Plateau Historical Society Lease
- **Richard Lutze**– spoke in favour of Item 13.5 – Notice of Motion – Police Resources – Alstonville and Wardell
- **Don Munro** – spoke in relation to Item 13.6 – Notice of Motion – State Government Shark Mitigation Strategy.
- **Fiona Folan** – spoke in opposition to Item 13.6 – Notice of Motion – State Government Shark Mitigation Strategy.

7. Mayoral Minutes

Nil items.

13.6 Notice of Motion - State Government Shark Mitigation Strategy

271016/3 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorse the NSW Government's proposed trial shark netting program on North Coast beaches.
2. That Council ask the NSW Government to provide extra funding for equipment, an early warning system, drone flights and life guards to support Ballina Shire's first responders being Surf Life Saving Far North Coast.
3. That Council encourages community members to attend DPI information "drop in" sessions on Saturday 29 October at Lighthouse Beach and Sunday 30 October at Lennox Head.
4. That Council ask the NSW Government to consider shark net placement at six locations in Ballina Shire – Lighthouse, Shelly, Angels, Sharpes, Boulder and Lennox Beaches.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Nathan Willis and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

Adjournment

The Mayor declared the meeting adjourned at 10.48 am

The meeting resumed at 11.10 am

11.3 Tender - Design and Construction - Wollongbar Skatepark

271016/4 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

1. That Council accepts the tender for the construction of the Wollongbar Skatepark from Precision Skate Parks Pty Ltd for \$350,000 (excl GST).
2. That Council authorises the Council seal to be attached to the contract documents.
3. That in addition to this tender, and prior to the lodging of a planning application for the skate park, the General Manager, with assistance from Precision Skate Parks Pty. Ltd., provide Council with a design options report for the Plateau Drive and Wollongbar Sports Fields sites, with that reporting detailing the following, as a minimum:
 - a) Preferred skate park designs for both sites based on the current and future demographics of Alstonville / Wollongbar
 - b) An overview of the advantages and disadvantages of each design for the sites, along with clarification of the skateboard user market reflected in the preferred designs (i.e. age groups) and likely usage
 - c) Estimated construction costs, including embellishments, for each option
 - d) The recommended design and location for the provision of a skatepark facility for Wollongbar and Alstonville based on the designs submitted.

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

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

10.4 Annual Financial Statements - 2015/16

271016/5 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council approves the signing of the statements that confirm the Annual Financial Statements are fair and accurate, by the Mayor, one Councillor, the General Manager and the Responsible Accounting Officer.
2. That Council authorises the exhibition of the Annual Financial Statements and Auditor's Reports for the year ended 30 June 2016, as attached to this report, for public comment.

Kevin Franey from Thomas Noble & Russell gave a presentation to Council on the Annual Financial Statements.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

8. Development and Environmental Health Group Reports

8.1 Building Certificate Application -162 Lindendale Road Wollongbar

271016/6 RESOLVED

(Cr Phillip Meehan/Cr Sharon Cadwallader)

That Council approves the issuing of the Building Certificate for the animal shelter at 162 Lindendale Road, as per the contents of this report.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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ON 27/10/16 AT 9.00 AM**

9.4 Development Control Plan Amendment - Skennars Head Expansion

271016/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council resolves to adopt the exhibited draft development control plan amendments relating to the Skennars Head Village Expansion Area, with the following changes:
 - Remove the requirement for a perimeter road and include provisions requiring the eastern interface treatment to be provided in a manner generally consistent with the illustration titled 'Skennars Head Intrapac Landscape Framework – Coastal Reserve'.
 - Introduce a requirement that a pathway (coastal boulevard) is be provided at the eastern perimeter of the residential area, along the length of the proposed coastal reserve.
 - Include a requirement that a covenant be introduced for allotments fronting the proposed reserve, to prohibit the construction of high fences.
 - Include a provision clarifying that all land within the proposed coastal reserve is to be dedicated to Council without cost.
 - For the southern interface, remove the requirement for a perimeter road and include provisions requiring the southern interface treatment to occur in a manner generally consistent with Figure 2 contained in the Intrapac supplementary submission dated 7 October 2016.
 - Amend the text relating to the preferred intersection treatment with The Coast Road to require that an appropriately configured roundabout be provided in association with the development of the land.
 - Include a requirement that a pedestrian underpass be provided to facilitate safe pedestrian access between the Skennars Head Expansion Area and Sharpes Beach.
2. That Council provides public notice of the adoption of the DCP Amendment for the Skennars Head Village Expansion Area with the amendment taking effect from 14 November 2016.
3. That those who made submissions in response to the public exhibition of the draft development control plan be notified of the Council's decision.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

9.3 LEP Amendment Request - 111 Friday Hut Road Tintenbar

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Ben Smith

1. That Council endorses the preparation of a planning proposal which proposes to permit the subdivision of Lot 339 into two lots as outlined in this report, but which would preclude the erection of a dwelling on the proposed horticultural allotment.
2. That the planning proposal, once prepared, be forwarded to the Department of Planning and Environment for a Gateway determination.
3. That subject to a Gateway determination allowing the proposal to proceed to community consultation being issued, the planning proposal be placed on public exhibition.
4. That Council give further consideration to the proposal following the conclusion of the public exhibition period.

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

That this matter be deferred and that Council hold a briefing to discuss issues surrounding rural land holdings.

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

FOR VOTE - Cr Phillip Meehan and Cr Eoin Johnston

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

ABSENT. DID NOT VOTE - Cr Sharon Parry

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

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

AGAINST VOTE - Cr Phillip Meehan and Cr Eoin Johnston

ABSENT. DID NOT VOTE - Cr Sharon Parry

271016/8 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the preparation of a planning proposal which proposes to permit the subdivision of Lot 339 into two lots as outlined in this report, but which would preclude the erection of a dwelling on the proposed horticultural allotment.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

2. That the planning proposal, once prepared, be forwarded to the Department of Planning and Environment for a Gateway determination.
3. That subject to a Gateway determination allowing the proposal to proceed to community consultation being issued, the planning proposal be placed on public exhibition.
4. That Council give further consideration to the proposal following the conclusion of the public exhibition period.

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

12. Public Question Time

12.1 David Fuller - Coastal Recreational Path

David Fuller – once the contractor has completed the coastal recreational path from the Angels Beach overpass north, is Council ready to commence construction of the coastal recreational path from the underpass at Beachfront Parade to the Angels Beach carpark?

John Truman advised that the information he had was that the contractor had one week to finish the section currently being worked on and Council are ready to commence that section from the underpass to Angels Beach carpark.

12.2 Pat Carney - Floodplain Management Plan - Filling of Blocks at South Ballina

Pat Carney – congratulated new members of Council. On the rural blocks in South Ballina between Burns Point Ferry and Boundary Creek, if you wish to build on those blocks then they have to be filled to the required flood heights. A large number of blocks been recently been sold. Fill is costing up to \$50,000 or \$60,000 per block. Could Council consider a review in relation to the filling of rural blocks so that they are along the same lines as the Wardell village?

John Truman advised that the Council could, but has adopted a Floodplain Management Plan and there was a process to go through to amend that plan. Council would have to be willing to amend the plan.

Pat Carney – how long does that process take?

John Truman advised six to twelve months as a minimum if the Council was willing to amend the plan.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

12.3 Ralph Moss - Oath and Affirmation by Councillors

Ralph Moss - at the last meeting Councillors undertook an Oath or Affirmation. Mr Moss believes that the Oath and Affirmation were false in accordance with the Bill of Rights. When are Councillors going to undertake the proper Oath or Affirmation on the bible?

Paul Hickey advised that Councillors took the Oath or Affirmation in accordance with advice from the Office of Local Government. The Office has advised that it does not require it to be undertaken on the bible.

Cr David Wright advised that it was also not a requirement to undertake the Australian Citizenship Oath or Affirmation on a holy book.

12.4 Lyn Walker - Lake Ainsworth

Lyn Walker – asked a question of Cr Williams – in an article in the August edition of The Lennox Wave, Cr Williams claims that his position change about closing the eastern road was attributed to science completed by Dr David Lloyd. Ms Walker’s group has been looking for this special knowledge – where exactly did these words “specialist in this exact field” come from and what exact field is it?

Cr Williams advised that those particular words were an editorial version, not something he added or stated at any time. The special field Dr David Lloyd teaches in relates to advice he was provided in regards to how far or what proportion people are willing to walk from carparks to particular areas.

Adjournment

The Mayor declared the meeting adjourned at 1.07 pm

The meeting resumed at 1.48 pm

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

13.1 Rescission Motion - Lake Ainsworth Eastern Road

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

That Resolution 290916/3, as follows, be rescinded:

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.*

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

That this matter be deferred to the next meeting.

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Nathan Willis

AGAINST VOTE - Cr Eoin Johnston, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

The **Amendment** then became the **Motion**.

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

That Council seek legal advice in relation to Rescission Motions.

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

FOR VOTE - Cr Eoin Johnston, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Nathan Willis and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Sharon Parry

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Nathan Willis

AGAINST VOTE - Cr Eoin Johnston, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

271016/9 RESOLVED

(Cr Jeff Johnson/Cr Phillip Meehan)

That this matter be deferred to the next meeting.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Nathan Willis

AGAINST VOTE - Cr Eoin Johnston, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

Adjournment

The Mayor declared the meeting adjourned at 2.06 pm

The meeting resumed at 2.16 pm

9.2 Ballina Local Environmental Plan 2012 - Integration of E Zones

271016/10 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the offer of funding from the Department of Planning and Environment to support the integration of the deferred matters into the Ballina LEP 2012.

2. That Council undertakes the integration program based on the staging set out in Table 2 of this report.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Eoin Johnston and Cr Stephen McCarthy

ABSENT. DID NOT VOTE - Cr Sharon Parry

13.3 Notice of Motion - Houghlahans Creek Road Upgrade

271016/11 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

That Council receive a report, to be considered during the preparation of the draft 2017/18 Delivery Program, which investigates the options, and corresponding cost estimates, to upgrade Houghlahans Creek Road.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

13.4 Notice of Motion - Alstonville Plateau Historical Society Lease

A **Motion** was moved by Cr Eoin Johnston and seconded by Cr Nathan Willis

1. That Council approves the replacement of the current three year lease for the Alstonville Historical Society at Crawford House, Alstonville, to a 20 year lease to provide greater certainty to this group in respect to the future use of the building.
2. This extension is subject to the Society providing a contribution of \$1,000 towards the costs of preparing the new lease.

An **Amendment** was moved by Cr Nathan Willis and seconded by Cr Keith Williams

That Council approves the replacement of the current three year lease for the Alstonville Historical Society at Crawford House, Alstonville, to a five year lease to provide greater certainty to this group in respect to the future use of the building.

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

FOR VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Keith Williams

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

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

FOR VOTE - Cr Eoin Johnston

AGAINST VOTE – Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

13.5 Notice of Motion - Police Resources - Alstonville and Wardell

271016/12 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council write to the NSW Minister for Police with a request that additional active Police resources be allocated to, and stationed in, Alstonville and Wardell.

Cr Keith Williams left the meeting at 02:56 pm.

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

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Keith Williams

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

Cr Keith Williams returned to the meeting at 02:58 pm.

8.2 Legal Appeal - Refusal of DA 2016/25 - 323 River Street, Ballina

271016/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report regarding the legal appeal for Council's refusal of DA 2016/25.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

8.3 Development Applications – Variation to Development Standards

271016/14 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 October 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

8.4 Development Consent and Infrastructure Approvals - September 2016

271016/15 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 September 2016 to 30 September 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

8.5 Development Applications - Works in Progress - October 2016

A **Motion** was moved by Cr Ben Smith and seconded by Cr Sharon Cadwallader

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

An **Amendment** was moved by Cr Jeff Johnson

1. That Council notes the contents of the report on the status of outstanding development applications for October 2016.
2. That DA 2016/515 be called in and dealt with by Council.

The **Amendment LAPSED.**

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

271016/16 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

9. Strategic and Community Facilities Group Reports

9.1 LEP Amendment Request and Planning Proposals - Status

271016/17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.
2. That Council withdraws planning proposal BSCPP 15/002 that seeks to amend the Ballina Local Environmental Plan 1987 to require development consent to undertake private native forestry on land in certain zones within Ballina Shire.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

3. That Council write to the NSW Minister for Planning to clarify the Minister's position in respect to the Private Native Forestry matters outlined in this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

10. General Manager's Group Reports

10.1 Investment Summary - September 2016

271016/18 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

10.2 Disclosure of Interest Returns

271016/19 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on the disclosure of interest returns for the period 1 July 2015 to 30 June 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

10.3 Flat Rock Tent Park Fees and Charges - 2017/18

271016/20 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council authorises the exhibition of the draft Flat Rock Tent Park fees and charges for 1 February 2017 to 31 January 2018, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

10.5 Delivery Program and Operational Plan Review - 30 September 2016

271016/21 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the review of the Delivery Program and Operational Plan for the first quarter of the 2016/17 financial year.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

10.6 Capital Expenditure Review - 30 September 2016

271016/22 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this capital expenditure review for the period ended 30 September 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

11. Civil Services Group Reports

11.1 Martin Street Boat Harbour Precinct Master Plan - Adoption

271016/23 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council adopts the Martin Street Boat Harbour Precinct Master Plan Report No.3: Detailed Master Plan, as attached to this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

11.2 Road Closure - Part of Uralba Road

271016/24 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council approves the request for a road closing application to proceed for part of Uralba Road adjacent to Lot 1 DP 1217967 at Uralba.
2. That Council authorises the Council seal and signatures to be attached where required to the application and any associated documents for the road closing proposed in point one above.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Parry

11.4 Tender - Certified Air Ground Radio Services (CAGRS) Provider

271016/25 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That, in accordance with Part 7 Clause 178 (2) (e) of the Local Government (General) Regulations 2005, Council resolves not to accept any of the tenders submitted for the provision of Certified Air Ground Radio Services as the preferred tender is no longer a trading business.
2. That Council authorises the General Manager to enter into direct negotiations with Landrum & Brown Worldwide Services (Australia) Pty Ltd to undertake the provision of Council's proposed Certified Air Ground Radio Services for the reasons outlined in this report.
3. The General Manager is authorised to execute a contract, subject to the negotiations in point one above confirming that Landrum & Brown Worldwide Services (Australia) Pty Ltd will undertake the contract in accordance with the terms provided in the previous tender from The Ambidji Group Pty Ltd.
4. In the event that point two above is not able to be achieved, the General Manager is authorised to call for fresh tenders in accordance with Part 7 Clause 178 (2) (b).
5. That Council authorises the Council seal to be attached to any contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

13. Notices of Motion

13.2 Rescission Motion - Crematorium

271016/26 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Resolution 290916/31, as follows, be rescinded:

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

13.7 Notice of Motion - Roadside Stalls

271016/27 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council receive a report on options and case studies of how councils have allowed safe roadside street stalls to operate to provide benefits such as the sale of local produce, less miles travelled for the distribution of produce and an enhanced social fabric.
2. That this proposal be considered as part of the preparation of Council's Economic Development Strategy.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

13.8 Notice of Motion - Permanent Firefighters at Ballina Fire Station

271016/28 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That Council make representations to the NSW Minister for Police and Emergency Services to request that Fire and Rescue NSW provide permanent firefighters at the Ballina Fire Station.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Eoin Johnston, Cr Nathan Willis and Cr Keith Williams

AGAINST VOTE - Cr Phillip Meehan, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/10/16 AT 9.00 AM**

14. Advisory Committee Minutes

Nil Items

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

15.1 Mayoral Meetings

271016/29 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

Ballina Ocean Pool and Shark Management Strategy

The Mayor advised that following the resolutions from the September Ordinary meeting seeking a meeting with the NSW Premier and the NSW Minister for Primary Industries, that a meeting has been organised for Monday 7 November in Sydney to discuss the Ballina Ocean Pool and the NSW Government's Shark Management Strategy.

It was agreed that due to the Mayor's inability to attend on that day, that Cr Jeff Johnson and Cr Phillip Meehan meet with the Premier and Minister with John Truman, Civil Services Group Manager.

16. Questions Without Notice

16.1 Cr Ben Smith - Rescission Motions

Cr Ben Smith – Would like to see Council obtain legal advice on whether Rescission Motions can be deferred.

16.2 Cr Sharon Cadwallader - Rock Pool at Shelly Beach

Cr Sharon Cadwallader – Can we dig the sand out of the rock pool at Shelly Beach?

Paul Hickey advised that this was part of a Council maintenance program.

John Truman to follow up with Civil Services staff.

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16.3 Cr Sharon Cadwallader - Appointment of Delegate to Ballina Maritime Museum

Cr Sharon Cadwallader – advised that at the last meeting Council didn't appoint a delegate to the Ballina Maritime Museum.

Paul Hickey advised that this would be something he would have to report to Council to confirm.

16.4 Cr Eoin Johnston - Blocked Drains - Rubiton Street Wollongbar

Cr Eoin Johnston – advised that he had received representations from Mr Shields in relation to blocked drains.

The Mayor advised that he had also received a request from Mr Shields.

John Truman to investigate.

16.5 Cr Jeff Johnson - Ballina Skatepark

Cr Jeff Johnson – the Ballina skatepark needs maintenance before the skate competition commences in a few weeks time. Can this be done?

John Truman advised that the works were carried out last Monday.

16.6 Cr Phillip Meehan - Councillor Inductions

Cr Phillip Meehan – passed on thanks from Councillors to staff on the presentations given as part of the Councillor Induction process.

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17. Confidential Session

271016/30 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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 Legal Appeal - Refusal of DA 2016/25 - 323 River Street, Ballina

Reason for Confidentiality

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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 as the matter is subject to legal appeal and this report contains privileged and confidential content.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

(The Council moved into Confidential Session at 4.07 pm).

Open Council

271016/31 RESOLVED

(Cr Keith Williams/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

(The Council moved into Open Council at 4.09 pm).

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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ON 27/10/16 AT 9.00 AM**

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

17.1 Legal Appeal - Refusal of DA 2016/25 - 323 River Street, Ballina

CF271016/1 RECOMMENDED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this confidential report regarding the legal appeal for Council's refusal of DA 2016/25.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

Adoption of Recommendation from Confidential Session

271016/32 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

MEETING CLOSURE

4.09 pm

The Minutes of the Ordinary Meeting held on 27/10/16 were submitted for confirmation by council on 24 November 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 November 2016.