

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 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), Andrew Smith (Acting Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 10 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Sing Australia.

2. Acknowledgement of Country

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

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

3. Apologies

Nil

4. Confirmation of Minutes

151216/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 November 2016.

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 15/12/16 AT 9.00 AM**

5. Declarations of Interest and Reportable Political Donations

- **Cr Stephen McCarthy** – declared an interest in Item 9.7 – Ballina Indoor Sporting Centre – Draft Lease and Terms. (Nature of Interest: non significant, non pecuniary – he is on the Ballina Basketball Sub Committee as Junior President). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Jeff Johnson** – declared an interest in Item 9.1 – Planning Proposal – 44-52 Blue Seas Parade, Lennox Head. (Nature of Interest: non significant, non pecuniary – he has undertaken significant work on the property with his business). He will be departing the meeting while the matter is discussed.
- **Cr Phillip Meehan** – declared an interest in Item 11.2 – Recycled Water – Pricing for Large Non-Domestic Users. (Nature of Interest: non significant, non pecuniary – he is a member of the Ballina Jockey Club and the Club has made a submission). 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

- **Steve Connelly** – spoke in favour of Item 9.2 – Planning Proposal – Burns Point Ferry Road, West Ballina.
- **Pat Carney** – spoke in favour of Item 13.1 – Notice of Motion – Flood Mitigation.
- **George Farley** – spoke in favour of Item 9.1 – Planning Proposal – 44-52 Blue Seas Parade, Lennox Head.
- **Ralph Moss** – spoke in opposition to Item 9.2 – Planning Proposal – Burns Point Ferry Road, West Ballina.

7. Mayoral Minutes

Nil items.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

9.2 Planning Proposal - Burns Point Ferry Road, West Ballina

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

1. That Council endorses the amendment of the Ballina Local Environmental Plans 1987 and 2012 to rezone Lot 4 537419, Burns Point Ferry Road, West Ballina, by applying a part R2 Low Density Residential Zone and a part RU2 Rural Landscape Zone to the land, together with associated controls and additional permitted uses as detailed in Planning Proposal BSCPP 14/008.
2. That, in amending the Minimum Lot Size Map in relation to that part of the site proposed to be zoned R2 Low Density Residential Zone, Council endorses a minimum lot size of 450m².
3. That Council resolves to prepare a draft amendment to Ballina Shire Development Control Plan 2012 to introduce site specific controls relating to the future development of Lot 4 DP 537419 for live – work development and environmental protection and enhancement purposes.
4. That Council consider a further report once the draft DCP has been prepared and prior to its public exhibition.
5. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 14/008 under delegated authority subject to the proposed draft DCP amendments having reached the public exhibition stage and the Voluntary Planning Agreement being executed and registered on the title of Lot 4 DP 537419.
6. That Council authorises the use of the Common Seal to execute the Voluntary Planning Agreement associated with Planning Proposal BSCPP 14/008.
7. That Council give further consideration to replacing the proposed RU2 Rural Landscape Zone with an E zone as part of its scheduled E zone review process.

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

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

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

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

That Council discontinue the Planning Proposal and Voluntary Planning Agreement process.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

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

AGAINST VOTE - Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

151216/2 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That this matter be deferred pending further investigation in relation to ecological and any other environmental impacts.

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 Sharon Parry, Cr Jeff Johnson and Cr Ben Smith

13. Notices of Motion

13.1 Notice of Motion - Flood Mitigation

151216/3 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council receive a report for options to enable alternative flood mitigation measures (e.g. stilts) for dwellings in rural areas.

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

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

Cr Jeff Johnson declared an interest in Item 9.1 and left the meeting at 10:17 am.

9.1 Planning Proposal - 44-52 Blue Seas Parade Lennox Head

151216/4 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

1. That Council endorses the amendment of Ballina Local Environmental Plan 2012 relating to Part Lots 1 and 2 DP 1165957, Blue Seas Parade Lennox Head, to apply an R2 Low Density Residential zone and remove the strategic urban growth area designation, as detailed in Planning Proposal BSCPP 14/005 (Attachment 1).

2. That, in amending the Minimum Lot Size Map in relation to this site, the Council endorses a minimum lot size of 600m² for part of the site and 1,200m² for part of the site, as detailed in Planning Proposal BSCPP 14/005 (Attachment 1).

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

3. That Planning Proposal BSCPP 14/005 be forwarded to the Department of Planning and Environment with a request that the Department proceed to finalise the LEP amendment.
4. That Council adopts the draft amendments to Chapter 4 of the Ballina Shire Development Control Plan 2012 relating to 44-52 Blues Seas Parade Lennox Head as exhibited subject to adjustments to ensure correct numeric referencing of the provisions.
5. That Council provides public notice of the adoption of the DCP amendment relating to 44-52 Blues Seas Parade Lennox Head with the amendment taking effect from 16 January 2016.

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

Cr Jeff Johnson returned to the meeting at 10:26 am.

10.4 Long Serving Employees - Recognition

151216/5 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That Council acknowledges, congratulates and thanks the staff members outlined in this report on their service with Council.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.48 am

The meeting resumed at 11.19 am

8. Environmental Health Group Reports

8.1 Development Applications – Variation to Development Standards

151216/6 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 November.

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 15/12/16 AT 9.00 AM**

8.2 Development and Infrastructure Approvals - November 2016

151216/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

8.3 Development Applications - Works in Progress - December 2016

151216/8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of the report on the status of outstanding development applications for December 2016.
2. That DA 2016/506 and DA 2016/598 be called in and considered by Council.

FOR VOTE - All Councillors voted unanimously.

9. Strategic and Community Facilities Group Reports

9.3 Planning Proposal - Local Environmental Plan - Deferred Matters

151216/9 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council endorses, for Gateway determination, the introduction of land use tables for the E2 Environmental Conservation and E3 Environmental Management zones and a local clause addressing environmental considerations into the Ballina Local Environmental Plan 2012 in accordance with the planning proposal contained in Attachment One.
2. That Council endorses, for Gateway determination, the application of land use zones and associated planning provisions in relation to the land identified within Stage 1 of the deferred matter integration program as contained in Attachment One.
3. That Council submits the planning proposal contained in Attachment One to the NSW Department of Planning and Environment for review and Gateway Determination.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

4. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken.
5. That Council receive a further report on Stage 1 of the deferred matters integration program following the completion of the public exhibition of the planning proposal.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, 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

9.4 Development Control Plan 2012 - Amendment

151216/10 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council proceed to undertake the public exhibition of the draft amendments to the Ballina Shire Development Control Plan 2012 (as contained in Attachment One), in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.
2. That a further report be submitted to the Council following the public exhibition of the draft amendments.
3. That Council establish a register of significant trees in Ballina Shire with the assessment process, nominations to be determined as part of the development.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Stephen McCarthy and Cr Ben Smith

9.5 State Environmental Planning Policy - Draft

151216/11 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report which outlines the NSW Government's action to introduce new planning provisions for the protection and management of the State's coastal areas.

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 15/12/16 AT 9.00 AM**

9.6 Community Land Plan of Management - Review

151216/12 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council endorses the amendments to the Plan of Management for Community Land as exhibited and as outlined in this report.

FOR VOTE - All Councillors voted unanimously.

9.7 Ballina Indoor Sporting Centre - Draft Lease and Terms

A **Motion** was moved by Cr Ben Smith and seconded by Cr Nathan Willis

1. That Council continues its commitment to the provision of an indoor sporting facility on the site of the Ballina High School as per the contents of this report.
2. That Council's commitment to this project and detailed design is based on the principles expressed in this report and in particular a design based on the concept plans contained in attachment three.
3. That Council confirms that in its opinion there has been extensive consultation undertaken with the community in respect to the delivery of this project, including the feasibility report undertaken by the Strategic Leisure Group, and the inclusion of the project in the Ballina Major Regional Centre Strategy and the Section 94 Developer Contributions Plan.
4. That Council's budget for the project is based on a total project cost of \$8m (i.e. mezzanine excluded) with Council's base funding strategy for the \$8m as follows:
 - a) Revised dividends of \$5m from the Landfill and Resource Management (LRM) Reserve as per Table Two of this report
 - b) Removal of the Waste Operations Charge in 2017/18, subject to Council receiving further reports on this proposal, along with examining other fee increases, as part of the preparation of the 2017/18 Operational Plan.
 - c) Interim funding of \$3m from the Property Development Reserve. This means that the next stage of the redevelopment of the Southern Cross Industrial Estate will be deferred until Council reimburses this reserve from other funding sources, as per point d) as follows.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

- d) That Council confirms that its preferred strategy to reimburse the \$3m from the Property Development Reserve in point c) is through asset sales (i.e. Henderson Farm Residual or ARC – Building) and / or increased dividends from the LRM reserve, with those options subject to further reports to Council. The securing of grant funds, or the collection of developer contributions, will also assist in reimbursing the \$3m.
- 5. The General Manager is authorised to complete negotiations with the Department of Education to formalise the arrangements to enable delivery of the project consistent, with the principles expressed in this report.
- 6. That Council affix the common seal to the project deed and lease and any associated documentation.
- 7. That the floor space include provision for international futsal to allow two games to be played at once.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Jeff Johnson

- 1. That Council continues its commitment to the provision of an indoor sporting facility on the site of the Ballina High School as per the contents of this report.
- 2. That Council's commitment to this project and detailed design is based on the principles expressed in this report and in particular a design based on the concept plans contained in attachment three.
- 3. That Council confirms that in its opinion there has been extensive consultation undertaken with the community in respect to the delivery of this project, including the feasibility report undertaken by the Strategic Leisure Group, and the inclusion of the project in the Ballina Major Regional Centre Strategy and the Section 94 Developer Contributions Plan.
- 4. That Council's budget for the project is based on a total project cost of \$8m (i.e. mezzanine excluded) with Council's base funding strategy for the \$8m as follows:
 - a) Revised dividends of \$5m from the Landfill and Resource Management (LRM) Reserve as per Table Two of this report
 - b) Removal of the Waste Operations Charge in 2017/18, subject to Council receiving further reports on this proposal, along with examining other fee increases, as part of the preparation of the 2017/18 Operational Plan.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

- c) Interim funding of \$3m from the Property Development Reserve. This means that the next stage of the redevelopment of the Southern Cross Industrial Estate will be deferred until Council reimburses this reserve from other funding sources, as per point d) as follows.
 - d) That Council confirms that its preferred strategy to reimburse the \$3m from the Property Development Reserve in point c) is through asset sales (i.e. Henderson Farm Residual or ARC – Building) and / or increased dividends from the LRM reserve, with those options subject to further reports to Council. The securing of grant funds, or the collection of developer contributions, will also assist in reimbursing the \$3m.
- 5. The General Manager is authorised to complete negotiations with the Department of Education to formalise the arrangements to enable delivery of the project consistent, with the principles expressed in this report.
 - 6. That Council affix the common seal to the project deed and lease and any associated documentation
 - 7. That the design include provision for a potential future mezzanine floor and potential commercial kitchen.
 - 8. That the floor space include provision for international futsal to allow two games to be played at once.

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

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

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

- 1. That Council continues its commitment to the provision of an indoor sporting facility on the site of the Ballina High School as per the contents of this report.
- 2. That Council's commitment to this project and detailed design is based on the principles expressed in this report and in particular a design based on the concept plans contained in attachment three.
- 3. That Council's budget for the project is based on a total project cost of \$8m (i.e. mezzanine excluded) with Council's base funding strategy for the \$8m as follows:
 - a) Revised dividends of \$5m from the Landfill and Resource Management (LRM) Reserve as per Table Two of this report

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

- b) Removal of the Waste Operations Charge in 2017/18, subject to Council receiving further reports on this proposal, along with examining other fee increases, as part of the preparation of the 2017/18 Operational Plan.
 - c) Interim funding of \$3m from the Property Development Reserve. This means that the next stage of the redevelopment of the Southern Cross Industrial Estate will be deferred until Council reimburses this reserve from other funding sources, as per point d) as follows.
 - d) That Council confirms that its preferred strategy to reimburse the \$3m from the Property Development Reserve in point c) is through asset sales (i.e. Henderson Farm Residual or ARC – Building) and / or increased dividends from the LRM reserve, with those options subject to further reports to Council. The securing of grant funds, or the collection of developer contributions, will also assist in reimbursing the \$3m.
- 4. The General Manager is authorised to complete negotiations with the Department of Education to formalise the arrangements to enable delivery of the project consistent, with the principles expressed in this report.
 - 5. That Council affix the common seal to the project deed and lease and any associated documentation.
 - 6. That the floor space include provision for international futsal to allow two games to be played at once.

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

FOR VOTE - Cr Phillip Meehan and Cr Jeff Johnson

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

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

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

151216/13 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

- 1. That Council continues its commitment to the provision of an indoor sporting facility on the site of the Ballina High School as per the contents of this report.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

2. That Council's commitment to this project and detailed design is based on the principles expressed in this report and in particular a design based on the concept plans contained in attachment three.
3. That Council confirms that in its opinion there has been extensive consultation undertaken with the community in respect to the delivery of this project, including the feasibility report undertaken by the Strategic Leisure Group, and the inclusion of the project in the Ballina Major Regional Centre Strategy and the Section 94 Developer Contributions Plan.
4. That Council's budget for the project is based on a total project cost of \$8m (i.e. mezzanine excluded) with Council's base funding strategy for the \$8m as follows:
 - a) Revised dividends of \$5m from the Landfill and Resource Management (LRM) Reserve as per Table Two of this report
 - b) Removal of the Waste Operations Charge in 2017/18, subject to Council receiving further reports on this proposal, along with examining other fee increases, as part of the preparation of the 2017/18 Operational Plan.
 - c) Interim funding of \$3m from the Property Development Reserve. This means that the next stage of the redevelopment of the Southern Cross Industrial Estate will be deferred until Council reimburses this reserve from other funding sources, as per point d) as follows.
 - d) That Council confirms that its preferred strategy to reimburse the \$3m from the Property Development Reserve in point c) is through asset sales (i.e. Henderson Farm Residual or ARC – Building) and / or increased dividends from the LRM reserve, with those options subject to further reports to Council. The securing of grant funds, or the collection of developer contributions, will also assist in reimbursing the \$3m.
5. The General Manager is authorised to complete negotiations with the Department of Education to formalise the arrangements to enable delivery of the project consistent, with the principles expressed in this report.
6. That Council affix the common seal to the project deed and lease and any associated documentation.
7. That the floor space include provision for international futsal to allow two games to be played at once.

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 15/12/16 AT 9.00 AM**

10. General Manager's Group Reports

10.1 Use of Council Seal

151216/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following document.

US16/15	Section 88B instruments to create easements in conjunction with Crown road closing between Lennox Head and Flat Rock.
---------	---

FOR VOTE - All Councillors voted unanimously.

10.2 Investment Summary - November 2016

151216/15 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

10.3 Ordinary Meeting Date - January 2017

151216/16 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council's Ordinary meeting for January 2017 be held on Wednesday 25 January.

FOR VOTE - All Councillors voted unanimously.

10.5 Ward Committees - Membership

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Nathan Willis

That Council approves the nomination from the Alstonville Asphalt Watch Group to the C Ward Committee.

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

That Council approves the nomination from the Alstonville Asphalt Watch Group to the C Ward Committee, subject to the group being a legally constituted body.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

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

FOR VOTE - Cr Keith Williams, 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 and Cr Nathan Willis

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

FOR VOTE - All Councillors voted unanimously.

151216/17 RESOLVED

(Cr Jeff Johnson/Cr Nathan Willis)

That Council approves the nomination from the Alstonville Asphalt Watch Group to the C Ward Committee.

FOR VOTE - All Councillors voted unanimously.

10.6 Flat Rock Tent Park - Adoption of Fees and Charges 2017/18

151216/18 RESOLVED

(Cr Nathan Willis/Cr Ben Smith)

That Council adopts the draft Flat Rock Tent Park fees and associated notes, as exhibited for 2017/18.

FOR VOTE - All Councillors voted unanimously.

12. Public Question Time

13.1 Legal Matter - 323 River Street Ballina

Ralph Moss – What were the results of the Land and Environment Court hearing held on Tuesday in relation to the development on River Street?

Andrew Smith advised that the matter has been adjourned until 12 January 2017 and that the proponents of the development are to work on a few issues.

Ralph Moss – who sets the terms of reference and is it going to be open to the public?

Andrew Smith advised that the matter is in the Court jurisdiction and there will be no further public involvement.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

13.2 Unauthorised Development - 1468 Eltham Road

Monica Van den Nieuwenhof - What is Council's position on the unlawful development at 1468 Eltham Road and why this matter of great importance does not appear on the agenda today?

Andrew Smith advised that Council has issued an Order to cease unauthorised development on the property. We have received an appeal in the Land and Environment Court to that Order. It is now before the Court, and any further action that we can take is stayed until the matter is heard in the Court. There is a further telephone directions hearing on the matter on Monday 19 December 2016.

13.3 Mobile Food Vans

Mark (and Rachael) Barton – Asking whether Council was supportive of food vans and trucks and what actions could be taken to support their request.

Steve Barrier advised that Mark and Rachael have made enquiries of the Council to operate an ice-cream van. Council doesn't have a clear policy on this matter. Discussions have been held internally with the consensus view being that we should have a policy. Three enquiries have been received to date for this type of activity. We have established an internal working team to develop a policy in relation to that matter.

13.4 Unauthorised Development - 1468 Eltham Road

Monica Van den Nieuwenhof - What is Council's exact position on the unlawful development at 1468 Eltham Road?

Andrew Smith advised that staff have carried out a number of inspections which has identified that some of the development requires consents and approvals, hence the reason Council has issued the Order.

Monica Van den Nieuwenhof - When can she get a list of things that are required from Council?

Andrew Smith – will obtain Monica's details and we can provide them.

Motion of Urgency

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Sharon Parry

That the matter of mobile food vans be dealt with as a matter of urgency.

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

FOR VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Sharon Cadwallader

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, 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 15/12/16 AT 9.00 AM**

11. Civil Services Group Reports

11.1 Ballina Town Entrance Bridges - Painting

151216/19 RESOLVED

(Cr Eoin Johnston/Cr Nathan Willis)

That Council authorises the painting of the Fishery Creek and Canal bridges' concrete balustrades on the basis of achieving a combined project with the guardrail installation, with an estimated cost of \$33,000 being sourced from the Ballina Bypass handover funds.

FOR VOTE - All Councillors voted unanimously.

11.2 Recycled Water - Pricing for Large Non-Domestic Users

151216/20 RESOLVED

(Cr Phillip Meehan/Cr Jeff Johnson)

That this matter be deferred to a Councillor briefing.

FOR VOTE - All Councillors voted unanimously.

11.3 Fig Tree Management - Castle Drive, Lennox Head

151216/21 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the Fig Tree in Castle Drive, Lennox Head, with the matter to be determined in confidential session, as per the later report in this agenda.

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 15/12/16 AT 9.00 AM**

11.4 Ballina Floodplain Risk Management Plan

151216/22 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council proceed with the proposal from BMT WBM Pty Ltd, at an estimated cost of approximately \$35,000, being for a qualitative assessment to commence the Council's implementation in respect of the action "Flood Modification Measure F8" within the Ballina Floodplain Risk Management Plan.

FOR VOTE - All Councillors voted unanimously.

11.5 Tender - Fill Material - Skennars Head Road Roundabout

151216/23 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That in relation to the tender for the supply and delivery of fill material for the Skennars Head Roundabout project, Council does not accept any tender due to the limited response to the tender process and the General Manager is authorised to enter into negotiations with interested parties in accordance with Part 7 Clause 178 sections 2 (e) and (f) of the Local Government (General) Regulations.
2. That Council authorises the Council seal to be attached to the contract documents for the supply and delivery of fill material for the Skennars Road Roundabout project.

FOR VOTE - All Councillors voted unanimously.

11.6 Tender - Provision of Water Meter Reading Services

151216/24 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the tender provided by Skilltech Consulting Services for the provision of water meter reading services for a five year period.
2. That Council authorises the Council seal to be attached to the contract documents.

Cr Keith Williams left the meeting at 01:20 pm.

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 15/12/16 AT 9.00 AM**

11.7 Contract Dispute - Treatment Plant Upgrade

151216/25 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report regarding the contract dispute in relation to the West Ballina Wastewater Treatment Plant upgrade.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 6 December 2016

151216/26 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council confirms the minutes of the Finance Committee meeting held 6 December 2016 and that the recommendations contained within the minutes be adopted, excluding Item 4.3 (Community Infrastructure Reserve and Priority Projects – Coastal Shared Path Project), Item 4.4 (Ocean Pool and Shaws Bay – Outstanding Resolution) and Item 4.5 (Long Term Financial Plan and Fit for the Future), which shall be dealt with separately.

Cr Keith Williams returned to the meeting at 01:21 pm.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Ben Smith

Item 4.3 - Community Infrastructure Reserve and Priority Projects - Coastal Shared Path Project

151216/27 RESOLVED

(Cr Phillip Meehan/Cr Jeff Johnson)

That Council reallocates \$850,000 held in the Internal Reserve for the Coastal Walk project to the Coastal Shared Path project.

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

AGAINST VOTE - Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader 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 15/12/16 AT 9.00 AM**

Item 4.4 -Ocean Pool and Shaws Bay - Outstanding Resolution

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

1. That Council notes the contents of this report in respect to resolution 290916/28.
2. That the implementation of the Shaws Bay Coastal Zone Management Plan, Ballina Town Entry Statements and the Captain Cook Park works remain Council's priority.

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Jeff Johnson

That Council notes the contents of this report in respect to resolution 290916/28.

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

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

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

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

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

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

151216/28 RESOLVED

(Cr Keith Williams/Cr Jeff Johnson)

That Council notes the contents of this report in respect to resolution 290916/28.

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

AGAINST VOTE - Cr Eoin Johnston, Cr Sharon Cadwallader 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 15/12/16 AT 9.00 AM**

Item 4.5 - Long Term Financial Plan and Fit for the Future

A **Motion** was moved by Cr Sharon Cadwallader

1. That Council commence a consultation process with the community to see an additional permanent 1.5% rate pegging increase, on top of the 1.5% rate pegging increase for the year 2017/18. The additional revenue raised from this increase is to finance increased expenditure on actions to improve our waterways.
2. That Council advise IPART of our intention to apply for a one year permanent special rate variation for 2017/18.

The **Motion LAPSED.**

151216/29 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

1. That Council commence a consultation process with the community to seek an additional three year rating increase based on the following assumptions:

<i>Item</i>	<i>2017/18</i>	<i>2018/19</i>	<i>2019/20</i>
<i>Estimated Rate Pegging Limit</i>	1.5%	2.5%	2.5%
<i>Asset Renewal</i>	1.9%	3.4%	3.4%
<i>Healthy Waterways</i>	1.5%	0.0%	0.0%
<i>Total Rate Increase</i>	4.9%	5.9%	5.9%

2. The funds derived from this proposal are to be allocated approximately as follows based on a current estimate of the additional revenues to be generated:

<i>Item</i>	<i>2017/18</i>	<i>2018/19</i>	<i>2019/20</i>	<i>%</i>
<i>Additional Income</i>	695,000	1,447,000	2,265,000	100
<i>Road and Stormwater</i>	395,000	713,000	1,163,000	51
<i>Community Buildings</i>	0	150,000	280,000	12
<i>Open Spaces and Sports Fields</i>	0	270,000	480,000	21
<i>Healthy Waterways</i>	300,000	314,000	342,000	15

3. That Council endorses an update of the Integrated Planning and Reporting documents, such as the Long Term Financial Plan, to reflect the revised water, wastewater and waste annual charge assumptions as per the memorandum from the General Manager dated 15 December 2016 (trim reference #16/106703), along with the implementation of the community consultation program consistent with the last application.
4. That Council authorises the General Manager to advise IPART of this updated proposal.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 15/12/16 AT 9.00 AM**

FOR VOTE - Cr David Wright, Cr Sharon Parry, 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

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

15.1 Mayoral Meetings

151216/30 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

16. Confidential Session

151216/31 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

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.

16.1 Fig Tree Management - Castle Drive, Lennox Head (confidential)

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 there is a risk of litigation against Council for property related damage.

16.2 Contract Dispute - Treatment Plant Upgrade (confidential)

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 this matter involves formal dispute resolution proceedings.

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 15/12/16 AT 9.00 AM**

(The Council moved into Confidential Session at 2.29 pm).

Open Council

151216/32 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

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 2.44 pm).

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

16.1 Fig Tree Management - Castle Drive, Lennox Head (confidential)

CF151216/1 RECOMMENDED

(Cr Nathan Willis/Cr Jeff Johnson)

1. That, in relation to the Fig Tree in Castle Drive, it is the position of the elected Council that based on the substantial social and environmental amenity provided by the tree, the tree is to be retained.
2. That the General Manager implement an ongoing, formal inspection and reporting program in respect of proactive tree management and maintenance, and adjacent property condition assessments.
3. That an investigation into the history of the houses being situated close to the tree be undertaken.

Cr Sharon Parry left the meeting at 02:30 pm.

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 15/12/16 AT 9.00 AM**

16.2 Contract Dispute - Treatment Plant Upgrade (confidential)

CF151216/2 RECOMMENDED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the confidential information in this report regarding the contract dispute in relation to the West Ballina Wastewater Treatment Plant upgrade.

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

Adoption of Recommendations from Confidential Session

151216/33 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

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

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

MEETING CLOSURE

2.45 pm

The Minutes of the Ordinary Meeting held on 15/12/16 were submitted for confirmation by council on 25 January 2017 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 January 2017.