

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 14/12/17 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 (Group Manager Civil Services), Vince Hunt (Acting Group Manager Development and Environmental Health), Matthew Wood (Acting Group Manager Strategic and Community Facilities) and Sandra Bailey (Secretary) were in attendance.

There were 44 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Chris and Jenny James.

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

141217/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 November 2017.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

- **Paul Hickey, General Manager** – declared an interest in Item 9.2 – Planning Proposal – Skennars Head Village Expansion. (Nature of Interest: non-significant, non-pecuniary – a personal friend is consulting to the applicant). He will be departing the meeting while the matter is discussed.
- **Paul Hickey, General Manager** – declared an interest in Item 9.6 – Epiq Development – Community Facilities and Infrastructure. (Nature of Interest: non-significant, non-pecuniary – he has exchanged contracts for the purchase and sale of land in this development). He will be departing the meeting while the matter is discussed.
- **Cr Nathan Willis** – declared an interest in Item 9.1 – Alstonville Strategic Plan Finalisation. (Nature of Interest: significant pecuniary – it concerns rezoning of his property in Wardell Road, Alstonville). He will be departing the meeting while the matter is discussed.
- **Cr Eoin Johnston** – declared an interest in Item 9.5 – Economic Development – Roadside Stalls Policy. (Nature of Interest: pecuniary – he has had a stall for 30 years). He will be departing the meeting while the matter is discussed.
- **Cr Keith Williams** – declared an interest in Item 9.5 – Economic Development – Roadside Stalls Policy. (Nature of Interest:– non-significant, non-pecuniary – he is the manager of the Ballina Farmers Market). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** – declared an interest in Item 9.6 – Epiq Development – Community Facilities and Infrastructure. (Nature of Interest: pecuniary – her superannuation fund hold funds with Clarence Property, owners of the development). She will be departing the meeting while the matter is discussed.
- **Cr Jeff Johnson** – declared an interest in Item 9.6 - Epiq Development – Community Facilities and Infrastructure. (Nature of Interest: pecuniary – he has paid a deposit on a block of land in the Epic estate). He will be departing the meeting while the matter is discussed.
- **Cr Jeff Johnson** – declared an interest in Item 8.1 – DA 2016/506 – Section 82A Review – 37 Converys Lane. (Nature of Interest: non-significant, non-pecuniary – a solar company he is involved with has been engaged by the proponent in an unrelated business/property). He will be remaining in the meeting while the matter is discussed and voting on the matter.

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- **Cr Phillip Meehan** – declared an interest in Item 8.1 – DA 2016/506 – Section 82A Review – 37 Converys Lane. (Nature of Interest: non-significant, non-pecuniary – in a previous local government election he had a political relationship with Mr Ray Karam). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr David Wright** – declared an interest in Item 8.1 – DA 2016/506 – Section 82A Review – 37 Converys Lane. (Nature of Interest: non-significant, non-pecuniary – in a previous local government election he had a political relationship with Mr Ray Karam). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** – later in the meeting – declared an interest in Item 8.6 – Development Applications – Works in Progress – December 2017, and in particular to DA 2017/662. (Nature of Interest: - she is a civil celebrant however has not performed any weddings at the property, the subject of the DA).

There were no reportable political donations.

6. Deputations

- **Peter Williams** – spoke in opposition to Item 9.1 – Alstonville Strategic Plan – Finalisation.
- **Ray Karam** – spoke in opposition to Item 8.1 – DA 216/506 – Section 82A Review – 37 Converys Lane.
- **Paul Earner** – spoke in favour of Item 9.1 – Alstonville Strategic Plan – Finalisation.

Motion of Urgency

141217/2 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

That the matter of the Rescission Motion – Fig Tree – Castle Drive, Lennox Head, be dealt with as a matter of urgency.

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

AGAINST VOTE - Cr Nathan Willis

- **Jenny Grinlington** – spoke in favour of the Rescission Motion – Fig Tree - Castle Drive, Lennox Head.
- **Robyn Lowry** – spoke in opposition to the Rescission Motion – Fig Tree – Castle Drive, Lennox Head.

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7. Mayoral Minutes

Nil items.

Cr Nathan Willis declared an interest in Item 9.1 and left the meeting at 09:30 am.

9.1 Alstonville Strategic Plan – Finalisation

A **Motion** was moved by Cr Ben Smith and seconded by Cr Keith Williams

1. That Council adopts the Alstonville Planning and Environmental Study.
2. That Council adopts the Alstonville Strategic Plan 2017 – 2037, as per attachment three, inclusive of any further amendments determined at this meeting.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Sharon Parry

1. That Council adopts the Alstonville Planning and Environmental Study.
2. That Council adopts the Alstonville Strategic Plan 2017 – 2037, as per attachment three, inclusive of any further amendments determined at this meeting.
3. That Item 16 – Town Square – be deleted from the Plan.

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

FOR VOTE – Cr Phillip Meehan, Cr Sharon Parry, Cr Eoin Johnston and Cr Keith Williams

AGAINST VOTE – Cr David Wright, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Nathan Willis

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

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

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Nathan Willis

141217/3 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council adopts the Alstonville Planning and Environmental Study.

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2. That Council adopts the Alstonville Strategic Plan 2017 – 2037, as per attachment three, inclusive of any further amendments determined at this meeting.

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

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Nathan Willis

Cr Nathan Willis returned to the meeting at 09:51 am.

8. Development and Environmental Health Group Reports

8.1 DA 2016/506 - Section 82A Review - 37 Converys Lane

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

That Development Application 2016/506 'To Permit Increased Student Numbers (from 100 to 235 students) on a Permanent Basis for an Approved Educational Establishment' on Lot 2 DP 577649 No. 37 Converys Lane, Wollongbar be approved.

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

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

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

141217/4 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council confirms its previous decision to refuse Development Application 2016/506 'To Permit Increased Student Numbers (from 100 to 235 students) on a Permanent Basis for an Approved Educational Establishment' on Lot 2 DP 577649 No. 37 Converys Lane, Wollongbar for the following reasons:

1. The intersection of the Bruxner Highway and Converys Lane has insufficient capacity to service the proposed development and approval of the application would compromise the safety and efficiency of the intersection.
2. The proposed Traffic Management Plan is neither practical nor self-enforcing. There is likely to be a high risk of non-compliance with the proposed traffic management strategies, and therefore these strategies are unlikely to alleviate traffic safety and management concerns at the intersection of the Bruxner Highway and Converys Lane.

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3. For the reasons outlined above, the application is not considered to be in the public interest.

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

Rescission Motion - Fig Tree - Castle Drive, Lennox Head

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

That Resolution CF231117/1, as follows, be rescinded:

1. *That based on the advice from Council's Insurer that the Council and the community will not have any insurance coverage in respect to future property damage claims arising from the Fig Tree located in Castle Drive, Lennox Head, Council accepts there is no reasonable alternative but to authorise the General Manager to remove Fig Tree and replace it with a suitable mature native species.*
2. *That the General Manager undertake a comprehensive media campaign prior to the removal of the Fig Tree to communicate the reasons for Council having no alternative except to remove the tree.*

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

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

10.2 Long Serving Employees – Recognition

141217/5 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

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 11.01 am

The meeting resumed at 11.31 am

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8.2 DA 2017/635 – Variation to Development Standards (Building Height)

141217/6 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That the application to vary the Ballina Local Environmental Plan 2012 Development Standard Clause 4.3 – Height of Buildings DA 2017/635 for the proposed Waste Management Shelter as depicted in the plans prepared by Container Domes Australia dated 1 November 2017, as attached to this report be **APPROVED**, for the reasons outlined in this report.

FOR VOTE - All Councillors voted unanimously.

8.3 Compliance Work Plan 2017/18 - Status

141217/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the status of the Compliance Work Plan for 2017/18.

FOR VOTE - All Councillors voted unanimously.

8.4 Development Applications – Variation to Development Standards

141217/8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes that there have been no applications approved under delegation for variations to development standards less than 10% for November 2017.

FOR VOTE - All Councillors voted unanimously.

8.5 Development Consent and Infrastructure Approvals - November 2017

141217/9 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent and public infrastructure approvals for November 2017.

FOR VOTE - All Councillors voted unanimously.

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8.6 Development Applications - Works in Progress - December 2017

141217/10 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 2017.
2. That DA 2017/662 and DA 2017/679 be called in and dealt with in by Council.
3. That Council receive a briefing on DA 2017/670 with a view to whether Council wishes to make a submission to the JRPP.

(Cr Sharon Cadwallader at this point, declared an interest in DA 2017/662 – she is a civil celebrant however has not performed any weddings at the property, the subject of this DA).

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

9. Strategic and Community Facilities Group Reports

Paul Hickey, General Manager, declared an interest in Item 9.2 and left the meeting at 11.45 am.

9.2 Planning Proposal - Skennars Head Village Expansion

141217/11 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 relating to the application of B1 and R3 zones as outlined in the planning proposal (BSCPP 17/010 Skennars Head Expansion Area) contained in Attachment One.
2. That Council submit BSCPP 17/010 Skennars Head Expansion Area to the NSW Department of Planning & Environment for Gateway determination.
3. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.

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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, including public exhibition.
5. That the planning proposal be reported to the Council for further consideration following the completion of the public exhibition of the proposed LEP amendments.

FOR VOTE - All Councillors voted unanimously.

Paul Hickey, General Manager, returned at 11.47 am

9.3 Planning Proposal - 17 Bath Street Wardell

141217/12 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to rezone Lot 1, Section 15, DP 759050 (Lot 1), No. 17 Bath Street, Wardell, from RU2 Rural Landscape zone to R2 Low Density Residential zone, apply a minimum 600m² minimum lot size to Lot 1, delete the Strategic Urban Growth Area (SUGA) affectation from Lot 1, and amend associated SUGA buffers on nearby land as detailed in Planning Proposal BSCPP 17/006.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 17/006 under delegated authority.

FOR VOTE - All Councillors voted unanimously.

9.4 Ocean Breeze Reserve - Master Plan

141217/13 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council adopts the Ocean Breeze Reserve Master Plan as per attachment two to this report.
2. That Council amends the Plan of Management for Community Land to include a special provision relating to Ocean Breeze Reserve as exhibited.
3. That Council's Long Term Financial Plan be amended to reflect the Financial Plan for the implementation of this Master Plan, as per Table Two of this report.

FOR VOTE - All Councillors voted unanimously.

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Cr Eoin Johnston declared an interest in Item 9.5 and left the meeting at 11:53 am.

9.5 Economic Development - Roadside Stalls Policy

A **Motion** was moved by Cr Nathan Willis and seconded by Cr Sharon Cadwallader

1. That Council endorses the preparation of a planning proposal which proposes to introduce exempt development criteria for small scale roadside stalls in zoned rural areas within Ballina Shire as outlined in this report.
2. That the planning proposal, once prepared, be forwarded to the Department of Planning and Environment for a Gateway determination.
3. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
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, including public exhibition.
5. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.

A **Motion** was moved by Cr Nathan Willis

That the Motion be put to the vote.

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

FOR VOTE - Cr Sharon Parry, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

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

ABSENT. DID NOT VOTE - Cr Eoin Johnston

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

141217/14 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

1. That Council endorses the preparation of a planning proposal which proposes to introduce exempt development criteria for small scale roadside stalls in zoned rural areas within Ballina Shire as outlined in this report.

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2. That the planning proposal, once prepared, be forwarded to the Department of Planning and Environment for a Gateway determination.
3. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
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, including public exhibition.
5. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Eoin Johnston

Paul Hickey, General Manager, Cr Jeff Johnson and Cr Sharon Cadwallader declared an interest in Item 9.6 and left the meeting at 12:03 pm.
Cr Eoin Johnston returned to the meeting at 12:03 pm.

9.6 Epiq Development - Community Facilities and Infrastructure

141217/15 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

1. That Council authorises the General Manager (or delegate) to negotiate with Clarence Property for an alternate community infrastructure outcome at the Epiq development site based on the following principles:
 - That Council works with Clarence Property to determine an agreed value for the community infrastructure works required under the current Concept Approval.
 - That the negotiation be based on the application of the value of the required community infrastructure works to Council's preferred infrastructure outcomes.
 - That Council negotiates for an enhanced amenities building at the playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space.
 - That Council negotiates for piece of land in a future development stage suitable for the siting of a community preschool and/or community facility.
 - That if the above items are secured and any funding remains, that Council negotiates for such monies to be applied to the lighting of the Epiq playing fields.
 - That the requirement for cricket practice wickets (nets) is to be determined following consultation with stakeholders.

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2. That a further report on the outcomes of the negotiations be presented to the Council prior to the formalisation of an alternative community infrastructure outcome.
3. That Council prepares an infrastructure plan to document the outcomes associated with points one and two where an alternative community infrastructure outcome is agreed between the parties.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Sharon Cadwallader

Paul Hickey, General Manager, Cr Jeff Johnson and Cr Sharon Cadwallader returned to the meeting at 12:06 pm.

9.7 Ballina and Alstonville Swimming Pools - Management

141217/16 RESOLVED

(Cr Eoin Johnston/Cr Sharon Parry)

1. That Council authorises the General Manager to extend the existing management contracts for the Alstonville and Ballina swimming pools until the end of the 2019/20 swimming season.
2. That Council authorises the Council seal to be attached to the contract documentation.
3. That Council acknowledges that it has not called tenders for this contract extension for a number of reasons including:
 - Uncertainty regarding the future operating arrangements for the redeveloped infrastructure
 - Recognition of the excellent service that the existing management companies have provided to Council over many years
 - Recognition that working with the existing contractors allows Council the opportunity to more clearly understand the operating arrangements and service levels that Council wishes to set for the new management contracts once tenders are called.

FOR VOTE - All Councillors voted unanimously.

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10. General Manager's Group Reports

10.1 Investment Summary - November 2017

141217/17 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the record of banking and investments for November 2017.

FOR VOTE - All Councillors voted unanimously.

10.3 Service NSW – Partnership

141217/18 RESOLVED

(Cr Ben Smith/Cr Sharon Parry)

1. That Council delegates authority to the General Manager to enter into a contract with Service NSW for Easy to do Business.

2. That any necessary documents be authorised for execution under the Common Seal of Council.

FOR VOTE - All Councillors voted unanimously.

10.4 Flat Rock Tent Park - Proposed Charges - 2018/19

141217/19 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council authorises the exhibition of the draft Flat Rock Tent Park fees and charges for 1 February 2018 to 31 January 2019, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.

10.5 Joint Organisations

141217/20 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That this matter be deferred.

FOR VOTE - All Councillors voted unanimously.

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10.6 Policy (New and Review) - Debt Recovery and Financial Assistance

141217/21 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council adopts the Rates and Charges Debt Recovery Policy, as attached to this report.
2. That Council adopts the Financial Assistance (Hardship) Policy – Rates and Charges, as attached to this report.
3. That Council adopts the Financial Assistance Policy – Ranger associated Fees and Charges, as attached to this report.
4. That Council approves the exhibition of the three policies for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, no further action is required.

FOR VOTE - All Councillors voted unanimously.

11. Civil Services Group Reports

11.1 Road Closing - Section of Unconstructed Road

141217/22 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

That Council reconfirms its support for the proposed road closing of the unformed public road adjacent to 5 and 7 Cunningham Street and 13 and 21 Riverside Drive, West Ballina and advises the Crown to proceed with the road closing.

FOR VOTE - All Councillors voted unanimously.

11.2 Tender - Bus Shelter Advertising

141217/23 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the tender for the provision of bus shelter advertising and maintenance for a five year period from Claude Outdoor Pty Ltd.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

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13. Notices of Motion

Nil items.

14. Advisory Committee Minutes

Nil Items

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

15.1 Mayoral Meetings

141217/24 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

15.2 Delegate's Report - Artstate NSW

141217/25 RESOLVED

(Cr Eoin Johnston/Cr Keith Williams)

That Council notes the contents of the report from Cr Parry on the ARTSTATE NSW Conference.

FOR VOTE - All Councillors voted unanimously.

12. Public Question Time

Nil

MEETING CLOSURE

12.40 pm

The Minutes of the Ordinary Meeting held on 14/12/17 were submitted for confirmation by council on 25 January 2018 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 January 2018.