

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/02/18 AT 9.00 AM**

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**Attendance**

Crs David Wright (Mayor - in the chair), Sharon Parry (arrived at 9.03 am), Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis, Sharon Cadwallader and Ben Smith.

Paul Hickey (General Manager), John Truman (Group Manager Civil Services), Matthew Wood (Group Manager Development and Environmental Health) and Sandra Bailey (Secretary) were in attendance.

There were 25 people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by Councillors and staff.

**2. Acknowledgement of Country**

In opening the meeting the Mayor provided an Acknowledgement of Country.

Cr Sharon Parry arrived at the meeting at 09:03 am.

**3. Apologies**

Apologies were received from Cr Phillip Meehan and Cr Keith Williams.

**220218/1 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

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**4. Confirmation of Minutes**

**220218/2        RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 January 2018. In relation to Item 13.1 – Notice of Motion – Bottle Tree Removal – the voting on the motion “that the motion be put to the vote” was not unanimous. The recording could not verify the voting.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**5. Declarations of Interest and Reportable Political Donations**

- **Cr Nathan Willis** – declared an interest in Item 7.2 – Mayoral Minute – Ballina Country Music Festival. (Nature of Interest; non significant, non pecuniary – he is a member of the Cherry Street Sports Club). 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 – Developer Contributions and Charges Policy – Secondary Dwellings. (Nature of Interest: non significant, non pecuniary he has had a recent approval which included a secondary dwelling). He will be departing the meeting while the matter is discussed.

There were no reportable political donations.

**6. Deputations**

- **Damon Moloney** – spoke in opposition to Item 9.1 – Developer Contributions and Charges Policy – Secondary Dwellings.
- **Gai Hart-Hughes** – spoke in favour of Item 9.1 – Developer Contributions and Charges Policy – Secondary Dwellings.
- **Carol Stacey/Tere Sheehan** – spoke in favour of Item 7.2 – Mayoral Minute – Ballina Country Music Festival.
- **Pip Carter** – spoke in opposition to Item 7.1 – Mayoral Minute – Lake Ainsworth Planning Application.
- **Alan Brown** – spoke in opposition to Item 13.3 – Notice of Motion – Permanent Firefighters.
- **Amelia Hicks** – spoke in favour of the recommendation in Item 8.1 – DA 1995/259 – Section 96(2) – Sandpit – Newrybar Swamp Road.
- **Gabrielle Nieuwenhof** – spoke in favour of Item 13.5 – Shark Net Inspections.

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**Motion of Urgency**

**220218/3          RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council consider the matter of the Notice of Motion - Safety Barrier – Pedestrian Overpass at Angels Beach as a matter of urgency.

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

- **Brett Clarke** – spoke in favour of Item 13.6 – Notice of Motion – Safety Barrier – Pedestrian Overpass at Angels Beach.

**7.      Mayoral Minutes**

**7.1     Mayoral Minute - Lake Ainsworth Planning Application**

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

That Council authorises the General Manager to convene an Extraordinary meeting (starting at 4pm) to determine the Lake Ainsworth planning application at a date that is suitable for all Councillors to attend. This meeting will also allow a maximum of two deputation speakers for and against in respect to the assessment report.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Jeff Johnson

That Council authorises the General Manager to convene an Extraordinary meeting (starting at 4pm) to determine the Lake Ainsworth planning application at a date that is suitable for all Councillors to attend.

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

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

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

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

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**220218/4      RESOLVED**

(Cr David Wright)

That Council authorises the General Manager to convene an Extraordinary meeting (starting at 4pm) to determine the Lake Ainsworth planning application at a date that is suitable for all Councillors to attend. This meeting will also allow a maximum of two deputation speakers for and against in respect to the assessment report.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Nathan Willis and Cr Sharon Cadwallader

AGAINST VOTE - Cr Eoin Johnston, Cr Stephen McCarthy and Cr Ben Smith  
ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**7.2      Mayoral Minute - Ballina Country Music Festival**

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

That Council confirms its financial support, being a minimum annual contribution of \$20,000 from Council's Festivals and Events funding program, to the Ballina Country Music Festival, for the three year period from 2018/19, 2019/20 and 2020/21.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Stephen McCarthy

That Council confirms its financial support, being an annual contribution of \$20,000 from Council's Festivals and Events funding program, to the Ballina Country Music Festival, for the three year period from 2018/19, 2019/20 and 2020/21, subject to the organisers ensuring that there are free, family friendly games and events for children and subject to annual compliance with Council's conditions of funding.

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

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

AGAINST VOTE - Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

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

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

AGAINST VOTE - Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

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**220218/5      RESOLVED**

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

That Council confirms its financial support, being an annual contribution of \$20,000 from Council's Festivals and Events funding program, to the Ballina Country Music Festival, for the three year period from 2018/19, 2019/20 and 2020/21, subject to the organisers ensuring that there are free, family friendly games and events for children and subject to annual compliance with Council's conditions of funding.

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

AGAINST VOTE - Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

Cr Jeff Johnson declared an interest in Item 9.1 left the meeting at 10:11 am.

**9.1      Developer Contributions and Charges Policy - Secondary Dwellings**

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

1. That Council continue to waive developer contributions and charges for secondary dwellings where:
  - The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m<sup>2</sup>.
  - The floor space ratio of the principal and secondary dwelling does not to exceed 0.5:1.
  - A maximum of 2 bedrooms are contained within the secondary dwelling and 5 bedrooms 3 water closets and 2 laundries on the total site.
  - The secondary dwelling is attached to, or located within, the principal dwelling on the site and has been designed as a visually integrated addition (through use of a common wall and similar roof design).
  
2. That the developer contributions and charges waiver be applied to attached and detached secondary dwellings as follows:
  - 100% where the secondary dwelling is attached to, or located within, the principal dwelling on the site and has been designed as a visually integrated addition (through use of a common wall and similar roof design).
  - 50% where the secondary dwelling is detached from the principal dwelling on the site or is otherwise not visually integrated with the principal dwelling.

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3. That the approach adopted in point two commence following the expiry of the Council's previously adopted secondary dwellings developer contributions and charges waiver policy on 31 March 2018 and be applied to new applications lodged after this time.
4. That the waiving of developer contributions and charges for secondary dwellings apply in relation to contributions and charges contained within applicable Ballina Shire Council contribution plans (s94) and development servicing plans (s64).
5. The assessment criteria agreed with Rous Water in 2015 for the calculation of equivalent tenements applicable to secondary dwellings (granny flats) continue to be implemented for charges applicable under the Rous Water Development Servicing Plan for Bulk Water Supply until such time that Rous Water alters its agreed policy position.
6. That the contribution waiver policy for secondary dwellings be incorporated into Council's developer contribution plans and servicing plans when they are next revised.
7. That public notice be given of the adoption of this policy.

An **Amendment** was moved by Cr Nathan Willis and seconded by Cr Sharon Parry

That Council undertake a public consultation process and continue the existing policy with the matter to be reported back to Council within a six month timeframe.

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

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

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

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

**220218/6            RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council continue to waive developer contributions and charges for secondary dwellings where:

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- The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m<sup>2</sup>.
  - The floor space ratio of the principal and secondary dwelling does not to exceed 0.5:1.
  - A maximum of 2 bedrooms are contained within the secondary dwelling and 5 bedrooms 3 water closets and 2 laundries on the total site.
  - The secondary dwelling is attached to, or located within, the principal dwelling on the site and has been designed as a visually integrated addition (through use of a common wall and similar roof design).
2. That the developer contributions and charges waiver be applied to attached and detached secondary dwellings as follows:
- 100% where the secondary dwelling is attached to, or located within, the principal dwelling on the site and has been designed as a visually integrated addition (through use of a common wall and similar roof design).
  - 50% where the secondary dwelling is detached from the principal dwelling on the site or is otherwise not visually integrated with the principal dwelling.
3. That the approach adopted in point two commence following the expiry of the Council's previously adopted secondary dwellings developer contributions and charges waiver policy on 31 March 2018 and be applied to new applications lodged after this time.
4. That the waiving of developer contributions and charges for secondary dwellings apply in relation to contributions and charges contained within applicable Ballina Shire Council contribution plans (s94) and development servicing plans (s64).
5. The assessment criteria agreed with Rous Water in 2015 for the calculation of equivalent tenements applicable to secondary dwellings (granny flats) continue to be implemented for charges applicable under the Rous Water Development Servicing Plan for Bulk Water Supply until such time that Rous Water alters its agreed policy position.
6. That the contribution waiver policy for secondary dwellings be incorporated into Council's developer contribution plans and servicing plans when they are next revised.
7. That public notice be given of the adoption of this policy.

FOR VOTE - All Councillors voted unanimously.

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

Cr Jeff Johnson returned to the meeting at 10:21 am.

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**13.3 Notice of Motion - Permanent Firefighters**

**220218/7          RESOLVED**

(Cr Nathan Willis/Cr Sharon Parry)

That Council, having received a briefing from Fire and Rescue NSW, calls on the NSW Government to introduce permanent full time firefighters in Ballina based, initially, on the special roster model in recognition of the growth of the Shire and the commensurate requirement for emergency services.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston and Cr Nathan Willis

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

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**Adjournment**

The Mayor declared the meeting adjourned at 10.45 am

The meeting resumed at 11.06 am

**8.          Development and Environmental Health Group Reports**

**8.1        DA 1995/259 - Section 96(2) - Sandpit - Newrybar Swamp Road**

**220218/8          RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1.        That the modification application to DA 1995/259 for the AMA Sandpit Quarry at Newrybar Swamp Road be **REFUSED** for the following reasons:

- The potential impacts of the proposed modification have not been satisfactorily considered under Section 79C of the EP&A Act.
- Clauses 35 and 36 of Schedule 3, Part 2 of the EP&A Regulation 2000 have not been adequately addressed to sufficiently demonstrate that the impact of the proposed modification would not be significant.
- The mitigation measures/conditions (inclusive of the POM) of 1995 relied upon by the applicant are considered to be insufficient to enable the extended operations of the quarry.
- The environmental management performance of the quarry including the lack of environmental rehabilitation of the site raises potentially significant environmental issues for the recommencement of quarrying activities for the proposed extended period.



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- The cumulative impact of the extension has not been adequately addressed.
  - The proposed modification in the circumstances of this case is not considered to be in the public interest.
2. That Council ensure that all remediation works are carried out in accordance with the conditions of consent.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**13.5 Notice of Motion - Shark Net Inspections**

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

1. That Council write to NSW Department of Primary Industries (DPI) and the appropriate members of the NSW State Parliament asking that the DPI adhere to the commitments they have provided in respect to regular inspections of the North Coast Shark nets.
2. That Council ask whether there has been any research that shows a positive causal relationship between by-catch and the shark nets and increased shark sightings.

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

FOR VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Eoin Johnston

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

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

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

That Council write to NSW Department of Primary Industries (DPI) and express concern in relation to the by-catch in the shark nets and call for an immediate review with reference to the relevant animal ethics guidelines.

The Mayor ruled that he would not accept the above motion due to its similarity with the previous motion which was lost.

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**13.6 Notice of Motion - Safety Barrier - Pedestrian Overpass at Angels Beach**

**220218/9          RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council investigate the option of funding the installation of a safety barrier at the Angels Beach pedestrian overpass to reduce the risk of items being thrown from the overpass onto passing vehicles, as part of the preparation of the 2018/19 Operational Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**8.2 DA 2017/647 - Veterinary Clinic - 48 Ballina Street, Lennox Head**

**220218/10        RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Development Application 2017/647 for the Erection of a Two Storey Building for the Purposes of a Veterinary Clinic with Associated Veterinary Dwelling, Car Parking and Associated Works at Lot 20, DP 1007134, 48 Ballina Street, Lennox Head be **APPROVED** subject to the non-standard conditions attached to this report and other standard planning, building and engineering conditions.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**8.3 Development Applications – Variation to Development Standards**

**220218/11        RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes that there have been NO applications approved under delegation for variations to development standards less than 10% for January 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

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**8.4 Development Consent and Infrastructure Approvals - January 2018**

**220218/12      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on development consent and public infrastructure approvals for January 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**8.5 Development Applications - Works in Progress - February 2018**

**220218/13      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of the report on the status of outstanding development applications for February 2018.

2. That the conditions of consent for DA 2016/690 be reported to Council to clarify the works that the \$50,000 paid by the developer will be expended on in relation to noise attenuation.

3. That DA 2017/600 be called in and dealt with by Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**9. Strategic and Community Facilities Group Reports**

**9.2 LEP Amendments and Planning Proposals - Status**

**220218/14      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

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**10. General Manager's Group Reports**

**10.1 Use of Council Seal**

**220218/15      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following document.

US 18/05	Ballina Shire Council Lease to Newcastle Permanent Building Society for 137 River Street, Ballina for a period of four years.
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FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**10.2 Investment Summary - January 2018**

**220218/16      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the record of banking and investments for January 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**10.3 Australia Day 2018 - Review**

**220218/17      RESOLVED**

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council confirms that the categories for the 2019 Ballina Shire Australia Day Awards are to remain unchanged; i.e.

- Young Citizen of the Year (30 years or under)
- Senior Citizen of the Year (60 years or over)
- Sports Award
- Arts/Cultural Award
- Local Hero
- Community Event of the Year

2. That Council confirms that the Citizen of the Year is to be selected from the nominations for all the Award categories, with all nomination forms and associated correspondence to clarify this selection process.

3. That award winners from the previous year be invited to present the new award winners with their awards.

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4. That Council investigate the flying of the Aboriginal flag at the Australia Day ceremony.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**Adjournment**

The Mayor declared the meeting adjourned at 11.59 am

The meeting resumed at 12.40 pm

**10.5 Joint Organisations**

**220218/18      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council in accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act) inform the Minister for Local Government (the Hon Gabrielle Upton MP) of Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (JO) in accordance with this resolution.
2. That Council approves the inclusion of the Ballina Shire Council area in the Joint Organisation area.
3. That Council requests that the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
  - a. Byron Shire
  - b. Kyogle
  - c. Lismore City
  - d. Richmond Valley
  - e. Tweed Shire
4. That before 28 February 2018, the General Manager provide the Minister with a copy of this resolution including the date on which Council made this resolution.
5. That Council authorises the General Manager to, on the expiry of a period of 28 days from the making of this resolution, inform the Minister that this resolution has not been rescinded.

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

AGAINST VOTE - Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

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**10.6 Public Reserve Management Fund - Priorities**

**220218/19      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council confirms the priority projects for the Public Reserves Management Fund Program (PRMF) for 2018/19 are as follows:

<b>Ref</b>	<b>Project</b>	<b>(\$'000)</b>
1	Coastal Recreation Walk	100
2	Riverview Park Playground installation	55
3	Clubhouse improvement works – Kingsford Smith Reserve	30
4	Sportsfield lighting upgrade – Williams Reserve	120
5	Fripp Oval fencing	60
6	Hampton Park – Car park detailed design – POM	20
7	Shaws Bay Coastal Zone Management Plan	95

2. That Council confirms the priority projects for the Stronger Country Communities Fund Round Two will consider the River Street beautification, Skennars Head Sports fields, Coastal Walk and Indoor Sports Centre projects.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Keith Williams

**12. Public Question Time**

**12.1 Dr Lyn Walker - Use of Sand as Fill Material**

**Dr Lyn Walker** – apart from the availability, why do we use sand for fill for major projects?

John Truman advised the properties of sand make it a highly suitable material for range of engineering specifications and designs.

Paul Hickey advised that sand was often was a better product for use as fill.

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**10.7 Financial Review - 31 December 2017**

**220218/20      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of the December 2017 Quarterly Budget Review and approves the changes identified within this report.

Cr Jeff Johnson left the meeting at 12:54 pm.

FOR VOTE - All Councillors voted unanimously.

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

**11. Civil Services Group Reports**

**11.1 Heavy Transport Vehicles - PBS Level 2 Routes**

**220218/21      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the applications for the following road routes to be Performance Based Standard routes.

- Route 1 - Boral Quarry via Teven and North Teven Road
- Route 2 - Teven Quarry via Teven Road and Stokers Lane
- Route 3 - Tuckombil Quarry via Teven and Gap Road
- Route 4 - Sand & Gravel via Barlows Road

2. That Council adopts the Restricted Access Vehicles on Local Roads Policy, as attached to this report.

3. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required and the existing B-Double & 4.6m High Vehicle Route Assessment Policy is rescinded.

FOR VOTE - All Councillors voted unanimously.

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

Cr David Wright left the meeting at 01:05 pm.

In the absence of the Mayor and Deputy Mayor, Cr Ben Smith commenced as Chair by consensus of the meeting.

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**11.2 Fair Go Skateboarding Event**

**220218/22      RESOLVED**

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council continue to grant \$4,000 funds to Truckstop Sk8, the successful applicant of the expression of interest process completed in 2017, to organise the Fair Go skateboarding event for 2018 and 2019, subject to a finance agreement between Council and Truckstop Sk8.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson and Cr Keith Williams

**11.3 Waste Legislation Reforms and Council's Waste Diversion**

**220218/23      RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council continue to liaise with the NSW EPA to develop an acceptable licensing solution to permit current site activities and operation at the Ballina Waste Management Centre and landfill site.
2. That Council write to parliamentary members and LGNSW seeking support and assistance to highlight the major impact to Council's waste operations and environmental sustainability programs associated with the State Government's waste legislation reforms.

Cr Jeff Johnson returned to the meeting at 01:06 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

**11.4 Tender - Alstonville Gravity Sewer Main Upgrade**

**220218/24      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council, in accordance with the *Local Government (General) Regulation 2005*, declines to accept any tenders for the Alstonville Gravity Sewer Main Upgrade as the tendered prices are well in excess of the project budget for this work.
2. That Council, also in accordance with the *Local Government (General) Regulation 2005* authorises the General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.



**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
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40 CHERRY STREET BALLINA,  
ON 22/02/18 AT 9.00 AM**

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3. That upon the conclusion of any successful negotiations, Council authorises the General Manager to execute and affix the Council seal to the relevant contract documents.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

**11.5 Policy (Review) - Filming on Public Land**

**220218/25      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council adopts the Filming on Public Land Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

**11.6 Policy (Review) - Asset Management**

**220218/26      RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council adopts the Asset Management Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

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**13. Notices of Motion**

**13.1 Notice of Motion - Lennox Head Community Centre - Ceiling Fans**

**220218/27      RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council examine the cost of installing commercial ceiling fans at the Lennox Head Community Centre as part of the preparation of the 2018/19 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

**13.2 Notice of Motion - Public Transport Signage**

**220218/28      RESOLVED**

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council receive a report on options to refresh the BalTran signs throughout the Shire with the aim being to better support public transport and to better reflect our modern community.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

**13.4 Notice of Motion - Extractive Industries**

**220218/29      RESOLVED**

(Cr Sharon Parry/Cr Nathan Willis)

1. That as part of the 2018/19 Operational Plan Council include an action to investigate the merits of implementing a policy position that is consistent with the current NSW planning legislation and EPA requirements that seeks to address current and future impacts of extractive industries (eg. quarries) on residential areas.

2. This is to include a review of relevant provisions in the Ballina Shire Development Control Plan 2012 and specifically consider the introduction of a provision requiring that asphalt-producing industry be located at least 1,000m away from any residential development having regard to the health and amenity of our residents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

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**14. Advisory Committee Minutes**

Nil Items

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

**15.1 Mayoral Meetings**

**220218/30 RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

**15.2 Meeting with Minister Troy Grant - Permanent Firefighters**

**220218/31 RESOLVED**

(Cr Nathan Willis/Cr Sharon Parry)

That Council notes the contents of the report from Cr Willis on the meeting held with Minister Troy Grant.

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

AGAINST VOTE - Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

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**16. Confidential Session**

**220218/32 RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

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

**Item 10.4 - Legal Matters – Update**

**Reason for Confidentiality**

This report on this matter was submitted in Open Council, however Councillors wished to discuss confidential aspects of that report. The discussions are **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 it may prejudice Council's position in legal proceedings.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

(The Council moved into Confidential Session at 1.25 pm).

**Open Council**

**220218/33 RESOLVED**

(Cr Sharon Cadwallader/Cr Sharon Parry)

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

(The Council moved into Open Council at 1.34 pm).

There were no recommendations made during the Confidential Session.

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**10.4 Legal Matters - Update**

**220218/34      RESOLVED**

(Cr Jeff Johnson/Cr Nathan Willis)

That Council notes the contents of this legal matters update.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright, Cr Phillip Meehan and Cr Keith Williams

**MEETING CLOSURE**

1.35 pm

The Minutes of the Ordinary Meeting held on 22/02/18 were submitted for confirmation by council on 22 March 2018 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 22 March 2018.