Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry (arrived at 9.02 am), Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams 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.

3. Apologies

An apology was received from Cr Sharon Cadwallader.

220318/1 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That such apology be accepted and leave of absence granted.

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

4. Confirmation of Minutes

220318/2 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 February 2018.

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

5. Declarations of Interest and Reportable Political Donations

- **Cr David Wright** declared an interest in Item 8.2 DA 2017/679 77 Teven Road, Alstonville. (Nature of Interest: non significant, non pecuniary one of the proponents was a former student of his). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Ben Smith** declared an interest in Item 8.2 DA 2017/679 77 Teven Road, Alstonville. (Nature of Interest: non significant, non pecuniary one the proponents is a former Councillor colleague). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- Cr Eoin Johnston declared an interest in Item 11.1 DA 2016/690 Noise Attenuation Measures, Quays Reserve. (Nature of Interest: non significant, non pecuniary – he is a life member of the Ballina Rugby Club). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- Cr Keith Williams declared an interest in Item 11.3 Policy (Review) Donations – Waste Fees for Not For Profit Groups. (Nature of Interest: pecuniary - he is the treasurer of a group who receives a benefit under that policy). He will be departing the meeting while the matter is discussed.
- Cr Nathan Willis later in the meeting, declared an interest in Item 7.1 Mayoral Minute – Ballina Country Music Festival. (Nature of Interest: non significant, non pecuniary – he is a member of the Cherry Street Bowls Club). He remained in the meeting while the matter was discussed and voted on the matter.

Cr Sharon Parry arrived at the meeting at 09:02 am.

There were no reportable political donations.

6. Deputations

- **Neil Hargraves** spoke in opposition to the recommendation in Item 8.5 Determination Review Pontoon and Jetty, Mainsail Place.
- Peter Blackwood spoke in opposition to item 8.1 DA 2017/557 Place of Assembly and Tourist Facility.
- Chris Pratt spoke in favour of Item 8.1 DA 2017/557 Place of Assembly and Tourist Facility.
- Robyn Surtees spoke in opposition to Item 8.2 DA 2017/679 77 Teven Road, Alstonville
- **Rebekah Drummond** spoke in favour of Item 8.2 DA 2017/679 77 Teven Road, Alstonville
- Jos Webber spoke in favour of Item 13.1 Notice of Motion Road Funding.

- Graham Steele, Ballina Rugby Club spoke in favour of Item 11.1 DA 2016/690 Noise Attenuation Measures, Quays Reserve.
- Lyn Thomson, Bagot Park Landcare spoke in favour of Item 13.2 Notice of Motion Vegetation Disposal Voluntary Community Groups.
- Mia Cassidy spoke in opposition to Item 8.3 DA 1996/29 Section 96(2) – Quarry – Old Bagotville Road.

8. Development and Environmental Health Group Reports

8.5 Determination Review - Pontoon and Jetty, Mainsail Place

A Motion was moved by Cr Phillip Meehan and seconded by Cr Ben Smith -

That Council confirms the determination of DA 2017/569 (being proposed works to upgrade an existing jetty and pontoon) as **REFUSAL** for the reasons stated in the notice of determination dated 15 January 2018.

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

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

220318/3 RESOLVED

(Cr Keith Williams/Cr Eoin Johnston)

That Council defer consideration of the determination review and review the pontoon and jetty policy through a Councillor workshop.

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

8.1 DA 2017/557 - Place of Assembly and Tourist Facility

220318/4 RESOLVED

(Cr Phillip Meehan/Cr Keith Williams)

That DA 2017/557 for the erection of a purpose built building for use as a place of assembly (function centre and refreshment room) and the change of use of the approved dwelling house (DA 2016/601) to a tourist facility (accommodation) at Lot 1 DP 204760, North Teven Road, Teven be **REFUSED** as Council is not satisfied that the proposed development will not have an unreasonable impact on the surrounding properties and the rural locality.

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

8.2 DA 2017/679 - 77 Teven Road, Alstonville

220318/5 RESOLVED

(Cr Phillip Meehan/Cr Ben Smith)

That Development Application 2017/679 for a Torrens title subdivision to create 10 residential allotments, construction of one road, installation of public infrastructure services, demolition of existing dwelling house and vegetation management works for the removal of one Lilly Pilly tree at Lot 83 DP 239781, 77 Teven Road, Alstonville be **APPROVED** subject to the application of standard planning, building and engineering conditions and specific conditions identified within this report.

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

13. Notices of Motion

13.1 <u>Notice of Motion - Road Funding</u> 220318/6 RESOLVED

(Cr Eoin Johnston/Cr Jeff Johnson)

That Council write to the Minister for Roads, Maritime and Freight supporting the approaches made by the Local Government Association of NSW (LGNSW) expressing the urgent need for improved and accessible funding for the upgrade of rural roads under the care and control of local councils.

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

Adjournment

The Mayor declared the meeting adjourned at 10.36 am

The meeting resumed at 11.06 am

11.1 DA 2016/690 - Noise Attenuation Measures, Quays Reserve

220318/7 RESOLVED

(Cr Eoin Johnston/Cr Jeff Johnson)

- That Council confirms that in relation to consent condition 31A of DA 2016/690, the preference is to expend the \$50,000 bond held by Council to implement the recommendations of the expert noise report prepared by Tim Fitzroy and Associates, together with the construction of a vegetated earth mound at the southern end of the playing field as set out as Proposed Works in the Ballina Rugby Club letter to the General Manager dated 11 October 2017.
- 2. That Council authorises the General Manager to allocate Council funds to the project in point one, if it is the case that further funds are required to carry out those works, with the source of that funding to be confirmed in the next financial quarterly review report.

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

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

13.2 <u>Notice of Motion - Vegetation Disposal - Voluntary Community Groups</u> A Motion was moved by Cr Eoin Johnston and seconded by Cr Jeff Johnson

That Council consider supporting landcare groups and other community groups who assist Council in vegetation management by either collecting their bulk green waste and litter or waiving their fees at the Waste Management Centre.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Keith Williams

That Council staff work with the Bagot Park Landcare Group to identify suitable low impact low resource use vegetation management methodologies that should not require natural resources being diverted to the waste centre.

The Amendment was CARRIED.

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

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

The Amendment then became the Motion and was CARRIED.

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

220318/8 RESOLVED

(Cr Phillip Meehan/Cr Keith Williams)

That Council staff work with the Bagot Park Landcare Group to identify suitable low impact low resource use vegetation management methodologies that should not require natural resources being diverted to the waste centre.

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

8.3 DA 1996/29 - Section 96(2) - Quarry - Old Bagotville Road

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

That the modification application to DA 1996/29 for the Eaton's Quarry be **APPROVED** via the amendment to conditions as outlined within this report, namely:

- 1. A reduction in the requested extension of time for extraction from five years down to two years (until 31 January 2020 and maximum of 100,000 tonnes) and only for the provision of chert material for the Pacific Highway upgrade works.
- 2. The commencement of the progressive rehabilitation immediately at the time of recommencement of extraction and review of its establishment in full prior to 30 April 2020).
- 3. The implementation of the Transport Management Plan and Driver Code of Conduct.

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

FOR VOTE - Cr Phillip Meehan

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

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

220318/9 RESOLVED

(Cr Keith Williams/Cr Eoin Johnston)

- 1. That the modification application to DA 1996/29 for the Eaton's Quarry be **REFUSED** on the basis of insufficient information to satisfactorily address relevant statutory considerations and the environmental impacts of the proposed modification.
- 2. That Council write to the RMS expressing on-going concerns around noise, and the dust and traffic impacts on residents and the local roads.

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

7. Mayoral Minutes

7.1 <u>Mayoral Minute - Ballina Country Music Festival</u> A Motion was moved by Cr David Wright

That Council supports the annual payment of \$30,000 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 Ben Smith and seconded by Cr Sharon Parry

- 1. That Council supports the payment of \$35,000 to the Ballina Country Music Festival, with the additional funds to be sourced from the previous allocation to the Prawn Festival, for 2018/19.
- 2. That Council encourages both parties (The Ballina Country Music Festival and Ballina Chamber of Commerce) to work together for a combined festival.

Cr Willis declared a non significant, non pecuniary interest in this matter- he is a member of the Cherry Street Bowls Club.

The Amendment was CARRIED.

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

The Amendment then became the Motion and was CARRIED.

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

220318/10 RESOLVED

(Cr Ben Smith/Cr Sharon Parry)

- 1. That Council supports the payment of \$35,000 to the Ballina Country Music Festival, with the additional funds to be sourced from the previous allocation to the Prawn Festival, for 2018/19.
- 2. That Council encourages both parties (Ballina Country Music Festival and Ballina Chamber of Commerce) to work together for a combined festival.

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

8.4 DA 2017/675 - 5 Rancher Court, Wollongbar

220318/11 RESOLVED

(Cr Ben Smith/Cr Phillip Meehan)

That the application to vary the Ballina Local Environmental Plan 2012 Development Standard Clause 4.1B – Minimum subdivision lot size for strata plan schemes in certain residential, rural and water way zones for DA 2017/675 for the Strata Title Subdivision of an existing dual occupancy be **APPROVED**, for the reasons outlined in this report.

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 Ben Smith AGAINST VOTE - Cr Jeff Johnson ABSENT, DID NOT VOTE - Cr Sharon Cadwallader

8.6 <u>Development Applications – Variation to Development Standards</u> 220318/12 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

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

8.7 <u>Development Consent and Infrastructure Approvals - February 2018</u> 220318/13 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

- 1. That Council notes the contents of the report on development consent and public infrastructure approvals for February 2018.
- 2. That Council notes the contents of the report regarding the findings of the Micromex Development Application Research.

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

8.8 <u>Development Applications - Works in Progress - March 2018</u> 220318/14 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

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

9. Strategic and Community Facilities Group Reports

9.1 <u>Economic Development Strategy</u> 220318/15 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council adopts the Ballina Shire Economic Development Strategy, as attached, inclusive of the amendments outlined in this report.

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

10. General Manager's Group Reports

10.1 <u>Investment Summary - February 2018</u> 220318/16 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

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

10.2 Policy - Councillor Expenses and Facilities - Adoption

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

That Council adopts the Councillor Expenses and Facilities Policy, as exhibited, as attached to this report.

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

1. That Council adopts the Councillor Expenses and Facilities Policy, as exhibited, as attached to this report.

2. That Council approves the late expense claims for Cr Jeff Johnson for the following periods and amount:

July – November 2017 - \$716.80

The Amendment was LOST.

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

The Motion was CARRIED.

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

220318/17 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council adopts the Councillor Expenses and Facilities Policy, as exhibited, as attached to this report.

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

11. Civil Services Group Reports

11.2 <u>Sharpes Beach Observation Tower - Funding</u> 220318/18 RESOLVED

(Cr Phillip Meehan/Cr Eoin Johnston)

1. That Council approves the allocation of \$40,000 to complete the construction of the Sharpes Beach Observation Tower in accordance with DA 2012/32 funded from the following internal reserves:

Title	Amount (\$)
Open Spaces sundries	2,000
Open Spaces capital	32,000
Open Spaces operations	6,000

2. That Council notify the Department of Primary Industries of the timeframe for completion of the Observation Tower.

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

Cr Keith Williams declared an interest in Item 11.3 and left the meeting at 12:23 pm.

11.3 <u>Policy (Review) - Donations - Waste Fees For Not For Profit Groups</u> 220318/19 RESOLVED

(Cr Eoin Johnston/Cr Sharon Parry)

- 1. That Council adopts the amended Donations Waste Disposal Fees for Not For Profit Groups 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 Keith Williams and Cr Sharon Cadwallader

Cr Keith Williams returned to the meeting at 12:28 pm.

14. Advisory Committee Minutes

14.1 <u>Finance Committee Minutes - 14 March 2018</u> 220318/20 RESOLVED

(Cr Eoin Johnston/Cr Nathan Willis)

That Council confirms the minutes of the Finance Committee meeting held 14 March 2018 and that the recommendations contained within the minutes be adopted, with Item 4.9 (Dust Sealing Analysis) and Item 4.10 (Community Infrastructure – Recurrent Projects and Funding) being dealt with separately.

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

Finance Committee Minutes - 14 March 2018 - Item 4.9 - Dust Sealing Analysis

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

That the General Manager prepare a report which examines options to adopt a Rural Road Upgrade Program for the 2018/19 to 2021/22 Operational Plan . The objective of this report is to determine a program with project priorities based on an agreed weighted criteria assessment. This report is to consider options to amend the current roads program to incorporate a rural road upgrade program and the assessment should give consideration to any possible long term impacts on the road management strategy associated with these options.

An Amendment was moved by Cr Phillip Meehan

That the General Manager prepare a report which examines options to adopt a Rural Road Upgrade Program. The objective of this report is to determine a program with project priorities based on an agreed weighted criteria assessment. This report is to consider options to amend the current roads program to incorporate a rural road upgrade program and the assessment should give consideration to any possible long term impacts on the road management strategy associated with these options.

The Amendment LAPSED.

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 and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

220318/21 RESOLVED

(Cr Eoin Johnston/Cr Nathan Willis)

That the General Manager prepare a report which examines options to adopt a Rural Road Upgrade Program for the 2018/19 to 2021/22 Operational Plan. The objective of this report is to determine a program with project priorities based on an agreed weighted criteria assessment. This report is to consider options to amend the current roads program to incorporate a rural road upgrade program and the assessment should give consideration to any possible long term impacts on the road management strategy associated with these options.

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

Finance Committee Minutes - 14 March 2018 - Item 4.10 - Community Infrastructure - Recurrent Projects and Funding

220318/22 RESOLVED

(Cr Nathan Willis/Cr Phillip Meehan)

- 1. That Council include in the draft 2018/19 Delivery Program and Operational Plan the recurrent capital expenditure priorities as outlined in the report to the Finance Committee.
- 2. That Council request the Local Traffic Committee to approve a reduction in the speed zone for the Coast Road at Angels Beach to 60 km per hour, due to the safety concerns arising from the pedestrian bridge.

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

12. Public Question Time

12.1 Dr Lyn Walker - Lake Ainsworth

Dr Lyn Walker – a question to Cr Keith Williams – you have published your disappointment that Council's Foreshore Improvement Plan for Lake Ainsworth failed "to address the health risk of blue green algae in the lake". What did you suggest that could be added to the 2017 Plan that would reduce nutrient levels and thereby the health risk of blue green algae?

Cr Williams asked the General Manager if it was in Council's Code of Meeting Practice that questions can be asked directly to Councillors.

The General Manager clarified that questions are to be directed to the Chair, who then determines who will provide a response.

The General Manager advised that the question from Dr Walker requires a technical response and one option would be to determine the preferred approach through the outcomes of the proposed Coastal Management Plan.

Cr Keith Williams – Did not intend to add anything further.

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

15.1 <u>Mayoral Meetings</u>

220318/23 RESOLVED

(Cr Ben Smith/Cr Sharon Parry)

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

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

MEETING CLOSURE

1.00 pm

The Minutes of the Ordinary Meeting held on 22/03/18 were submitted for confirmation by council on 26 April 2018 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 26 April 2018.

Page 14 of 14 of the Minutes of the Ordinary Meeting of Ballina Shire Council – 22/03/18