

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

**Attendance**

Crs David Wright (Mayor - in the chair), Phillip Meehan, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams and Sharon Cadwallader.

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

There were ten 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**

Apologies were received from Cr Sharon Parry and Cr Ben Smith.

**221118/1 RESOLVED**

(Cr Nathan Willis/Cr Keith Williams)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**4. Confirmation of Minutes**

**221118/2 RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 October 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry 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 22/11/18 AT 9.00 AM**

---

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

**Cr Phillip Meehan** – declared an interest in Item 9.1 – Short-term Holiday Letting – State Government Regulation. (Nature of Interest: pecuniary – close family members operate short-term holiday letting). He will be departing the meeting while the matter is discussed.

**Cr Sharon Cadwallader** – declared an interest in Item 11.5 – Road Closing – Public Road in Henderson Lane, Lennox Head. (Nature of Interest: non significant, non pecuniary – her Superannuation fund had investments with the previous landowner of the Epiq Estate (Clarence Property), but they are no longer the landowners. She will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Sharon Cadwallader** – declared an interest in Item 8.2 – Policy (New) – Waste Management for Multi-Unit Developments. (Nature of Interest: pecuniary – she is a joint owner of short-term holiday accommodation in Ballina). She will be departing the meeting while the matter is discussed.

**Cr Sharon Cadwallader** – declared an interest in Item 9.1 – Short-term Holiday Letting – State Government Regulation. (Nature of Interest: she is a joint owner of short-term holiday accommodation in Ballina). She will be departing the meeting while the matter is discussed.

**Cr Jeff Johnson** – declared an interest in Item 11.5 – Road Closing – Public Road in Henderson Lane, Lennox Head. (Nature of Interest: non significant, non pecuniary – he and his wife are adjoining landowners). He will be departing the meeting while the matter is discussed.

**Cr Phillip Meehan** – declared an interest in Item 13.2 – Notice of Motion – Use of Council Facilities and in particular to the deputation from Ray Karam. (Nature of Interest: non significant, non pecuniary - at the previous Local Government election he had a preference votes arrangement with Mr 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 13.2 – Notice of Motion – Use of Council Facilities and in particular to the deputation from Ray Karam. (Nature of Interest: non significant, non pecuniary - at the previous Local Government election he had a preference votes arrangement with Mr Karam).. He will be remaining in the meeting while the matter is discussed and voting on the matter.

**Paul Hickey, General Manager** - later in the meeting declared an interest in Item 13.1 – Rescission Motion – Planning Proposal – Skennars Head. (Nature of Interest: non pecuniary non significant – a friend is a consultant to Intrapac). He will be departing the meeting while the matter is discussed.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

**Cr Eoin Johnston** - later in the meeting declared an interest in Item 11.5 - Road Closing – Public Road in Henderson Lane, Lennox Head. (Nature of Interest: non significant, non pecuniary – he has investments with the property owner of Epiq Estate (Clarence Property). He will be departing the meeting while the matter is discussed.

There were no political reportable donations.

Cr Jeff Johnson declared an interest in Item 11.5 and left the meeting at 09:05 am.

**6. Deputations**

- **Dr Wes Hill** – spoke in opposition to the recommendation in Item 11.5 – Road Closing – Public Road in Henderson Lane, Lennox Head.

Cr Jeff Johnson returned to the meeting at 09:11 am.

- **Malcolm Milner** – spoke in favour of Item 13.5 – Notice of Motion – Williams Reserve Plan of Management.
- **Rebecca Asquith – Girl To Women Festival (replaced Ray Karam)** – spoke in opposition to Item 13.2 – Use of Council Facilities.

**7. Mayoral Minutes**

Nil items.

**Cr Eoin Johnston** – at this point declared an interest in Item 11.5 - Road Closing – Public Road in Henderson Lane, Lennox Head. (Nature of Interest: non significant, non pecuniary – he has investments with the property owner of Epiq Estate (Clarence Property) and left the meeting at 9.18 am

Cr Jeff Johnson declared an interest in Item 11.5 and left the meeting at 09:18 am.

**11.5 Road Closing - Public Road in Henderson Lane, Lennox Head**

**221118/3          RESOLVED**

(Cr Phillip Meehan/Cr Nathan Willis)

That Council refuse the application to close the section of public road at Henderson Lane, Lennox Head and note the reason for this decision is to maintain public access in the future.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Nathan Willis and Cr Keith Williams

AGAINST VOTE - Cr Stephen McCarthy and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston 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 22/11/18 AT 9.00 AM**

---

Cr Jeff Johnson and Cr Eoin Johnston returned to the meeting at 09:27 am.

**Deputation**

- **Jenny Rudolph, Intrapac** – spoke in favour of Item 13.1 – Rescission Motion – Planning Proposal – Skennars Head.

**Paul Hickey, General Manager** – at this point declared an interest in Item 13.1 – Rescission Motion – Planning Proposal – Skennars Head. (Nature of Interest: non pecuniary non significant – a friend is a consultant to Intrapac) and left the meeting at 9.31 am

**13.1 Rescission Motion - Planning Proposal - Skennars Head**

**221118/4        RESOLVED**

(Cr Phillip Meehan/Cr Eoin Johnston)

That Resolution 251018/5, as follows, be rescinded:

*That the matter be deferred to a Councillor Briefing to give further consideration to a reduction in the neighbourhood commercial zone and commercial floor space ratio.*

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

AGAINST VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**221118/5        RESOLVED**

(Cr Phillip Meehan/Cr Sharon Cadwallader)

1. That Council endorses the amendment of Ballina Local Environmental Plan 2012 as detailed in the exhibited Planning Proposal BSCPP17/010 – Skennars Head Expansion Area B1 and R3.

2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP17/010 – Skennars Head Expansion Area B1 and R3 under delegated authority subject to the following:

- Confirmation of the agreement of the Secretary of the Department of Planning and Environment with respect to identified inconsistencies with s9.1 (s117) Ministerial Directions; and
- Confirmation being received from Air Services Australia and the Civil Aviation Safety Authority that they raise no substantive objection to the planning proposal.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

3. That persons who made submissions to this planning proposal be advised of the Council's decision.

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

Paul Hickey returned to the meeting at 9.46 am

**13.5 Notice of Motion - Williams Reserve Plan of Management**

**221118/6            RESOLVED**

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council receive a report on the merits of amending the Williams Reserve Plan of Management to change the category of the precinct currently identified as a natural conservation area to a more generic category that provides improved community outcomes.

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

**13.2 Notice of Motion - Use of Council Facilities**

A **Motion** was moved by Cr Keith Williams and seconded by Cr Nathan Willis

1. That Council amend our Child Protection Policy to include the following sentence:  
*'The Council reserves the right to restrict the use of Council services and resources by customers on grounds of child protection where the Council believes that provision of the service would pose a potential for child abuse.'*
2. That Council supports the General Manager in amending our Statement of Business Ethics in accordance with the attachment to reinforce that Council acts fairly and without bias but subject to the public interest in respect to access by customers to our services and resources.
3. That in line with the above changes, the General Manager is authorised to amend our existing hiring agreements and related documentation for the use of our community facilities, to ensure that adequate child safety measures are in place, such as the requirement for working with children checks (WWCC).
4. That Council representatives, both staff and elected representatives, make reasonable investigations into the status of function organisers prior to attending a function on behalf of Council.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

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

1. That Council supports the General Manager in amending our Statement of Business Ethics in accordance with the attachment to reinforce that Council acts fairly and without bias but subject to the public interest in respect to access by customers to our services and resources.
2. That in line with the above changes, the General Manager is authorised to amend our existing hiring agreements and related documentation for the use of our community facilities, to ensure that adequate child safety measures are in place, such as the requirement for working with children checks (WWCC).

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

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

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

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 and Cr Jeff Johnson  
ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**221118/7            RESOLVED**

(Cr Keith Williams/Cr Nathan Willis)

1. That Council amend our Child Protection Policy to include the following sentence:  
*'The Council reserves the right to restrict the use of Council services and resources by customers on grounds of child protection where the Council believes that provision of the service would pose a potential for child abuse.'*
3. That Council supports the General Manager in amending our Statement of Business Ethics in accordance with the attachment to reinforce that Council acts fairly and without bias but subject to the public interest in respect to access by customers to our services and resources.
3. That in line with the above changes, the General Manager is authorised to amend our existing hiring agreements and related documentation for the use of our community facilities, to ensure that adequate child safety measures are in place, such as the requirement for working with children checks (WWCC).

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

4. That Council representatives, both staff and elected representatives, make reasonable investigations into the status of function organisers prior to attending a function on behalf of Council.

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 and Cr Jeff Johnson  
ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**Adjournment**

The Mayor declared the meeting adjourned at 10.41 am

The meeting resumed at 11.04 am

**13.3 Notice of Motion - Local Environmental Plan Amendment - Water Extraction**

**221118/8            RESOLVED**

(Cr Jeff Johnson/Cr Eoin Johnston)

1. That Council receives a report on options to amend the LEP to prohibit water extraction for the purposes other than for agricultural or domestic uses.
2. That Council write to the relevant State Government Departments and the Minister for Primary Industries, Lands and Water, Mr Niall Blair and other relevant Ministers calling for a halt to any new water licences for non-agricultural purposes such as bottled water within the Ballina Shire. As part of this correspondence clarification is requested on whether existing licences can be transferred to third parties for non-agricultural uses.
3. That Council engage with Rous Water with regards to water supply security for the Ballina Shire and neighbouring Councils.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Sharon Parry 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 22/11/18 AT 9.00 AM**

---

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

**8.1 Ballina Sands Quarry - Annual Extraction Limits**

**221118/9 RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report, which provides an introduction to the confidential report addressing sand extraction and compliance with the conditions of consent for DA 2013/162 from the Ballina Sands Quarry located at Newrybar Swamp Road Kinvara.

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

Cr Sharon Cadwallader declared an interest in Item 8.2 and left the meeting at 11:19 am.

**8.2 Policy (New) - Waste Management for Multi-Unit Developments**

**221118/10 RESOLVED**

(Cr Keith Williams/Cr Nathan Willis)

That Council adopts the amended Waste Management for Multi-Unit Developments Policy, as per Attachment 3, to this report.

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

Cr Sharon Cadwallader returned to the meeting at 11:20 am.

**8.3 Development Applications - Works in Progress - November 2018**

**221118/11 RESOLVED**

(Cr Nathan Willis/Cr Eoin Johnston)

1. That Council notes the contents of the report on the status of outstanding development applications for November 2018.
2. That DA 2018/421 be called in and dealt with by Council.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Sharon Parry 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 22/11/18 AT 9.00 AM**

---

Cr Sharon Cadwallader and Cr Phillip Meehan declared an interest in Item 9.1 and left the meeting at 11:21 am.

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

**9.1 Short-term Holiday Letting - State Government Regulation**

**221118/12 RESOLVED**

(Cr Nathan Willis/Cr Eoin Johnston)

1. That Council endorses the staff draft submission made to the NSW Department of Planning and Environment dated 13 November 2018 with respect to planning reforms relating to Short Term Rental Accommodation.
2. That Council requests the NSW Department of Planning and Environment to set the maximum period for which Short Term Rental Accommodation can be undertaken as exempt development in Ballina Shire at 180 days per year.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Sharon Cadwallader and Cr Ben Smith

Cr Sharon Cadwallader and Cr Phillip Meehan returned to the meeting at 11:24 am.

**9.2 Lease Proposal - 32 Swift Street, Ballina**

**221118/13 RESOLVED**

(Cr Keith Williams/Cr Nathan Willis)

1. That as an outcome of the recent Expression of Interest process, Council offer Social Futures a three year lease of property at No 32 Swift Street Ballina for the purpose of delivering youth related services, as authorised by Development Consent No 1995/311 dated 5 July 1995.
2. The lease is to be prepared on the basis of a peppercorn rental, with the lessee required to pay general property rates, service and consumption charges and to attend to the routine maintenance of the property.
3. That the proposed lease to Social Futures be publically notified in accordance with the requirements of section 47A of the Local Government Act 1993.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

4. That should no written objections be received during the notification period, the General Manager be authorised to affix the Seal of the Council to documents relating to the new lease and any other documents required to allow tenure to be granted in accordance with terms of the Local Government Act 1993 and associated Regulation.

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

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

**10.1 Use of Council Seal**

**221118/14 RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council affix the Common Seal to the following document.

US 18/07	'Deed of Easement' for rights of drainage over land being Lot 45 DP 123949 at Elevation Development, Lennox Head. The deed is between the Elevation Developer (or subsequent land owners) and Council.
----------	--

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

**10.2 Investment Summary - October 2018**

**221118/15 RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

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

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

**10.3 Flat Rock Tent Park Fees and Charges - 2019/20**

**221118/16 RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council authorises the exhibition of the draft Flat Rock Tent Park fees and charges for 1 February 2019 to 31 January 2020, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Sharon Parry 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 22/11/18 AT 9.00 AM**

---

**10.4 Hardship Relief - Application**

**221118/17      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report in respect to the overview of the hardship application.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**10.5 Policy (Review) - Donations - Rates and Charges**

**221118/18      RESOLVED**

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

1. That Council adopts the amended Donations – Rates and Charges 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.
3. That Council write to Marine Rescue NSW advising of their change from Category A to Category B.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**10.6 Policy (Review) - Assistance with Council Fees for Community Groups**

**221118/19      RESOLVED**

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council adopts the Assistance with Council Fees for Community Groups Policy, as exhibited, subject to an increase in the maximum contribution figure from \$2,000 to \$3,000.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**10.7 Legal Matters - Update**

**221118/20      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this legal report update.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry 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 22/11/18 AT 9.00 AM**

---

**10.8 Financial Statements - 2017/18**

**221118/21      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council adopts the annual financial reports and auditor's reports for the financial year ended 30 June 2018, as publicly exhibited.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**10.9 Financial Review - 30 September 2018**

**221118/22      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of the September 2018 Quarterly Budget Review and approves the changes identified within this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**11. Civil Services Group Reports**

**11.1 Festival and Event Sponsorship Program**

**221118/23      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council grants the following funding allocations for the 2019/20 Festival and Events Sponsorship Program.

<b>Name of Organisation</b>	<b>Name of Event</b>	<b>(\$)</b>
Rotary Club of Ballina on Richmond	Ballina Food and Wine Festival 2019	10,000
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair 2019	5,000
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2019	25,000
Lennox Head Chamber of Commerce	Love Lennox Festival 2019	15,000
Cherry Street Sports Club	Ballina Country Music Fest 2019	35,000
<b>TOTAL</b>		<b>110,000</b>

2. That the residual \$10,000 from the Festival and Events Sponsorship Program be made available as additional funds for the 2019/20 Community Donations Program.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry 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 22/11/18 AT 9.00 AM**

---

**11.2 Rock Fishing - Safety Act**

**221118/24      RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council accepts the invitation from the NSW Government for the Ballina Shire local government area to become a declared area under the *Rock Fishing Safety Act 2016*.
2. That Council authorises the General Manager to apply for the funding required to establish the declared area and to develop and implement a local education and communication program to support anglers in the transition to the new arrangements.
3. That Council examine options for historical recognition for previous rock fishing activities at Iron Peg.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**11.3 Temporary Toilet Trial - Keith Hall Boat Ramp**

**221118/25      RESOLVED**

(Cr Nathan Willis/Cr Keith Williams)

That Council undertake further investigation and liaison with the community (including whether alternate sites are preferred) regarding the proposal to implement a toilet facility in the South Ballina area, including the possibility of a temporary facility.

Cr Phillip Meehan left the meeting at 12:05 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan, Cr Sharon Parry and Cr Ben Smith

**11.4 Tender - Skennars Head Playing Fields Extension**

**221118/26      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council accepts the tender from Synergy Resource Management Pty Ltd for the Skennars Head Sports Fields Extension construction contract.
2. The General Manager is authorised to undertake and complete negotiations with Synergy Resource Management in respect of the contract price, subject to the contract sum for the tendered works being equal or below the tendered amount of \$2,214,059.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

3. That upon the conclusion of negotiations Council authorises the General Manager to affix the Council seal to the relevant contract documents and execute same.
4. That Council notes the information in this report that based on the current tendered price and with the possibility of spoil disposal costs there is a current budget deficit of \$20,000. Council also notes there is currently no contingency allowance in the current budget, therefore any variations may need to be reported back to Council to secure additional funding.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan, Cr Sharon Parry and Cr Ben Smith

**11.6 Road Closing - Public Road in Bartletts Lane, Meerschaum Vale**

**221118/27 RESOLVED**

(Cr Keith Williams/Cr Nathan Willis)

1. That Council resolves, in accordance with the *Roads Act 1993* to close the section of public road adjacent to 197 and 217 Bartletts Lane at Meerschaum Vale, as outlined within this report.
2. That Council authorises the Council seal and signatures to be attached to road closing notices, subdivision plans and associated documents to enable the road closing to proceed.
3. That the closed road be consolidated with the adjoining land.

Cr Phillip Meehan returned to the meeting at 12:07 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**11.7 Road Closing - Public Road in Riverside Drive, West Ballina**

**221118/28 RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council resolves to close the section of public road adjacent to 101 Riverside Drive, West Ballina, subject to all the costs associated with the road closing, survey, legal and infrastructure relocations are to be met by the applicants.
2. That Council authorises the Council seal and signatures to be attached to road closing notices, subdivision plans and associated documents to enable the road closing to proceed.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

3. That the existing water main be relocated prior to the closed road being sold to the adjoining land owner.
4. That following the sale of the closed road, the closed road be consolidated with the adjoining land.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**11.8 Policy (Review) - Backflow Prevention**

**221118/29      RESOLVED**

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council adopts the amended Containment Backflow Prevention policy, as per attachment 1, to this report.
2. That Council adopts the new Metered Standpipes policy, as per attachment 2, to this report.
3. That Council place these policies 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.
4. That Council, in accordance with section 610F of the *Local Government Act 1993*, give public notice of the fees proposed in this report for standpipe bond (\$1,800) and hire (\$100 per week), concurrently with the policies on exhibition. If no submissions are received then the fees will be determined as adopted by Council for implementation on 1 January 2019.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**11.9 Policy (Review) - Urban Vegetation on Public Land**

**221118/30      RESOLVED**

(Cr Nathan Willis/Cr Sharon Cadwallader)

1. That Council adopts the amended Urban Vegetation on Public Land Policy, inclusive of the Significant Tree Register, as per Attachment 4, 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.
3. That Council receive a report outlining the works that have been completed to date through the street tree planting program, with that report to provide feedback on the benefits of the program, the works planned for the next few years and the merits of increasing the funding allocated to the program.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

4. That Councillors receive a briefing on the Vegetation Management Plans applicable to the coastal reserve.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

Cr Keith Williams left the meeting at 12:24 pm.

**11.10 Policy (Review) - Donations - Insurance for Environmental Volunteer Groups**

**221118/31 RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council adopts the amended Donations – Insurance for Environmental Volunteer 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 Sharon Parry, Cr Keith Williams and Cr Ben Smith

**13. Notices of Motion**

**13.4 Notice of Motion - Save Our Recycling Campaign Launch**

**221118/32 RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council support the LGNSW campaign to ensure that all political parties, as part of the 2019 State Government election, commit to 100% of the State Government waste levy being reinvested into waste management and recycling activities, which is a substantial increase from the current figure of 18%.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, 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 22/11/18 AT 9.00 AM**

---

**13.6 Notice of Motion - Installation of a Shower at The Spit**

**221118/33      RESOLVED**

(Cr Phillip Meehan/Cr Eoin Johnston)

That Council install an outdoor shower in the park area adjacent to 'The Spit' car park swimming and dog walking beach, along Kingsford Smith Drive.

FOR VOTE - All Councillors voted unanimously.

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

**13.7 Notice of Motion - Monuments and Memorials on Public Land Policy**

**221118/34      RESOLVED**

(Cr Phillip Meehan/Cr Eoin Johnston)

That Council revisit the policy regarding donated memorial public furniture.

FOR VOTE - All Councillors voted unanimously.

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

**14. Advisory Committee Minutes**

Nil Items

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

**15.1 Mayoral Meetings**

**221118/35      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

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

**12. Public Question Time**

**Greg Burgess** – would like to table some documents, which are self explanatory.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

**16. Confidential Session**

**221118/36 RESOLVED**

(Cr Nathan Willis/Cr Sharon Cadwallader)

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

**16.1 Hardship Relief - Application (Confidential)**

**Reason for Confidentiality**

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

- b) the personal hardship of any resident or ratepayer

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 due to the nature of the personal matter.

**16.2 Ballina Sands Quarry - Annual Extraction Limits (Legal)**

**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 it involves legal advice and associated reporting that pertains to the nature and content of legal proceedings that may be undertaken.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Keith Williams and Cr Ben Smith

(The Council moved into Confidential Session at 12.42 pm).

Cr Jeff Johnson left the meeting at 12:42 pm.

Cr Keith Williams returned to the meeting at 12:51 pm during the Confidential Session (after consideration of Item 16.1 and before Item 16.2)

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 22/11/18 AT 9.00 AM**

---

**Open Council**

**221118/37      RESOLVED**

(Cr Nathan Willis/Cr Sharon Cadwallader)

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, Cr Jeff Johnson and Cr Ben Smith

(The Council moved into Open Council at 12.52 pm).

Cr Jeff Johnson returned to the meeting at 12.52 pm

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

**16.1    Hardship Relief - Application (Confidential)**

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

1. That as the waste expense is an expense directly attributable to Council, that Council confirms it will provide financial assistance to the applicant, in recognition of the current personal hardship. The assistance provided is to be recorded as a donation expense in the waste operations budget.
2. That Council confirms the amount of assistance provided will be to the value of \$8,600.

The **Motion LAPSED.**

**CF221118/1      RECOMMENDED**

(Cr Sharon Cadwallader/Cr Phillip Meehan)

That Council decline the request.

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

AGAINST VOTE - Cr Nathan Willis

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Jeff Johnson, 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 22/11/18 AT 9.00 AM**

---

**16.2 Ballina Sands Quarry - Annual Extraction Limits (Legal)**

**CF221118/2 RECOMMENDED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That the Council authorises the commencement of legal proceedings in relation to the extraction of sand from the Ballina Sands Quarry, Newrybar Swamp Road Kinvara, and compliance with the conditions of consent for DA 2013/162 consistent with the approach outlined in this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Ben Smith

**Adoption of Recommendations from Confidential Session**

**221118/38 RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

**MEETING CLOSURE**

12.53 pm

The Minutes of the Ordinary Meeting held on 22/11/18 were submitted for confirmation by council on 13 December 2018 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 13 December 2018.

These Minutes were amended by Council on 28 February 2019 (Minute 280219/2. The only Amendments were to the voting contained in Item 13.2 – Notice of Motion – Use of Council Facilities. Refer to resolution 280219/2.