

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/05/19 AT 9.00 AM**

Attendance

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

Paul Hickey (General Manager), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division) and Sandra Bailey (Secretary) were in attendance.

There were nine 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

Nil

4. Confirmation of Minutes

230519/1 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Wednesday 24 April 2019, with amendments as follows:

Page 14 – Adoption of Recommendation from Confidential Session (Resolution 240419/23) – there is a mover but no seconder. Cr Keith Williams advised that he was the seconder of this motion.

Item 8.4 – Development Applications – Works in Progress – April 2019 (Resolution 240419/8) on Page 6. Cr Cadwallader had declared an interest in this item however the vote was taken before she left the meeting. As Cr Cadwallader was still in the room and did not vote, the vote was recorded as a vote against the item.

Cr Jeff Johnson left the meeting at 09:05 am.

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

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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Cr Jeff Johnson returned to the meeting at 9.07 am.

5. Declarations of Interest and Reportable Political Donations

Cr Nathan Willis – declared an interest in Item 8.7 – Ballina Ocean Pool – Update. (Nature of Interest: non significant, non pecuniary – his daughter is friends with the author of the traffic assessment report). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Nathan Willis – declared an interest in Item 9.3 – Tender – Banking Services. (Nature of Interest: non significant, non pecuniary – he banks with the Commonwealth Bank and has some superannuation with them). 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 10.3 – Tender – Group Training Services. (Nature of Interest: non significant, pecuniary – his wife works for one of the tenderers). He will be departing the meeting while the matter is discussed.

Cr Eoin Johnston – declared an interest in Item 8.7 – Ballina Ocean Pool – Update. (Nature of Interest: non significant, non pecuniary – he was a member of the Ocean Pool Committee for two years before he became a Councillor). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Paul Hickey, General Manager – declared an interest in Item 12.1 – Commercial Services Committee Minutes – 15 May 2019 and in particular to Item 5.1 of the Confidential Session of that meeting – Expression of Interest – Shelly Beach Café Site Proposals. (Nature of Interest: non significant, non pecuniary – a good friend is mentioned in the submissions as assisting one of the proponents). He will be departing the meeting while the matter is discussed.

There were no reportable political donations.

6. Deputations

- **Gerry Burnage/Mark Somers – Ballina SES** – spoke in favour of Item 11.1 – Notice of Motion – SES Centre – Funding Support.
- **Zac Phillips** – spoke in opposition to Item 8.5 – Dangerous Dog Declaration – Review.
- **Richard Gates** – spoke in favour of Item 11.2 – Notice of Motion – 4WDs on Ballina Beaches.
- **Marilyn Perkins** – spoke in relation to Item 8.2 – Wollongbar Strategic Plan – Project Completion.

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11.1 Notice of Motion - SES Centre - Funding Support

230519/2 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council increase its efforts to engage with our State and Federal Government representatives to secure increased funding for the construction of a new SES Centre for the Ballina Shire.
2. That Council receive a report on alternate funding from Council resources.
3. That Council receive a report on the nature of the future SES facility, site options, design plans and estimated costings.

FOR VOTE - All Councillors voted unanimously.

8.5 Dangerous Dog Declaration - Review

230519/3 RESOLVED

(Cr Nathan Willis/Cr Sharon Parry)

1. That Council, based on the evidence outlined in this report, not approve the revocation of the Dangerous Dog Declaration issued to Bully Microchip No. 900006000071556.
2. That the owner of Bully and the Director General for Local Government be advised that the declaration has been not revoked as per Section 40 of the *Companion Animals Act 1998*.
3. That Council continue to house Bully until 6 June 2019, or prior to this date release the dog to the dog owner, if compliance with the Dangerous Dog Declaration is adequately demonstrated to Council (including obtaining a Certificate of Compliance from Council for the construction of the dog enclosure as per the Act).
4. If the owner does not achieve compliance with the Dangerous Dog Declaration, that Council requests that the Court issue a destruction order immediately on the dog at the hearing on 6 June 2019 (or thereafter if the hearing date is altered).

FOR VOTE - All Councillors voted unanimously.

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11.2 Notice of Motion - 4WDs on Ballina Beaches

230519/4 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council receive a report on options to further ensure that 4WD beach users on Seven Mile Beach and South Ballina Beach do not negatively impact on the dunal system, wildlife and the safety of people.

FOR VOTE - All Councillors voted unanimously.

8.2 Wollongbar Strategic Plan - Project Completion

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

1. That Council adopts the draft Wollongbar Planning and Environmental Study, as contained in Attachment 1 to this report.
2. That Council adopts the draft Wollongbar Strategic Plan 2019 – 2039, as amended and contained within Attachment 3 to this report.
3. That a report be prepared for the Council's further consideration relating to the LEP amendment request lodged in respect to Lot 2 DP 527953, Nos 246 to 250 Lismore Road, Wollongbar, to permit a service station on this site.
4. That Council thank those that made submissions to the process and participated in the community engagement.
5. That Council delete action seven from the plan.

An **Amendment** was moved by Cr Sharon Parry and seconded by Cr Eoin Johnston

That this item be deferred to a Councillor briefing.

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

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

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

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

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

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan and Cr Ben Smith

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230519/5 RESOLVED

(Cr Sharon Parry/Cr Eoin Johnston)

That this item be deferred to a Councillor briefing.

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

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan and Cr Ben Smith

Adjournment

The Mayor declared the meeting adjourned at 10.49 am

The meeting resumed at 11.08 am

7. Mayoral Minutes

7.1 Mayoral Minute - Emergency Services Levy Increase

230519/6 RESOLVED

(Cr David Wright)

1. That Council notes:
 - a. That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers
 - b. That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded workers compensation scheme
 - c. That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation
 - d. That the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019/20 budget
 - e. That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.
2. That Council supports Local Government NSW's calls for:
 - a. the NSW Government to cover the initial additional \$19m increase to local governments for the first year and
 - b. the NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.

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3. That the Mayor
 - a. write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:
 - i. call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated
 - ii. explain how this sudden increase will impact council services / the local community.
 - iii. highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018
 - iv. explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector
 - v. ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.
 - b. Copy the above letter to Local Government NSW.

FOR VOTE - All Councillors voted unanimously.

10.3 Tender - Group Training Services

230519/7 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council accepts the tender for the provision of group training services from Local Government Group Training for a two year period.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 11.34 am.

The meeting resumed at 11.37 am

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8.7 Ballina Ocean Pool - Update

230519/8 RESOLVED

(Cr Jeff Johnson/Cr Eoin Johnston)

1. That Council notes the contents of this report relating to the status of the Ballina Ocean Pool project.
2. That (as Crown Land Manager) the Council's endorsement for the preparation of an application to seek the necessary planning approval for the Ballina Ocean Pool project at Shelly Beach, Ballina is subject to the resolution of native title matters, incorporation of the project into a relevant plan of management and the completion of appropriate planning and technical assessments.
3. That Council receive an update report on the progress of the ocean pool planning approval application at the November 2019 Ordinary meeting.
4. That Council write to a selection of councils with ocean pools requesting information on ocean pool maintenance schedules and costs.

FOR VOTE - All Councillors voted unanimously.

8. Planning and Environmental Health Division Reports

8.1 DA 2018/702 Boundary Adjustment - Broken Head Road

230519/9 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That the application under SEPP 1 to vary the minimum lot size development standard in Clause 11 Subdivision of Land of the Ballina Local Environmental Plan 1987 for DA 2018/702 involving the boundary adjustment subdivision of two existing lots to create one x 2.9 ha allotment (Proposed Lot A) and one x 27.7 ha allotment (Proposed Lot B) be **APPROVED**, for the reasons outlined in this report.

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

AGAINST VOTE - Cr Phillip Meehan

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8.3 Low Rise Medium Density Housing Code

230519/10 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council notes that the NSW State Government's Low Rise Medium Density Housing Code will apply in the Ballina Shire local government area from 1 July 2019.
2. That Council review the operation of the Low Rise Medium Density Housing Code and its implications in Ballina Shire after a year of the Code's operation during the 2020/21 financial year.

Cr Jeff Johnson left the meeting at 12:35 pm.

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

Cr Jeff Johnson returned to the meeting at 12:38 pm.

8.4 Land Classification - Lot 11 DP 1251548 Willie Wagtail Place Alstonville

230519/11 RESOLVED

(Cr Sharon Parry/Cr Eoin Johnston)

That Council classifies the land identified as Lot 11 DP 1251548, being land having frontage to Willie Wagtail Place and Teven Road at Alstonville, as operational land under the provisions of the Local Government Act 1993 and that this classification takes effect immediately.

FOR VOTE - Cr David Wright, 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 Sharon Cadwallader

Cr Sharon Parry left the meeting at 12:42 pm.

8.6 Crown Land Classification and Categorisation

230519/12 RESOLVED

(Cr Nathan Willis/Cr Ben Smith)

That this matter be deferred for further consideration to a Councillor briefing.

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

Cr Sharon Parry returned to the meeting at 12:48 pm.

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8.8 Policy (Review) - Backyard Burning

230519/13 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

1. That Council adopts the amended Backyard Burning 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.

8.9 Ballina Sands - Legal Proceedings

230519/14 RESOLVED

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

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 in relation to the Ballina Sands Quarry located at Newrybar Swamp Road Kinvara.

FOR VOTE - All Councillors voted unanimously.

8.10 Development Applications - Works in Progress - May 2019

230519/15 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

That Council notes the contents of this report on the status of outstanding development applications for May 2019.

FOR VOTE - All Councillors voted unanimously.

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9. Corporate and Community Division Reports

9.1 Use of Council Seal

230519/16 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council affix the Common Seal to the following document.

US 19/03	Transfer of Sublease and Licence from A Foukkare and T Burns to JDNI Pty Ltd and an additional five year option period for premises known as Ballina Gallery Café, for Part Lot 1 DP 1153927, being that part of the building and surrounds known as the "Old Council Chambers".
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FOR VOTE - All Councillors voted unanimously.

Adjournment – Public Question Time

As there was no members of the public in the gallery at this point, the meeting was not adjourned for Public Question Time.

9.2 Investment Summary - April 2019

230519/17 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That Council notes the record of banking and investments for April 2019.

FOR VOTE - All Councillors voted unanimously.

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9.3 Tender - Banking Services

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

1. That Council accepts the tender from the Commonwealth Bank for transactional banking services, as outlined in this report, for the period 1 July 2019 to 30 June 2024.
2. That Council authorises the Council seal to be attached to the contract documents.

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

That Council defer a decision on the tender to seek further information.

A **Motion** was moved by Cr Jeff Johnson

That the Amendment be put to the vote.

The **Motion** to put the **Amendment** to the vote was **LOST**.

FOR VOTE - Cr Jeff Johnson

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

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

FOR VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

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

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

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

AGAINST VOTE - Cr Jeff Johnson and Cr Ben Smith

230519/18 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council accepts the tender from the Commonwealth Bank for transactional banking services, as outlined in this report, for the period 1 July 2019 to 30 June 2024.
2. That Council authorises the Council seal to be attached to the contract documents.

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

Adjournment

The Mayor declared the meeting adjourned at 1.11 pm

The meeting resumed at 1.51 pm
Cr Keith Williams was not in attendance at this stage.

9.4 Legal Matters - Update

230519/19 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of the legal matters – update report.

FOR VOTE - All Councillors voted unanimously.
ABSENT: DID NOT VOTE – Cr Keith Williams

Cr Keith Williams returned to the meeting at 1.54 pm

9.5 Financial Review - 31 March 2019

230519/20 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

1. That Council notes the contents of the March 2019 Quarterly Budget Review and approves the changes identified within this report.
2. That Council adopts the swimming pool 2019/20 Fees and Charges, as exhibited, as per Attachment 1 to this report.
3. That Council make representations to the Federal and State Governments seeking at least a contribution that matches the \$10m funding promise provided by the Labor Party as part of the Federal election campaign for the Ballina Byron Gateway Airport.
4. That Council defer the \$50,000 expenditure on independent noise and air pollutant assessment of the Boral Asphalt Plant for a period of six months to allow the EPA to conduct their night time testing.
5. That the matter in point four be reported back to Council at the November 2019 Ordinary meeting.

FOR VOTE - All Councillors voted unanimously.

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9.6 Ballina Byron Gateway Airport - Terminal Expansion

230519/21 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That in accordance with Section 55 (3) (i) of the Local Government Act 1993 Council resolves not to invite tenders for the plaza construction works and roof replacement works for the Ballina Byron Gateway Airport Terminal Expansion Project, as detailed in this report, due to the following extenuating circumstances:
 - Council having an existing contractor on-site resulting in efficiencies as site establishment costs have already been incurred
 - Existing contractor was appointed following a public tender process
 - Two quotations have been obtained for the additional works
 - Timing concerns in respect to the grant funding agreement
 - Potential impacts on the commercial viability of the airport through on-going delays in the finalisation of the terminal expansion that would occur if new tenders are called.
2. That Council authorises the General Manager to finalise negotiations with Woollam Constructions to undertake the roof replacement works and plaza construction as outlined in this report.
3. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

10. Civil Services Division Reports

10.1 Road Closing - Section of Public Road in River Drive East Wardell

230519/22 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council supports the request for a road closing application to proceed for a section of public road adjacent to 3 River Drive, East Wardell, unless objections are received during the period this proposal is advertised. A further report is required to assess any objections to the proposal.
2. That Council authorises the Council seal and signatures to be attached to the documents necessary for the road closing and disposal of the land, subject to all the costs of this process including application fees, survey, valuation and legal fees are the liability of the applicant.

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3. That a requirement of the closure and disposal is for the closed road to be consolidated with the adjoining land being Lot 20 Section 2 DP 996 and Lot 9 DP 234385.

FOR VOTE - All Councillors voted unanimously.

10.2 Electric Vehicles

230519/23 RESOLVED

(Cr Jeff Johnson/Cr Eoin Johnston)

1. That Council approves the purchase of a Battery Electric Vehicle as a General Pool Vehicle, with a charging station to be installed at a suitable location as part of that purchase.
2. The General Manager is authorised to make the necessary budget adjustments required to facilitate that purchase with those adjustments to be included in the report back to the June 2019 Ordinary meeting when Council adopts the 2019/20 to 2022/23 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

Cr Ben Smith declared an interest in Item 10.4 and left the meeting at 02:19 pm.

10.4 Tender - Provision of Labour Hire Services

230519/24 RESOLVED

(Cr Nathan Willis/Cr Sharon Parry)

1. That Council accepts the tenders for the provision of labour hire services for a five year period from Spinifex Recruiting and Nortec Staffing Solutions.
2. That Council authorises the Council seal to be attached to the contract documents.
3. That Council receive a report on options to allocate expenditure incurred on labour hire contracts to permanent positions within Council.

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

Cr Ben Smith returned to the meeting at 02:30 pm.
Cr Phillip Meehan left the meeting at 02:30 pm.

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10.5 Tender - Large Format Concrete Unit Pavers

230519/25 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council accepts the tender for the provision of large format concrete unit pavers and ground surface indicators (tactiles) from Urbanstone, inclusive of the proposed amendment to cap the liquidated damages term in the general conditions to a cap of 5%.
2. That Council authorises the Council seal to be attached to the contract documents.

Cr Phillip Meehan returned to the meeting at 02:32 pm.

FOR VOTE - All Councillors voted unanimously.

11. Notices of Motion

11.3 Notice of Motion - Support for the Back Your Neighbour Campaign

The Notice of Motion was withdrawn by Cr Sharon Parry.

11.4 Notice of Motion - Captain Cook Park

230519/26 RESOLVED

(Cr Phillip Meehan/Cr Ben Smith)

That Council write to the Minister for Crown Lands and our local member, seeking the revenue raised from the two licences for part of Captain Cook Park to the Ballina RSL and the Alfresco Dining Area to be returned to Council to assist with funding on-going improvements to the park as per the adopted Council Master Plan.

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

AGAINST VOTE - Cr Nathan Willis

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11.5 Notice of Motion - Climate Action Strategy Review

230519/27 RESOLVED

(Cr Ben Smith/Cr Jeff Johnson)

1. That Council include in the draft 2019/20 Operational Plan an action to review Council's adopted Climate Action Strategy 2012-2020.
2. That early in the new financial year (2019/20) Council hold a workshop on the existing Climate Action Strategy, to assess where we currently stand in respect to that Strategy, and to identify options that Council may have available to implement more vigorous and direct actions to combat the threat of climate change as part of the new Climate Action Strategy.

FOR VOTE - All Councillors voted unanimously.

11.6 Notice of Motion - Emergency Services Levy - Permanent Firefighters

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

That with the announcement of the new State Government Cabinet, that Council write to the Minister for Police and Emergency Services, the Honourable David Elliott, again seeking a commitment from the State 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.

The **Motion** was **LOST** on the casting vote of the Mayor.

FOR VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Nathan Willis and Cr Keith Williams

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith and the casting vote of the Mayor

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

13.1 Mayoral Meetings

230519/28 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

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14. Confidential Session

230519/29 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

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

14.1 Ballina Sands Quarry - Legal Proceedings (Confidential)

Reason for Confidentiality

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

- e) information that would, if disclosed, prejudice the maintenance of law; and
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as this matter is the subject of current litigation within the Ballina Local Court.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 3.21 pm).

Open Council

230519/30 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 3.28 pm).

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

14.1 Ballina Sands Quarry - Legal Proceedings (Confidential)

CF230519/1 RECOMMENDED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council progress the legal proceedings in relation to Ballina Sands Quarry, Newrybar Swamp Road Kinvara, based on option two as outlined in this report.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendation from Confidential Session

230519/31 RESOLVED

(Cr Jeff Johnson/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 3.30 pm

The meeting resumed at 3.48 pm

Paul Hickey and Cr Jeff Johnson were not in attendance at this stage.

12. Advisory Committee Minutes

12.1 Commercial Services Committee Minutes - 15 May 2019

230519/32 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council confirms the minutes of the Commercial Services Committee meeting held 15 May 2019 and that the recommendations contained within the minutes be adopted with Item 4.2 - Policy (Review) – Mobile Vending on Public Land to be dealt with separately.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/05/19 AT 9.00 AM**

4.2 Policy (Review) - Mobile Vending on Public Land

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Eoin Johnston

1. That Council adopts the amendment of the Mobile Vending on Public Land Policy and Guidelines as contained within Attachment 2 including references to the Sharpes Beach Site for fixed mobile vending purposes. Final locations for vending at Sharpes Beach are to be determined through an expression of interest process.
2. That Council place the amended Mobile Vending on Public Land Policy and Guidelines on exhibition for public comment, with any submissions received to be resubmitted back to the Council. If no submissions are received then no further action on the content of the policy is required.
3. That Council commences an expression of interest process for all fixed mobile food vending sites subject to point 4.
4. That the expression of interest process for Sharpes Beach be made available to potential vendors after Council has confirmed a timeframe for The Coast Road construction works to be undertaken and Council has made a decision on the scope of works and timing for the Sharpes Beach car parking area upgrade.
5. That no further permits be issued for fixed mobile food vending at Sharpes Beach until the expression of interest process is complete.
6. That Council engages with the landholder of the car park lease area in relation to the making of provision for fixed mobile food vending sites within the lease area.
7. That Council applies a fee of \$2,500 for fixed mobile food vending sites for the 2019/20 year (being the fee that will apply to any permits not issued through an expression of interest process).
8. That public notice of the fee set out in point 7 be provided in accordance with Section 610F of the *Local Government Act* and be included in Council's fees and charges document for 2019/20.
9. That existing Mobile Vending on Public Land Permit holders be advised of the exhibition of the amended policy and be invited to make comment.
10. That site numbers at Missingham Bridge be amended from three to two.

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

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

AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

ABSENT: DID NOT VOTE – Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/05/19 AT 9.00 AM**

230519/33 RESOLVED

(Cr Nathan Willis/Cr Sharon Parry)

1. That Council adopts the amendment of the Mobile Vending on Public Land Policy and Guidelines as contained within Attachment 2 including references to the Sharpes Beach Site for fixed mobile vending purposes. Final locations for vending at Sharpes Beach are to be determined through an expression of interest process.
2. That Council place the amended Mobile Vending on Public Land Policy and Guidelines on exhibition for public comment, with any submissions received to be resubmitted back to the Council. If no submissions are received then no further action on the content of the policy is required.
3. That Council commences an expression of interest process for all fixed mobile food vending sites subject to point 4.
4. That the expression of interest process for Sharpes Beach be made available to potential vendors after Council has confirmed a timeframe for The Coast Road construction works to be undertaken and Council has made a decision on the scope of works and timing for the Sharpes Beach car parking area upgrade.
5. That no further permits be issued for fixed mobile food vending at Sharpes Beach until the expression of interest process is complete.
6. That Council engages with the landholder of the car park lease area in relation to the making of provision for fixed mobile food vending sites within the lease area.
7. That Council applies a fee of \$2,500 for fixed mobile food vending sites for the 2019/20 year (being the fee that will apply to any permits not issued through an expression of interest process).
8. That public notice of the fee set out in point 7 be provided in accordance with Section 610F of the *Local Government Act* and be included in Council's fees and charges document for 2019/20.
9. That existing Mobile Vending on Public Land Permit holders be advised of the exhibition of the amended policy and be invited to make comment.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/05/19 AT 9.00 AM**

MEETING CLOSURE

3.57 PM

The Minutes of the Ordinary Meeting held on 23/05/19 were submitted for confirmation by council on 27 June 2019 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 June 2019.