

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/06/19 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), John Truman (Director, Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division) and Sandra Bailey (Secretary) were in attendance.

There were 20 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

270619/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 May 2019.

FOR VOTE - All Councillors voted unanimously.

5. Declarations of Interest and Reportable Political Donations

- **Cr Sharon Cadwallader** – declared an interest in Item 8.4 – Epiq – Community and Sporting Facility Infrastructure. (Nature of Interest: significant pecuniary – her superannuation fund has investments with Clarence Property). She will be departing the meeting while the matter is discussed.

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- **Cr Sharon Cadwallader** – declared an interest in Item 9.1 – Use of Council Seal. (Nature of Interest: significant pecuniary – her superannuation fund has investments with Clarence Property). She will be departing the meeting while the matter is discussed.
- **Cr Sharon Cadwallader** – declared an interest in Item 8.10 – Compliance Work Plan – 2018/19. (Nature of Interest: non significant, non pecuniary – she is a business owner who is subject to annual fire inspections and has a daughter who owns a property in the Shire which has a swimming pool). She will be remaining in the meeting while the matter is discussed.
- **Cr Stephen McCarthy** – declared an interest in Item 9.6 – Delivery Program and Operational Plan – Adoption – and in particular to the fees and charges for community facilities. (Nature of Interest: non significant, non pecuniary – he is a coach of one of the potential hirers of the Ballina Indoor Sports Centre). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Eoin Johnston** – declared an interest in 8.4 - Epiq – Community and Sporting Facility Infrastructure. (Nature of Interest: pecuniary). He will be departing the meeting while the matter is discussed.
- **Cr Phillip Meehan** – declared an interest in Item 8.14 – Development Applications – Works in Progress and in particular to DA 2019/9 – Ballina Mens Shed. (Nature of Interest: significant non pecuniary - he is a Director of the Ballina Jockey Club – the managers of the land the subject of the DA). He will be departing the meeting while the matter is discussed.
- **Cr Phillip Meehan** – declared an interest in Item 9.3 (Ward Committee – Membership) and Item 9.6 - Delivery Program and Operational Plan – Adoption – and in particular to the lighting of Deadmans Creek Road/Tamarind Drive intersection. (Nature of Interest: non significant, non pecuniary – his daughter owns a property in Summerhill Crescent). He will be remaining in the meeting while the matter is discussed.
- **Cr Phillip Meehan** – declared an interest in Item 9.6 – Delivery Program and Operational Plan – Adoption and in particular to sealing works in Burnet Street, Ballina. (Nature of Interest: non significant, non pecuniary – he has relatives who live in Burnet Street which is the subject of the matter). 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 8.10 – Compliance Work Plan – 2018/19. (Nature of Interest: non significant, non pecuniary – his business is subject to annual fire inspections). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Jeff Johnson** – declared an interest in Item 8.4 - Epiq – Community and Sporting Facility Infrastructure. (Nature of Interest: he is the owner of land in the Epic Estate). He will be departing the meeting while the matter is discussed.
- **Cr Jeff Johnston** – declared an interest in Item 10.3 – Solar Power Generation – Opportunities. (Nature of Interest: he is a Director of Premium Solar Solutions). He will be departing the meeting while the matter is discussed.

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- **Paul Hickey, General Manager** – declared an interest in Item 8.4 – Epiq – Community and Sporting Facility Infrastructure. (Nature of Interest: non significant, non pecuniary – he has a contract to purchase land with Clarence Property at another estate with no connection to the Epiq development and has excluded himself directly from the negotiations as per the report). He will be remaining in the meeting while the matter is discussed.
- **Cr Keith Williams** later in the meeting declared an interest in Item 11.7 – Notice of Motion – “A” Frame Advertising Signage. (Nature of Interest: non significant, non pecuniary – he is a former employee of the Ballina Newsagency - Mr Kilburn who did a deputation), He will be remaining in the meeting while the matter is discussed and voting on the matter.

6. Deputations

- **Mary Birch, Wollongbar Progress Association** – spoke in opposition to certain aspects of Item 8.1 – Wollongbar District Park – Draft Concept Plan.
- **Erin Abbott** – spoke in favour of Item 8.1 – Wollongbar District Park – Draft Concept Plan.
- **Mary Birch, Wollongbar Progress Association** – spoke in favour of Item 8.2 – Wollongbar Strategic Plan 2019 – 2039 – Finalisation.
- **John Bout, Summerhill Residents Group** – spoke in opposition to Item 9.6 – Delivery Program and Operational Plan – Adoption – and in particular in opposition to solar light installation at Deadmans Creek Road/Tamarind Drive intersection.
- **Alan Veacock, Cumbalum Residents Committee**– spoke in favour of Item 9.6 – Delivery Program and Operational Plan – Adoption – and in particular to the installation of lighting at Deadmans Creek Road/Tamarind Drive intersection.
- **Stuart Kilburn** – spoke in favour of Item 11.7 – Notice of Motion – “A” Frame Advertising Signage.

7. Mayoral Minutes

Nil items

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8. Planning and Environmental Health Division Reports

8.1 Wollongbar District Park - Draft Concept Plan

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

1. That Council acknowledges the extent of community feedback on the Wollongbar District Park Draft Concept Plan at the Plateau Drive site.
2. That Council adopts the Wollongbar District Park Draft Concept Plan, as per Attachment 6 to this report, and proceeds to prepare the relevant documentation to seek planning approval for the construction of the district park at the Plateau Drive site.

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

That the Motion be put to the vote.

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

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

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith and the casting vote of the Mayor

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

FOR VOTE - All Councillors voted unanimously.

270619/2 RESOLVED

(Cr Sharon Parry/Cr Jeff Johnson)

1. That Council acknowledges the extent of community feedback on the Wollongbar District Park Draft Concept Plan at the Plateau Drive site.
2. That Council adopts the Wollongbar District Park Draft Concept Plan, as per Attachment 6 to this report, and proceeds to prepare the relevant documentation to seek planning approval for the construction of the district park at the Plateau Drive site.

FOR VOTE - All Councillors voted unanimously.

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8.2 Wollongbar Strategic Plan 2019 - 2039 - Finalisation

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

1. That Council adopts the draft Wollongbar Planning and Environmental Study, as publically exhibited.
2. That Council adopts the Wollongbar Strategic Plan 2019 – 2039, as contained within Attachment 1 to this report.
3. That a report be prepared for Council’s further consideration relating to the LEP amendment request lodged in respect to Lot 2 DP 527953, No. 246 - 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 include in the 2019/20 Operational Plan an action to review the proposed community facilities building for Wollongbar, as per Council’s adopted Open Spaces and Community Facilities Developer Contributions Plan. This review is to identify the preferred mixture of uses for such a facility, to enhance the sense of community and wellbeing for Wollongbar, as per locality objective one of the Wollongbar Strategic Plan, along with the preferred location(s). The information sourced from this review, along with the estimated cost (including possible land acquisition costs), will provide clarification as to the community facility needs for Wollongbar, for the next review of the Open Spaces and Community Facilities Developer Contributions Plan, which is due during 2020/21.
6. That the wording of Strategic Action 1 be amended to remove the word “generally” – with the new wording to be

Retain the rural separation between Wollongbar and Alstonville (north of the Bruxner Highway)

Advocate a policy position which discourages proposals which seek to introduce urban style development within the rural rea which separates Wollongbar from Alstonville with particular reference to properties fronting Lismore Road, excepting outcomes from Action 7.

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

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

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

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270619/3 RESOLVED

(Cr Ben Smith/Cr Phillip Meehan)

1. That Council adopts the draft Wollongbar Planning and Environmental Study, as publically exhibited.
2. That Council adopts the Wollongbar Strategic Plan 2019 – 2039, as contained within Attachment 1 to this report.
3. That a report be prepared for Council’s further consideration relating to the LEP amendment request lodged in respect to Lot 2 DP 527953, No. 246 - 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.

FOR VOTE - All Councillors voted unanimously.

9.6 Delivery Program and Operational Plan - Adoption

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

1. That based on the submissions for street lighting at Deadmans Creek Road, Council approves a change to the exhibited works program, as per the following table.

Description	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)	2022/23 (\$)
Street Lighting	53,000	54,000	55,000	56,000
Lighthouse Parade, East Ballina	33,000			
Deadmans Creek Road – Solar Flag Lighting	20,000			
Ceretto Circuit, Wollongbar		19,000		
Megan Crescent, Lennox Head		15,000		
Quays Drive, West Ballina		12,000		
Riverside Drive, West Ballina			12,000	
Daydream Avenue / Sunnybank Drive, West Ballina			7,000	
Tamar Street, Ballina		8,000		
Hackett Lane, Ballina			36,000	56,000

2. That Council notes that the solar flag lighting for Deadmans Creek Road will not meet the relevant standard for street lighting and is designed for direction finding only. Installation will be subject to a risk assessment to ensure that there is no increased risk arising from the installation.

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

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That Council install three solar lights at the intersection of Deadmans Creek Road and Tamarind Drive to illuminate the intersection with funding to be sourced \$20,000 from the street lighting program and the remainder from the road contingency fund.

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

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

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, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr Phillip Meehan

270619/4 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

1. That based on the submissions for street lighting at Deadmans Creek Road, Council approves a change to the exhibited works program, as per the following table.

Description	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)	2022/23 (\$)
Street Lighting	53,000	54,000	55,000	56,000
Lighthouse Parade, East Ballina	33,000			
Deadmans Creek Road – Solar Flag Lighting	20,000			
Ceretto Circuit, Wollongbar		19,000		
Megan Crescent, Lennox Head		15,000		
Quays Drive, West Ballina		12,000		
Riverside Drive, West Ballina			12,000	
Daydream Avenue / Sunnybank Drive, West Ballina			7,000	
Tamar Street, Ballina		8,000		
Hackett Lane, Ballina			36,000	56,000

2. That Council notes that the solar flag lighting for Deadmans Creek Road will not meet the relevant standard for street lighting and is designed for direction finding only. Installation will be subject to a risk assessment to ensure that there is no increased risk arising from the installation.

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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Adjournment

The Mayor declared the meeting adjourned at 11.04 am

The meeting resumed at 11.24 am

Declaration of Interest

At this stage, **Cr Keith Williams** declared an interest in Item 11.7 – Notice of Motion – “A” Frame Advertising Signage. (Nature of Interest: non significant, non pecuniary – he is a former employee of the Ballina Newsagency - Mr Kilburn who did a deputation), He will be remaining in the meeting while the matter is discussed and voting on the matter.

11.7 Notice of Motion - "A" Frame Advertising Signage

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

That the Commercial Use of Footpaths Policy be amended to allow the placement of A frame advertising boards (sandwich boards) outside shopfronts in the commercial areas of Ballina Shire as a form of commercial use of footpaths.

An **Amendment** was moved by Cr Nathan Willis and seconded by Cr Eoin Johnston

That the matter be deferred to a Councillor briefing to discuss the reintroduction of A frame signage or enabling of teardrop or flag signage on building facades and key issues arising including those associated with resourcing, enforcement, risk management and land use planning.

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

FOR VOTE - All Councillors voted unanimously.

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

FOR VOTE - All Councillors voted unanimously.

270619/5 RESOLVED

(Cr Nathan Willis/Cr Eoin Johnston)

That the matter be deferred to a Councillor briefing to discuss the reintroduction of A frame signage or enabling of teardrop or flag signage on building facades and key issues arising including those associated with resourcing, enforcement, risk management and land use planning.

FOR VOTE - All Councillors voted unanimously.

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11.1 Rescission Motion - Policy (Review) - Mobile Vending on Public Land

270619/6 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Resolution 230519/33, as follows be rescinded.

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 - 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 David Wright and Cr Phillip Meehan

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A **Motion** was moved by Cr Nathan Willis and seconded by 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 points 4 and 5.*
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, as an interim measure, Council approves the extension of the existing permit for the "Sharpes Beach Coffee Cart" business, on a month to month basis until the expression of interest process is completed, subject to an appropriate and safe location being identified. No other permits are to be issued for fixed mobile food vending at Sharpes Beach until the expression of interest process is complete due to the site constraints during The Coast Road construction works.*
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 in respect to point 5, the applicant is required to provide adequate staff toilet facilities compliant with all relevant regulations.*
11. *That Council also offer the extension of the existing permit to Smoke n Barrel, based on the same conditions.*
12. *That Council provide a three month trial of temporary public toilets on this site, at an appropriate time.*

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

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FOR VOTE – Cr David Wright, Cr Sharon Parry, Cr Nathan Willis and Cr Keith Williams

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

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Nathan Willis

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 points 4 and 5.*
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, as an interim measure, Council approves the extension of the existing permit for the “Sharpes Beach Coffee Cart” business, on a month to month basis until the expression of interest process is completed, subject to an appropriate and safe location being identified. No other permits are to be issued for fixed mobile food vending at Sharpes Beach until the expression of interest process is complete due to the site constraints during The Coast Road construction works.*
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 in respect to point 5, the applicant is required to provide adequate staff toilet facilities compliant with all relevant regulations.*
11. *That Council also offer the extension of the existing permit to Smoke n Barrel, based on the same conditions.*

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

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 points 4 and 5.*
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, as an interim measure, Council approves the extension of the existing permit for the "Sharpes Beach Coffee Cart" business, on a month to month basis until the expression of interest process is completed, subject to an appropriate and safe location being identified. No other permits are to be issued for fixed mobile food vending at Sharpes Beach until the expression of interest process is complete due to the site constraints during The Coast Road construction works.*
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 in respect to point 5, the applicant is required to provide adequate staff toilet facilities compliant with all relevant regulations.*

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

FOR VOTE - Cr Eoin Johnston and Cr Sharon Cadwallader

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

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

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FOR VOTE - All Councillors voted unanimously.

270619/7 RESOLVED

(Cr Jeff Johnson/Cr Nathan Willis)

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 points 4 and 5.*
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, as an interim measure, Council approves the extension of the existing permit for the "Sharpes Beach Coffee Cart" business, on a month to month basis until the expression of interest process is completed, subject to an appropriate and safe location being identified. No other permits are to be issued for fixed mobile food vending at Sharpes Beach until the expression of interest process is complete due to the site constraints during The Coast Road construction works.*
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 in respect to point 5, the applicant is required to provide adequate staff toilet facilities compliant with all relevant regulations.*
11. *That Council also offer the extension of the existing permit to Smoke n Barrel, based on the same conditions.*

FOR VOTE - All Councillors voted unanimously.

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8.3 Lennox Head Village Renewal - Next Steps

270619/8 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council proceeds with the implementation of the Lennox Village Vision project generally in line with the approach outlined in figures 4 and 6 within this report subject to the receipt of a report addressing funding options for those aspects of phases 2 and 3 of the project that do not currently have identified funding.
2. That Council receive a report on a shared path network between Lennox Head and Fig Tree Hill Drive.

FOR VOTE - All Councillors voted unanimously.

Adjournment for Public Question Time

The Mayor declared the meeting adjourned at 12.58 pm for Public Question Time and the lunch break.

The meeting resumed at 1.42 pm

Cr Eoin Johnston and Cr Sharon Cadwallader declared an interest in Item 8.4 and left the meeting at 01:42 pm.

Cr Jeff Johnson was not in attendance at this stage, he also having declared an interest in Item 8.4.

8.4 Epiq - Community and Sporting Facility Infrastructure

270619/9 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

1. That Council authorises the General Manager (or delegate) to continue to negotiate with Clarence Property for an alternative community infrastructure outcome and progress an associated voluntary planning agreement (should one be offered) based on the following principles:
 - Clarence Property to proceed to lodge a development application for an enhanced amenities building at the playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space generally in accordance with the design plan shown in Figure 3.
 - Clarence Property to construct the enhanced sporting amenities building.
 - Council and Clarence Property to determine final costings based on builders estimates or as otherwise agreed.

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- Any funds beyond the builders estimate for the combined sporting facility relative to the value of the required infrastructure is to be directed to the provision of lighting at the Epiq playing fields.
 - That the agreed values and approach to deliver of the infrastructure be outlined in a voluntary planning agreement (should Clarence Property wish to offer such an agreement).
2. That a further report on the outcomes of the negotiations be presented to the Council either in association with a proposed voluntary planning agreement or otherwise prior to the formalisation of the negotiation outcomes.
 3. That Council prepares an infrastructure plan to document the outcomes associated with points one and two inclusive of the planning for Council's property at 9 Byron Bay Road.
 4. That the General Manager also pursue the provisions of cricket nets at Meagan Crescent and Hutley Drive through other possible funding sources.

Cr Jeff Johnson returned to the meeting at 01:45 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston and Cr Sharon Cadwallader

Cr Eoin Johnston and Cr Sharon Cadwallader returned to the meeting at 01:46 pm.

8.5 LEP Amendment Request - Lennox Rise, Lennox Head

270619/10 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council invite the proponent to submit a subdivision plan that demonstrates the protection of the heritage rock wall identified as Item I67 in the *Ballina Local Environmental Plan 2012*.
2. That upon receipt of a suitable subdivision plan from the proponent, that Council prepare a planning proposal to amend the minimum lot size map of the *Ballina Local Environmental Plan 2012* to provide for residential subdivision with a minimum lot size of 450m² on parts of Lot 1 DP1070466.
3. That the draft planning proposal be reported to Council for endorsement prior to seeking Gateway determination.
4. That Council request a detailed plan showing the location and management approach for the heritage rock wall.

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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

8.6 LEP Amendment Request - 26 Boeing Avenue Ballina

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

1. That Council proceed to prepare a planning proposal to amend the Ballina LEP 2012 to include 'recreation facilities (indoor)', and 'veterinary hospitals' as land uses permitted with development consent in relation to Lot 951 DP 1165266, No. 26 Boeing Avenue, Ballina.
2. That the planning proposal be reported to the Council for endorsement prior to being referred to the Department of Planning and Environment for Gateway determination.

An **Amendment** was moved by Cr Eoin Johnston and seconded by Cr Nathan Willis

1. That Council proceed to prepare a planning proposal to amend the Ballina LEP 2012 to include 'recreation facilities (indoor)', 'veterinary hospitals' and 'medical centres' as land uses permitted with development consent in relation to Lot 951 DP 1165266, No. 26 Boeing Avenue, Ballina.
2. That the planning proposal be reported to the Council for endorsement prior to being referred to the Department of Planning and Environment for Gateway determination.

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

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

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

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

FOR VOTE - All Councillors voted unanimously.

270619/11 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council proceed to prepare a planning proposal to amend the Ballina LEP 2012 to include 'recreation facilities (indoor)', and 'veterinary hospitals' as land uses permitted with development consent in relation to Lot 951 DP 1165266, No. 26 Boeing Avenue, Ballina.

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2. That the planning proposal be reported to the Council for endorsement prior to being referred to the Department of Planning and Environment for Gateway determination.

FOR VOTE - All Councillors voted unanimously.

8.7 LEP Amendments and Planning Proposals - Status

270619/12 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report on current LEP amendments and planning proposals.

FOR VOTE - All Councillors voted unanimously.

8.8 Land Classification - Lot 37 DP 1251946 Quays Drive West Ballina

270619/13 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

That Council classifies the land identified as Lot 37 DP 1251946, being land having frontage to Quays Drive and Leach Crescent at West Ballina, as operational land under the provisions of the *Local Government Act 1993* and that this classification takes effect immediately.

FOR VOTE - All Councillors voted unanimously.

8.9 Crown Land - Classification and Categorisation

270619/14 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council endorses the initial classification and categorisation of Crown Land as identified in Tables 1, 2(a) and 2(b), as per this report.
2. The General Manager is authorised to seek Ministerial consent for the classification of Crown Land listed in Table 1 as operational land, as per this report.
3. The General Manager is authorised to seek the categorisation of Crown land under the management of Council in line with the categorisation identified in relation to Table 1 (if Ministerial consent to classify the land as operational is refused) and Tables 2(a) and 2(b), as per this report.
4. That Council endorses the preparation of compliant plans of management, as required by the *Crown Land Management Act (2016)* by 30 June 2021, in line with the principles set out in this report.

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5. That Council makes a deputation to the State Government in respect to Crown land resourcing issues and other related matters.

FOR VOTE - All Councillors voted unanimously.

8.10 Compliance Work Plan - 2018/19

270619/15 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report on the outcomes from the Compliance Work Plan for the 2018/19 financial year.

FOR VOTE - All Councillors voted unanimously.

8.11 Compliance Work Plan - 2019/20

270619/16 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council endorses the Compliance Work Plan for 2019/20, as detailed within this report.

FOR VOTE - All Councillors voted unanimously.

8.12 Legal Proceedings - Vegetation Clearing - Pimlico Road, Wardell

270619/17 RESOLVED

(Cr Nathan Willis/Cr Eoin Johnston)

That Council notes the contents of this report in respect to the summary of the confidential report addressing unauthorised clearing and vegetation restoration works at 1010 Pimlico Road Wardell.

FOR VOTE - All Councillors voted unanimously.

8.13 Development Applications – Variation to Development Standards

270619/18 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes that there have been no applications approved under delegation for variations to development standards of 10% or less for the period April to June 2019.

FOR VOTE - All Councillors voted unanimously.

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Cr Phillip Meehan declared an interest in Item 8.14 and left the meeting at 02:32 pm.

8.14 Development Applications - Works in Progress - June 2019

270619/19 RESOLVED

(Cr Nathan Willis/Cr Eoin Johnston)

1. That Council notes the contents of this report on the status of outstanding development applications for June 2019.
2. That DA 2019/301, DA 2019/302, DA 2019/303 and DA 2019/358 be called in and dealt with by Councillors.

Cr Sharon Cadwallader declared an interest in Item 9.1 and left the meeting at 02:36 pm.

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

9. Corporate and Community Division Reports

9.1 Use of Council Seal

270619/20 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That Council affix the Common Seal to the following document.

US 19/04	Transfer document – transfer of Lot 1 DP 1252778 from the Trust Company (Australia) Limited to Council. (Epiq Estate)
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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

Cr Sharon Cadwallader returned to the meeting at 02:36 pm.

9.2 Investment Summary - May 2019

270619/21 RESOLVED

(Cr Nathan Willis/Cr Sharon Parry)

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

FOR VOTE - All Councillors voted unanimously.

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9.3 Ward Committee - Membership

270619/22 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council approves the nomination from the Summerhill Residents Group to the A Ward Committee.

FOR VOTE - All Councillors voted unanimously.

9.4 Loan Borrowings - Approval

270619/23 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council authorises the General Manager to select the best rate(s) quoted for the borrowing of \$20,370,200 for the following projects:

Projects	2019/20
Airport	
Airport Terminal	2,400,000
Baggage Area, Car Park, Solar, Boulevard Connection	2,500,000
Roads and Town Centres	
River Street Beautification - Moon / Grant	2,700,000
Property Development (Short Term Bridging Loans)	
Boeing Avenue - Lots One and Two	7,111,500
Wollongbar Urban Expansion Area - Stage Three	5,658,700
Total Loan Borrowings	20,370,200

2. The use of the Council seal is authorised on all loan documentation associated with this report.
3. That Council's preference is to borrow from non-fossil fuel aligned organisations where the rate is comparable.

FOR VOTE - All Councillors voted unanimously.

9.5 Debtor Write-off

270619/24 RESOLVED

(Cr Nathan Willis/Cr Eoin Johnston)

That Council notes the contents of this report in respect to the summary of the confidential report regarding a proposed debtor write-off.

FOR VOTE - All Councillors voted unanimously.

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9.6 Delivery Program and Operational Plan - Adoption

270619/25 RESOLVED

(Cr Phillip Meehan/Cr Sharon Parry)

1. That Council adopts the 2019/20 to 2022/23 Draft Delivery Program and 2019/20 Operational Plan, which includes the Long Term Financial Plan (budget), Workforce Plan and Fees and Charges, as exhibited, inclusive of any amendments determined at this meeting.
2. That Council approves the formation of a Working Party, consisting of one Councillor from each Ward plus the Mayor, to review the submissions received for Community Donations and Capital Works Assistance for Sporting Groups, as per Tables One and Two of this report. The recommended allocation of the funding available from the Working Party is to be reported to the July 2019 Ordinary meeting. The Ward Council representatives are to be as follows:

A Ward – Cr McCarthy
B Ward – Cr Cadwallader
C Ward – Cr Parry
3. That Council notes the contents of this report in respect to the submissions received on the proposed fees, charges and rates and based on the contents of this report no changes are recommended to the information as exhibited.
4. That Council notes the contents of this report in respect to the submissions received for works and services.
5. That based on the submission from the Wardell & District Progress Association, Council approves an amendment to the Operational Plan to include an action to implement the street tree planting program for Wardell as per the Wardell Strategic Plan, during 2019/20 and 2020/21, with the entry statement project to be assessed following the installation of the RMS Town Bypass Signage.
6. That Council include the latest revision of the Property Development Reserve, as per Table Four in this report, in the 2019/20 to 2022/23 Delivery Program. This includes funding in 2019/20 for the Shelly Beach café site and timing differences for the sale of the North Creek Road Industrial Land the construction of Airport Boulevard.
7. That Council include in the 2019/20 Operational Plan, \$35,000 for the installation of shade structures at Wardell Wharf, funded by \$29,000 from old section 7.11 reserves and \$6,000 from grant funding.

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8. That Council amend the capital works program for road reconstruction for the 2019/20 to 2022/23 Delivery Program as follows to bring forward works for Burnett Street Segment 30:

Description	Draft Delivery Program		Revised Delivery Program	
	2019/20 (\$)	2022/23 (\$)	2019/20 (\$)	2022/23 (\$)
Burnett St Seg 50	199,000	0	0	0
Burnett St Segs 60-70	0	210,000	0	0
Bonview Segs 10-20 / 30-40	0	95,000	0	0
Burnett St Seg 30	0	0	200,000	0
Burnett St Segs 50, 60-70	0	0	0	304,000

9. That Council amend the coastal shared path budget to \$2,006,000 for the 2019/20 Operational Plan as outlined in this report.
10. That Council resolves to make a base rating structure applicable to all rateable land in the Shire for the levy of the 2019/20 Ordinary Rates as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.1844900	549	49.89
Business	0.8503300	549	14.47
Farmland	0.1572800	549	32.28
Mining	0.8503300	549	0.00

The rate in the dollar for 2019/20 applies to the land value of all rateable land in the Shire within the relevant category.

11. That Council resolves to make the annual charges for 2019/20 as detailed in the Fees and Charges document that forms part of the Delivery Program and Operational Plan for Domestic Waste Management, Stormwater, Waste Management Operations, Water Services, Wastewater Services and Onsite Septic Management.
12. That Council include in the Delivery Program an action to complete a management / master plan for Bicentennial Park during 2020/21.
13. That Council approves the appointment of the following positions, in addition to the positions already included in the Workforce Plan for 2019/20:
- a) Information Services - Digital Services Officer – Annual cost to be funded from within existing operating budgets as identified by the General Manager
 - b) Design Engineer and Capital Project Manager (two positions) – Annual costs to be charged directly to capital projects.

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14. That Council include the latest revision of the Community Infrastructure Reserve as per Table Seven in this report, in the 2019/20 to 2022/2 Delivery Program. The additional capital projects to be funded from the reserve movements (i.e. Wollongbar District Park - \$1.452m and Hutley Drive Sports Fields Lighting - \$0.5m) will also be included in the updated Delivery Program.

15. That based on the revised cash flows for the Community Infrastructure Reserve that Council amend the sports field four year program in the 2019/20 to 2022/23 Delivery Program as follows:

<i>Revised</i>	<i>2019/20</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2022/23</i>
Sports Fields	500,000	187,000	192,000	197,000
Hutley Drive Fields - Lighting	500,000			
Crawford Park Fields - Lighting		187,000		
Ballina Heights fields - Lighting			192,000	
Quays Reserve – Irrigation				197,000

16. That in respect to the installation of the Hutley Drive Sports Field Lighting that Council authorises the General Manager to negotiate pricing that was presented to Council at the April 2019 Ordinary meeting as part of the tender from Alan Kneale Electrical Pty. Ltd.

17. That in accordance with the *Local Government (General) Regulation 2005 Section 178(4)(a)* the reason Council has declined to invite fresh tenders is because the tender process was only completed in recent months; the pricing from Alan Kneale Electrical has established a competitive market; this firm is completing two other installations; and it is more efficient to negotiate with this contractor than call for tenders for this standalone project.

18. That upon the conclusion of negotiations Council authorises the General Manager to execute and affix the Council seal to the relevant contract documents.

19. That Council approves the inclusion of a quarterly or annual season ticket for individual casual use for the BISC based on the fees for the swimming pools.

FOR VOTE - All Councillors voted unanimously.

270619/26 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council swap the scheduled footpath works for Cedar Street, Wardell and Cawarra Street in the Delivery Program.

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

AGAINST VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson and Cr Nathan Willis

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10. Civil Services Division Reports

10.1 Tender - Processing of Co-mingled Recyclables

270619/27 RESOLVED

(Cr Jeff Johnson/Cr Stephen McCarthy)

1. That Council accepts the tender from Polytrade Pty Ltd for the processing of co-mingled recyclables.
2. That Council authorises the Council seal to be applied to the contract documents.

FOR VOTE - All Councillors voted unanimously.

10.2 Tender - Tri-Axle Low Loader

270619/28 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council accepts the tender for the supply and delivery of one tri-axle low loader with full hydraulic deck and axle widening from Drake Trailers; following agreement being made between parties on an amended level of insurance liability coverage.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

Cr Jeff Johnson declared an interest in Item 10.3 and left the meeting at 03:27 pm.

10.3 Solar Power Generation - Opportunities

270619/29 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council implement an expanded solar power generation program as follows, with the additional funding identified to be included in the 2019/20 Operational Plan and Long Term Financial Plan (LTFP)

Site	Estimate (\$)	System (kW)	Comment
Kentwell Centre	25,000	10	Increase existing 10kW to 20kW. To be funded from the Community Infrastructure Reserve.
Alstonville Leisure Centre	90,000	70	Increase from existing 10kW to 70kW. Works to form part of the refurbishment project for ALEC – Funds already included in LTFP.

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Admin Building	90,000	70	To be funded based on a \$35,500 (\$71,000 in total) contribution each from Water and Wastewater and the balance of \$139,000 from an internal loan over four years from the Employee Leave Entitlements Reserve. Loan to be repaid from forecast operational savings.
Works Depot	120,000	90	
Ballina Airport	300,000	180	Funds already included in LTFP.
Waste Centre	75,000	50	To be funded from internal Waste Reserves.
Totals	700,000	470	

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

Cr Phillip Meehan left the meeting at 03:35 pm.
Cr Jeff Johnson returned to the meeting at 03:35 pm.

10.4 Plant Replacement Program - Review

270619/30 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council approves the inclusion of the Plant Replacement Program, as per Attachment 1 and Tables 2 and 3 as per this report, for inclusion in the 2019/20 to 2022/23 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phillip Meehan

10.5 Crown Land Acquisition - Howards Road, Alstonville

270619/31 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council resolves to compulsory acquire Crown land being Lot 3 DP 1241702 in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993.
2. That Council resolves to make an application to the Office of Local Government, the Minister and the Governor for the approval of the compulsory acquisition (by agreement) of Lot 3 DP 1241702.
3. That Council authorises the General Manager to conduct and finalise negotiations with NSW Department of Industry – Crown Lands to acquire Lot 3 DP 1241702.
4. That Council approves the use of the Council seal on any documents associated with the acquisition of Lot 3 DP 1241702.
5. That Council confirms that upon acquisition, Lot 3 DP 1241702 is to be dedicated as public road.

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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phillip Meehan

Cr Phillip Meehan returned to the meeting at 03:37 pm.

10.6 Cumbalum Urban Release Area B - Sewage Easement

270619/32 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council write to Intrapac Properties and Planning Resolutions and request the parties finalise, by agreement and as soon as practical, the sewage matter affecting the Cumbalum Urban Release Area.
2. That Council endorses an in-principle position to commence a compulsory acquisition process to create an easement for CURA B sewage infrastructure if agreement, as per point one, cannot be achieved within a reasonable timeframe.

FOR VOTE - All Councillors voted unanimously.

11. Notices of Motion

11.2 Notice of Motion - Increase in Welfare Payments

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

1. That Council submit the following motion to the 2020 ALGA annual conference:

That the ALGA initiate a campaign for the Federal Government to increase the Newstart, Youth Allowance and related payments by a minimum of \$75 per week.
2. That Council writes to the Federal Members for Richmond and Page advocating for an increase in the Newstart, Youth Allowance and related payments by a minimum of \$75 per week.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Ben Smith

That Council writes to the Federal Members for Richmond and Page advocating for an increase in the Newstart, Youth Allowance and related payments by a minimum of \$75 per week.

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

FOR VOTE - Cr Ben Smith
AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr

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Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

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

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

270619/33 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

1. That Council submit the following motion to the 2020 ALGA annual conference:

That the ALGA initiate a campaign for the Federal Government to increase the Newstart, Youth Allowance and related payments by a minimum of \$75 per week.

2. That Council writes to the Federal Members for Richmond and Page advocating for an increase in the Newstart, Youth Allowance and related payments by a minimum of \$75 per week.

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

11.3 Notice of Motion - Gaming Practices

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

That Council writes to Liquor Gaming and Racing NSW supporting their proactive approach in relation to gaming machine issues in Ballina Shire.

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

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

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11.4 Notice of Motion - Ballina Heights Estate - Commercial Development

270619/34 RESOLVED

(Cr Keith Williams/Cr Jeff Johnson)

That Council include in the 2019/20 Operational Plan an action to receive a report on planning options to expedite the delivery of commercial and retail shops in the Ballina Heights Estate. The report is to canvass options such as providing additional commercially zoned land and the option of back zoning existing commercial land in association with provision of new commercial zoned land.

Cr Ben Smith left the meeting at 04:22 pm.

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 Sharon Cadwallader

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Ben Smith

11.5 Notice of Motion - Dalwood Falls - Plan of Management

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

1. That Council include in the 2019/20 Delivery Program and Operational Plan an action to complete a Plan of Management for Dalwood Falls.
2. The Plan of Management is to consider making the falls accessible to the public with basic amenities and provision for parking.

Cr Ben Smith returned to the meeting at 04:28 pm.

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

1. That Council authorises the General Manager to now proceed to formally place the Dalwood Falls property on the market, for a maximum period of three months.
2. That Council include in the 2019/20 Delivery Program and Operational Plan an action to complete a Plan of Management for Dalwood Falls, with this project to proceed if point one does not eventuate in the sale of the property.

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

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

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

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

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

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

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Ben Smith

1. That Council write to the RMS with respect to a speed zone review for this location.
2. That Council receive a report on providing a no parking zone along Dalwood Road.
3. That Council maintain its management of Dalwood Falls as per the Coroner's Report and Council's Insurer's Report.

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

FOR VOTE - All Councillors voted unanimously.

270619/35 RESOLVED

(Cr Jeff Johnson/Cr Ben Smith)

1. That Council write to the RMS with respect to a speed zone review.
2. That Council receive a report on providing a no parking zone along Dalwood Road.
3. That Council maintain its management of Dalwood Falls as per the Coroner's Report and Council's Insurer's Report.

FOR VOTE - All Councillors voted unanimously.

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11.6 Notice of Motion - Steam Based Weed Control

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

That Council undertake a trial of steam-based weed control in parks and waterways across the Shire, and report to Council on this trial together with best practice weed management options for Australian Coastal regions that are sustainable and supportable in environmental terms.

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

That Council include in the 2019/20 Operational Plan an action to investigate the merits of implementing steam spraying for weed control, to then allow Council to determine whether this methodology is to be implemented on a permanent basis.

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

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

AGAINST VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Ben Smith

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

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 Sharon Cadwallader

AGAINST VOTE - Cr Ben Smith

270619/36 RESOLVED

(Cr Phillip Meehan/Cr Keith Williams)

That Council include in the 2019/20 Operational Plan an action to investigate the merits of implementing steam spraying for weed control, to then allow Council to determine whether this methodology is to be implemented on a permanent basis.

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 Sharon Cadwallader

AGAINST VOTE - Cr Ben Smith

Cr Sharon Parry left the meeting at 05:11 pm.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/06/19 AT 9.00 AM**

11.8 Notice of Motion - Special Rate Variation

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

1. That Council not proceed with the proposed 5.9% rate increase for the 2019/2020 financial year.
2. That Council informs the Office Local Government of its decision not to implement the special rate variation increase for the 2019/2020 financial year.

The **Motion LAPSED.**

12. Advisory Committee Minutes

Nil Items

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

13.1 Mayoral Meetings

270619/37 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

14. Confidential Session

270619/38 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

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.

14.1 Legal Proceedings - Vegetation Clearing - Pimlico Road, Wardell

Reason for Confidentiality

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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- b) the personal hardship of any resident or ratepayer; and
- 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 it relates to the legal approach to enforcement action.

14.2 Debtor Write-Off

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 as it relates to matters of a personal nature.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

(The Council moved into Confidential Session at 5.13 pm).

Open Council

270619/39 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

(The Council moved into Open Council at 5.17 pm).

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/06/19 AT 9.00 AM**

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

14.1 Legal Proceedings - Vegetation Clearing - Pimlico Road, Wardell

CF270619/1 RECOMMENDED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council authorises the General Manager to take action as per option four of this report, which gives effect to the approved Revegetation Management Plan, prepared by the Melaleuca Group Pty Ltd dated 10 June 2016 and for Positive Covenant AK974155, for the subject premises at Lot 67 DP 755688, 1010 Pimlico Road, Wardell.

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

14.2 Debtor Write-Off

CF270619/2 RECOMMENDED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That based on the personal circumstances outlined in this report, Council approves the write off of the debts totaling \$12,215.40 as the further pursuit of these debts is considered uneconomical.

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

Adoption of Recommendations from Confidential Session

270619/40 RESOLVED

(Cr Keith Williams/Cr Phillip Meehan)

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

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

MEETING CLOSURE

5.18 pm

The Minutes of the Ordinary Meeting held on 27/06/19 were submitted for confirmation by council on 25 July 2019 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 July 2019.