

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/03/16 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Robyn Hordern and Ben Smith.

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

There were 43 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 by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

3. Apologies

Nil

4. Confirmation of Minutes

240316/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 February 2016.
2. That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Monday 14 March 2016.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

Cr Sharon Cadwallader – declared an interest in Item 8.1 – DA 2015/712 – Newrybar Downs, 1 Johnston Road, Newrybar. (Nature of Interest: non significant, non pecuniary. She is a civil celebrant who has never been to the property except on an inspection yesterday with a staff member). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Sharon Cadwallader – declared an interest in Item 11.8 – Policy (Review) – Weddings on Public Land. (Nature of Interest: non significant, non pecuniary. She is a civil celebrant). She will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **David Fuller** – spoke in favour of Item 14.1 – Finance Committee Minutes – 15 March 2016 and in particular to Item 4.11 of those Minutes – Community Infrastructure – Non-recurrent Projects and Funding (Funding for Coastal Recreational Walk project).
- **Charlie Hewitt** – spoke in opposition to Item 14.1 – Finance Committee Minutes – 15 March 2016 and in particular to Item 4.11 of those Minutes – Community Infrastructure – Non-recurrent Projects and Funding (Funding for Coastal Recreational Walk project).
- **Anna Rolfes** – spoke in opposition to Item 8.1 – DA 2015/712 – Newrybar Downs, 1 Johnston Road, Newrybar.
- **Graham Shaw** – spoke in favour of Item 11.1 – Lake Ainsworth South Eastern Precinct Upgrade – Concept Plan.
- **Lorraine Vass** – spoke in favour of Item 9.2 – Ballina Shire Koala Management Strategy – Adoption and Implementation.
- **Damian Chapelle** – spoke in favour of Item 8.1 – DA 2015/712 – Newrybar Downs, 1 Johnston Road, Newrybar.
- **John Waygood** – spoke in support of Item 13.1 – Rescission Motion – Bicycle Track Project – Lennox Head.
- **Ralph Moss** – spoke in opposition to Item 10.5 – Policy (Review) – Fraud and Corruption Control Policy.
- **Ron Birch** – spoke in favour of Item 8.2 – Ballina Uniting Church, Cherry Street, Ballina – Demolition.
- **Greg Hayes** – spoke in favour of Item 9.3 – Developer Contributions Policy – Secondary Dwellings.

7. Mayoral Minutes

Nil items

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14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 15 March 2016

A **Motion** was moved by Cr Ben Smith and seconded by Cr Paul Worth

That Council confirms the minutes of the Finance Committee meeting held 15 March 2016 and that the recommendations contained within the minutes be adopted.

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

That Council confirms the minutes of the Finance Committee meeting held 15 March 2016 and that the recommendations contained within the minutes be adopted, excluding Items 4.3 ((Water Operations – Pricing Structure Review), 4.4 (Waste Operations – Long Term Financial Plan and 4.11 (Community Infrastructure – Non-recurrent Projects and Funding - and the two items relating to the Coastal Shared Path and Coastal Recreational Path).

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson and Cr Susan Meehan

AGAINST VOTE - Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson and Cr Susan Meehan

AGAINST VOTE - Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

240316/2 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council confirms the minutes of the Finance Committee meeting held 15 March 2016 and that the recommendations contained within the minutes be adopted, excluding Items 4.3 ((Water Operations – Pricing Structure Review), 4.4 (Waste Operations – Long Term Financial Plan and 4.11 (Community Infrastructure – Non-recurrent Projects and Funding - and the two items relating to the Coastal Shared Path and Coastal Recreational Path).

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson and Cr Susan Meehan

AGAINST VOTE - Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

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Water Operations - Pricing Structure Review

240316/3 RESOLVED

(Cr Susan Meehan/Cr Keith Williams)

That due to the complexity and wide range of options available for water pricing, that Council defer this matter to a Councillor briefing.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern
AGAINST VOTE - Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

Waste Operations - Long Term Financial Plan

240316/4 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That this matter be deferred to a Councillor briefing.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern
AGAINST VOTE - Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

**Community Infrastructure - Non-recurrent Projects and Funding
(Coastal Shared Path and Coastal Recreational Path)**

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Jeff Johnson

1. That Council confirms that the section of the coastal shared path from Skennars Head to Pat Morton is to be included in the Draft 2016/17 Delivery Program and Operational Plan based on estimated funding of \$900,000 from RMS and \$900,000 from Council.
2. That Council receive a report on options to construct segments of the coastal walk from Sharpes Beach to Pat Morton to improve accessibility along the existing walking track.
3. That Council apply for up to \$100,000 in funding from the Public Reserves Management Fund to assist with improving accessibility along the existing walking track.

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

FOR VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Susan Meehan
AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

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240316/5 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council reallocate the \$850,000 from the Coastal Shared Path project to the Coastal Recreational Walk project and that Council apply for matching funding from the Public Reserve Management Fund, with the priority sequence being Section B, C and D as referenced in the report to the Finance Committee on 15 March 2016.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern
AGAINST VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Susan Meehan

Plateau Drive Wollongbar - Skatepark and Masterplan

240316/6 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That to assist with finalising the 2016/17 Operational Plan that Council prepare a more detailed concept plan for the Wollongbar District Park for works that may be installed in that park over time.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 11.00 am

The meeting resumed at 11.21 am

8. Development and Environmental Health Group Reports

8.1 DA 2015/712 - Newrybar Downs, 1 Johnston Road Newrybar

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

That DA 2015/712 for the Temporary Use of Land as a Function Centre for the Purpose of Hosting Wedding Ceremonies at Lot 5 DP 606566, No. 1 Johnston Road, Newrybar, be granted **consent** for a period of **three years**, subject to the imposition of standard development consent conditions (building, planning, environmental and engineering) for this type of development, the conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Service and the following non-standard conditions:

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General

1. This consent is for a limited time period that terminates on 24 March 2019. Should it be intended to continue the approved development beyond the nominated date, a new development application shall be lodged with Council. Council will consider the new development application on its merits, having regard to the performance of the development over the initial operating period and the applicable environmental planning instruments and local development plans at the time.
2. No more than 38 wedding ceremony functions may occur at the subject site in a 12 month period, with the first 12 month period commencing at the date of this consent.
3. No more than 120 guests are to attend any wedding ceremony function at the subject site.

Prior to Operation

4. A Noise Management Plan (NMP) shall be submitted to and approved by Council prior to the operation of the approved use. The NMP shall detail but not be limited to the following:
 - Identify noise limits/restrictions at various locations within the property,
 - Notification processes for sensitive receivers of upcoming functions,
 - Identify monitoring locations and practices for compliance assessment,
 - Identify processes for dealing with non-compliances,
 - Identify roles and responsibilities for actions within the NMP, and
 - Complaints handling practices.
5. An Operational Management Plan (OMP) shall be submitted to and approved by Council prior to the operation of the approved use. The OMP shall be based on the information provided in the Statement of Environmental Effects, prepared by Newton Denny Chapelle, Ref. 15/453, Dated December 2015, and recommendations of the Noise Impact Assessment prepared by Tim Fitzroy and Associates, Dated 19 December 2015 and specify the following:
 - Compliance with the conditions of development consent 2015/712;
 - The engagement of an agreed wedding or function planner to oversee the event and ensure compliance with the OMP;
 - Requirement for a representative of Newrybar Downs to be on site throughout the event. Contact details for this representative will be provided to neighbouring property owners;
 - Requirement for 14 days notice to be provided to all properties noted as a "sensitive receptor" in the Noise Impact Assessment, Dated 19 December 2015, prepared by Tim Fitzroy and Associates, prior to a wedding ceremony being held at the subject site. Details to be included in the notice are the date of the

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- ceremony, hours of the ceremony, number of guests and the function number in that 12 month period (i.e. Function 1 of 38);
- Requirement for all guests to arrive by mini bus (with provision to be made for up to five private vehicles for guests who are elderly and/or families with small children) with parking prohibited on the adjoining public roads; and
 - Limitations on function times and noise generation in accordance with the terms and conditions of development consent 2015/712.
 - A requirement for all future clients (bride and groom) to sign contracts linked to compliance with the OMP.
 - Complaint handling procedures, including the recording of all complaints received and the response to those complaints. The record of complaints to be made available to Council on request.
 - A copy of the approved Operational Management Plan and the Noise Management Plan to be provided to all properties identified as "sensitive receptors".

During Use

6. Noise generation shall be minimised during the set up and pack down periods to minimise any potential impacts on nearby residential premises. Hours of noise generating set up and pack down activities shall be limited to 7.00 am to 7.00 pm weekdays and 8.00 am to 7.00 pm weekends and public holidays. Ceremonies will be conducted between the hours of 11 am and 5.30 pm.
7. Noise caused by the approved use, including music and all other noisy activities, must comply with the following criteria:
 - (a) The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
 - (b) The LAeq noise level emitted from the use must not exceed 42 dBA between the hours of 7.00 am and 6.00 pm (Mondays – Saturdays) or 8.00 am to 6.00 pm (Sundays) when assessed at the boundary of affected properties (or within 30 metres of the dwelling if the dwelling is remote from the boundary).
 - (c) The LAeq noise level emitted from the use must not exceed 37 dBA between the hours of 6.00 pm and 7.00 pm (all days) when assessed at the boundary of affected properties.
 - (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 7.00 pm and 7.00 am (Mondays to Saturdays) or 8.00 am (Sundays).
8. The use of fireworks and helicopters shall be prohibited.

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An **Amendment** was moved by Cr Keith Johnson and seconded by Cr Paul Worth

That DA 2015/712 for the Temporary Use of Land as a Function Centre for the Purpose of Hosting Wedding Ceremonies at Lot 5 DP 606566, No. 1 Johnston Road, Newrybar, be granted **consent** for a period of **five years**, subject to the imposition of standard development consent conditions (building, planning, environmental and engineering) for this type of development, the conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Service and the following non-standard conditions:

General

1. This consent is for a limited time period that terminates on 24 March 2019. Should it be intended to continue the approved development beyond the nominated date, a new development application shall be lodged with Council. Council will consider the new development application on its merits, having regard to the performance of the development over the initial operating period and the applicable environmental planning instruments and local development plans at the time.
2. No more than 38 wedding ceremony functions may occur at the subject site in a 12 month period, with the first 12 month period commencing at the date of this consent.
3. No more than 120 guests are to attend any wedding ceremony function at the subject site.

Prior to Operation

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 - Identify roles and responsibilities for actions within the NMP, and
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- Compliance with the conditions of development consent 2015/712;
- The engagement of an agreed wedding or function planner to oversee the event and ensure compliance with the OMP;
- Requirement for a representative of Newrybar Downs to be on site throughout the event. Contact details for this representative will be provided to neighbouring property owners;
- Requirement for 14 days notice to be provided to all properties noted as a “sensitive receptor” in the Noise Impact Assessment, Dated 19 December 2015, prepared by Tim Fitzroy and Associates, prior to a wedding ceremony being held at the subject site. Details to be included in the notice are the date of the ceremony, hours of the ceremony, number of guests and the function number in that 12 month period (i.e. Function 1 of 38);
- Requirement for all guests to arrive by mini bus (with provision to be made for up to five private vehicles for guests who are elderly and/or families with small children) with parking prohibited on the adjoining public roads; and
- Limitations on function times and noise generation in accordance with the terms and conditions of development consent 2015/712.
- A requirement for all future clients (bride and groom) to sign contracts linked to compliance with the OMP.
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- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 7.00 pm and 7.00 am (Mondays to Saturdays) or 8.00 am (Sundays).

8. The use of fireworks and helicopters shall be prohibited.

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

FOR VOTE - Cr Keith Johnson and Cr Paul Worth

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Ben Smith and Cr Robyn Hordern

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

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson and Cr Keith Johnson

240316/7 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That DA 2015/712 for the Temporary Use of Land as a Function Centre for the Purpose of Hosting Wedding Ceremonies at Lot 5 DP 606566, No. 1 Johnston Road, Newrybar, be granted **consent** for a period of **three years**, subject to the imposition of standard development consent conditions (building, planning, environmental and engineering) for this type of development, the conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Service and the following non-standard conditions:

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 - Requirement for a representative of Newrybar Downs to be on site throughout the event. Contact details for this representative will be provided to neighbouring property owners;
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8. The use of fireworks and helicopters shall be prohibited.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson and Cr Keith Johnson

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Concept Plan

240316/8 RESOLVED

(Cr Susan Meehan/Cr Keith Williams)

1. That the concept plan, as attached to this report, for the Lake Ainsworth South Eastern Precinct Upgrade Project be adopted for implementation.
2. That Council receive a further report in relation to the management of dogs in the Lake Ainsworth area for implementation further to the construction of the upgrade project.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Johnson, Cr Paul Worth and Cr Ben Smith

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9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

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

1. That Council adopts the Ballina Shire Koala Management Strategy as attached to this report.
2. In adopting the strategy, to ensure the implementation of the actions identified in the strategy recognise the overall financial limitations of Council, actions 22, 25 and 38 in Table Six are to be identified as grant funded programs. In addition to this, a recurrent budget allocation of \$26,000 is to be included in Council's Long Term Financial Plan from 2016/17 onwards for the implementation of the strategy actions that have direct financial impacts on Council beyond our existing recurrent budget allocations.
3. That Council refers the adopted Ballina Shire Koala Management Plan to the Department of Planning and Environment to seek certification under State Environmental Planning Policy No.44 – Koala Habitat Protection.
4. That Council writes to the NSW Office of Environment and Heritage to advise it of the outcomes of the project and thank the agency for its funding support.

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

That the Ballina Shire Koala Management Strategy be deferred to update it with the current information from the February 2016 Koala Studies released from the RMS.

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

FOR VOTE - Cr Keith Johnson and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

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

1. That Council adopts the Ballina Shire Koala Management Strategy as attached to this report.
2. In adopting the strategy, to ensure the implementation of the actions identified in the strategy recognise the overall financial limitations of Council, actions 22, 25 and 38 in Table Six are to be identified as grant

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funded programs. In addition to this, a recurrent budget allocation of \$26,000 is to be included in Council's Long Term Financial Plan from 2016/17 onwards for the implementation of the strategy actions that have direct financial impacts on Council beyond our existing recurrent budget allocations.

3. That Council refers the adopted Ballina Shire Koala Management Plan to the Department of Planning and Environment to seek certification under State Environmental Planning Policy No.44 – Koala Habitat Protection.
4. That Council writes to the NSW Office of Environment and Heritage to advise it of the outcomes of the project and thank the agency for its funding support.
5. That Council review the Strategy once all RMS data has been released.

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

FOR VOTE - Cr David Wright, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston

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

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

240316/9 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

1. That Council adopts the Ballina Shire Koala Management Strategy as attached to this report.
2. In adopting the strategy, to ensure the implementation of the actions identified in the strategy recognise the overall financial limitations of Council, actions 22, 25 and 38 in Table Six are to be identified as grant funded programs. In addition to this, a recurrent budget allocation of \$26,000 is to be included in Council's Long Term Financial Plan from 2016/17 onwards for the implementation of the strategy actions that have direct financial impacts on Council beyond our existing recurrent budget allocations.
3. That Council refers the adopted Ballina Shire Koala Management Plan to the Department of Planning and Environment to seek certification under State Environmental Planning Policy No.44 – Koala Habitat Protection.

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4. That Council writes to the NSW Office of Environment and Heritage to advise it of the outcomes of the project and thank the agency for its funding support.

5. That Council review the Strategy once all RMS data has been released.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

13.1 Rescission Motion - Bicycle Track Project - Lennox Head

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Sharon Cadwallader

That Resolution 250216/26, as follows, be rescinded:

That Council confirms Ocean Breeze Reserve as the selected site for the proposed Lennox Head cycle track and proceed to invite volunteers to complete the detail design.

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

FOR VOTE - Cr Keith Johnson and Cr Susan Meehan

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

12. Public Question Time

12.1 Tracey Burke - Road Works in River Street

Tracey Burke on behalf of the Ballina District Citizens and Ratepayers Association – who paid for the new median strip works in River Street?

John Truman advised that it was a State Government Black Spot Funding Grant.

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12.2 Simon Jones - Lake Ainsworth

Simon Jones asked a series of questions in respect to the closure of the eastern road at Lake Ainsworth including:

- Of the \$1.4 million quarantined for Lake Ainsworth amenity what monies have already been spent – Paul Hickey advised that monies had been spent on the new car park opposite the surf club, the additional parking in Ross Street and funds had been allocated to the design and development application process for the new surf club – approximately \$900,000 was left for remaining works
- Concerns about dogs through the flags - Paul Hickey advised the dog issue will be reported back to Council
- Questions to Councillors regarding comments made with respect to observations at the Lake, including parking, cars belonging to dog walkers, 1996 parking study, environmental concerns, comments on the weir theory, bollards, Mojo parking – Councillors provided feedback on their comments.

12.3 Graham Shaw - Sun Protection

Graham Shaw - do we have a date yet for the workshop for the sun protection on playgrounds?

John Truman advised that it was scheduled for 11 April 2016.

10.5 Policy (Review) - Fraud and Corruption Control Policy

240316/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Fraud and Corruption Control 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.

Cr Keith Johnson left the meeting at 01:03 pm.

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

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8.2 Ballina Uniting Church, Cherry Street, Ballina - Demolition

240316/11 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That this matter be deferred to allow the Uniting Church to resolve the matter and if not resolved to Council's satisfaction that it be reported back to Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

11.6 Tender - Asphalt Overlay to the RPT Apron and Taxiway

240316/12 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council accepts the tender for the asphalt overlay to the RPT Apron and Taxiway Alpha from Fulton Hogan Industries Pty Ltd for the amount of \$2,525,200 (excl GST).

2. That Council authorises the Council seal to be attached to the contract documents.

Cr Keith Johnson returned to the meeting at 01:07 pm.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 1.10 pm

The Meeting resumed at 1.52 pm

8.3 Development Consent and Infrastructure Approvals - February 2016

240316/13 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 February 2016 to 29 February 2016.

FOR VOTE - All Councillors voted unanimously.

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8.4 Development Applications - Works in Progress - March 2016

240316/14 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council notes the contents of the report on the status of outstanding development applications for March.
2. That DA 2015/599 be called in and considered by Council.

FOR VOTE - All Councillors voted unanimously.

9. Strategic and Community Facilities Group Reports

9.1 Ballina Major Regional Centre Strategy - Adoption and Implementation

240316/15 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council adopts the Ballina Major Regional Centre Strategy (Ballina2035) as publicly exhibited, with the following inclusions and changes:
 - Reformatting into a professional publishing format, including use of photographs and other graphics.
 - Inclusion of a Mayoral introduction.
 - Inclusion of regional context information.
 - Adjustment to the monitoring and review section as outlined in this report.
 - Minor (non-significant) text edits as required for ease of publication and correction of minor errors.
2. That Council receive a further report on potential funding streams for 2017/18 financial year onwards for the implementation of BMRCS program works, including open space and public domain embellishments, with options to be considered including a special rate variation and/or implementation of an asset recycling program involving the sale of surplus property assets to fund public works nominated as desirable by the community.
3. That Council allocates \$20,000 in recurrent funding to the delivery of the Ballina Major Regional Centre Strategy (Ballina 2035) commencing in the 2016/17 financial year. This funding is to be reviewed at the first four yearly review of the strategy.

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4. That Council invites the members of the project's Civic Panel to remain together for a further period of three years to undertake an annual review of the progress of the strategy outcomes. Further, that the Council considers opportunities for the involvement of the panel as a "sounding board" for other key Council projects.
5. That Council writes to the Department of Planning and Environment to advise of the outcomes of the project and thank the Department for the funding support provided.

FOR VOTE - All Councillors voted unanimously.

9.3 Developer Contributions Policy - Secondary Dwellings

240316/16 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council waive developer contributions for secondary dwellings for an additional two years until 31 March 2018 where:
 - The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m².
 - The floor space ratio of the principal and secondary dwelling does not exceed 0.5:1.
 - A maximum of two bedrooms are contained within the secondary dwelling and five bedrooms, three water closets and two laundries on the total site.
 - Compliance is achieved with all other requirements relating to secondary dwellings contained within the Affordable Rental Housing SEPP.
2. That the waiving of developer contributions and charges for secondary dwellings apply in relation to contributions and charges contained within applicable Ballina Shire Council contribution plans (s94) and development servicing plans (s64).
3. The assessment criteria agreed with Rous Water for the calculation of equivalent tenements applicable to secondary dwellings be implemented for charges applicable under the Rous Water Development Servicing Plan – Bulk Supply Services.
4. That public notice be given of this policy extension.
5. That Council receive a report on secondary dwellings in rural zones.

FOR VOTE - All Councillors voted unanimously.

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9.4 BSCPP 15/001 - Reclassification of Land - Finalisation

240316/17 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to reclassify land from community land to operational land for the purpose of the Local Government Act 1993 and undertake a variety of amendments to land use zoning and associated planning provisions as documented in Planning Proposal BSCPP 15/001, inclusive of the amendment to the planning proposal set out in point 2.
2. That Council endorses the application of a SP2 Infrastructure zone under the Ballina Local Environmental Plan 2012 to the Richmond Hill Reservoir site in East Ballina, being Lot 1 DP 632176.
3. That the necessary documentation be compiled and forwarded to the NSW Department of Planning and Environment to enable the Minister for Planning to finalise Planning Proposal BSCPP 15/001.
4. That prior to any future leasing or disposal of Lot 1 DP 781542 Compton Drive, East Ballina, the General Manager takes appropriate action to ensure that the Coogee Street stairs remain in public ownership and accessible to the community.

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Use of Council Seal

240316/18 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council affix the Common Seal to the following document.

| | |
|---------|--|
| US16/03 | Community Group licence agreement between Council and the Alstonville Croquet Club Inc for the use of part Lot 4 in DP1130300 (being a portion of Council's 'Gap Road site') at Gap Road, Alstonville for a three year period. |
|---------|--|

FOR VOTE - All Councillors voted unanimously.

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10.2 Investment Summary - February 2016

240316/19 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the record of banking and investments for February 2016.

FOR VOTE - All Councillors voted unanimously.

10.3 Local Public Holiday - Review

A **Motion** was moved by Cr Paul Worth and seconded Cr Sharon Cadwallader

That Council notes the contents of this report in respect to local public holidays for the Ballina Shire.

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Ben Smith

1. That Council notes the contents of this report in respect to local public holidays for the Ballina Shire.
2. That Council continue to liaise with the Ballina Chamber of Commerce on future dates for the Prawn Festival and the potential for a local public holiday.

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

FOR VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith
AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

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

FOR VOTE - All Councillors voted unanimously.

240316/20 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to local public holidays for the Ballina Shire.

FOR VOTE - All Councillors voted unanimously.

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10.4 Policy (Review) - Social Media

240316/21 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Social Media 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.

10.6 Policy (Review) - Risk Management

240316/22 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

11. Civil Services Group Reports

11.2 Alcohol Free Zones - Lennox Head and Alstonville

240316/23 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

1. That in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council initiates a consultation program to consider a proposal to re-establish an Alcohol Free Zone in the Lennox Head CBD.
2. That in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council initiates a consultation program to consider a proposal to re-establish an Alcohol Free Zone in the Alstonville CBD.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson and Cr Keith Williams

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11.3 Naming of Roads, Bridges and Public Places - Proposed Name Bank

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Robyn Hordern

1. That Council adopts the Name Bank, as attached to this report.
2. That Council notes the Name Bank will require amendment from time to time and this will require further reporting to Council.
3. That the General Manager be delegated authority to approve the use of names from Name Bank in response to requests to name public roads, bridges and public places.

An **Amendment** was moved by Cr Keith Johnson and seconded by Cr Paul Worth

1. That Council adopts the Name Bank, as attached to this report.
2. That the General Manager be delegated authority to approve the use of names from Name Bank in response to requests to name public roads, bridges and public places.

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

FOR VOTE - Cr Keith Johnson

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

An **Amendment** was moved by Cr Paul Worth and seconded by Cr Jeff Johnson

That Council delete the need for a Name Bank and that the Naming of Roads, Bridges and Public Places Policy be amended accordingly.

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

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr David Wright, Cr Keith Williams and Cr Ben Smith

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

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr David Wright, Cr Keith Williams and Cr Ben Smith

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240316/24 RESOLVED

(Cr Paul Worth/Cr Jeff Johnson)

That Council delete the need for a Name Bank and that the Naming of Roads, Bridges and Public Places Policy be amended accordingly.

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern
AGAINST VOTE - Cr David Wright, Cr Keith Williams and Cr Ben Smith

11.4 Tender - Relocation of Electricity - Byron Street Sewerage Pump Station

240316/25 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That in relation to RFT869 Council accepts the tender for the relocation of electricity for the Byron Street Sewerage Pump Station from NJ Consulting for the amount of \$161,420 + GST.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

11.5 Tender - Teven Road Asphalt Works

240316/26 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That in relation to RFT877 Council accepts the tender for the Teven Road Asphalt works from Bitupave Ltd T/A Boral Asphalt for the amount of \$776,693 (excl GST).
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

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11.7 Policy (Review) - Fire Asset Protection Zones

240316/27 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Fire Asset Protection Zones - Private Use of Public Land Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

11.8 Policy (Review) - Weddings on Public Land

240316/28 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

11.9 Policy (Review) - Cemetery Management

240316/29 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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13. Notices of Motion

13.2 Notice of Motion - Shark Spotters

A **Motion** was moved by Cr Keith Williams and seconded by Cr Jeff Johnson

That Council, following consultation with the NSW Department of Primary Industries and local Surf Lifesaving Clubs and the Ballina Shire Shark Mitigation Group, receive a report investigating the establishment of a local shark spotting program, as an addition to the existing shark mitigation measures.

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson and Cr Keith Williams
AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Keith Williams

That Council receive a report from Shark Spotters.

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

FOR VOTE - Cr Jeff Johnson and Cr Keith Williams
AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

13.3 Notice of Motion - Weed Control

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

1. That Council acknowledges the growing concern about the use of glyphosate (round up), particularly around waterways, schools and playground areas.
2. That Council receives a report that looks at the effectiveness of non-chemical based weed removal and the potential to begin a trial of this method of weed control in the Ballina Shire

The **Motion** **LAPSED**.

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13.4 Notice of Motion - Organics Collection for CBD Commercial Premises

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Keith Williams

That Council receives a report that looks at the costs/benefits of offering an organics collection service to the Ballina Shire CBD areas.

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

FOR VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ken Johnston
AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

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

15.1 Mayoral Meetings

240316/30 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

16. Questions Without Notice

16.1 Cr Sharon Cadwallader - Visitor Guide

Cr Sharon Cadwallader – complimented staff on the production of the new Visitor Guide and particularly liked the new size of the Guide.

16.2 Cr Robyn Hordern - "Love Lock" Padlocks on Railings

Cr Robyn Hordern – Do we have a position on the "love lock" padlocks being placed on railings throughout the Shire? Should we cut them off? Is this an issue? What is our position on these?

John Truman will take this matter on notice.

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16.3 Cr Robyn Hordern - Byron Guide

Cr Robyn Hordern – read a derogatory comment in the latest “Rusty’s Byron Guide” on Ballina. She would like to challenge that comment/Guide.

Paul Hickey advised that this was a private Guide. Council could remove these from display at the Airport.

16.4 Cr Ben Smith - Shelly's On the Beach

Cr Ben Smith – what is the current position with Shelly’s On the Beach?

Paul Hickey advised that the lessor was paying rent and Council continues to liaise with the tenant to encourage them to develop the site.

MEETING CLOSURE

3.09 pm

The Minutes of the Ordinary Meeting held on 24/03/16 were submitted for confirmation by council on 28 April 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 April 2016.