

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/06/17 AT 9.00 AM**

Attendance

Crs Jeff Johnson (Deputy Mayor - in the chair), Phillip Meehan (arrived at 9.12 am), Sharon Parry, Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams, Sharon Cadwallader and Ben Smith.

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

There were 22 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Holy Family School Choir.

2. Acknowledgement of Country

In opening the meeting the Deputy 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

An apology was received from Cr David Wright, Mayor.

220617/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Phillip Meehan

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4. Confirmation of Minutes

220617/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 May 2017, with an amendment to Item 10.5 (Resolution 250517/19) on page 15 – the word “Russell” should be “Russellton”.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Phillip Meehan

5. Declarations of Interest and Reportable Political Donations

Cr Sharon Cadwallader – declared an interest in Item 8.4 – Compliance Functions – Status. (Nature of Interest: non significant, non pecuniary - her business is subject to those essential service checks). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Nathan Willis – declared an interest in Item 8.4 – Compliance Functions – Status. (Nature of Interest: non significant, non pecuniary - his business is subject to those essential service checks). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Stephen McCarthy – later in the meeting declared an interest in Item 13.4 – Rescission Motion – Wollongbar Skate Park. (Nature of Interest: non significant, non pecuniary – he knows someone who lives in the area). He remained in the meeting while the matter was discussed and voted on the matter.

Cr Nathan Willis – later in the meeting declared an interest in Item 13.2 – Notice of Motion – Donation – Beach Sounds Event. (Nature of Interest: significant, non-pecuniary interest - Mr Nathan Luke is a possible business associate of Cr Willis). He departed the meeting while the matter was discussed.

Cr Jeff Johnson - later in the meeting declared an interest in Item 13.2 – Notice of Motion – Donation – Beach Sounds Event. (Nature of Interest: non significant, non pecuniary - he has used Stacks Law firm for legal work in the past). He remained in the meeting while the matter was discussed and voted on the matter.

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John Truman, Group Manager Civil Services - declared an interest in Item 10.10 – Delivery Program and Operational Plan – Adoption and in particular to the matter of fees for Commercial Activities on Public Land for smaller personal trainers and group training.. (Nature of Interest: significant non-pecuniary – his wife has made a submission on this matter). He will be departing the meeting while the matter is discussed.

Cr Phillip Meehan – later in the meeting declared an interest in the Urgent Item on the Ballina Cup 2017 – Local Event Day. (Nature of Interest: non significant, non pecuniary – he is a member of the Ballina Jockey Club). He remained in the meeting while the matter was discussed and voted on the matter.

There were no reportable political donations.

6. Deputations

- **Luke Sansom** – spoke in favour of Item 9.5 – Planning Proposal – 111 Friday Hut Road, Tintenbar.
- **Denis Magnay** – spoke in opposition to Item 13.4 – Notice of Motion – 4WD Access at Angels Beach.

Cr Phillip Meehan arrived at the meeting at 09:12 am

- **Terry Prendergast** – spoke in favour of Item 9.3 – Management Plans (Draft) - Killen Falls and Tosha Falls, and in particular to Tosha Falls.
- **Ray Karam** – spoke in opposition to the recommendation in Item 8.1 – DA 2016/506 – 37 Converys Lane, Wollongbar.
- **Juanita Keen** – spoke in favour of Item 13.1 – Rescission Motion – Wollongbar Skate Park.
- **Mary-Anne Megines, Wollongbar Progress Association** – spoke in opposition to Item 13.1 – Rescission Motion – Wollongbar Skate Park.
- **Monica Wilcox** – spoke in opposition to Item 10.10 – Delivery Program and Operational Plan – Adoption, and in particular to Lennox Town Centre Village Renewal.
- **Hayley Oatley** – spoke in opposition to Item 9.9 – Policy (New) – Mobile Vending on Public Land.
- **Peter Sinclair** – spoke in favour of Item 10.7 – Lighthouse Beach Café – Tenancy Works.
- **Peter Lane** – spoke in opposition to Item 9.3 – Management Plans (Draft) – Killen Falls and Tosha Falls, and in particular to Killen Falls.

7. Mayoral Minutes

Nil items.

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9.5 Planning Proposal - 111 Friday Hut Road, Tintenbar

220617/3 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to permit the subdivision of Lot 339, DP 755684, No 111 Friday Hut Road, Tintenbar, into two lots as detailed in Planning Proposal BSCPP 16/004.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 16/004 under delegated authority.

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

13.4 Notice of Motion - 4WD Access at Angels Beach

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

That Council take no further action in respect to the provision of a new 4WD access at Angels Beach.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

That Council wait for the staff report to achieve the status quo, being to maintain the 4WD access to Angels Beach after the construction of the Coastal Recreational Pathway as per the Ballina Coastal Reserve Plan of Management 2003.

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

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

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

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

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220617/4 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council wait for the staff report to achieve the status quo, being to maintain the 4WD access to Angels Beach after the construction of the Coastal Recreational Pathway as per the Ballina Coastal Reserve Plan of Management 2003.

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

9.3 Management Plans (Draft) - Killen Falls and Tosha Falls

A **Motion** was moved by Cr Eoin Johnston and seconded by Cr Sharon Cadwallader

1. That Council endorses the draft management plans for Tosha Falls and Killen Falls (as attached to this report) for public exhibition for a minimum period of four weeks.
2. That Council forward a copy of the draft management plans for Tosha Falls and Killen Falls to relevant Government authorities to seek feedback during the public exhibition period.

220617/5 RESOLVED

(Cr Phillip Meehan)

That the Motion be Put to the vote.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

220617/6 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council endorses the draft management plans for Tosha Falls and Killen Falls (as attached to this report) for public exhibition for a minimum period of four weeks.
2. That Council forward a copy of the draft management plans for Tosha Falls and Killen Falls to relevant Government authorities to seek feedback during the public exhibition period.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

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8. Development and Environmental Health Group Reports

8.1 DA 2016/506 - 37 Converys Lane, Wollongbar

220617/7 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Development Application 2016/506 'To Permit Increased Student Numbers (from 100 to 235 students) on a Permanent Basis for an Approved Educational Establishment on Lot 2 DP 2 DP 577649 No. 37 Converys Lane, Wollongbar be **REFUSED** for the following reasons:

1. The intersection of the Bruxner Highway and Converys Lane has insufficient capacity to service the proposed development and approval of the application would compromise the safety and efficiency of the intersection.
2. The proposed Traffic Management Plan is neither practical nor self-enforcing. There is likely to be a high risk of non-compliance with the proposed traffic management strategies, and therefore these strategies are unlikely to alleviate traffic safety and management concerns at the intersection of the Bruxner Highway and Converys Lane.
3. For the reasons outlined above, the application is not considered to be in the public interest.

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

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Eoin Johnston and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr David Wright

Adjournment

The Deputy Mayor declared the meeting adjourned at 10.33 am

The meeting resumed at 10.56 am

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13.1 Rescission Motion - Wollongbar Skate Park

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

That resolution 250517/4, as follows, be rescinded:

1. That Council authorises the General Manager to commence detailed design and construction of the Alstonville Wollongbar skate park in accordance with concept design Option B at the Wollongbar Sports Field site.
2. The Council authorises the General Manager to lodge the required application to support point one above.

220617/8 RESOLVED

(Cr Sharon Cadwallader)

That the Motion be Put to the vote.

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

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Eoin Johnston and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr David Wright

Cr Stephen McCarthy at this point, declared a non significant, non pecuniary interest in this matter. He knows someone who lives in the area. He will be remaining in the meeting while the matter is discussed and voting on the matter.

The Substantive **Motion**, to rescind resolution 250517/4, as follows was **LOST**.

1. That Council authorises the General Manager to commence detailed design and construction of the Alstonville Wollongbar skate park in accordance with concept design Option B at the Wollongbar Sports Field site.
2. The Council authorises the General Manager to lodge the required application to support point one above.

FOR VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Ben Smith

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

ABSENT. DID NOT VOTE - Cr David Wright

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10.10 Delivery Program and Operational Plan - Adoption

220617/9 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

1. That Council adopts the 2017/18 to 2020/21 Draft Delivery Program and 2017/18 Operational Plan which includes the Long Term Financial Plan (budget) and Fees and Charges, as exhibited, inclusive of any amendments determined at this meeting.
2. That Council approves the formation of a Committee of a minimum of three Councillors, with at least one from each Ward, plus the Mayor, to consider the applications for the General, Public Hall and Sporting Group Donations for 2017/18. The representatives on the Committee are as follows.

A Ward – Cr Meehan
B Ward - Cr Cadwallader
C Ward - Cr Smith

4. That Council notes the contents of this report in respect to the submissions received for works and services, with the inclusion of the following amendments to the Operational Plan:
 - Wardell Progress Association – Include an action to investigate Wilson Street drain, Wardell, to determine the preferred management solution.
 - Various submissions – Amend the existing reference to the Lennox Head Town Centre enhancement plan to the following:

| | |
|---|--|
| Progress Lennox Head Town Centre Village Renewal and confirm funding strategy for preferred completion by December 2021 | Progress made to confirm preferred design and funding strategy |
|---|--|

- That \$10,000 of the budget from Ross Park be carried forward to cover consultation in respect to the Lennox Head Town Centre Village Renewal.
5. That Council endorses the following amendment to the Long Term Financial Plan:
 - Plant capital expenditure – budget increased by \$25,000 for purchase of Rangers vehicle, with this initial one-off expenditure funded from the Development and Environmental Health internal reserve.

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6. That Council resolves to make a base rating structure applicable to all rateable land in the Shire for the levy of the 2017/18 Ordinary Rates as per the following structure.

| Rate Category | Rate in Dollar (cents in \$) | Base Amount (\$) | % Income from Base Amount |
|---------------|---------------------------------|---------------------|------------------------------|
| Residential | \$0.16583 | 491 | 49.8 |
| Business | \$0.75581 | 491 | 14.6 |
| Farmland | \$0.14128 | 491 | 32.4 |
| Mining | \$0.75581 | 491 | 0.0 |

The rate in the dollar for 2017/18 applies to the land value of all rateable land in the Shire within the relevant category.

7. That Council resolves to make the annual charges for 2017/18 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 and Wastewater Services.
8. That Missingham Beach Park be the number one priority for the installation of a barbecue.
9. That Council amend the ferry fees as per the submission from the Ferry Drivers as follows:

| | |
|---------------------------------|---------|
| Car | \$ 6.00 |
| Motor Bike | \$ 3.00 |
| Car + 1 axle Trailer | \$12.00 |
| Car + 2 axle Trailer / Caravans | \$18.00 |
| Vehicle 3-10 tonnes | \$13.50 |
| Vehicle 10 tonnes and over | \$15.50 |
| Truck and Dog | \$22.50 |
| Push Bikes | \$ 1.00 |
| Ferry Weekly Ticket | \$56.00 |

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

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

That Council include Saunders Oval lighting in the 2017/18 financial year for the reasons outlined in the report.

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

FOR VOTE - Cr Jeff Johnson and Cr Nathan Willis

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

ABSENT. DID NOT VOTE - Cr David Wright

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220617/10 RESOLVED

(Cr Nathan Willis/Cr Ben Smith)

That Council confirms its intention to submit a further application to IPART, consistent with the current Long Term Financial Plan, being permanent special rate variations of 9.3% for 2018/19 and 5.9% for 2019/20 and authorises the General Manager to take all necessary actions to comply with the special variation application criteria.

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

John Truman, declared an interest in this matter and departed the meeting at this stage.

220617/11 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That Council approve an interim category fee for smaller groups for personal trainers and group training (up to 10 clients maximum) (low impact, \$600 per annum) and adjust the Commercial Activities on Public Land Policy accordingly.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

John Truman returned to the meeting at this stage.

220617/12 RESOLVED

(Cr Ben Smith/Cr Phillip Meehan)

That Council endorses the following actions in relation to the 30% pensioner/health care card holder discount for Ferry Fees:

- (i) The discount applies to motor vehicle, motor cycle and bicycle seasons and quarterly season tickets.
- (ii) The discount applies to the following cards:
 - Commonwealth Seniors Health Card
 - Health Care Card
 - Ex-Carer Allowance (Child) Health Care Card
 - Foster Child Health Care Card
 - Low Income Health Care Card
 - Department of Veteran Affairs' Health Card and
 - Pensioner Concession Card

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- (iii) The discount can only be obtained by purchasing from Council's Customer Service at 40 Cherry Street, Ballina.
- (iv) The discount can only be obtained by presenting one of the listed eligible cards together with vehicle registration papers in the same name as the card holder and the card must be valid as at the day of purchase (excluding bicycles).

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

9.9 Policy (New) - Mobile Vending on Public Land

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Keith Williams

1. That Council adopt an amended Mobile Vending on Public Land Policy that maintains the status quo, however allows mobile vending with a licence arrangement on roads and car parks with a restriction of 300 metres from a retail outlet and with a time limitation.
2. That Council not allow mobile vending in parks for an extended period of time.
3. That Council applies the following fee structure in relation to the implementation of the policy.
 - Application Fee - \$99
 - Annual Fee (Roads and Car Parking Permit) - \$330
4. That the Mobile Vending on Public Land Policy takes effect from 1 August 2017.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Sharon Parry

That this matter be deferred to a Councillor Briefing.

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

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

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

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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 Phillip Meehan

ABSENT. DID NOT VOTE - Cr David Wright

220617/13 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

That this matter be deferred to a Councillor Briefing.

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

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr David Wright

12. Public Question Time

12.1 Oline Richards - Storm Debris on Beaches

Mrs Oline Richards – The storm debris strewn along Shelly Beach and other beaches is now decaying and polluting and is weed infested with weeds taking root. It has destroyed the amenity of the beaches. Is the Council aware of this problem and does it have a plan to deal with it?

John Truman advised that Council is aware of the issue. Council's approach isn't to clean up storm debris on beaches unless there is a risk to public health and safety. It costs a lots of money and there is no guarantee that the debris won't return in another event. Costs are not claimable under disaster recovery funding and the local community would have to bear the cost. Environmental science advice is to maintain the natural process.

If there are any areas that you are concerned about which have a certain public health and safety aspect, please contact us. Staff will inspect Shelly Beach for weed infestation.

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Adjournment

The Deputy Mayor declared the meeting adjourned at 1.12 pm

The meeting resumed at 1.53 pm

13.3 Notice of Motion - Boral Asphalt Plant

220617/14 RESOLVED

(Cr Sharon Parry/Cr Keith Williams)

1. That Council make representation to the NSW Environment Protection Authority to undertake increased independent monitoring of odour emissions and noise impacts arising from the Boral Asphalt Plant and the Gap Road Quarry so as to assist in responding to community concerns about the adverse amenity impact and possible health risks associated with continued operation of the Plant and the Quarry.
2. That Council request information from the NSW Environment Protection Authority on the amount of monitoring currently being undertaken, complaints received and their outcomes etc.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

10.7 Lighthouse Beach Cafe - Tenancy Works

220617/15 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council note the contents of this report in respect to the proposed tenancy works for the Lighthouse Beach Café.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

8.2 Compliance Work Plan 2016/17 - Final Report

220617/16 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the outcomes from the Compliance Work Plan for the 2016/17 financial year.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

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8.3 Compliance Work Plan 2017/18

220617/17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council endorses the proposed annual Compliance Work Plan for 2017/18, as detailed within this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

8.4 Compliance Functions - Status

220617/18 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the employment of an additional Compliance Officer to increase Council's commitment to undertake the Caravan Park, Essential Services and Private Swimming Pool Barrier programs, as detailed within this report.
2. The funding for this position is to be financed from an increase in the following revenue items for 2017/18 onwards:

| Item | 2017/18 Exhibited Budget (\$) | 2017/18 Revised Budget (\$) |
|--|--|--|
| Caravan Parks Inspections and Approvals | 2,000 | 10,000 |
| Essential Services Notification | 22,000 | 25,000 |
| Private Swimming Pool Inspections | 42,000 | 42,000 |
| Compliance Levy Paid on Development Applications | 175,000 | 205,000 |
| Legal Expenses / Fines / Notices | 70,000 | 110,000 |
| Totals | 311,000 | 392,000 |

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

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8.5 Policy (Review) - On-Site Sewage Management

220617/19 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council place the amended On Site Sewage Management Strategy Policy, as attached to this report, on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will be the subject of a further report to Council.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

8.6 Development Consent and Infrastructure Approvals - May 2017

220617/20 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 May 2017 to 31 May 2017.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

8.7 Development Applications - Works in Progress - June 2017

220617/21 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

That Council notes the contents of the report on the status of outstanding development applications for June 2017.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

8.8 Development Applications – Variation to Development Standards

220617/22 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

That Council notes the contents of this report on the development applications approved under delegation for variations to development standards less than 10% for May 2017.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright

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9. Strategic and Community Facilities Group Reports

9.1 Rural Area - Detached Dual Occupancy Development

220617/23 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That based on the feedback from the Councillor briefing held 16 May 2017, Council endorses the preparation of a planning proposal which proposes to permit dual occupancy development (attached and detached) with development consent within the RU1 Primary Production and RU2 Rural Landscape zones under the provisions of Ballina LEP 2012.
2. That the planning proposal, once prepared, be forwarded to the Department of Planning and Environment for Gateway determination.
3. That subject to a Gateway determination allowing the proposal to proceed to community consultation being issued, the planning proposal be placed on public exhibition for a minimum period of 28 days in accordance with the consultation strategy detailed in this report and the requirements of the gateway determination.
4. That Council prepares associated draft amendments to Ballina Shire Development Control Plan 2012 – Chapter 7 Rural Living and Activity to align the DCP with the planning proposal.
5. That the draft DCP amendments be placed on public exhibition with the planning proposal for a minimum period of 28 days.
6. That Council give further consideration to the planning proposal and associated draft DCP amendments following the conclusion of the public exhibition period.
7. That Council give further consideration to an appropriate compliance approach following the conclusion of the public exhibition process.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright

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9.2 Ballina Marina Master Plan

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

1. That Council endorses the Ballina Marina Master Plan (as contained in Attachment 1) as the basis for planning for the redevelopment of the Ballina Trawler Harbour site at West Ballina.
2. That Council advise Government agencies, stakeholders and community members who have participated in the master planning process of the Council's decision to endorse the Ballina Marina Master Plan.
3. That Council advise relevant Ministers and local members of parliament of the outcomes of the marina master planning project.

Cr Sharon Parry left the meeting at 02:27 pm.

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

FOR VOTE - Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Eoin Johnston and Cr Stephen McCarthy and the casting vote of the Deputy Mayor

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

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

That the Master Plan be deferred to a Councillor workshop where anyone who made a submission during the consultation period be invited to attend.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Stephen McCarthy

That Council hold a Councillor briefing.

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

FOR VOTE - Nil

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

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

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

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

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

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/06/17 AT 9.00 AM**

220617/24 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

That the Master Plan be deferred to a Councillor workshop where anyone who made a submission during the consultation period be invited to attend.

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

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

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

9.4 Planning Proposal - Boeing Avenue, Southern Cross Estate

220617/25 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to apply the IN1 General Industrial zone and 1,000m² minimum lot size standard and include 'bulky goods' as an additional permitted use on land in Boeing Avenue Ballina as set out in Planning Proposal BSCPP 16/003 (Attachment One).
2. That Council submits planning proposal BSCPP 16/003 to the Department of Planning and Environment for finalisation.
3. That Council write to the landowner of Lot 951 DP 1165266 inviting submission of a separate planning proposal in relation to the land.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

9.6 LEP Amendments and Planning Proposals - Status

220617/26 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.
2. That Council write to the Department of Planning and Environment requesting the planning proposal BSCPP 17/001 for Stage 1 of the Deferred Matters Integration Program be discontinued.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

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ON 22/06/17 AT 9.00 AM**

9.7 Land Classification - Lot 180 DP 1229369, 26 Kell Mather Drive

220617/27 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council classify the land identified as Lot 180 DP 1229369, 26 Kell Mather Drive, Lennox Head 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.
ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

9.8 Land Classification - Closed Crown Roads, Ballina Airport Site

220617/28 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council classify the land identified as Lots 3, 4, 5, 6 and 7 DP 1221472, being land forming a part of the Ballina Byron Gateway Airport site, 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.
ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

10. General Manager's Group Reports

10.1 Use of Council Seal

220617/29 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following documents.

| | |
|---------|---|
| US17/15 | Ballina Shire Council Lease to R Lange and R McEwen for Lot 3 DF 746440 at the Ballina Byron Gateway Airport for a period of twenty years. |
| US17/16 | Ballina Shire Council Sublease to T Woznitza for Part Lots 321 DF 755745 & 7003 DP 92641 being that part of the building and surrounds known as the "Old Tintenbar Council Chambers" sitting upon reserve number D57675 dedicated for town hall site and called "Area 3 and Area 4" for three years with a two year option. |
| US17/17 | Survey plan, Section 88B Instrument and documents to enable the closing of a Council public road as part of a boundary adjustment subdivision at 981 Teven Road. |

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

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10.2 Investment Summary - May 2017

220617/30 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the record of banking and investments for May 2017.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

10.3 C Ward Committee - Membership

220617/31 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council approves the nominations from the Rotary e-Club NextGen and the Alstonville Probus Club to the C Ward Committee.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

10.4 Internal Audit Committee - Membership

220617/32 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council approves the appointment of Mr Col Lee to the Internal Audit Committee.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

10.5 Ordinary Meeting Date - December 2017

220617/33 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That Council's Ordinary meeting for December 2017 be held on Thursday 14 December 2017.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/06/17 AT 9.00 AM**

10.6 Committees (Internal) - Review

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

1. That Council notes the contents of this report regarding the existing internal committee structure and undertakes a further review and preparation of a report as to how to increase the membership number and attendance of the Aboriginal Community Committee.
2. That Council liaise with Reconciliation Australia as to further guidance of how to make the Aboriginal Community Committee more effective.

An **Amendment** was moved by Cr Ben Smith

That this matter be reconsidered after the current review of the Aboriginal Community Committee is undertaken.

The **Amendment LAPSED.**

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

220617/34 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

1. That Council notes the contents of this report regarding the existing internal committee structure and undertakes a further review and preparation of a report as to how to increase the membership number and attendance of the Aboriginal Community Committee.
2. That Council liaise with Reconciliation Australia as to further guidance of how to make the Aboriginal Community Committee more effective.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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ON 22/06/17 AT 9.00 AM**

10.8 Code of Conduct - Review

220617/35 RESOLVED

(Cr Eoin Johnston/Cr Keith Williams)

1. That Council adopts the Office of Local Government's model Code of Conduct, as per attachment two, to this report.
2. That Council hold additional training on the Model Code of Conduct, specifically concentrating on matters that may have come out of the recent General Manager's survey to Councillors.

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

AGAINST VOTE - Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

10.9 Community Strategic Plan - 2017 to 2027

220617/36 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council adopts the Community Strategic Plan, as attached and exhibited, subject to the additional changes outlined within this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

11. Civil Services Group Reports

11.1 Sugar Cane Harvest Management Scheme - Permit Application

220617/37 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That the application for the Sugar Cane Harvest Management Scheme to permit an additional 5% concessional mass on the gross mass load (GML) on State and Council roads which are currently approved for a 4.6 m high vehicles, be approved for an additional trial period of one year during the 2017 harvest period.

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2. That further to point one above, Council also advise the NSW State Government, Sunshine Sugar and the other councils in the Northern Rivers that it will not consider a third trial period (or permanent approval) for the 2018 harvest period unless there is an agreed level of funding support to Council as the current arrangement, which was implemented in response to the needs and requests of the NSW Government and commercial industry, represents a cross subsidy provided by the Shire's ratepayers and this will result in unreasonable financial pressures for Council in terms of the management of our road network in the long term.

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

AGAINST VOTE - Cr Phillip Meehan and Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

13. Notices of Motion

Cr Nathan Willis at this point declared a significant, non pecuniary interest in Item 13.2 and departed the meeting at 3.35 pm. (Nature of Interest: Mr Nathan Luke is a possible business associate of his).

Cr Jeff Johnson at this point declared a non significant, non pecuniary interest in Item 13.2. (Nature of Interest: he has used Stacks Law firm for legal work in the past). He will be remaining and voting.

13.2 Notice of Motion - Donation - Beach Sounds Event

220617/38 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council donate the venue (\$500) and equipment hire (\$320) fees for the proposed Beach Sounds Event at the Lennox Head Community Centre.

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

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr David Wright, Cr Sharon Parry and Cr Nathan Willis

Cr Nathan Willis returned to the meeting at 03:50 pm.

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14. Advisory Committee Minutes

14.1 Commercial Services Committee - 14 June 2017

220617/39 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the minutes of the Commercial Services Committee meeting held 14 June 2017 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

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

15.1 Mayoral Meetings

220617/40 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

Motion of Urgency

The General Manager advised that the Ballina Jockey Club has recently advised of a change in date for the Ballina Cup for 2017. This necessitated a new application to NSW Industrial Relations to have the Local Event Day declaration changed from 14 September to 7 September 2017.

220617/41 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That the matter of the Ballina Cup 2017 – Local Event Day, be considered as a matter of urgency.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

Cr Phillip Meehan – declared a non significant, non pecuniary interest in this item. (Nature of Interest: he is member of the Ballina Jockey Club). He will remain in the meeting while the matter is discussed and vote on the matter.

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Ballina Cup 2017 - Local Event Day

220617/42 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

That Council authorises the General Manager to make a request to NSW Industrial Relations to seek Parliamentary Counsel to draft an amending Order to have Thursday 7 September 2017 declared as a Local Event Day throughout the Ballina Shire area in lieu of Thursday 14 September 2017.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

16. Confidential Session

220617/43 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

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

16.1 Lighthouse Beach Cafe - Tenancy Works and Lease Details

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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 commercial leasing matters are to be discussed.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

(The Council moved into Confidential Session at 4,00 pm).

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Open Council

220617/44 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

(The Council moved into Open Council at 4.24 pm).

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

16.1 Lighthouse Beach Cafe - Tenancy Works and Lease Details

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

1. That Council resolves to adopt option one, as detailed within this report, and agrees to the proposed works to weatherproof the deck area of the Lighthouse Beach Café and grant additional five year options to the Café and Kiosk sub-leases, with the loan interest rate to be reviewed at the exercise of each option.
2. That Council allocate \$100,000 from the Property Development Reserve in the 2017/18 financial year to undertake this work.
3. That Council authorises the General Manager to finalise negotiations with the subtenants and execute and affix the Council seal to all relevant sublease documentation.

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

1. That Council resolves to adopt option three, as detailed within this report, with the loan interest rate to be reviewed at the exercise of each option.
2. That Council allocate \$100,000 from the Property Development Reserve in the 2017/18 financial year to undertake this work.
3. That Council authorises the General Manager to finalise negotiations with the subtenants and execute and affix the Council seal to all relevant sublease documentation.

The **Amendment** was **LOST** on the casting vote of the Deputy Mayor.

FOR VOTE - Cr Phillip Meehan, Cr Eoin Johnston, Cr Nathan Willis and Cr Keith Williams

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AGAINST VOTE - Cr Jeff Johnson, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith and the casting vote of the Deputy Mayor
ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

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

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

CF220617/1 RECOMMENDED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council resolves to adopt option one, as detailed within this report, and agrees to the proposed works to weatherproof the deck area of the Lighthouse Beach Café and grant additional five year options to the Café and Kiosk sub-leases, with the loan interest rate to be reviewed at the exercise of each option.
2. That Council allocate \$100,000 from the Property Development Reserve in the 2017/18 financial year to undertake this work.
3. That Council authorises the General Manager to finalise negotiations with the subtenants and execute and affix the Council seal to all relevant sublease documentation.

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

Adoption of Recommendation from Confidential Session

220617/45 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

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

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

MEETING CLOSURE

4.25 pm

The Minutes of the Ordinary Meeting held on 22/06/17 were submitted for confirmation by council on 27 July 2017 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 July 2017.