

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

Attendance

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

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

There were 15 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Fernleigh Public School.

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

231117/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 October 2017.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

5. Declarations of Interest and Reportable Political Donations

- **Cr Nathan Willis** – declared an interest in Item 9.2 – Policy (New) – Mobile Vending on Public Land. (Nature of Interest: significant non pecuniary – political colleague is the Manager of Ballina Market). He will be departing the meeting while the matter is discussed.
- **Cr Nathan Willis** – declared an interest in Item 11.1 – Festival and Events Sponsorship (Community and Commercial). (Nature of Interest: significant non pecuniary – a close friend is a member of the Ballina District Minister’s Association. He will be departing the meeting while the matter is discussed.
- **Cr Keith Williams** – declared an interest in Item 9.2 – Policy (New) – Mobile Vending on Public Land. (Nature of Interest: pecuniary – he is the manager of the Ballina Farmers Market in the vicinity of some areas mentioned within this policy). He will be departing the meeting while the matter is discussed.
- **Cr Eoin Johnston** – declared an interest in Item 10.3 – Ward Committee – Membership. (Nature of Interest: non significant, non pecuniary – he is a life member of the Ballina Lighthouse Surf Life Saving Club). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Phillip Meehan** – later in the meeting declared an interest in Item 8.3 – Companion Animals Management Plan (Review) and in particular to the discussion around Angels Beach in point four of the resolution. (Nature of Interest: non significant, non pecuniary – he lives at Angels Beach). He remained in the meeting while the matter was discussed and voted on the matter.

There were no reportable political donations.

6. Deputations

- **Dr Chris Lawry** – spoke in favour of Item 10.9 – Fig Tree – Castle Drive Lennox Head.
- **Tyrone McGillick/Christine Eggins** – spoke in favour of Item 13.2 – Notice of Motion – Boral Asphalt Plant and Tuckombil Quarry.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

Deputation – Extension

231117/2 RESOLVED

(Cr Sharon Parry/Cr Keith Williams)

That an extension of time be granted for the deputation from Tyrone McGillick/Christine Eggins.

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

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

- **Tim Cable** - spoke in favour of Item 13.5 – Notice of Motion – Shade Sails at Ballina Heights Sports Fields.
- **Amelia Hicks** – spoke in opposition to Item 8.1 – Compliance – Ballina Sands Quarry – Annual Extraction Rates.
- **James Foster on behalf of the owners of Ballina Sand Quarry** – spoke in favour of Item 8.1 – Compliance – Ballina Sand Quarry – Annual Extraction Rates.
- **Sorayah Zazuri** – spoke in favour of Item 9.2 – Policy (New) – Mobile Vending on Public Land.

7. Mayoral Minutes

Nil items.

10.9 Fig Tree - Castle Drive, Lennox Head

231117/3 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report and that it be dealt with by Council in the confidential session.

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

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

13.2 Notice of Motion - Boral Asphalt Plant and Tuckombil Quarry

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

1. That Council invite the EPA to provide a presentation to Councillors and interested members of the community on the EPA's role in monitoring the operation of the Boral Asphalt Plant at the Tuckombil Quarry.
2. That Council not proceed at this time with the planned expansion of the Tuckombil Quarry due to the community concerns regarding the negative amenity occurring between the operation of the quarry, the asphalt plant and the adjoining residential communities.
3. That Council receive a report on options for the future use of the Tuckombil Quarry and review the requirements of the current lease with Boral.

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

1. That Council invite the EPA to provide a presentation to Councillors and interested members of the community on the EPA's role in monitoring the operation of the Boral Asphalt Plant at the Tuckombil Quarry.
2. That Council receive a report on options for the future use of the Tuckombil Quarry and review the requirements of the current lease with Boral.

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

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

The **Amendment** then became the **Motion**.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

1. That Council invite the EPA to provide a presentation to Councillors and interested members of the community on the EPA's role in monitoring the operation of the Boral Asphalt Plant at the Tuckombil Quarry
2. That Council receive a report on options for the future use of the Tuckombil Quarry and review the requirements of the current lease with Boral. That as part of this report options be presented to extinguish the additional lease options for the Boral Asphalt Plant once the current term has expired.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

The Mayor advised that he would not accept the Amendment from Cr Jeff Johnson and Cr Sharon Parry as the intent was too similar to the previous Amendment (which was now the Motion) from Cr Phillip Meehan and Cr Ben Smith.

A **Motion of Dissent** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry from the ruling of the Mayor, as Cr Johnson believed the Amendment did not relate to the Tuckombil Quarry.

The Motion of Dissent was LOST.

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

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

The Amendment moved by Cr Jeff Johnson and seconded by Cr Sharon Parry was therefore not dealt with.

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

FOR VOTE - All Councillors voted unanimously.

231117/4 RESOLVED

(Cr Phillip Meehan/Cr Ben Smith)

1. That Council invite the EPA to provide a presentation to Councillors and interested members of the community on the EPA's role in monitoring the operation of the Boral Asphalt Plant at the Tuckombil Quarry
2. That Council receive a report on options for the future use of the Tuckombil Quarry and review the requirements of the current lease with Boral.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.30 am

The meeting resumed at 10.53 am

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

13.5 Notice of Motion - Shade Sails at Ballina Heights Sports Fields

231117/5 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council install a shade structure at the Ballina Heights sports fields children's playground, with the budget being approximately \$15,000.
2. That this work be funded from general revenue.

FOR VOTE - All Councillors voted unanimously.

8. Development and Environmental Health Group Reports

8.1 Compliance - Ballina Sands Quarry - Annual Extraction Rates

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

That Council notes the contents of this report and endorses option one, which notes the extraction figures for the period 1 April 2015 to 31 March 2016, while the same time acknowledging that on-going monitoring is continuing for development consent 2013/162.

An **Amendment** was moved by Cr Sharon Cadwallader

That this item be discussed in the Confidential Session.

The **Amendment LAPSED.**

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Nathan Willis

1. That Council notes the contents of this report and endorses option one, which notes the extraction figures for the period 1 April 2015 to 31 March 2016, while the same time acknowledging that on-going monitoring is continuing for development consent 2013/162.
2. That Council authorise further compliance action in relation to 2016/17.
3. That Council applies a conversion rate of two tonnes per cubic metre, for the extraction rate relevant to development consent 2013/162, subject to further advice.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

FOR VOTE – Cr David Wright, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy and Cr Sharon Cadwallader

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

1. That Council acknowledges community concerns that the Ballina Sands Quarry may have been extracting limits beyond its development consent conditions.
2. That Council receives a report on what actions are available to address any over extraction that may have taken place.
3. That Council officers inspect the site and report back to Council as a matter of urgency on the amount of material that is being stockpiled on site and any potential environmental issues that this could have on the surrounding area and North Creek.

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

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

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

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

FOR VOTE - All Councillors voted unanimously.

231117/6 RESOLVED

(Cr Jeff Johnson/Cr Sharon Parry)

1. That Council acknowledges community concerns that the Ballina Sands Quarry may have been extracting limits beyond its development consent conditions.
2. That Council receives a report on what actions are available to address any over extraction that may have taken place.
3. That Council officers inspect the site and report back to Council as a matter of urgency on the amount of material that is being stockpiled on site and any potential environmental issues that this could have on the surrounding area and North Creek.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

Cr Keith Williams and Cr Nathan Willis declared an interest in Item 9.2 and left the meeting at 11:51 am.

9.2 Policy (New) - Mobile Vending on Public Land

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

1. That Council adopts the Mobile Vending on Public Land Policy with amendments, as attached to this report.
2. 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
 - Annual Fee (Location Specific Permit): \$1,300 per site.
3. That public notice of the fees set out in point two be provided in accordance with Section 610F of the Local Government Act and be included in Council's fees and charges document.
4. That the Mobile Vending on Public Land Policy take effect from 1 February 2018.
5. That the distance from established businesses be no closer than 200 metres.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Stephen McCarthy

1. That Council adopts the Mobile Vending on Public Land Policy with amendments, as attached to this report.
2. 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
 - Annual Fee (Location Specific Permit): \$1,300 per site.
3. That public notice of the fees set out in point two be provided in accordance with Section 610F of the Local Government Act and be included in Council's fees and charges document.
4. That the Mobile Vending on Public Land Policy take effect from 1 February 2018.
5. That Missingham Park be removed as one of the recommended locations.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

6. That the distance from established businesses be no closer than 200 metres.

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

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

An **Amendment** was moved by Cr Stephen McCarthy and seconded by Cr Phillip Meehan

1. That Council adopts the Mobile Vending on Public Land Policy with amendments, as attached to this report.
2. 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
 - Annual Fee (Location Specific Permit): \$3,000 per site with a \$3,000 bond for waste disposal
3. That public notice of the fees set out in point two be provided in accordance with Section 610F of the Local Government Act and be included in Council's fees and charges document.
4. That the Mobile Vending on Public Land Policy take effect from 1 February 2018.
5. That Missingham Park be removed as one of the recommended locations.
6. That the distance from established businesses be no closer than 200 metres.

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

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

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

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

231117/7 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the Mobile Vending on Public Land Policy with amendments, as attached to this report.
2. 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
 - Annual Fee (Location Specific Permit): \$1,300 per site.
3. That public notice of the fees set out in point two be provided in accordance with Section 610F of the Local Government Act and be included in Council's fees and charges document.
4. That the Mobile Vending on Public Land Policy take effect from 1 February 2018.
5. That the distance from established businesses be no closer than 200 metres.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan and Cr Stephen McCarthy

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

Cr Nathan Willis and Cr Keith Williams returned to the meeting at 12:27 pm.

8.2 Tender - Shaws Bay Coastal Zone Management Plan Works

231117/8 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

1. That Council accepts the tender for the erosion protection works to the East Arm of Shaws Bay from Synergy Resource Management Pty Ltd.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

8.3 Companion Animals Management Plan (Review)

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

1. That Council adopts the amended Companion Animals Management Plan Policy, as attached to this report.
2. That Council place this Plan on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.
3. That Council notes that funding for the expansion of the fully fenced off-leash dog exercise park at Compton Drive, East Ballina, estimated at \$50,000 is to be considered as part of the 2018/2019 Operational Plan.
4. That Council defer further consideration of the dog access options adjacent to the Lake Ainsworth Precinct until such time a decision is made in respect to the infrastructure works planned for this locality.
5. That Council further investigate a dog off leash area at the southern end of Angels Beach.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Sharon Parry

1. That Council adopts the amended Companion Animals Management Plan Policy, as attached to this report, subject to the removal of the enclosed off leash area.
2. That Council place this Plan on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.
3. That Council defer further consideration of the dog access options adjacent to the Lake Ainsworth Precinct until such time a decision is made in respect to the infrastructure works planned for this locality.
4. That Council further investigate a dog off leash area at the southern end of Angels Beach.

Cr Phillip Meehan at this stage declared a non significant, non pecuniary interest in point four – he lives at Angels Beach.

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

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

AGAINST VOTE - Cr Jeff Johnson

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

FOR VOTE - All Councillors voted unanimously.

231117/9 RESOLVED

(Cr Ben Smith/Cr Sharon Parry)

1. That Council adopts the amended Companion Animals Management Plan Policy, as attached to this report, subject to the removal of the enclosed off leash area.
2. That Council place this Plan on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.
3. That Council defer further consideration of the dog access options adjacent to the Lake Ainsworth Precinct until such time a decision is made in respect to the infrastructure works planned for this locality.
4. That Council further investigate a dog off leash area at the southern end of Angels Beach.

FOR VOTE - All Councillors voted unanimously.

12. Public Question Time

Nil

8.4 Policy (Review) - Enforcement

231117/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Enforcement 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, no further action is required.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

8.5 Development Applications – Variation to Development Standards

231117/11 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes that there has been one application approved under delegation for variations to development standards less than 10% for October 2017 as per the contents of this report.

FOR VOTE - All Councillors voted unanimously.

8.6 Development Consent and Infrastructure Approvals - October 2017

231117/12 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of the report on development consent and public infrastructure approvals for 1 October 2017 to 31 October 2017.
2. That DA 2017/557 be called in and dealt with by Council.

FOR VOTE - All Councillors voted unanimously.

8.7 Development Applications - Works in Progress - November 2017

231117/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

9. Strategic and Community Facilities Group Reports

9.1 Planning Proposal - Housekeeping Amendments BLEP 2012

231117/14 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 as outlined in the planning proposal (BSCPP 17/011 Housekeeping Amendment 2017) contained in Attachment 1.
2. That Council submit BSCPP 17/011 Housekeeping Amendment 2017 to amend the Ballina Local Environmental Plan 2012 to the NSW Department of Planning & Environment for Gateway determination.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

3. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
4. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
5. That the planning proposal be reported to the Council for further consideration following the completion of the public exhibition of the proposed LEP amendments.

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Use of Council Seal

231117/15 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following document.

US 17/24	Ballina Shire Council Lease to The Northcott Society for Lot 1 DP 965058, No. 64 Crane Street, Ballina for a period of one year with a one year option.
----------	---

FOR VOTE - All Councillors voted unanimously.

10.2 Investment Summary - October 2017

231117/16 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

10.3 Ward Committee - Membership

231117/17 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council approves the nomination from the Ballina Lighthouse and Lismore Surf Lifesaving Club to the A Ward Committee.

FOR VOTE - All Councillors voted unanimously.

10.4 Code of Conduct - Reporting

231117/18 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report on Code of Conduct complaints for the period 1 September 2016 to 31 August 2017.

FOR VOTE - All Councillors voted unanimously.

10.5 Internal Audit Committee - Terms of Reference and Membership

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

1. That Council amends the terms of reference for the existing Internal Audit Committee, to reflect the revised terms of reference as follows, including a name change to the Audit, Risk and Improvement Committee.

Audit, Risk and Improvement Committee

Membership: Two Councillors (Cr Smith and Cr McCarthy) and three community representatives (currently John Rutledge and Col Lee with one vacancy)

Chair: Community representative as determined by the members

Delegated Authority: Nil

Meeting Schedule: Three to four times per annum, or as required

Terms of Reference:

1. *To keep under review the following aspects of Council's operations:*
 - a) *compliance*
 - b) *risk management*
 - c) *fraud control*
 - d) *financial management*

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

- e) *governance*
- f) *implementation of the strategic plan, delivery program and strategies*
- g) *service reviews*
- h) *collection of performance measurement data by the council,*
- i) *any other matters prescribed by the regulations.*

2. *To provide information to Council for the purpose of improving the Council's performance of its functions.*

2. That Council authorises the General Manager to appoint a third community member to the Audit, Risk and Improvement Committee, with that decision to be made following an expression of interest and in consultation with the two Councillors on the Committee.

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

1. That Council amends the terms of reference for the existing Internal Audit Committee, to reflect the revised terms of reference as follows, including a name change to the Audit, Risk and Improvement Committee.

Audit, Risk and Improvement Committee

Membership: Two Councillors (Cr Smith and Cr McCarthy) and three community representatives (currently John Rutledge and Col Lee with one vacancy)

Chair: Community representative as determined by the members

Delegated Authority: Nil

Meeting Schedule: Three to four times per annum, or as required

Terms of Reference:

1. *To keep under review the following aspects of Council's operations:*

- a) *compliance*
- b) *risk management*
- c) *fraud control*
- d) *financial management*
- e) *governance*
- f) *implementation of the strategic plan, delivery program and strategies*
- g) *service reviews*
- h) *collection of performance measurement data by the council,*

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

i) *any other matters prescribed by the regulations.*

2. *To provide information to Council for the purpose of improving the Council's performance of its functions.*

2. That Council authorises the General Manager to appoint a third community member to the Audit, Risk and Improvement Committee, with that decision to be made following an expression of interest and in consultation with all Councillors.

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

FOR VOTE – Nil

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

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

FOR VOTE - All Councillors voted unanimously.

231117/19 RESOLVED

(Cr Nathan Willis/Cr Ben Smith)

1. That Council amends the terms of reference for the existing Internal Audit Committee, to reflect the revised terms of reference as follows, including a name change to the Audit, Risk and Improvement Committee.

Audit, Risk and Improvement Committee

Membership: Two Councillors (Cr Smith and Cr McCarthy) and three community representatives (currently John Rutledge and Col Lee with one vacancy)

Chair: Community representative as determined by the members

Delegated Authority: Nil

Meeting Schedule: Three to four times per annum, or as required

Terms of Reference:

1. *To keep under review the following aspects of Council's operations:*

- a) *compliance*
- b) *risk management*
- c) *fraud control*
- d) *financial management*

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

- e) *governance*
 - f) *implementation of the strategic plan, delivery program and strategies*
 - g) *service reviews*
 - h) *collection of performance measurement data by the council,*
 - i) *any other matters prescribed by the regulations.*
2. *To provide information to Council for the purpose of improving the Council's performance of its functions.*

2. That Council authorises the General Manager to appoint a third community member to the Audit, Risk and Improvement Committee, with that decision to be made following an expression of interest and in consultation with the two Councillors on the Committee.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 1.05 pm

The meeting resumed at 1.44 pm

Cr Jeff Johnson left the meeting during the adjournment break.

10.6 Code of Conduct - Office of Local Government Review

231117/20 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the consultation draft of the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct.
2. That Council make a submission to the Office of Local Government outlining our concerns in respect to the practical implementation of clause 3.15 of the draft Model Code of Conduct.
3. That Council send a copy of the submission to the LGNSW.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

10.7 Financial Review - 30 September 2017

231117/21 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the September 2017 Quarterly Budget Review and approves the changes identified within this report, with the following amendments:

1. Amendment to the ferry fee for dual axle caravans from \$18.00 to \$14.00.
2. That Council investigate a tour operator fee for operators using the facilities at Killen Falls.

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

10.8 Financial Statements - 2016/17

231117/22 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council adopts the annual financial reports and auditor's reports for the financial year ended 30 June 2017, as publicly exhibited.

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

10.10 Special Rate Variation - Consultation

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

1. That Council acknowledges the feedback from the community consultation process undertaken for the proposed special rate variation to finance the Healthy Waterways Program and increased asset renewal.
2. In acknowledging this consultation Council remains of the opinion that it is reasonable to proceed with the proposed special variation application for a number of reasons, including but not limited to:
 - a) It is essential that Council increases its level of rate income to finance an adequate level of asset renewal to reduce the risk of Council's infrastructure assets deteriorating over time
 - b) The funding of the Healthy Waterways Program will help Council improve the overall condition of the Shire's waterways

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

- c) The additional rate income generated will improve Council's overall financial position and long term financial sustainability
 - d) The removal of the waste operations charge in 2017/18 has helped to reduce the financial impact of the additional increase in ordinary rates
 - e) Council is committed to minimising increases in the water, wastewater, waste and stormwater charges for the three year period from 2017/18 to 2019/20 to assist in lessening the financial impact on ratepayers.
3. That Council authorises the General Manager to submit an application to IPART for a special rate variation based on 9.3% in 2018/19 and 5.9% in 2019/20.
4. That Council adopts the amended Delivery Program (2017/18 to 2020/21) and Operational Plan (2017/18), including the Long Term Financial Plan, as exhibited.

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

That Council delete the Healthy Waterways Program from the special rate variation application.

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

FOR VOTE - Cr Phillip Meehan and Cr Ben Smith

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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

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

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson

231117/23 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

1. That Council acknowledges the feedback from the community consultation process undertaken for the proposed special rate variation to finance the Healthy Waterways Program and increased asset renewal.
2. In acknowledging this consultation Council remains of the opinion that it is reasonable to proceed with the proposed special variation application for a number of reasons, including but not limited to:

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

- a) It is essential that Council increases its level of rate income to finance an adequate level of asset renewal to reduce the risk of Council's infrastructure assets deteriorating over time
 - b) The funding of the Healthy Waterways Program will help Council improve the overall condition of the Shire's waterways
 - c) The additional rate income generated will improve Council's overall financial position and long term financial sustainability
 - d) The removal of the waste operations charge in 2017/18 has helped to reduce the financial impact of the additional increase in ordinary rates
 - e) Council is committed to minimising increases in the water, wastewater, waste and stormwater charges for the three year period from 2017/18 to 2019/20 to assist in lessening the financial impact on ratepayers.
3. That Council authorises the General Manager to submit an application to IPART for a special rate variation based on 9.3% in 2018/19 and 5.9% in 2019/20.
 4. That Council adopts the amended Delivery Program (2017/18 to 2020/21) and Operational Plan (2017/18), including the Long Term Financial Plan, as exhibited.

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

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson

10.11 Water Leak - Write-off

231117/24 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That based on the contents of this report and the circumstances that contributed to this event, Council approves the write off of \$24,031.47 for water consumption charges.

FOR VOTE - Cr David Wright, 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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

10.12 Policy (Review) - Community Consultation

231117/25 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Community Consultation 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, no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

10.13 Policy (Review) - Code of Meeting Practice

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

That Council approves the exhibition of the amended Code of Meeting Practice, as per attachment one to this report, with the following amendments:

1. That Council alter the December meeting date to the second Thursday of the month.
2. That the time for speakers on a motion be limited to four minutes (not five).

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Stephen McCarthy and Cr Nathan Willis

AGAINST VOTE - Cr Sharon Parry, Cr Eoin Johnston, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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

That Council approves the exhibition of the amended Code of Meeting Practice, as per attachment one to this report.

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

231117/25A RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council approves the exhibition of the amended Code of Meeting Practice, as per attachment one to this report.

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

10.14 Policy (Review) - Christmas and New Year Office Arrangements

231117/26 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council adopts the Christmas and New Year Office Arrangements Policy, as attached to this report.

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

Cr Nathan Willis declared an interest in Item 11.1 and left the meeting at 02:56 pm.

11. Civil Services Group Reports

11.1 Festival and Event Sponsorship (Community and Commercial) Program

231117/27 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council award the following funding allocations for the 2018/19 Festival and Events Program.

Name of Organisation	Name of Event	(\$)
Rotary Club of Ballina on Richmond	Ballina Food and Wine Festival 2018	10,000
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair 2018	5,000
Cherry Street Sports Club	Ballina Country Music Fest 2018	20,000
The Festival of the Word Inc	Festival of the Word	0
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000
Lennox Head Chamber of Commerce	Love Lennox Festival 2019	15,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2018	25,000
Life Education – Northern Rivers, Tweed, Byron – Local Action Group	Healthy Harold Family Fun Day	0
Ballina Chamber of Commerce & Industry	Ballina Prawn Festival 2018	20,000
Ballina and District Minister's Association	Riverside Carols 2018	5,000
TOTAL		120,000

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

2. That the budget for the Festival and Events Program for 2018/19 be reduced by \$5,000 and the budget for Community Donations be increased by the same amount to facilitate a donation to the Ballina and District Minister's Association as per the table above. The reason for this is the application is more suited to the Community Donations program, albeit Council has supported the event historically from the Festivals and events program.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

231117/28 RESOLVED

(Cr Sharon Parry/Cr Ben Smith)

That Council expresses its concerns about the costs of attendance and for family activities at the Prawn Festival.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

Cr Nathan Willis returned to the meeting at 02:59 pm.

11.2 Alcohol Free Zones - Lennox Head, Alstonville, Ballina and Wardell

231117/29 RESOLVED

(Cr Eoin Johnston/Cr Nathan Willis)

1. That, in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Lennox Head, as per the attached map for the period 1 February 2018 to 31 January 2022.
2. That, in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Alstonville, as per the attached map for the period 1 February 2018 to 31 January 2022.
3. That, in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Ballina, as per the attached map for the period 1 February 2018 to 31 January 2022.
4. That, in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Wardell, as per the attached map for the period 1 February 2018 to 31 January 2022.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

11.3 Policy (Review) - Dual Water Supply Plumbing

231117/30 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

13. Notices of Motion

13.1 Notice of Motion - Mayors for Peace

231117/31 RESOLVED

(Cr Phillip Meehan/Cr Sharon Parry)

That Ballina Shire Council, through the Mayor, join the 'Mayors for Peace', an international organisation of cities dedicated to the promotion of peace and the abolition of nuclear weapons.

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

13.3 Notice of Motion - Permanent Firefighters for Ballina

231117/32 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council invite representatives from the NSW Fire Brigades to provide a briefing to Councillors on the need for permanent firefighters in Ballina, along with the cost implications to Council in supporting that position.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

13.4 Notice of Motion - Waterways Licence

231117/33 RESOLVED

(Cr Phillip Meehan/Cr Keith Williams)

1. That the annual licence fee for a private structure within Council owned waterways be reduced from \$220 to \$110 and that this apply for the 2017/18 and 2018/19 financial years to assist with the implementation of the new licence agreement.
2. As an incentive, the fee for 2017/18 is only to apply to those landowners who do not enter into a licence agreement within three months of Council's request for the licence to be completed.

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

13.6 Notice of Motion - Solar Shade Structures

231117/34 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

1. That Council receive a report on the costs and benefits of incorporating solar PV into playground and other shade structures within the Shire.
2. That the report also include an update on current projects for the installation of solar PV on Council buildings and a summary of Council's current and anticipated greenhouse gas emissions.
3. That Council express its support for the Northern Rivers Electronic Vehicle Strategy.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

14. Advisory Committee Minutes

14.1 Facilities Committee Minutes - 7 November 2017

231117/35 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council confirms the minutes of the Facilities Committee meeting held 7 November 2017 and that the recommendations contained within the minutes be adopted, with an amendment to the Declaration of Interest by Cr Eoin Johnston in relation to Item 4.1 of those Minutes – he is a paid up ordinary member of the Rous Mill Hall Association, not a member of the Rous Mill Hall Committee.

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

14.2 Commercial Services Committee Minutes - 7 November 2017

231117/36 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council confirms the minutes of the Commercial Services Committee meeting held 7 November 2017 and that the recommendations contained within the minutes be adopted.

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

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

15.1 Mayoral Meetings

231117/37 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

Cr Phillip Meehan left the meeting at 03:38 pm.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

16. Confidential Session

231117/38 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

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

16.1 Fig Tree - Castle Drive, Lennox Head - Insurance Claim

Reason for Confidentiality

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the report contains information in respect to the actual insurance claims.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Jeff Johnson

(The Council moved into Confidential Session at 3.39 pm).

Cr Phillip Meehan returned to the meeting at 03:40 pm during the Confidential Session.

Open Council

231117/39 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

(The Council moved into Open Council at 4.02 pm).

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

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

16.1 Fig Tree - Castle Drive, Lennox Head - Insurance Claim

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

1. That based on the advice from Council's Insurer that the Council and the community will not have any insurance coverage in respect to future property damage claims arising from the Fig Tree located in Castle Drive, Lennox Head, Council accepts there is no reasonable alternative but to authorise the General Manager to remove Fig Tree and replace it with a suitable mature native species.
2. That the General Manager undertake a comprehensive media campaign prior to the removal of the Fig Tree to communicate the reasons for Council having no alternative except to remove the tree.

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

That Council receive a report on options to purchase the properties, reconfigure the lots and make them available for re-sale, located away from the fig tree.

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

FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Nathan Willis and Cr Keith Williams

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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

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

AGAINST VOTE - Cr Phillip Meehan, Cr Nathan Willis and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Jeff Johnson

CF231117/1 RECOMMENDED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That based on the advice from Council's Insurer that the Council and the community will not have any insurance coverage in respect to future property damage claims arising from the Fig Tree located in Castle Drive, Lennox Head, Council accepts there is no reasonable alternative but to authorise the General Manager to remove Fig Tree and replace it with a suitable mature native species.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/11/17 AT 9.00 AM**

2. That the General Manager undertake a comprehensive media campaign prior to the removal of the Fig Tree to communicate the reasons for Council having no alternative except to remove the tree.

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

Adoption of Recommendations from Confidential Session

231117/40 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

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

FOR VOTE - Cr David Wright, 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
ABSENT. DID NOT VOTE - Cr Jeff Johnson

MEETING CLOSURE

4.03 pm

The Minutes of the Ordinary Meeting held on 23/11/17 were submitted for confirmation by council on 14 December 2017 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 14 December 2017.