

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 13/12/18 AT 9.00 AM**

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**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), Matthew Wood (Group Manager Development and Environmental Health), Steve Barnier (Group Manager Strategic and Community Facilities) and Sandra Bailey (Secretary) were in attendance.

There were ten people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by Councillors and staff.

**2. Acknowledgement of Country**

In opening the meeting the Mayor provided an Acknowledgement of Country.

**3. Apologies**

Nil

**4. Confirmation of Minutes**

**131218/1        RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 November 2018.

FOR VOTE - All Councillors voted unanimously.

**5. Declarations of Interest and Reportable Political Donations**

**Cr Sharon Cadwallader** – declared an interest in Item 10.1 – Use of Council Seal and in particular to US 18/08. (Nature of Interest: pecuniary – her Superannuation fund has investments with Clarence Property). She will be departing the meeting while the matter is discussed.

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**Cr Sharon Parry** – declared an interest in Item 9.2 – Planning Proposal and DCP Amendments – Dual Occupancy Alstonville. (Nature of Interest: pecuniary – she owns a property in that proposed dual occupancy area). She will be departing the meeting while the matter is discussed.

**Cr Ben Smith** – declared an interest in Item 10.5 – Managed Print Services Agreement – Extension. (Nature of Interest: non pecuniary, non significant – his business works with the particular business mentioned in the proposal contained in the report). He will be departing the meeting while the matter is discussed.

**Cr Eoin Johnston** – declared an interest in Item 10.1 – Use of Council Seal and in particular to US 18/08. (Nature of Interest: pecuniary – he has investments with Clarence Property). He will be departing the meeting while the matter is discussed.

**Cr Keith Williams** – declared an interest in Item 11.2 – Tender – Provision of Laboratory Services. (Nature of Interest: significant, non pecuniary – the report mentions Richmond Water Laboratories which is owned by Rous County Council and he is Chair of Rous County Council). He will be departing the meeting while the matter is discussed.

**Cr Jeff Johnson** – declared an interest in Item 10.1 – Use of Council Seal and in particular to US 18/08. (Nature of Interest: non significant, non pecuniary – he bought a property in Epic Stage 2). He will be remaining in the meeting while the matter is discussed and voting on the matter as it relates to the use of the Council seal only.

**Cr Sharon Cadwallader** – declared an interest in Item 11.2 – Tender – Provision of Laboratory Services. (Nature of Interest: significant, non pecuniary – the report mentions Richmond Water Laboratories which is owned by Rous County Council and she is a Council delegate to Rous County Council). She will be departing the meeting while the matter is discussed.

There were no reportable political donations.

**6. Deputations**

- **Steve Connelly** – spoke in opposition to the recommendation in Item 8.1 – DA 2018/189 – 4 Page Court – Review of Determination.
- **Bruce Campbell** – spoke in favour of the recommendation in Item 8.1 – DA 2018/189 – 4 Page Court – Review of Determination.
- **Colin Bienke** – spoke in opposition to Item 9.1 – Planning Proposal and DCP Amendments – Burns Point Ferry Road.

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**Deputation – Extension**

**131218/2        RESOLVED**

(Cr Phillip Meehan/Cr Jeff Johnson)

That Mr Bienke be granted an extension to his deputation.

FOR VOTE - All Councillors voted unanimously.

- **Steve Connelly** – spoke in favour of Item 9.1 – Planning Proposal and DCP Amendments – Burns Point Ferry Road.

**8.1    DA 2018/189 - 4 Page Court - Review of Determination**

**131218/3        RESOLVED**

(Cr Phillip Meehan/Cr Sharon Cadwallader)

That DA 2018/189, as amended, be refused for the following reasons:

- The scale and bulk of the development as amended will have an unreasonable adverse impact on the amenity of the adjoining neighbour;
- Approval of the development as amended is not in the public interest.

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

AGAINST VOTE - Cr Nathan Willis and Cr Keith Williams

**9.1    Planning Proposal and DCP Amendments - Burns Point Ferry Road**

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

That Council discontinue the planning proposal and associated draft DCP amendments.

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

FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson and Cr Stephen McCarthy

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

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

1. That Council endorses the amendment of Ballina LEP 2012 as detailed in the exhibited Planning Proposal BSCPP14/008 – Burns Point Ferry Road subject to the deletion of the proposed additional permitted use area for the interpretive centre site.

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2. That Council seek an altered Gateway determination from the Department of Planning and Environment relating to the deletion of the additional permitted use area for the interpretive centre site prior to finalisation of the planning proposal.
3. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP14/008 – Burns Point Ferry Road, as amended by Recommendation 1 and subject to Recommendation 2 above, under delegated authority once the executed planning agreement is registered on the title of Lot 4 DP 537419.
4. That Council adopts draft amendments to Ballina Shire DCP 2012 Chapters 3 and 4 as exhibited for public comment inclusive of the following changes:
  - Chapter 3 - Incorporation of a provision within *Section 5.8.4 Development Controls, Access and Road Network (Precinct 1)* which requires access to be provided to Lot 3 DP 529094 and each of Lots 5 and 6 DP 537419 from the proposed public roads at the rear of these lots. Access to include gutter and footpath crossings the location of which shall be negotiated with the subject property owners.
  - Chapter 3 - Incorporation of minimum stormwater quality requirements as specified for Priority Oyster Aquaculture Areas by the Department of Primary Industries Fisheries.
  - Chapter 3 – Change the reference to Office of Water as it relates to Guidelines for Riparian Corridors on Waterfront Land to the Natural Resources Access Regulator.
  - Chapters 3 and 4 - The incorporation of buffers to Emigrant Creek in accordance with DPI Fisheries requirements and the amendment of the DCP Structure Plan and related plans to incorporate such buffers.
  - Chapters 3 and 4 - Deletion of references and provisions relating to the Interpretive Centre where they occur within these chapters.
5. That Council provides public notice of the adoption of amendments to Ballina Shire Development Control Plan 2012 with the amendment to take effect from the date of finalisation of the LEP amendment.
6. That upon the planning proposal being finalised, Council seek an amendment to the North Coast Regional Plan 2036 so as to remove the site's Investigation Area – Urban Land designation, and amend the Ballina Shire Growth Management Strategy to reflect the extent of the planned urban area.
7. That Council gives further consideration to replacing the proposed RU2 Rural Landscape Zone with an environmental protection zone as part of its future deferred matters integration program.

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

That the Planning Proposal proceed with retention of the minimum lot size of 450 m<sup>2</sup> but with the removal of the live/work precinct.

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

FOR VOTE - Cr Phillip Meehan and Cr Sharon Parry

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

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

**131218/4        RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the amendment of Ballina LEP 2012 as detailed in the exhibited Planning Proposal BSCPP14/008 – Burns Point Ferry Road subject to the deletion of the proposed additional permitted use area for the interpretive centre site.
2. That Council seek an altered Gateway determination from the Department of Planning and Environment relating to the deletion of the additional permitted use area for the interpretive centre site prior to finalisation of the planning proposal.
3. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP14/008 – Burns Point Ferry Road, as amended by Recommendation 1 and subject to Recommendation 2 above, under delegated authority once the executed planning agreement is registered on the title of Lot 4 DP 537419.
4. That Council adopts draft amendments to Ballina Shire DCP 2012 Chapters 3 and 4 as exhibited for public comment inclusive of the following changes:
  - Chapter 3 - Incorporation of a provision within *Section 5.8.4 Development Controls, Access and Road Network (Precinct 1)* which requires access to be provided to Lot 3 DP 529094 and each of Lots 5 and 6 DP 537419 from the proposed public roads at the rear of these lots. Access to include gutter and footpath crossings the location of which shall be negotiated with the subject property owners.

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- Chapter 3 - Incorporation of minimum stormwater quality requirements as specified for Priority Oyster Aquaculture Areas by the Department of Primary Industries Fisheries.
  - Chapter 3 – Change the reference to Office of Water as it relates to Guidelines for Riparian Corridors on Waterfront Land to the Natural Resources Access Regulator.
  - Chapters 3 and 4 - The incorporation of buffers to Emigrant Creek in accordance with DPI Fisheries requirements and the amendment of the DCP Structure Plan and related plans to incorporate such buffers.
  
  - Chapters 3 and 4 - Deletion of references and provisions relating to the Interpretive Centre where they occur within these chapters.
5. That Council provides public notice of the adoption of amendments to Ballina Shire Development Control Plan 2012 with the amendment to take effect from the date of finalisation of the LEP amendment.
6. That upon the planning proposal being finalised, Council seek an amendment to the North Coast Regional Plan 2036 so as to remove the site's Investigation Area – Urban Land designation, and amend the Ballina Shire Growth Management Strategy to reflect the extent of the planned urban area.
7. That Council gives further consideration to replacing the proposed RU2 Rural Landscape Zone with an environmental protection zone as part of its future deferred matters integration program.

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

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

**7. Mayoral Minutes**

**7.1 Mayoral Minute - Donation Request**

**131218/5          RESOLVED**

(Cr David Wright)

That Council provide the Ballina Community Free Christmas Lunch organisers with a food voucher to the value of \$500. That the funds come from the Financial Assistance – Community Donations budget.

FOR VOTE - All Councillors voted unanimously.

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**8. Development and Environmental Health Group Reports**

**8.2 Development Applications - Works in Progress - November 2018**

**131218/6      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on the status of outstanding development applications for December 2018.

FOR VOTE - All Councillors voted unanimously.

Cr Sharon Parry declared an interest in Item 9.2 and left the meeting at 10:08 am.

**9. Strategic and Community Facilities Group Reports**

**9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville**

**131218/7      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the Alstonville Dual Occupancy Planning Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning and Environment for a Gateway determination.
2. That Council resolves to prepare a draft amendment to Ballina Shire Development Control Plan 2012 to introduce slope controls, as well as other associated amendments, relating to the development of land for dual occupancy purposes, as detailed in Attachment 2 to this report.
3. 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 and associated draft DCP amendments be undertaken, including public exhibition.
4. That the Department of Planning and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment.
5. That the planning proposal and associated draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Parry

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Cr Sharon Parry returned to the meeting at 10:19 am.

**9.3 Planning Proposal - Attached Dual Occupancy, Wardell**

**131218/8          RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the Wardell Attached Dual Occupancy Planning Proposal (BSCPP 18/003 – Attached Dual Occupancy Wardell), as contained in Attachment 2 to this report.
2. That Council submit this planning proposal to the NSW Department of Planning and Environment for Gateway determination.
3. That the Department of Planning and Environment be advised that Council is seeking 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 community consultation phase.

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

**9.4 Community Property - Lease Renewals**

**131218/9          RESOLVED**

(Cr Eoin Johnston/Cr Sharon Parry)

1. That Council agrees to enter into leases as set out in Table 1 within this report in accordance with the provisions of the Local Government Act 1993 and associated Regulation.
2. The Council authorises the General Manager to affix the seal to the lease documents and any other documents required to allow tenure to be granted in accordance with Table 1 and the terms of the Local Government Act and associated Regulation.
3. That prior to items one and two being actioned, statutory public notification relating to the proposed leases be undertaken, and that matters be reported back for further consideration by the Council in the event that objections of a substantive nature are received.

FOR VOTE - All Councillors voted unanimously.



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Crs Eoin Johnston, Sharon Cadwallader and Jeff Johnson declared an interest in Item 10.1 (US 18/08) and left the meeting at 10:25 am.

**10. General Manager's Group Reports**

**10.1 Use of Council Seal**

**131218/10 RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That Council affix the Common Seal to the following documents.

US 18/08	<p>'Deed of Agreement' for the transfer of land, being Lot 1 in Release 3 at EPIQ Estate, Lennox Head for a proposed reservoir site.</p> <p>The deed is between the Trust Company (Australia) Limited, C/- Clarence Property Corporation (or subsequent land owners) and Council.</p> <p>The land is Lot 1 in release 3 (part of the current lot 101 DP 1241817) and the site is currently under construction. The land is required for a reservoir site and is to be transferred to Council, at no cost to Council, as per DA 2016/741 condition 111 as follows:</p> <p><i>'Prior to issue of the subdivision certificate, the proponent shall enter into a deed of agreement with Council for Lot 1 to be transferred at no cost to Council, within 90 days of registration of the subdivision plan, for a future reservoir site.'</i></p>
US18/09	<p>Transfer of Sublease and Licence from A Foukkare and T Burns to JDNI Pty Ltd for premises known as Ballina Gallery Café, for Part Lot 1 DP 1153927, being that part of the building and surrounds known as the "Old Council Chambers".</p>

FOR VOTE - All Councillors voted unanimously.

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

**10.2 Investment Summary - November 2018**

**131218/11 RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That Council notes the record of banking and investments for November 2018.

FOR VOTE - All Councillors voted unanimously.

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

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Crs Eoin Johnston, Sharon Cadwallader and Jeff Johnson returned to the meeting at 10:25 am.

Cr Jeff Johnson left the meeting at 10:26 am.

**10.3 Long Serving Employees - Recognition**

**131218/12      RESOLVED**

(Cr Ben Smith/Cr Sharon Parry)

That Council acknowledges, congratulates and thanks the staff members outlined in this report on their service for Council and the community.

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

**10.4 Donations - Australian Representation**

**131218/13      RESOLVED**

(Cr Ben Smith/Cr Sharon Parry)

1. That Council approves the request from Ms Stevie White (Epic Cheer) for a donation of \$459 towards the cost of Australian selection as per Council's Donations - Australian Representation Policy.
2. That Council approves the request from Ms Jenifer Brophy for a donation of \$459 towards costs associated with her daughter's selection as per Council's Donations – Australian Representation Policy.

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

Cr Jeff Johnson returned to the meeting at 10:28 am prior to the presentation of the service awards to long serving employees.

**Adjournment**

The Mayor declared the meeting adjourned at 10.38 am

The meeting resumed at 11.05 am

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**14. Advisory Committee Minutes**

**14.1 Commercial Services Committee Minutes - 4 December 2018**

**131218/14 RESOLVED**

(Cr Ben Smith/Cr Eoin Johnston)

That Council confirms the minutes of the Commercial Services Committee meeting held 4 December 2018 and that the recommendations contained within the minutes be adopted, with Item 5.5 of those minutes (Kentwell Community Centre – Leasing Proposals) being dealt with separately.

FOR VOTE - All Councillors voted unanimously.

**Kentwell Community Centre - Leasing Proposals - Item 5.5 of Commercial Services Committee Minutes - 4 December 2018**

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

1. That to maximise the range of services offered from the Kentwell Community Centre, Council accepts the leasing proposals from Tweed Byron Ballina Community Transport and CPL as outlined in this report.
2. That the proposed leases be publically notified in accordance with the requirements of Section 47 and/or 47A of the Community Land Provisions of the Local Government Act 1993.
3. That should no written objections be received during the notification period, the General Manager be authorised to finalise negotiations and execute all relevant lease documentation and attach the Council seal to same in accordance with the terms of the Local Government Act 1993 and associated Regulation.
4. That Council offer the space vacated by the Tweed Byron Ballina Community Transport to The Family Centre.
5. That Council receive a report on expanding the Kentwell Centre to facilitate more community groups.

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

1. That Council accepts the leasing proposal from The Family Centre.
2. That the proposed lease be publically notified in accordance with the requirements of Section 47 and/or 47A of the Community Land Provisions of the Local Government Act 1993.
3. That should no written objections be received during the notification period, the General Manager be authorized to finalise negotiations and execute all relevant lease documentation and attach the Council seal to same in accordance with the terms of the Local Government Act 1993 and associated Regulation.

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4. That Council receive a report on expanding the Kentwell Centre to facilitate more community groups.

The Mayor advised that he would not accept the Amendment as Cr Cadwallader had previously foreshadowed this as a motion.

Cr Phillip Meehan moved a Motion of Dissent against the ruling of the Mayor in not accepting Cr Cadwallader's Amendment.

The Motion of Dissent **LAPSED**.

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

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

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

**131218/15      RESOLVED**

(Cr Nathan Willis/Cr Keith Williams)

1. That to maximise the range of services offered from the Kentwell Community Centre, Council accepts the leasing proposals from Tweed Byron Ballina Community Transport and CPL as outlined in this report.
2. That the proposed leases be publically notified in accordance with the requirements of Section 47 and/or 47A of the Community Land Provisions of the Local Government Act 1993.
3. That should no written objections be received during the notification period, the General Manager be authorised to finalise negotiations and execute all relevant lease documentation and attach the Council seal to same in accordance with the terms of the Local Government Act 1993 and associated Regulation.
4. That Council offer the space vacated by the Tweed Byron Ballina Community Transport to The Family Centre.
5. That Council receive a report on expanding the Kentwell Centre to facilitate more community groups.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

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

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Cr Ben Smith declared an interest in Item 10.5 and left the meeting at 11:27 am.

**10.5 Managed Print Services Agreement - Extension**

**131218/16      RESOLVED**

(Cr Nathan Willis/Cr Sharon Parry)

That Council authorises the General Manager to enter into a new 48 month contract for Managed Print Services with Colourworks Pty. Ltd. as per State Government Contract NSW2390, and as outlined within this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Ben Smith

Cr Ben Smith returned to the meeting at 11:27 am.

**10.6 Policy (Review) - Corporate Sponsorship**

**131218/17      RESOLVED**

(Cr Eoin Johnston/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

**10.7 Lennox Head Community Sports and Recreation Club - Rent Relief**

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

1. That Council authorises the General Manager to obtain an independent market valuation for the lease of Lot 1 DP 11905, 10 Stewart Street Lennox Head to the Lennox Head Community Sports and Recreation Club Limited ("the Club"), for the next five year option period.
2. That as an incentive to reduce the number of poker machines in the Ballina Shire and on Council owned community land, Council approves the following lease rental structure for the next five year option period:
  - a) 50% of the independent market valuation, as per the arrangements for the existing lease rental OR
  - b) 25% of the independent market valuation if the number of poker machines (and associated licences) at the Club is reduced by 10% (i.e. from the existing 26 to 23 or less) OR

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- c) a \$1 peppercorn rent if the Club reduces the number of poker machines (and associated licences) at the Club by 20% (i.e. from the existing 26 to 20 or less)
- 3. The King Street road reserve lease rental for this site is also to be based on the same methodology as point two.
- 4. The agreed rental figures are to be subject to CPI increases (excluding the \$1 peppercorn) during the five year period, with the lease rental able to be amended during the five year period, if the number of poker machines is reduced as per points 2 (b) and 2(c)
- 5. The Council seal is authorised to be attached to all associated documentation.
- 6. That Council receive a report on measures that councils are applying to reduce the social impacts of poker machines in their local government areas and how those measures could be applied in the Ballina Shire.

An **Amendment** was moved by Cr Jeff Johnson

That Council receive a report on measures that councils are applying to reduce the social impacts of poker machines in their local government areas and how those measures could be applied in the Ballina Shire and what impact it would have if Council proposed a reduction in poker machines on Council owned land.

The Mayor advised that he would not be accepting the Amendment as it did not relate to the matter at hand, i.e. Lennox Head Community Sports and Recreation – Rent Relief.

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

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

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

**131218/18      RESOLVED**

(Cr Nathan Willis/Cr Keith Williams)

- 1. That Council authorises the General Manager to obtain an independent market valuation for the lease of Lot 1 DP 11905, 10 Stewart Street Lennox Head to the Lennox Head Community Sports and Recreation Club Limited (“the Club”), for the next five year option period.
- 2. That as an incentive to reduce the number of poker machines in the Ballina Shire and on Council owned community land, Council approves the following lease rental structure for the next five year option period:
  - a) 50% of the independent market valuation, as per the arrangements for the existing lease rental OR

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- b) 25% of the independent market valuation if the number of poker machines (and associated licences) at the Club is reduced by 10% (i.e. from the existing 26 to 23 or less) OR
  - c) a \$1 peppercorn rent if the Club reduces the number of poker machines (and associated licences) at the Club by 20% (i.e. from the existing 26 to 20 or less)
- 3. The King Street road reserve lease rental for this site is also to be based on the same methodology as point two.
  - 4. The agreed rental figures are to be subject to CPI increases (excluding the \$1 peppercorn) during the five year period, with the lease rental able to be amended during the five year period, if the number of poker machines is reduced as per points 2 (b) and 2(c)
  - 5. The Council seal is authorised to be attached to all associated documentation.
  - 6. That Council receive a report on measures that councils are applying to reduce the social impacts of poker machines in their local government areas and how those measures could be applied in the Ballina Shire.

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

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

**10.8 Class Action - Jardine Lloyd Thompson**

**131218/19      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report in respect to the class action against Jardine Lloyd Thomson.

FOR VOTE - All Councillors voted unanimously.

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**10.9 Organisation Structure - Review**

**131218/20      RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council notes the contents of this report in respect to a possible review of the Organisation Structure.
2. That Council thanks Mr Steve Barnier on his exceptional performance with Ballina Shire Council for in excess of thirty years and we wish him and his family a long and healthy retirement from 2019 onwards.

FOR VOTE - All Councillors voted unanimously.

**11. Civil Services Group Reports**

**11.1 Policy (Review) - Monuments on Public Land**

A **Motion** was moved by Cr Sharon Cadwallader/Cr Nathan Willis)

That Council maintain the existing Monuments and Memorials on Public Land Policy as it ensures that there is reasonable balance in managing monuments on public land and the Urban Vegetation Policy also provides the opportunity for all members of the community to plant memorial trees

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Eoin Johnston

1. That Council amend the existing Monuments on Public Land Policy to cater for the installation of memorial plaques on existing Council benches and the option of installing a bench or other required infrastructure in locations identified by Council. (Other infrastructure could include a shower, table/seats, bubbler, play equipment, fish table etc.)
2. A cost structure is developed for plaques. Benches or new infrastructure to be at cost price.
3. A timeframe for the tenure of plaques be considered.
4. A shire wide map be developed of current, planned and new public bench locations. A councillor workshop be conducted during this process to receive input from councillors on the identification of new bench locations across the three wards.

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

FOR VOTE - All Councillors voted unanimously.



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

FOR VOTE - All Councillors voted unanimously.

**131218/21      RESOLVED**

(Cr Phillip Meehan/Cr Eoin Johnston)

1. That Council amend the existing Monuments on Public Land Policy to cater for the installation of memorial plaques on existing Council benches and the option of installing a bench or other required infrastructure in locations identified by Council. (Other infrastructure could include a shower, table/seats, bubbler, play equipment, fish table etc.)
2. A cost structure is developed for plaques. Benches or new infrastructure to be at cost price.
3. A timeframe for the tenure of plaques be considered.
4. A shire wide map be developed of current, planned and new public bench locations. A councillor workshop be conducted during this process to receive input from councillors on the identification of new bench locations across the three wards.

FOR VOTE - All Councillors voted unanimously.

Crs Keith Williams and Sharon Cadwallader declared an interest in Item 11.2 and left the meeting at 12:14 pm.

**11.2    Tender - Provision of Laboratory Services**

**131218/22      RESOLVED**

(Cr Nathan Willis/Cr Ben Smith)

1. That Council accepts the tenders from Australian Laboratory Services Pty Ltd, Environmental Analysis Laboratory and Tweed Laboratory Centre for the formation of a panel for the provision of laboratory services to Council for the next five years.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Sharon Cadwallader

Crs Keith Williams and Sharon Cadwallader returned to the meeting at 12:15 pm.

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**13. Notices of Motion**

**13.1 Notice of Motion - Business Community Survey**

**131218/23      RESOLVED**

(Cr Nathan Willis/Cr Jeff Johnson)

1. That as part of the preparation of the 2019/20 Delivery Program and Operational Plan, Council consider the inclusion of funding to undertake an independent survey of our business community to identify priorities that they would like to see considered and implemented by Council to improve the overall business environment.
2. That Council receive a report on how Council currently supports business.

FOR VOTE - All Councillors voted unanimously.

**13.2 Notice of Motion - Alstonville Aquatic Centre**

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

1. That Council receive a report on the benefits and cost of the following works to improve the overall amenity of the Alstonville Aquatic Centre:
  - a) Removal of the large camphor tree at the southern end of the complex, which may require the installation of a replacement shade structure as this tree provides shade benefits to the Alstonville Preschool.
  - b) Refurbishment or replacement of the existing amenities to ensure the facilities reflect contemporary standards, particularly in relation to disabled access within the change rooms.
2. The information from this report will allow Council to plan for the possible implementation of these works, either this financial year, or to be considered as part of the preparation of the 2019/20 Delivery Program and Operational Plan.

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

1. That Council receive a report on the benefits and cost of the following works to improve the overall amenity of the Alstonville Aquatic Centre:
  - a) Management of the large camphor tree at the southern end of the complex, to reduce leaf drop into the pool area.

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- b) Refurbishment or replacement of the existing amenities to ensure the facilities reflect contemporary standards, particularly in relation to disabled access within the change rooms.
2. The information from this report will allow Council to plan for the possible implementation of these works, either this financial year, or to be considered as part of the preparation of the 2019/20 Delivery Program and Operational Plan.

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

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

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

FOR VOTE - All Councillors voted unanimously.

**131218/24      RESOLVED**

(Cr Phillip Meehan/Cr Ben Smith)

1. That Council receive a report on the benefits and cost of the following works to improve the overall amenity of the Alstonville Aquatic Centre:
- a) Management of the large camphor tree at the southern end of the complex, to reduce leaf drop into the pool area.
  - b) Refurbishment or replacement of the existing amenities to ensure the facilities reflect contemporary standards, particularly in relation to disabled access within the change rooms.
2. The information from this report will allow Council to plan for the possible implementation of these works, either this financial year, or to be considered as part of the preparation of the 2019/20 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

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

**15.1 Mayoral Meetings**

**131218/25 RESOLVED**

(Cr Keith Williams/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

**12. Public Question Time**

**Greg Burgess** – a follow up to the last Ordinary meeting. Mr Burgess thanked Council for the reply on 6 December. Mr Burgess tabled further documents.

Mr Burgess sought clarification on the download of minutes contained on Council's website. This was demonstrated to Mr Burgess.

Mr Burgess also sought clarification on searching on Council's website, particularly for minutes. It was clarified that minutes for a limited number of years are contained on the website, with the remaining minutes held in hardcopy.

**16. Confidential Session**

**131218/26 RESOLVED**

(Cr Nathan Willis/Cr Sharon Cadwallader)

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 Class Action - Jardine Lloyd Thompson**

**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 and the discussion of this advice in open Council may compromise Council's legal position.

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**16.2 Organisation Structure - Review (Staffing)**

**Reason for Confidentiality**

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

- a) personnel matters concerning particular individuals (other than councillors)

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 discussion of those matters in open Council would be unreasonable as the discussion may relate to staff performance and personnel related matters.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 12.40 pm).

Cr David Wright, Mayor, left the meeting at 12.54 pm during the Confidential Session after consideration of Item 16.1. Cr Nathan Willis, Deputy Mayor, assumed the Chair.

Cr Jeff Johnson left the meeting during the Confidential Session at 1.00 pm after consideration of Item 16.1

**Open Council**

**131218/27      RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 1.09 pm).

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

**16.1 Class Action - Jardine Lloyd Thompson**

**CF131218/1 RECOMMENDED**

(Cr Nathan Willis/Cr Ben Smith)

That Council hold a confidential briefing for Councillors early in 2019 in respect to the class action against Jardine Lloyd Thompson.

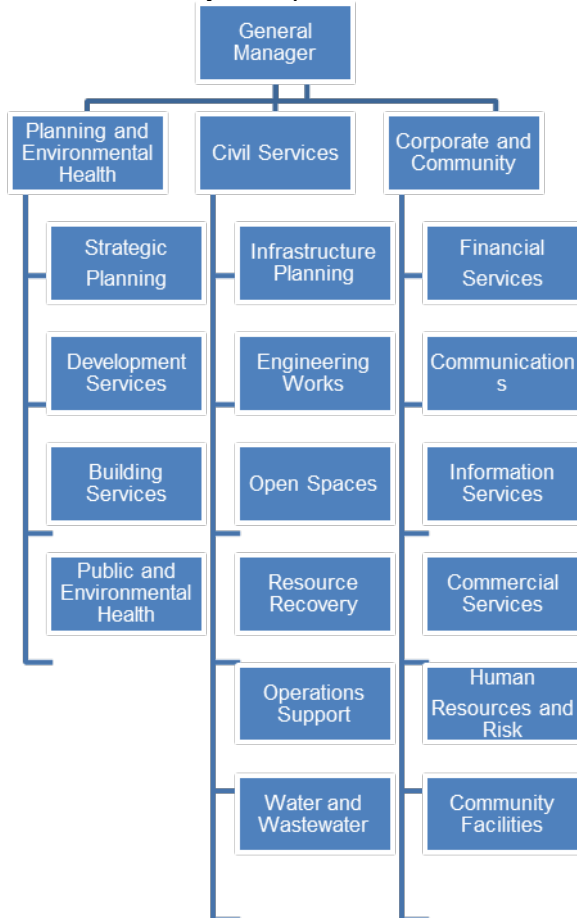
FOR VOTE - All Councillors voted unanimously.

**16.2 Organisation Structure - Review (Staffing)**

**CF131218/2 RECOMMENDED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That with the retirement of the Group Manager – Strategic and Community Facilities, Council adopts the following new organisation structure, with the General Manager authorised to take the actions necessary to implement that structure.



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2. That Council confirms the senior staff positions within the adopted structure, as per Section 332 (2) of the Local Government Act, are as follows:

- General Manager
- Director – Planning and Environmental Health (currently Group Manager – Development and Environmental Health)
- Director – Civil Services (currently Group Manager)
- Director – Corporate and Community (new position)

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Jeff Johnson

**Adoption of Recommendations from Confidential Session**

**131218/28      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Jeff Johnson

**Ballina Indoor Sports Centre - Scoreboards**

That the matter of the provision of scoreboards for the Ballina Indoor Sports Centre be dealt with as a matter of urgency, given the construction contractor timeframes for the ordering of structural reinforcing for the building.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Jeff Johnson

Cr Jeff Johnson returned to the meeting at 1.12 pm

**131218/29      RESOLVED**

(Cr Stephen McCarthy/Cr Sharon Cadwallader)

1. That Council approves an additional budget allocation of approximately \$30,000 to allow the installation of one FIBA 2 certified scoreboard in the Ballina Indoor sports Centre.

2. This expenditure is to be funded from the monies saved through Council receiving a grant of \$3.5 m for the Ballina Indoor Sports Centre.

3. That Council investigate sponsorship opportunities.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright

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**MEETING CLOSURE**

1.18 pm

The Minutes of the Ordinary Meeting held on 13/12/18 were submitted for confirmation by council on 24 January 2019 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 January 2019.