

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 28/06/18 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 (arrived at 9.07 am), 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 25 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**

**280618/1        RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 May 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

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

- **Cr Keith Williams-** declared an interest in Item 10.6 – Delivery Program and Operational Plan – Adoption and in particular the Submission to Works and Services from Mr Paul Scanlan – Sealing of Newrybar Swamp Road / Martins Lane – East. (Nature of Interest: non-pecuniary, non-significant due to the location of the Sand Mine and his role on the Joint Regional Planning Panel). He will be departing the meeting while the matter is discussed.

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- **Cr David Wright** – declared an interest in Item 10.2 – Community Donations – Australian Representation. (Nature of Interest: non significant, non pecuniary – he taught the applicant’s child at school). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Paul Hickey, General Manager** - declared an interest in Item 10.6 – Delivery Program and Operational Plan – Adoption and in particular Audit Risk and Improvement Committee Member Fees (Recommendation No. 14). (Nature of Interest: non-pecuniary, non-significant – a community representative on the committee is the partner of a good friend). He will be departing the meeting while the matter is discussed.
- **Paul Hickey, General Manager** - declared an interest in Items 8.3 and 16.2 – DA 2016/184 – Court Appeal – Cumbalum Precinct A (Banyan Hill). (Nature of Interest: significant, non-pecuniary, - a good friend is a consultant to Intrapac). He will depart the meeting for Item 16.2 in the Confidential session.
- **Cr Phillip Meehan** – declared an interest in Item 10.6 Delivery Program and Operational Plan – Adoption and in particular to the Water Access Charges. (Nature of Interest: non-significant, non-pecuniary – his sister-in-law owns a property which is affected by the proposed water access charge). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** – declared an interest in Item 8.6 Policy (New) – Fire Safety Statements Program. (Nature of Interest: non-significant non-pecuniary – she owns a property subject to those inspections). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** – advised that she would normally disclose an interest in the Delivery Program and Operational Plan – (Item 10.6) - Water Access Charges, however in this instance she was not disclosing an interest. The Local Government Act Section 448 clearly stipulates what interests do not have to be disclosed and what interests do have to be disclosed, so if you have an interest as a ratepayer or a person who is liable to pay a charge, you do not have to declare an interest.

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- **Cr Phillip Meehan** later in the meeting declared an interest in Item 10.6 Delivery Program and Operational Plan – Adoption – (Nature of Interest: non-significant, non-pecuniary – his mother in-law is a member of a Croquet Club in Ballina). He remained in the meeting while the matter was discussed and voted on the matter.

There were no reportable political donations.

**6. Deputations**

- **Mia Cassidy** – spoke in opposition to Item 8.2 – DA 1996/29 – Section 96AB Review – Eatons Quarry, Old Bagotville Road

Cr Keith Williams arrived at the meeting at 09:07 am.

- **Terry Woods, Quarry Solutions** – spoke in favour of Item 8.2 – DA 1996/29 – Section 96AB Review – Eatons Quarry, Old Bagotville Road.
- **Denis Magnay** – spoke in opposition to Item 11.1 – Pedestrian Access and Mobility Plan (PAMP) 2018-2027 and in particular to the North Creek Foreshore.
- **Bruce Cadwallader** – spoke in opposition to Item 10.6 – Delivery Program and Operational Plan – Adoption and in particular to the Submissions re Water Access Charging Structure.
- **Mike Gidding, Croquet Development Ballina Working Group** – spoke in relation to Item 10.6 – Delivery Program and Operational Plan – Adoption and in particular to their submission to Works and Services

Cr Keith Williams declared an interest in Item 10.6 Delivery Program and Operational Plan – Adoption and in particular to the submission from Paul Scanlan and left the meeting at 09:33 am.

Cr Phillip Meehan at this point declared an interest in Item 10.6 Delivery Program and Operational Plan – Adoption – (Nature of Interest: non-significant, non-pecuniary – his mother in-law is a member of a Croquet Club in Ballina).

- **Paul Scanlan** – spoke in favour of Item 10.6 – Delivery Program and Operational Plan – Adoption and in particular to his Submission to Works and Services.

Cr Keith Williams returned to the meeting at 09:37 am.

- **Katherine Buckley, Alstonville Community Preschool Inc** – spoke in favour of Item 10.6 – Delivery Program and Operational Plan – Adoption and in particular to their Submission to Works and Services.

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- **Mary Pinzone, Ballina Peninsula Residents Association Incorp** - spoke in favour of Item 10.6 – Delivery Program and Operational Plan – Adoption and in particular to their Submission to Works and Services.

**7. Mayoral Minutes**

Nil items

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

**8.2 DA 1996/29 - Section 96AB Review - Eatons Quarry, Old Bagotville Road  
280618/2            **RESOLVED****

(Cr Phillip Meehan/Cr Sharon Parry)

That this matter be deferred until confirmation is received in writing that the route and carriage of the chert will be via the new Pacific Highway carriage alignment and that this information is required prior to the July Ordinary meeting.

FOR VOTE - All Councillors voted unanimously.

**280618/3            **RESOLVED****

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council take the necessary steps to install a temporary Heavy Vehicle speed limit of 40km/hr in the village of Wardell due to the current damage to Council road assets and private property resulting from heavy vehicle movements servicing the construction of the Pacific Highway Upgrade.

FOR VOTE - All Councillors voted unanimously.

**11.1 Pedestrian Access and Mobility Plan (PAMP) 2018-2027**

It was agreed to defer this matter to later in the meeting in order to obtain further information.

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**10.6 Delivery Program and Operational Plan - Adoption**

**280618/4        RESOLVED**

(Cr Nathan Willis/Cr Keith Williams)

That Council adopts the 2018/19 to 2021/22 Draft Delivery Program and 2018/19 Operational Plan which includes the Long Term Financial Plan (budget), Workforce Plan and Fees and Charges, as exhibited, inclusive of any amendments determined at this meeting.

FOR VOTE - All Councillors voted unanimously.

**280618/5        RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council approves the formation of a Councillor Committee to consider the applications for the General Donations and Sporting Group Donations for 2018/19 with all Councillors invited to attend the meeting to determine those donations for reporting to the July 2018 Council meeting.

FOR VOTE - All Councillors voted unanimously.

**280618/6        RESOLVED**

(Cr Phillip Meehan/Cr Nathan Willis)

That Council declines the donation request from Mr Ben Luke for the Beach Sounds Music Festival.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Sharon Cadwallader

**280618/7        RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council approves the request from Mr Ben Luke for the Beach Sounds Music Festival from the 2017/18 Festivals and Events funding program.

FOR VOTE - 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 David Wright, Cr Phillip Meehan and Cr Ben Smith

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**280618/8        RESOLVED**

(Cr Nathan Willis/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the submissions received from Mr Westaway, Earthworks Landscaping, Nick Mercer, the Ballina Peninsular Residents Association, Ardill Payne and Partners and Dianna deKantzaw.

FOR VOTE - All Councillors voted unanimously.

**280618/9        RESOLVED**

(Cr Phillip Meehan/Cr Ben Smith)

That based on the content of those submissions and other associated matters Council approves the following changes to the draft fees and charges:

- An “Extra Off-Peak” category for the Lennox Head Community Centre and for the Alstonville Leisure and Entertainment Centre Multi-Function Hall and Sports Hall, whereby a 50% discount is provided for Commercial use. The extra off-peak times are 6am to 8am and 6pm to 8pm, Monday to Thursday.
- Animal traps and collars refundable deposit to be retained at \$70.
- Gallery Engine Room workspace and Locker Room workspace charges as per Attachment 4 to this report.

FOR VOTE - All Councillors voted unanimously.

**280618/10      RESOLVED**

(Cr Nathan Willis/Cr Keith Williams)

That Council receive a report on the merits of a six month trial of a temporary toilet at the Keith Hall boat ramp.

FOR VOTE - All Councillors voted unanimously.

A **Motion** was moved by Cr Phillip Meehan

That Council notes the contents of this report in respect to the submissions received for the proposed change to the water access charges. That Council confirms that it will proceed with the proposed change as it provides consistency with our wastewater and domestic waste charging structures.

The **Motion LAPSED.**

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**280618/11 RESOLVED**

(Cr Eoin Johnston/Cr Keith Williams)

That Council does not support the proposed change to the water access charges. All water access charges are to be increased by CPI. That Council review the methodology during the next Delivery Program process.

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

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry and Cr Jeff Johnson

**Adjournment**

The Mayor declared the meeting adjourned at 11.01 am

The meeting resumed at 11.22 am

**280618/12 RESOLVED**

(Cr Phillip Meehan/Cr Ben Smith)

That Council notes the contents of this report in respect to the submissions received for works and services from Mr Paul Scanlan, Alstonville Community Preschool, RSL Alstonville Sub-branch, Croquet Development Working Group, Ballina Peninsular Residents Association, Lennox Head Residents Association, Wardell & District Progress Association and Gary and Margaret Stanger.

FOR VOTE - All Councillors voted unanimously.

**280618/13 RESOLVED**

(Cr Ben Smith/Cr Phillip Meehan)

That based on the contents of those submissions and other associated matters Council approves the following changes to the draft Delivery Program and Operational Plan:

- Confirmation that Council will provide an additional picnic table and associated facilities, along with additional fig tree planter boxes, from existing operating budgets, in Wardell based on the submissions from the Wardell & District Progress Association.
- The following road reconstruction amendment to allow the bringing forward of works for Carrs Bridge:

Description	Draft Delivery program		Revised Delivery Program	
	2018/19 (\$)	2019/20 (\$)	2018/19 (\$)	2019/20 (\$)
Northumberland Drive seg 10	245,000	0	0	248,000
Carrs Bridge (River Drive)	248,000	248,000	493,000	0

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- Inclusion of the revised works for the Section 94 Roads Contribution Plan as outlined in this report.
- Amending budgets for the Crown Lands Management Act, Development Services - Legal Fees, Asset Condition Assessments, Ferry Slip, Workers Compensation and the Northern Rivers Community Gallery – grant, as outlined in this report.
- Revised footpath reconstruction program to reflect the outcomes of the Pedestrian Access and Mobility Plan, review as per the separate report in this agenda.

FOR VOTE - All Councillors voted unanimously.

**280618/14      RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

That based on the contents of those submissions and other associated matters Council approves the following changes to the draft Delivery Program and Operational Plan:

1. In relation to the submission from the Alstonville Community Preschool - if leftover funds exist for the Alstonville Swimming Pool upgrade, that funds be allocated towards the carpark.
2. That Council receive a report on the option of creating a recurrent program for carpark improvements.

FOR VOTE - All Councillors voted unanimously.

Cr David Wright and Cr Keith Williams declared an interest in Item 10.6 and in particular the submission from Paul Scanlan and left the meeting at 11:28 am. In the absence of the Mayor and Deputy Mayor, Cr Ben Smith was elected Chair.

**10.6      Delivery Program and Operational Plan - Adoption**

**280618/15      RESOLVED**

(Cr Phillip Meehan/Cr Sharon Parry)

That based on the contents of those submissions and other associated matters Council approves the following changes to the draft Delivery Program and Operational Plan:

- Acceptance of the contributions totalling \$150,000 (including GST and \$136,000 ex GST) towards the dust sealing of Newrybar Swamp Road and Martins Lane – East with these two projects to be completed at an estimated cost of \$246,000. The balance of the funding is to be sourced from Council's reseals and heavy patching budget. This acceptance is subject to satisfactory agreements being in place before the works are commenced.



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

Cr Keith Williams and Cr David Wright returned to the meeting at 11:35 am.  
Cr David Wright resumed the Chair

**280618/16      RESOLVED**

(Cr Keith Williams/Cr Nathan Willis)

That Council resolves to make a base rating structure applicable to all rateable land in the Shire for the levy of the 2018/19 Ordinary Rates as per the following structure.

<b>Rate Category</b>	<b>Rate in Dollar (cents in \$)</b>	<b>Base Amount (\$)</b>	<b>% Income from Base Amount</b>
Residential	0.17473	517	49.85
Business	0.80422	517	14.44
Farmland	0.14903	517	32.12
Mining	0.80422	517	0.00

The rate in the dollar for 2018/19 applies to the land value of all rateable land in the Shire within the relevant category.

FOR VOTE - All Councillors voted unanimously.

**280618/17      RESOLVED**

(Cr Phillip Meehan/Cr Eoin Johnston)

That Council resolves to make the annual charges for 2018/19 as detailed in the Fees and Charges document that forms part of the Delivery Program and Operational Plan for Domestic Waste Management, Stormwater, Waste Management Operations, Water Services and Wastewater Services, subject to the amendment to the water access charge.

FOR VOTE - All Councillors voted unanimously.

**280618/18      RESOLVED**

(Cr Eoin Johnston/Cr Ben Smith)

That Council confirms the opening of the Alstonville Aquatic Centre and Ballina Memorial Swimming Pools on Saturday 28 July 2018. Both facilities will be free of charge to the community for Saturday 28 and Sunday 29 July 2018 to recognise the newly refurbished facilities.

FOR VOTE - All Councillors voted unanimously.

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**280618/19      RESOLVED**

(Cr Sharon Parry/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the gradual replacement of the BalTran signage.

FOR VOTE - All Councillors voted unanimously.

**280618/20      RESOLVED**

(Cr Phillip Meehan/Cr Ben Smith)

That in respect to the Ballina Floodplain Risk Management Study and Plan that Council include in the Delivery Program an indicator that a review of this study is to commence in the financial year 2021/22, following the completion of existing reviews and studies, subject to funding being available.

FOR VOTE - All Councillors voted unanimously.

Paul Hickey, General Manager declared an interest in recommendation 14 and left the meeting at 11.40 am

**280618/21      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council approves an allowance of \$450 for the Chair and \$300 per member per meeting for the community representatives on the Audit, Risk and Improvement Committee.

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

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

Paul Hickey returned to the meeting at 11.59 am

**280618/22      RESOLVED**

(Cr Eoin Johnston/Cr Nathan Willis)

That Council approves the sealing of the depot car park funded as follows:

<b>Source</b>	<b>Amount (\$)</b>
Water Operations	44,000
Wastewater Operations	44,000
Domestic Waste Management	12,000
Landfill and Resource Management	12,000
Flat Rock Reserve	37,500
Buildings Refurbishment Reserve	37,500
<b>Total</b>	<b>187,000</b>

FOR VOTE - All Councillors voted unanimously.

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**280618/23      RESOLVED**

(Cr Keith Williams/Cr Nathan Willis)

That Council approves the employment of the environmental scientist position as outlined in this report, funded from savings across the organisation.

FOR VOTE - All Councillors voted unanimously.

**280618/24      RESOLVED**

(Cr Jeff Johnson/Cr Nathan Willis)

That as part of the Kingsford Smith Plan of Management and Sport and Recreation Plan reviews, that consideration be given to the establishment of a regional croquet facility.

FOR VOTE - All Councillors voted unanimously.

**280618/25      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That as part of the Sport and Recreation Plan review, that consideration be given to the establishment of an expanded facility for Ballina Baseball.

FOR VOTE - 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 David Wright and Cr Jeff Johnson

**Adjournment**

The Mayor declared the meeting adjourned at 12.11 pm

The meeting resumed at 12.13 pm

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**8.1 Determination Review - Pontoon and Jetty, Mainsail Place**

**280618/26      RESOLVED**

(Cr Ben Smith/Cr Phillip Meehan)

That Council confirms the determination of DA 2017/569 (being proposed works to upgrade an existing jetty and pontoon) as **REFUSAL** for the reasons stated in the notice of determination dated 15 January 2018.

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

AGAINST VOTE - Cr Keith Williams

**8.3 DA 2016/184 - Court Appeal - Cumbalum Precinct A (Banyan Hill)**

**280618/27      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report which provides a summary of the Court appeal and negotiated development outcomes associated with DA 2016/184 along with context for a confidential report relating to the legal action associated with the development application.

FOR VOTE - All Councillors voted unanimously.

**8.4 Compliance Work Plan - 2017/18**

**280618/28      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report on the outcomes from the Compliance Work Plan for the 2017/18 financial year.

FOR VOTE - All Councillors voted unanimously.

**8.5 Compliance Work Plan - 2018/19**

**280618/29      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council endorses the Compliance Work Plan for 2018/19, as detailed within this report.

FOR VOTE - All Councillors voted unanimously.

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**8.6 Policy (New) - Fire Safety Statements Program**

**280618/30      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the Fire Safety Statements Program 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.

**8.7 Impounded Abandoned Vehicle**

**280618/31      RESOLVED**

(Cr Eoin Johnston/Cr Jeff Johnson)

That Council notes the contents of this report which provides an introduction to a confidential report on the matter of an impounded vehicle and associated fees.

FOR VOTE - All Councillors voted unanimously.

**8.8 Development Applications – Variation to Development Standards**

**280618/32      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes that there have been Nil development applications approved under delegation involving variations to development standards less than 10% for May 2018.

FOR VOTE - All Councillors voted unanimously.

**8.9 Development Applications - Works in Progress - June 2018**

**280618/33      RESOLVED**

(Cr Nathan Willis/Cr Sharon Parry)

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

FOR VOTE - All Councillors voted unanimously.

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

**9.1 Project Update - Wardell Strategic Plan 2015 - 2035**

**280618/34 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report relating to the progress of implementing actions contained within the Wardell Strategic Plan 2015 – 2035.

FOR VOTE - All Councillors voted unanimously.

**9.2 LEP Amendments and Planning Proposals - Status**

**280618/35 RESOLVED**

(Cr Sharon Parry/Cr Stephen McCarthy)

That Council notes the contents of this report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.

FOR VOTE - All Councillors voted unanimously.

**9.3 Policy (Review) - Community Gardens**

**280618/36 RESOLVED**

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council adopts the amended Community Gardens 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. General Manager's Group Reports**

**10.1 Investment Summary - May 2018**

**280618/37 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

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**10.2 Community Donations - Australian Representation**

**280618/38      RESOLVED**

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council approves the request from Ms Helen Rankin Jarvie for a donation towards the cost of Australian selection as per Council's Donations - Australian Representation Policy.

FOR VOTE - All Councillors voted unanimously.

**10.3 Local Government NSW - Casual Vacancy of Vice President**

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

That Council elects three voting delegates for the election to fill a casual vacancy in the office of Vice President (Rural/Regional councils) on the Board of the Local Government and Shires Association of New South Wales.

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

FOR VOTE - Cr Stephen McCarthy and Cr Sharon Cadwallader

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

**280618/39      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the Mayor and Deputy Mayor and one other Councillor as voting delegates for the election to fill a casual vacancy in the office of Vice President (Rural/Regional councils) on the Board of the Local Government and Shires Association of New South Wales.

FOR VOTE - All Councillors voted unanimously.

Nominations were received for Crs Phillip Meehan, Nathan Willis and Sharon Cadwallader. After a ballot process by a show of hands, Cr Nathan Willis was declared the third voting delegate.

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**10.4 Community Consultation and Ward Committees**

**280618/40      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to Community Consultation and Ward Committees.
2. That Council approves the nomination from the West Ballina Quays Consultative Group to the A Ward Committee as per the attachment to this report.
3. That Council authorises the General Manager to remove any community based groups from the Ward Committees where they have not attended a meeting for at least 12 months, and have not responded to any follow up correspondence issued by Council.

Cr Jeff Johnson left the meeting at 12:42 pm.

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

**10.5 Policy (Review) - Pensioner Concessions - Rates and Charges**

**280618/41      RESOLVED**

(Cr Eoin Johnston/Cr Keith Williams)

1. That Council adopts the Pensioner Concessions – Rates and Charges Policy, as attached to this report.
2. That Council places 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

Cr Jeff Johnson returned to the meeting at 12:46 pm.



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**11. Civil Services Group Reports**

**11.1 Pedestrian Access and Mobility Plan (PAMP) 2018-2027**

**280618/42 RESOLVED**

(Cr Ben Smith/Cr Phillip Meehan)

1. That Council adopts the Pedestrian Access and Mobility Plan (PAMP) as attached to this report.
2. That Council amend the exhibited Delivery Program and Operational Plan for 2018/19 to 2021/22 to reflect the priority works order, consistent with the PAMP, as per Table 2 of this report.
3. That Council give further consideration to possible shared path connections to adjoining shires.
4. That Council Include in the 2018/19 budget, funded from reductions in existing projects - Joindre Street, Wollongbar – Construct an adjoining concrete apron to a maximum cost of \$5,000
5. That Keppel Street – Project BWW8 pedestrian refuge in River Street be deferred until 2019/20 and other priorities deferred one year to cater for this adjustment, with Project BWW45 - pedestrian refuge near Riverbend in River Street to be included in the 2018/19 program.

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

AGAINST VOTE - Cr Phillip Meehan

**12. Public Question Time**

**12.1 David Felsch - Ferry Fees**

David Felsch asked a question about the ferry fees for trailers which he believed were not mentioned in the schedule of fees and charges.

Paul Hickey advised that it was his understanding that the fees were included in the Draft Fees and Charges document as exhibited, however the document referred to by David Felsch was a summary of some of the ferry fees as part of the report on Item 10.6 of the agenda for this meeting.

**Adjournment**

The Mayor declared the meeting adjourned at 1.18 pm

The meeting resumed at 2.01 pm

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 28/06/18 AT 9.00 AM**

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(Paul Hickey, General Manager, declared an interest in Item 16.2 of the Confidential Session - DA 2016/184 - Legal Proceedings and was not in attendance at this stage).

**16. Confidential Session**

**280618/43      RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

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      Impounded Abandoned Vehicle - Review of Fees Charged**

**Reason for Confidentiality**

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

- b) the personal hardship of any resident or ratepayer

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the discussion will relate to the personal circumstances of the person charged the fees.

**16.2      DA 2016/184 - Legal Proceedings**

**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 release of this information may impact on the outcomes of the costs recovery related to the legal proceedings.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 2.02 pm).

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**Open Council**

**280618/44      RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

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 2.29 pm).

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

**16.2    DA 2016/184 - Legal Proceedings**

**CF280618/1      RECOMMENDED**

(Cr Ben Smith/Cr Keith Williams)

That Council proceed with Option B in relation to DA 2016/184, as outlined in the Recovery of Costs Letter prepared by Allens Linklaters LLP, as attached to this report.

FOR VOTE - All Councillors voted unanimously.

**16.1    Impounded Abandoned Vehicle - Review of Fees Charged**

**CF280618/2      RECOMMENDED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council reduce the fees applicable to the impounding of the vehicle the subject of this report, to an amount of \$255 representing the initial impound and storage fees for one day.
2. That in the event that the matter is not suitably resolved through the payment of the reduced fee that the General Manager is authorised to negotiate the return of the vehicle to its owner (inclusive of the setting aside of the impound fees).

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.

Paul Hickey, General Manager, returned to the meeting at 2.30 pm

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**Waiving of Impounding Fee**

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

That Council authorizes the General Manager to waive the impounding fee of \$35 for the chains removed from the Castle Drive Fig Tree, subject to receiving an application.

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

FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, 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 and the casting vote of the Mayor

**Adoption of Recommendations from Confidential Session**

**280618/45      RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

**11.2    Dust Sealing Analysis**

**280618/46      RESOLVED**

(Cr Ben Smith/Cr Phillip Meehan)

1. That Council endorses the draft Dust Sealing Weighted Prioritisation Criteria and the Priority Ranking for Sealing of Unsealed Roads, as per Attachments 1 and 2 to this report, for inclusion in the update of the Roads Asset Management Plan.
2. That Council confirms that establishing a recurrent funding program for the sealing of unsealed roads, as per the program created in point one, is not supported, at this point in time, as the social and environmental benefits cannot be achieved without unreasonable risks in terms of the potential impacts on future road network condition and important financial reporting benchmarks.
3. That Council note, as per a resolution from the March 2018 Finance Committee, a draft update of the Road Asset Management Plan will be prepared for Council's consideration on the basis of the strategic principles adopted in this report and from the earlier reporting.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr

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

**11.3 Sugar Cane Harvest Management Scheme - Permit Application**

**280618/47      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council approves the application for the Sugar Cane Harvest Management Scheme to permit an additional 5% concessional mass on the gross mass load (GML) on State and Council roads which are currently approved for a 4.6m high vehicles, for the remainder of the scheme's duration, being up until the 2021 harvest.

FOR VOTE - All Councillors voted unanimously.

**11.4 Events Taskforce**

**280618/48      RESOLVED**

(Cr Phillip Meehan/Cr Nathan Willis)

That Council continue to facilitate and support events under the current arrangements.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Sharon Cadwallader

**11.5 Tender - Provision for Design and Publishing Services**

**280618/49      RESOLVED**

(Cr Nathan Willis/Cr Ben Smith)

1. That Council accepts the tenders from the The Ad Agency and The Design Space for the provision of design and publishing services for a two year period.
2. The General Manager is authorised to attach the Council seal to any contract documents for point one above.

FOR VOTE - All Councillors voted unanimously.

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**11.6 Policy (New) - Beach Debris Management**

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

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

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Nathan Willis

1. That Council adopts the Beach Debris Management Policy, as attached to this report, with the following amendments:

Page 1 under Policy second paragraph, remove the words: "and established lifeguard patrol areas"

Page 1 under Policy, fifth paragraph to be removed.

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.

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

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

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

FOR VOTE - All Councillors voted unanimously.

**280618/50      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

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**280618/51      RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council write to the relevant Minister regarding withdrawal of support for beach clean up after natural disasters.

FOR VOTE - All Councillors voted unanimously.

**11.7      Policy (Review) - Alcohol Regulation on Public Land**

**280618/52      RESOLVED**

(Cr Eoin Johnston/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

**11.8      Policy (Review) - Private Structures on Public Land and Roads**

**280618/53      RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

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**13. Notices of Motion**

**13.1 Notice of Motion - Library Funding Cuts**

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

1. That Council write to the Premier, Treasurer, relevant Minister, and Ben Franklin MLC condemning in the strongest possible terms the cuts to library funding recently announced in the NSW Budget.
2. This budget cut goes against the recommendation of the NSW Government's Expert Panel, the Library Council of NSW which in consultation with the State Library of NSW and the NSW Public Libraries Consultative Committee, recommended an increase in public library funding for 2018/19.

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

That Council write to the Premier, Treasurer, relevant Minister and Ben Franklin MLC seeking a guarantee that changes to the library funding model will not result in any decrease in funds to Ballina Shire and the Richmond Tweed Regional Library.

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

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

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

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

**280618/54      RESOLVED**

(Cr Phillip Meehan/Cr Ben Smith)

That Council write to the Premier, Treasurer, relevant Minister and Ben Franklin MLC seeking a guarantee that changes to the library funding model will not result in any decrease in funds to Ballina Shire and the Richmond Tweed Regional Library.

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



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**14. Advisory Committee Minutes**

**14.1 Commercial Services Committee Minutes - 21 June 2018**

**280618/55      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the minutes of the Commercial Services Committee meeting held 21 June 2018 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

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

**15.1 Mayoral Meetings**

**280618/56      RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

**MEETING CLOSURE**

3.37 pm

The Minutes of the Ordinary Meeting held on 28/06/18 were submitted for confirmation by council on 26 July 2018 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 26 July 2018.