

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 25/01/17 AT 9.00 AM**

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**Attendance**

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

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

There were 42 people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by Alex Thomson.

**3. Apologies**

An apology was received from Cr Jeff Johnson who indicated he would be late to the meeting.

**250117/1 RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**4. Confirmation of Minutes**

**250117/2 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 15 December 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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

**Cr David Wright** – declared an interest in Item 8.3 – DA 2016/598 – Tree Removal – Alstonville Public School. (Nature of Interest: significant non pecuniary – he is employed by the Alstonville Public School and he believes he may have planted the tree). He will be departing the meeting while the matter is discussed.

There were no reportable political donations.

**6. Deputations**

- **Lavender on behalf of Lake Ainsworth Interest Group** – spoke in opposition to Item 10.4 – Capital Expenditure Review – 31 December 2016 and in particular to the scheduling of works for the Lake Ainsworth Southern and Eastern Precincts.
- **Denis Magnay, WATER Inc and Northern Beaches Users Group** – spoke in favour of Item 10.4 – Capital Expenditure Review – 31 December 2016 and in particular to the scheduling of works for the Lake Ainsworth Southern and Eastern Precincts.

Cr Jeff Johnson arrived at the meeting at 09:12 am.

- **Peter Thorpe** – spoke in opposition to Item 13.6 – Notice of Motion – Lake Ainsworth – Parking and Amenity Improvements.
- **Monica Wilcox** – spoke in favour of Item 13.6 – Notice of Motion – Lake Ainsworth – Parking and Amenity Improvements.
- **Paul Worth** – spoke in favour of Item 13.2 – Notice of Motion – Quarries.

**Extension to Deputation**

**250117/3          RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That Mr Worth be granted an extension of time for his deputation.

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

- **Craig Jones/George Korban** – spoke in opposition to Item 8.1 – DA 2016/510 – Two-storey Dwelling – 3 Rayner Lane, Lennox Head.
- **Dwayne Roberts** – spoke in favour of Item 8.1 – DA 2016/510 – Two-storey Dwelling – 3 Rayner Lane, Lennox Head.
- **Jane Crilley** – spoke in opposition to Item 8.2 – DA 2016/166 – 26 Lot Subdivision, Henderson Drive (Visions Estate).

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- **Graeme Gough** – spoke in favour of Item 8.2 – DA 2016/166 – 26 Lot Subdivision, Henderson Drive (Visions Estate).
- **Don Munro** – spoke in favour of Item 13.4 – Notice of Motion – Shark Mitigation.

**7. Mayoral Minutes**

Nil items.

**10.4 Capital Expenditure Review - 31 December 2016**

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

1. That Council notes the contents of this update on the implementation of the capital expenditure program for 2016/17 as at 31 December 2016.
2. That Council approves the following budget adjustments:

Item	Current Budget	Revised Budget	Variation	Comment
<b>Public and Environmental Health</b>				
Shaws Bay Coastal Zone Management Plan	172,000	267,000	95,000	Inclusion of grant monies received
<b>Airport</b>				
Terminal Expansion	5,315,600	900,000	(4,415,600)	Funds transferred to 2017/18 based on likely expenditure timeframe
<b>Camping Ground</b>				
Flat Rock	10,000	20,000	10,000	Transfer from Flat Rock Reserve to finance boom gates
<b>Land Development</b>				
Wollongbar Urban Expansion Area	2,348,000	2,764,000	416,000	Increase in budget based on tender. Funds transferred from Property Development Reserve. Increase offset by increase in sales income in 2017/18.
<b>Water</b>				
Main Renewals	400,000	350,000	(50,000)	Saving based on likely expenditure
<b>Wastewater</b>				
Pump Upgrade – Byron Street	1,931,000	1,531,000	(400,000)	Funds transferred to 2017/18 based on likely expenditure timeframe
Emergency Storage Program	280,000	200,000	(80,000)	Savings based on current program

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Pump Upgrades - Various	265,000	350,000	85,000	Extra funding based on increased works program – Increase funded from wastewater reserves
Treatment Plant – Ballina - Various	21,000	51,000	30,000	Additional works scheduled for this plant, funded from wastewater reserves
Treatment Plant – Lennox Head	106,000	76,000	(30,000)	Saving based on works schedule
Kings Court - Landscaping	179,000	120,000	(59,000)	Saving based on actual works
<b>Engineering Works</b>				
Skinner Street (segment 20)	172,000	0	(172,000)	Funds transferred to segment 10 based on major cost increase due to asbestos
Skinner Street (segment 10)	140,000	312,000	172,000	As above
78 Tamar Street – Public Toilets	42,000	10,400	(31,600)	Saving to be transferred back to Section 94 contributions for car parking
Missingham Car Park	150,000	80,000	(70,000)	Saving to be transferred to Council's Footpath Renewal Program.

3. That Council commence the closure of the eastern road at Lake Ainsworth as the first priority for this precinct.

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

- That Council notes the contents of this update on the implementation of the capital expenditure program for 2016/17 as at 31 December 2016.
- That Council approves the following budget adjustments:

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<b>Public and Environmental Health</b>				
Shaws Bay Coastal Zone Management Plan	172,000	267,000	95,000	Inclusion of grant monies received
<b>Airport</b>				
Terminal Expansion	5,315,600	900,000	(4,415,600)	Funds transferred to 2017/18 based on likely expenditure timeframe
<b>Camping Ground</b>				
Flat Rock	10,000	20,000	10,000	Transfer from Flat Rock Reserve to finance boom gates

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<b>Land Development</b>				
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Main Renewals	400,000	350,000	(50,000)	Saving based on likely expenditure
<b>Wastewater</b>				
Pump Upgrade – Byron Street	1,931,000	1,531,000	(400,000)	Funds transferred to 2017/18 based on likely expenditure timeframe
Emergency Storage Program	280,000	200,000	(80,000)	Savings based on current program
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Skinner Street (segment 10)	140,000	312,000	172,000	As above
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Missingham Car Park	150,000	80,000	(70,000)	Saving to be transferred to Council's Footpath Renewal Program.

3. That Council leave the eastern road open consistent with previous designs. That such a design:
  - Maximise open space
  - Implement best practice drainage
  - Include foreshore restoration works
  
4. That Council delegate authority to the General Manager to determine the appropriate scheduling and timing of the southern and eastern road projects.

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

FOR VOTE - Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

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

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

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

AGAINST VOTE - Cr Keith Williams and Cr Ben Smith

**250117/4        RESOLVED**

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council notes the contents of this update on the implementation of the capital expenditure program for 2016/17 as at 31 December 2016.

2. That Council approves the following budget adjustments:

Item	Current Budget	Revised Budget	Variation	Comment
<b>Public and Environmental Health</b>				
Shaws Bay Coastal Zone Management Plan	172,000	267,000	95,000	Inclusion of grant monies received
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Main Renewals	400,000	350,000	(50,000)	Saving based on likely expenditure
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Emergency Storage Program	280,000	200,000	(80,000)	Savings based on current program
Pump Upgrades - Various	265,000	350,000	85,000	Extra funding based on increased works program – Increase funded from wastewater reserves
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Skinner Street (segment 20)	172,000	0	(172,000)	Funds transferred to segment 10 based on major cost increase due to asbestos
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78 Tamar Street – Public Toilets	42,000	10,400	(31,600)	Saving to be transferred back to Section 94 contributions for car parking
Missingham Car Park	150,000	80,000	(70,000)	Saving to be transferred to Council's Footpath Renewal Program.

3. That Council commence the closure of the eastern road at Lake Ainsworth as the first priority for this precinct.

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

AGAINST VOTE - Cr Keith Williams and Cr Ben Smith

**Adjournment**

The Mayor declared the meeting adjourned at 10.45 am

The meeting resumed at 11.05 am

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**2. Acknowledgement of Country**

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.

**13.2 Notice of Motion - Quarries**

**250117/5          RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

1. That Council receive a report on the feasibility of Council operating its quarries with Council staff based on the existing consents.
2. That Council defer any further action on the expansion of Tuckombil and Stokers Quarries until such time as Council holds a briefing to examine potential barriers and cost benefits of both projects including future remediation options.

FOR VOTE - All Councillors voted unanimously.

**13.6 Notice of Motion - Lake Ainsworth - Parking and Amenity Improvements**

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

That Council amend the design for the Lake Ainsworth eastern precinct to reduce the proposed footpath / emergency access path from a width of three metres to two metres, whilst at the same time ensuring it remains trafficable for emergency access through the provision of turfcell or a similar product to achieve the required width for vehicle access.

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

That the pathway remain concrete and be at a width of 2.5 metres.

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

FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson and Cr Nathan Willis

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

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



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FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson and Cr Nathan Willis

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

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

That Council investigate introducing a no parking zone for the Lake Ainsworth precinct between 1am – 5am to ensure that the new parking spaces are not used by overnight campers or caravan park guests.

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

That this matter be referred to the Local Traffic Committee.

The **Amendment** was **CARRIED** on the casting vote of the Mayor.

FOR VOTE - Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Keith Williams and Cr Sharon Cadwallader and the casting vote of the Mayor

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Nathan Willis and Cr Ben Smith.

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

FOR VOTE - Cr Phillip Meehan, 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 and Cr Ben Smith

**250117/6        RESOLVED**

(Cr Jeff Johnson/Cr Sharon Parry)

That this matter be referred to the Local Traffic Committee.

FOR VOTE - Cr Phillip Meehan, 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 and Cr Ben Smith

**Adjournment**

The Mayor declared the meeting adjourned at 12.00 pm.

The meeting resumed at 12.36 pm.

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

**8.1 DA 2016/510 - Two-storey Dwelling - 3 Rayner Lane, Lennox Head  
250117/7            **RESOLVED****

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Development Application 2016/510 to construct a two-storey dwelling and pool at Lot 43 in DP11687, being No. 3 Rayner Lane Lennox Head be **APPROVED** subject to:

1. The structural footings and slab designs of the dwelling are to incorporate a suspended floor design, being suspended a minimum 300mm above existing ground levels, with the building and pool supported off piles, taking into account the possibility of foundation soil removal to a depth of 2.0 metres Australian Height Datum (AHD).

Such piling design is to support the whole building and pool taking into account any potential forces attributed to wave action. Structural engineering details are to be submitted to the Principal Certifying Authority (PCA) detailing this requirement prior to the issue of any Construction Certificate.

On completion of all piling, written structural engineer's certification from the consultant engineer is to be submitted to the PCA and Council, verifying the placement of the piles and adequacy of the required bearing capacity, prior to works proceeding beyond that stage.

Note: driven piling methods are not permitted due to problems with site vibration and the potential for damage to adjoining properties.

2. The habitable ground floor of the building is to be constructed at a level 500mm above the center line of Rayner Lane (RL 5.79 metres AHD). Written certification from a registered surveyor is to be submitted to the Principal Certifying Authority (PCA) and Council on completion of the formwork for the ground floor slab (prior to concrete pour) or installation of ground floor timber flooring, prior to works proceeding further.
3. Externally mounted fixed privacy louvres (maximum 20mm openings) or opaque glass is to be provided to the first floor southern elevation stairwell window to afford a degree of privacy to the southern neighbour.
4. A fixed privacy screen (maximum 20mm openings and minimum 1.7 metres in height above floor level), is to be provided to the entire northern elevation perimeter of the first floor deck off the Study/Bed 2 areas.
5. The existing Norfolk Pine tree is to be retained and not damaged during the construction of the development.

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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

**12. Public Question Time**

**12.1 Ralph Moss - Law and Order**

Ralph Moss – What is the issue with law and order and public disruptions from 11 pm to 4.20 am in this community? What is the program with the Police Department on different locations for different patrols?

Cr David Wright advised that this was a Policing matter and we can try and find out what happens. We meet with them on a quarterly basis so we will raise the issue.

**12.2 Barbara McFadden - Hospital Auxiliary**

Barbara McFadden, President of Ballina Hospital Auxiliary – they conduct a Craft Show at the Lennox Head Community Centre. The hire fees this year are \$3,750.50.

The organisation is seeking a subsidisation of the hire fees for the Lennox Community Centre for the Craft Show.

Paul Hickey advised that the current Council resolution is that any further donations will not be considered by Council during this financial year.

Councillors will need to submit a notice of motion for this matter to be considered by Council.

**8.2 DA 2016/166 - 26 Lot Subdivision, Henderson Drive (Visions Estate)**

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

1. That DA 2016/166 to undertake a 26 Lot residential subdivision and associated works at Lot 7 DP 1216761, Lot 12 DP 814039, Lot 52 DP 864764 & Crown Public Road, Henderson Drive and Kellie Anne Crescent, Skennars Head be **APPROVED** subject to:
  - (a) the deletion of proposed Lot 16 and thereby reducing the proposed urban allotments to a total of 25
  - (b) the suitable re-alignment of the loop road (without any reliance upon Public Reserve Lot 62 lands) as shown in the alternative design

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- (c) the suitable provision of a minimum 10 metre by 15 metre building envelopes and minimum 17.5 metre wide easement on proposed Lots 25 and 26 to protect the vegetation within Public Reserve Lot 62 (unless the applicant can provide evidence that the proposed alternative footing means can be practically enforced having regard for Exempt and Complying Development)
  - (d) each proposed residential allotment having a minimum area of 800m<sup>2</sup> or greater
  - (e) each proposed lot (other than Lot 1 and reconfigured Lot 15) having a single dwelling house only
  - (f) preparation of a restriction on use by way of an 88B instrument under the Conveyancing Act 1919 informed by a qualified entomologist being applied to the relevant lots restricting the type, amount, and spacing of vegetation in the building line setbacks suitable for a mosquito buffer and
  - (g) the imposition of other standard, relevant and suitable conditions for the subdivision.
2. That Council resolves to prepare a Planning Proposal to rezone each residential lot (other than proposed Lot 1 and reconfigured Lot 15) to R2 Low Density Residential.

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Jeff Johnson

1. That DA 2016/166 to undertake a 26 Lot residential subdivision and associated works at Lot 7 DP 1216761, Lot 12 DP 814039, Lot 52 DP 864764 & Crown Public Road, Henderson Drive and Kellie Anne Crescent, Skennars Head be **APPROVED**, inclusive of all the recommended conditions subject to:
- the deletion of Lot 26 and that the total urban allotments be reduced to 24.
2. That Council resolves to prepare a Planning Proposal to rezone each residential lot (other than proposed Lot 1 and reconfigured Lot 15) to R2 Low Density Residential.

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

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**250117/8      RESOLVED**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That DA 2016/166 to undertake a 26 Lot residential subdivision and associated works at Lot 7 DP 1216761, Lot 12 DP 814039, Lot 52 DP 864764 & Crown Public Road, Henderson Drive and Kellie Anne Crescent, Skennars Head be **APPROVED** subject to:
  - (a) the deletion of proposed Lot 16 and thereby reducing the proposed urban allotments to a total of 25
  - (b) the suitable re-alignment of the loop road (without any reliance upon Public Reserve Lot 62 lands) as shown in the alternative design
  - (c) the suitable provision of a minimum 10 metre by 15 metre building envelopes and minimum 17.5 metre wide easement on proposed Lots 25 and 26 to protect the vegetation within Public Reserve Lot 62 (unless the applicant can provide evidence that the proposed alternative footing means can be practically enforced having regard for Exempt and Complying Development)
  - (d) each proposed residential allotment having a minimum area of 800m<sup>2</sup> or greater
  - (e) each proposed lot (other than Lot 1 and reconfigured Lot 15) having a single dwelling house only
  - (f) preparation of a restriction on use by way of an 88B instrument under the Conveyancing Act 1919 informed by a qualified entomologist being applied to the relevant lots restricting the type, amount, and spacing of vegetation in the building line setbacks suitable for a mosquito buffer and
  - (g) the imposition of other standard, relevant and suitable conditions for the subdivision.
  
2. That Council resolves to prepare a Planning Proposal to rezone each residential lot (other than proposed Lot 1 and reconfigured Lot 15) to R2 Low Density Residential.

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

**Adjournment**

The Mayor declared the meeting adjourned at 1.11 pm

The meeting resumed at 1.49 pm

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**13.4 Notice of Motion - Shark Mitigation**

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Eoin Johnston

That Council make a submission to the Premier of NSW and the Minister for Primary Industries:

- (a) Requesting the installation of a shark net eastwards of the Lennox Head hotel at Seven Mile Beach. That this shark net be a component of the NSW Government's shark mitigation trial strategy and be additional to the shark net currently located eastwards of the Lennox Head Surf Club.
- (b) Requesting a monthly report from the Department of Primary Industries on the details of catch and release of marine life on the smart drumlines located off the coast of Ballina Shire. That the report includes data for sharks and any other marine by-catch, including information on times of checking of nets and the time and dates any deaths are confirmed.

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

That Council make a submission to the Premier of NSW and the Minister for Primary Industries:

- (a) Requesting a monthly report from the Department of Primary Industries on the details of catch and release of marine life on the smart drumlines located off the coast of Ballina Shire. That the report includes data for sharks and any other marine by-catch, including information on times of checking of nets and the time and dates any deaths are confirmed.
- (b) Requesting that all previously announced efforts to reduce the extent of by-catch in the shark net trial be implemented including:
  - the installation of smart alarm technology
  - ensuring nets are only in the water while they are able to be serviced
  - that the nets are checked a minimum of twice daily.

Cr Ben Smith left the meeting at 02:20 pm and returned at 02:23 pm.

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

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

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston and Cr Stephen McCarthy

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

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

That Council make a submission to the Premier of NSW and the Minister for Primary Industries:

- (a) Requesting the installation of a shark net eastwards of the Lennox Head hotel at Seven Mile Beach. That this shark net be a component of the NSW Government's shark mitigation trial strategy and be additional to the shark net currently located eastwards of the Lennox Head Surf Club.
- (b) Requesting a monthly report from the Department of Primary Industries on the details of catch and release of marine life on the smart drumlines located off the coast of Ballina Shire. That the report includes data for sharks and any other marine by-catch, including information on times of checking of nets and the time and dates any deaths are confirmed.
- (c) Requesting that all previously announced efforts to reduce the extent of by-catch in the shark net trial be implemented including:
  - the installation of smart alarm technology
  - ensuring nets are only in the water while they are able to be serviced
  - that the nets are checked a minimum of twice daily.

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

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

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

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

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

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

**250117/9        RESOLVED**

(Cr Jeff Johnson/Cr Sharon Parry)

That Council make a submission to the Premier of NSW and the Minister for Primary Industries:

- (a) Requesting the installation of a shark net eastwards of the Lennox Head hotel at Seven Mile Beach. That this shark net be a component of the NSW Government's shark mitigation trial strategy and be additional to the shark net currently located eastwards of the Lennox Head Surf Club.

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- (b) Requesting a monthly report from the Department of Primary Industries on the details of catch and release of marine life on the smart drumlines located off the coast of Ballina Shire. That the report includes data for sharks and any other marine by-catch, including information on times of checking of nets and the time and dates any deaths are confirmed.
- c) Requesting that all previously announced efforts to reduce the extent of by-catch in the shark net trial be implemented including:
- the installation of smart alarm technology
  - ensuring nets are only in the water while they are able to be serviced
  - that the nets are checked a minimum of twice daily.

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

Cr Wright declared an interest in Item 8.3 and left the meeting at 02:26 pm.

Cr Jeff Johnson, Deputy Mayor assumed the Chair.

**8.3 DA 2016/598 - Tree Removal - Alstonville Public School**

**250117/10      RESOLVED**

(Cr Phillip Meehan/Cr Sharon Cadwallader)

That Council seek the concurrence of the Minister for Planning to refuse the application.

FOR VOTE - 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  
ABSENT. DID NOT VOTE - Cr David Wright

Cr David Wright returned to the meeting at 02:33 pm as assumed the Chair.



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**8.4 Compliance Work Plan - Six Monthly Update**

**250117/11      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report on the status of the Compliance Work Plan for 2016/17.

FOR VOTE - All Councillors voted unanimously.

**8.5 Development Applications – Variation to Development Standards**

**250117/12      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

**8.6 Development Consent and Infrastructure Approvals - December 2016**

**250117/13      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 December 2016 to 31 December 2016.

FOR VOTE - All Councillors voted unanimously.

**8.7 Development Applications - Works in Progress - January 2017**

**250117/14      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of the report on the status of outstanding development applications for January 2017.
2. That DA 2017/7 and DA 2016/690 be called in and dealt with by Council.
3. That Council hold a briefing on DA 2016/746 in order to determine whether Council wishes to make a submission to the Joint Regional Planning Panel.

FOR VOTE - All Councillors voted unanimously.

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

**9.1 LEP Amendment Request - 17 Bath Street Wardell**

**250117/15 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the preparation of a planning proposal which proposes to rezone Lot 1, Section 15, DP 759050, 17 Bath Street Wardell to R2 Low Density Residential as outlined in this report.
2. That the planning proposal, once prepared, be forwarded to the Department of Planning and Environment for a Gateway determination.
3. That subject to a Gateway determination allowing the proposal to proceed to community consultation being issued, and adequate studies in support of the planning proposal being prepared, the procedural steps associated with progression of the planning proposal including public exhibition be undertaken.
4. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.

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

**9.2 LEP Amendment Request - Southern Cross Industrial Estate**

**250117/16 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses, for Gateway determination, the application of an IN1 General Industrial Zone and associated changes to planning provisions in relation to Part Lot 952 DP 1165266, 25-39 Boeing Avenue, Ballina, Part Lots 2-5 DP 123781, Corks Lane, Ballina and the adjacent Boeing Avenue road reserve in accordance with the planning proposal contained in Attachment One.
2. That Council submits the planning proposal to the Department of Planning and Environment for review and Gateway determination.
3. That Council advises the Department that it does not wish to seek or exercise delegation in relation to completion of this planning proposal.
4. That upon an affirmative Gateway determination being received, the procedural steps associated with the progression of the planning proposal, including public exhibition, be undertaken.

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5. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.

FOR VOTE - All Councillors voted unanimously.

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

**10.1 Use of Council Seal**

**250117/17      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council affix the Common Seal to the following document.

US17/01	LPI forms and associated documentation relating to the removal of the "public reserve" notation from the certificates of title for the following properties:  Lot 29 in DP230062 (Cnr Grant and Marsh Streets, Ballina) Lot 47 in DP240657 (3 Basalt Court, Lennox Head) Lot 43 in DP1168665 (8 Seamist Place, Lennox Head) Lot 1 in DP850774 (58-62 Westlands Drive, Ballina) Lot 52 in DP842077 (25 Claire Circuit, Ballina) Lot 2 in DP850774 (Westlands Drive, Ballina)
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FOR VOTE - All Councillors voted unanimously.

**10.2 Investment Summary - December 2016**

**250117/18      RESOLVED**

(Cr Eoin Johnston/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

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**10.3 Delivery Program and Operational Plan Review - 31 December 2016**

**250117/19      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this six month review in respect to the implementation of the 2016/17 to 2019/20 Delivery Program and Operational Plan.
2. That Council notes the contents of this report in respect to the preparation of the draft 2017/18 to 2020/21 Delivery Program and Operational Plan.
3. That Council investigate potential water loss in the coastal recreational path precinct (underpass to overpass).

FOR VOTE - All Councillors voted unanimously.

**11. Civil Services Group Reports**

**11.1 Ballina Seagulls Rugby League Club - Crown Lease Review**

**250117/20      RESOLVED**

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council provides in principle support to the return of the Seagulls Rugby League Club clubhouse to Council management (as Reserve Trust Manager), subject to clarification in respect to the overall condition of the building, along with the feasibility of the revenues being generated from the sale of the poker machines to significantly reduce or remove any maintenance liabilities for the clubhouse.

FOR VOTE - All Councillors voted unanimously.

**11.2 Tender - Wollongbar Residential Estate - Stage Two**

**250117/21      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to finalise negotiations with Cambra Holdings Pty Ltd T/a Morgans Earthworks for civil construction works for Wollongbar Residential Estate Stage 2.
2. That upon the conclusion of negotiations Council authorises the General Manager to affix the Council seal to the relevant contract documents and execute same.

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3. That Council approves an increase in the 2016/17 capital expenditure budget for the Wollongbar Residential Estate of \$416,000, funded from the Property Development Reserve. That Council also approves an increase in the forecast sales income for this project in 2017/18 from \$1.8m to \$2.2m based on the current level of pre-sales.

FOR VOTE - All Councillors voted unanimously.

**13. Notices of Motion**

**13.1 Notice of Motion - Coastal Recreational Path - Inspection**

**250117/22      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council arrange an onsite inspection of the newly completed section of the coastal shared path and of the proposed next stage of the coastal walkway with engineering staff.

FOR VOTE - All Councillors voted unanimously.

**13.3 Notice of Motion - RMS Pacific Highway Signage**

**250117/23      RESOLVED**

(Cr Phillip Meehan/Cr Jeff Johnson)

That Ballina Shire Council seeks urgent facilitation of the significant highway signage promised for Ballina by the NSW Roads and Maritime Service.

FOR VOTE - All Councillors voted unanimously.

**13.5 Notice of Motion - "Eco-Barrier" - Shaws Bay / Missingham Bridge**

**250117/24      RESOLVED**

(Cr Phillip Meehan/Cr Keith Williams)

That Council in partnership with the NSW Government investigate the feasibility and cost of installing an 'eco-barrier' (shark barrier) at the Missingham Bridge / Shaws Bay Beach or the Spit Beach area in the Richmond River for the 2017/18 summer season.

FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Nathan Willis and Cr Keith Williams

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

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**13.7 Notice of Motion - Discontinuation of Proposed Special Rate Variation**

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

1. That Council not proceed with the proposed special rate variation.
2. That Council as part of its 2016/2017 budget discussions consider allocating additional funds towards initiatives that will improve the long-term health of the Richmond River and its estuaries within the Ballina Shire.

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

FOR VOTE - Cr Phillip Meehan and Cr Jeff Johnson

AGAINST 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

**14. Advisory Committee Minutes**

Nil Items

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

**15.1 Mayoral Meetings**

**250117/25      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

**MEETING CLOSURE**

3.48 pm

The Minutes of the Ordinary Meeting held on 25/01/17 were submitted for confirmation by council on 23 February 2017 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 23 February 2017.