

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson (arrived at 9.03 am), Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams, Sharon Cadwallader and Ben Smith.

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

There were 13 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Fun Sing, Sam Green and Maia Stotter.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

3. Apologies

Nil

Cr Jeff Johnson arrived at the meeting at 09:03 am.

4. Confirmation of Minutes

270417/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 March 2017.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

5. Declarations of Interest and Reportable Political Donations

- **Cr Stephen McCarthy** – declared an interest in Item 10.10 – Capital Expenditure Review – 31 March 2017. (Nature of Interest: non significant, non pecuniary – he is a possible user of the proposed sports stadium). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Phillip Meehan** – declared an interest in Item 11.15 – Commercial Activities on Public Land - Surf School Licences. (Nature of Interest: non significant, non pecuniary - a family based acquaintance is the owner of a surf school. He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Ben Smith** - declared an interest in Item 11.6 – Nursery Operations - Overview. (Nature of Interest: non significant, non pecuniary - his wife works for one of the operators mentioned in the report. He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Eoin Johnston** – declared an interest in Item 14.1 – Finance Committee Minutes – 20 April 2017 and in particular to Item 4.9 of those minutes – Wollongbar Sports Fields – Budget Variance. (Nature of Interest: non significant, non pecuniary – he is a Life member of the Alstonville/Wollongbar Rugby Club). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Jeff Johnson** – declared an interest in Item 11.4 – Road Closing – Henderson Lane, Lennox Head (Review). (Nature of Interest: potential pecuniary interest – he has placed a deposit on a block of land adjoining that road reserve). He will be departing the meeting while the matter is discussed.
- **Cr Phillip Meehan** – declared an interest in Item 11.3 – Road Maintenance Works on Private Land. (Nature of Interest: non significant, non pecuniary – he is an acquaintance of a person who made representations on this matter). He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Angela Albertini** – spoke in favour of Item 8.2 – DA 2016/752 – 31 Russellton Drive, Alstonville.
- **Jan Punshon** – spoke in favour of Item 13.2 – Notice of Motion – Concealed Water Leak – 33 Redford Drive.
- **Ray Karam** – spoke in opposition to the recommendation in Item 8.1 – DA 2016/506 – 37 Conveys Lane, Wollongbar.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

- **Peter Prince** – spoke in opposition to Item 11.4 – Road Closing – Henderson Lane, Lennox Head (Review).
- **David Fuller** – spoke in favour of Item 11.1 – Bike Plan – Review of Public Exhibition.
- **Denis Magnay** – spoke in opposition to Item 11.1 – Bike Plan – Review of Public Exhibition.

7. Mayoral Minutes

Nil items.

8. Development and Environmental Health Group Reports

8.2 DA 2016/752 - 31 Russellton Drive, Alstonville

270417/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the proposed variations to the Ballina Shire Development Control Plan 2012 - Chapter 5 Clause 3.1.3 Building Appearance, as outlined in this report, to permit the use of texture coated blue board wall cladding to the Russellton Drive elevation and around the reveals of the storage shed roller doors fronting Northcott Crescent in the particular circumstances of DA 2016/752.
2. That Council support a variation to the DCP to allow the use of texture coated blue board, as part of the next review of the DCP.

FOR VOTE - All Councillors voted unanimously.

13.2 Notice of Motion - Concealed Water Leak - 33 Redford Drive

270417/3 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council only charge the step one rate for water consumed above the average annual consumption in respect to the units on 33 Redford Drive, Skennars Head, for water consumed during 2017/18, as the owners were not aware of the concealed leak that resulted in a large excess water charge.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

8.1 DA 2016/506 - 37 Converys Lane, Wollongbar

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

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

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

An **Amendment** was moved by Cr Johnson and seconded by Cr Phillip Meehan

1. That Council approve a further two year trial for the current development.
2. That Council require the applicant to provide information on a quarterly basis relating to the number of students and vehicles attending the facility. The information to be provided is to be based on a daily break-up.

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson and Cr Eoin Johnston

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

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

That this matter be deferred to allow a further report to be submitted to Council with draft conditions of consent for approval.

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

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

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

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, Cr Stephen McCarthy and Cr Ben Smith

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

270417/4 RESOLVED

(Cr Sharon Parry/Cr Jeff Johnson)

That this matter be deferred to allow a further report to be submitted to Council with draft conditions of consent for approval.

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

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

Adjournment

The Mayor declared the meeting adjourned at 10.35 am

The meeting resumed at 10.59 am

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

Cr Jeff Johnson declared an interest in Item 11.4 and was not in attendance at this stage.

11.4 Road Closing - Henderson Lane, Lennox Head (Review)

270417/5 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That in relation to Council resolution 230317/6 and in light of the information in the above report advising the resolution cannot be commenced for a minimum period of four years, Council now refuses the request for a road closing application to proceed for part of the former Henderson Lane adjacent to 37, 40, 42, 44 & 46 Kell Mather Drive at Lennox Head until such time as the Littoral Rainforest Restoration Plan works have been completed to the satisfaction of Council.

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

AGAINST VOTE - Cr Eoin Johnston

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Cr Jeff Johnson returned to the meeting at 11:05 am.

11.1 Bike Plan - Review of Public Exhibition

270417/6 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council adopts the exhibited Draft Bike Plan, as attached, subject to the following amendments:

- a) Introduction, Reader's Note, to include: "Please also note that for the purpose of this Bike Plan, 'cycling' denotes cycling for recreation, commuting, touring, utility (such as for shopping), and for sport. It excludes BMX, mountain bike riding, and track riding."
- b) East Ballina's Cycling Environment, p.23: Change from "There are existing issues with sight lines exiting the underpass from The Coast Road at Silver Gull Drive." Change to: "There are existing issues with sight lines exiting the underpass from The Coast Road to Beachfront Parade."
- c) Map 5 East Ballina's Cycling Environment p.38: Amend alignment of the Coastal Recreational Path on The Coast Road to more clearly illustrate approved plans.
- d) Map 5 East Ballina's Cycling Environment p.38: Delete proposed shared path (red line) along The Coast Road.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

- e) Map 5 East Ballina's Cycling Environment p.38: Change existing shared path (blue line) near The Coast Road to proposed on-road (red dotted line).
- f) Map 8 Skennar's Head Cycling Environment p.41: To be consistent with changes on Map 5, delete proposed shared path (red line) along The Coast Road.
- g) Map 8 Skennar's Head Cycling Environment p.41: To be consistent with changes on Map 5, change existing shared path (blue line) near The Coast Road to proposed on-road (red dotted line).
- h) Map 8 Skennar's Head Cycling Environment p.41: Change existing on road (blue dotted line, south-east corner) to existing shared path (blue line).
- i) Map 8 Skennar's Head Cycling Environment p. 41: Remove small section of proposed shared path (red line, south-east corner) along Beachfront Parade.
- j) Objective One Action Plan, EB1.15, p.50: Signage Silver Gull Drive: Amend wording of action detail to read "Install on road line-marking/signage along Silver Gull Drive".
- k) That Council include public access to the North Creek foreshore in the Bike Plan.
- l) That Council minimise the use of bollards where possible.

FOR VOTE - All Councillors voted unanimously.

A **Motion** was moved by Cr Eoin Johnston and seconded by Cr Ben Smith

That Council investigate a proposal to provide for the shared coastal pathway from Sharpes Beach to Pat Morton in the coastal reserve to have the capability for cycling.

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

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

8.3 Encroachments on Public Lands

270417/7 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

The Council notes the contents of this report and based on existing resources agrees to retain its existing approach to identifying and managing private encroachments into foreshore areas and waterways.

FOR VOTE - All Councillors voted unanimously.

8.4 Development Applications – Variation to Development Standards

270417/8 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 March 2017.

FOR VOTE - All Councillors voted unanimously.

8.5 Development Consent and Infrastructure Approvals - March 2017

270417/9 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

8.6 Development Applications - Works in Progress - April 2017

270417/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of the report on the status of outstanding development applications for April 2017.
2. That Council call in and consider DA 2016/757.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

9. Strategic and Community Facilities Group Reports

9.1 Local Environmental Plan - Deferred Matters Integration

270417/11 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

That Council addresses the deferred matters under the Ballina Local Environmental Plan 2012 through the following:

- (a) Retention of all deferred areas the subject of an environmental protection zone under the Ballina Local Environmental Plan 1987 as deferred areas (having the effect that the Ballina LEP 1987 will continue to apply).
- (b) Preparation of a planning proposal to integrate all deferred areas that are not subject to existing environmental protection zones under the Ballina Local Environmental Plan 1987 into the Ballina Local Environmental Plan 2012.
- (c) Application of the criteria established under the Northern Councils E Zone Review to the areas to be integrated into the Ballina Local Environmental Plan 2012 under point (b).

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

AGAINST VOTE - Cr Eoin Johnston and Cr Stephen McCarthy

Adjournment

The Mayor declared the meeting adjourned at 12.06 pm

The meeting resumed 1.02 pm

12. Public Question Time

Nil

11.3 Road Maintenance Works on Private Land

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

1. That Council continue to maintain the private access at Council's expense.
2. That Council receive a report on a possible pricing methodology and fee structure regarding this road maintenance.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

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

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

270417/12 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

A Motion of Dissent was moved by Cr Keith Williams and seconded by Cr Nathan Willis from the ruling of the Mayor, in allowing a motion involving road maintenance of Whytes Lane West as he was of the opinion that the matter of road maintenance of Whytes Lane West was not on the business paper.

The **Motion of Dissent** was **CARRIED**.

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

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

Cr Phillip Meehan subsequently withdrew a reference to Whytes Lane West in the original motion.

270417/13 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council notes the history of providing road maintenance services on private land at Coolgardie, Whytes Lane West and Deadmans' Creek Road as outlined in this report.
2. That based on the contents of this report Council confirms that it now considers these arrangements to be an inappropriate use of public monies as they provide a direct benefit to private persons beyond the level of waste collection service provided by Council for all other residents.
3. That Council confirms it will terminate its road maintenance service on private land at Coolgardie and Whytes Lane West, and any other locations that are identified in the future, with a twelve month notice period to residents. Affected residents may elect to receive their waste collection service at a suitable location on a public road, or enter an agreement authorising Council to use the private access, maintained at the owner's expense, for the purpose of providing the waste service.
4. That Council receive a further report on Deadmans' Creek Road.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

Adjournment

The Mayor declared the meeting adjourned at 1.25 pm

The meeting resumed at 2.08 pm
Cr Sharon Parry was not in attendance at this stage.

9.2 Policy (New) - Mobile Vending on Public Land

270417/14 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council endorses the Draft Mobile Vending on Public Land Policy, as attached to this report, for public exhibition.
2. That Council approves the public notice of the new fees associated with the policy is provided in accordance with Section 610F of the *Local Government Act* and included in Council's Fees and Charges document.
3. If no submissions are received in response to the public exhibition, Council adopts the Mobile Vending on Public Land Policy, as exhibited, and where submissions are received, that Council receive a further report on the policy and the outcomes of the public exhibition process.

Cr Sharon Parry returned to the meeting at 02:09 pm.

FOR VOTE - All Councillors voted unanimously.

9.3 Community Property - Lease Renewals

A **Motion** was moved by Cr Nathan Willis and seconded by Cr Eoin Johnston

1. That Council enters into lease agreements as set out in Tables 1 and 2 in accordance with the provisions of the *Local Government Act* and associated Regulation, with an alteration to increase from three years to five years for all properties in Table 1.
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 Tables 1 and 2 and the terms of the *Local Government Act* and associated Regulation.
3. That expressions of interest are sought for a new management committee for North Lakes Hall and that Council receives a further report on this property following the expressions of interest process.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

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

270417/15 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council enters into lease agreements as set out in Tables 1 and 2 in accordance with the provisions of the *Local Government Act* 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 Tables 1 and 2 and the terms of the *Local Government Act* and associated Regulation.
3. That expressions of interest are sought for a new management committee for North Lakes Hall and that Council receives a further report on this property following the expressions of interest process.

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Use of Council Seal

270417/16 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following documents.

US17/13	Forms and documents to enable the closing of a temporary road - Lot 229 DP 1107781, Perkins Close, Cumbalum.
US17/14	Lennox Community Market Licence Agreement - Renewal of temporary licence for the Lennox Head Community Market following the restructure and renaming of the licensee (formerly 'Northern Region SLSA Helicopter Rescue Service Pty Ltd' now 'Northern NSW Helicopter Rescue Service Ltd'). Term of licence agreement – 26 April to 30 September 2017.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

10.2 Investment Summary - March 2017

270417/17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

10.3 Ward Committees - Membership

270417/18 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the nominations from the Preserving Lake Ainsworth Association (Inc) to the B Ward Committee.

FOR VOTE - All Councillors voted unanimously.

10.4 Ballina Fair Go Skateboard Event - Funding Allocation

270417/19 RESOLVED

(Cr Eoin Johnston/Cr Sharon Parry)

That Council continues with an expression of interest process for the coordination of the Ballina Fair Go Skateboarding event for 2017 and 2018. The events will be subject to a finance agreement between Council and the successful applicant. The events will also be subject to an acquittal process.

FOR VOTE - All Councillors voted unanimously.

Cr Jeff Johnson left the meeting at 02:25 pm.

10.5 Delegations - Review

270417/20 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council delegates to the position of General Manager the functions and authorities of Schedule 1 and Schedule 2 of this report.
2. That Council confirms its delegations to the Reserve Trust Committee; are as follows, and as resolved at the September 2016, Ordinary meeting:

"To determine all matters in respect to items where Ballina Shire Council is the Reserve Trust Manager, excluding those not able to be delegated as per Section 377 of the Local Government Act".

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

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

10.6 Policy (Review) - EEO Policy and Management Plan

270417/21 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council adopts the EEO Policy and amended EEO Management Plan, 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.
3. That Council consider options to recruit long term unemployed as part of its overall employment strategy.

Cr Jeff Johnson returned to the meeting at 02:27 pm.

FOR VOTE - All Councillors voted unanimously.

10.7 Policy (Review) - Interaction Between Councillors and Staff

270417/22 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the Interaction Between Councillors and Staff 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.

10.8 Policy (Review) - Investments Policy

270417/23 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the Investments 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.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

10.9 Delivery Program and Operational Plan Review - 31 March 2017

270417/24 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this nine month review in respect to the implementation of the 2016/17 Delivery Program and Operational Plan.
2. That Council investigate the concept of an Aboriginal Reconciliation Committee to improve the effectiveness of the Aboriginal Community Committee.

FOR VOTE - All Councillors voted unanimously.

10.10 Capital Expenditure Review - 31 March 2017

270417/25 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the capital expenditure review for the period ending 31 March 2017.
2. That Council approves the following budget adjustments, as outlined in the attachments to this report, excluding items subject to separate reports to Council.

Item	Current Budget	Revised Budget	Variation	Comment
Open Spaces				
Wollongbar Skate Park	500,000	50,000	(450,000)	Transfer to 2017/18
Waste Management				
Conveyor System	315,000	15,000	(300,000)	Transfer to 2017/18
Resource Recovery	105,000	5,000	(100,000)	Transfer to 2017/18
Stockpile Processing	56,000	0	(56,000)	Transfer to 2017/18
External Roads	47,000	0	(47,000)	Transfer to 2017/18
Public and Environmental Health				
Shaws Bay CZMP	267,000	395,900	128,900	Inclusion of grant monies received
Operations Support				
Ballina Sports Centre	3,000	100,000	97,000	Increase based on likely expenditure – funded from internal reserve
Swimming Pools	1,379,000	8,090,700	6,711,700	Increase based on likely expenditure – funded from internal reserve and loans

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

Property – Commercial				
Wigmore Arcade	343,000	378,000	35,000	Increase based on actual expenditure – funded from internal reserve
Water				
Main Renewals	350,000	225,000	(125,000)	Saving based on likely expenditure
Reservoirs - Integrity Upgrades	500,000	100,000	(400,000)	Transfer to 2017/18
Water Pressure Management Zones	234,000	0	(234,000)	Transfer to 2017/18
Pump Stn – Basalt	210,000	50,000	(160,000)	Transfer to 2017/18
Trunk - East Ballina	800,000	600,000	(200,000)	Transfer to 2017/18
Marom Ck - Secure Yield	150,000	75,000	(75,000)	Transfer to 2017/18
Wastewater				
Pump Upgrade – Byron Street	1,531,000	931,000	(600,000)	Transfer to 2017/18
Pump - Skennars Head	204,000	100,000	(104,000)	Transfer to 2018/19
Treatment Plant – Lennox Decanters	100,000	0	(100,000)	Transfer to 2017/18
Treatment Plant – Alstonville	115,000	0	(115,000)	Transfer to 2017/18
Treatment Plant – Lennox Various	76,000	64,400	(11,600)	Saving
Trunk Mains – WUEA	155,000	45,000	(110,000)	Transfer to 2017/18
Desalination	545,000	300,000	(245,000)	Saving
Montwood Drive	575,000	240,000	(335,000)	Saving
Engineering Works				
Stormwater - Cherry	0	21,000	21,000	Increase based on estimated costs
Stormwater - Martin	16,000	0	(16,000)	Offset for above item
Stormwater – Lanes	5,000	0	(5,000)	As above
Skinner Street (segment 10)	312,000	469,700	157,700	Based on actual cost
Sunnybank Drive, Ballina	313,000	269,300	(43,700)	Offset for above adjustment
Swift Street, Ballina	114,000	0	(114,000)	As above
Path - Gibbon Street	40,000	51,000	11,000	Based on actual
Path - Park Lane	11,000	0	(11,000)	Offset for above item

3. That Council make representations to the Minister for Education and/or Planning in relation to the provision of carparking on the Ballina Coast High School redeveloped site.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

11. Civil Services Group Reports

11.2 Kings Court Reserve - Embellishments

270417/26 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council allocates \$10,500 for the provision of one BBQ at the Kings Court Reserve and sufficient funds to install covered table and seating.
2. That Council allocates \$50,000 for the provision of a shade structure at the Kings Court Reserve.
3. That the source of funds for the works in points one and two is the Wastewater Reserve.

FOR VOTE - All Councillors voted unanimously.

11.5 Commercial Activities on Public Land - Surf School Licences

270417/27 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council extend the current licences for surf schools, elite surf coaching and stand up paddle boarding until 30 April 2018 and implement a pro rata charge of the 2017/18 fees and charges, with these licences to be generally administered within the terms of Council's Commercial Activities on Public Lands Policy.
2. Council undertakes a tender process upon the renewal of a head licence with Department of Primary Industries – Lands for commercial activities on public land involving waterbody access.
3. That Council review the fee levels prior to the tender process.

FOR VOTE - All Councillors voted unanimously.

11.6 Nursery Operations - Overview

270417/28 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report in respect to the operation of the Gap Road Nursery, Alstonville.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

11.7 Fig Tree - Castle Drive

270417/29 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report in respect to the Fig Tree in Castle Drive.

FOR VOTE - All Councillors voted unanimously.

11.8 Ocean Pool - Acceptance of Grant Funds

270417/30 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council accept and thank the NSW Government for the grant offered to support the preparation of the planning approval documentation for the proposed ocean pool.
2. That Council write to the Ballina Ocean Pool Committee Inc advising the Committee of Council's decision in point one and Council's requirements for the funds which include:
 - a) The Committee is to submit a project plan setting out the key activities, required resources, budget estimates, key risks, and the program expected to achieve planning approval for the project
 - b) Expenditure of the grant funds is to be completed in accordance with Council's procurement procedures
 - c) Any other requirements established as conditions of the grant or to ensure compliance with existing Council policy or procedures.

FOR VOTE - All Councillors voted unanimously.

11.9 Policy (Review) - Community Events Signage

270417/31 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Community Events Signage 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.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

11.10 Policy (Review) - Naming of Council Owned Facilities

270417/32 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Naming of Council Owned Facilities 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.

11.11 Tender - Treatment Plant SCADA Integration

270417/33 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council accepts the tender from 360 Engineering Pty Ltd for the Treatment Plant SCADA Integration of Alstonville and Wardell WWTPs for the tendered amount of \$958,516.61 (ex GST).
2. That Council fund this project by transferring \$337,000 from wastewater reserves, with that funding more than offset by savings in other capital expenditure projects as reported to Council in the 31 March 2017 Capital Expenditure Update report included elsewhere in this business paper.
3. That Council authorises the Council seal to be attached to the contract documents.

Cr Phillip Meehan left the meeting at 03:33 pm.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

11.12 Tender - Industrial Subdivision North Creek Road Ballina

270417/34 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to accept the tender from Civil Logic Pty Ltd for civil construction works for North Creek Road industrial subdivision, subject to satisfactory negotiations for additional works relating to the berm, as per the information outlined in this report.
2. That upon the conclusion of negotiations Council authorises the Council seal to be attached to the contract documents.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Phillip Meehan

13. Notices of Motion

13.1 Notice of Motion - NBN Co for Wardell

270417/35 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council write to the local member, NBN Co and relevant Federal Ministers requesting NBN Co reverse its decision to delay its service delivery by another two years to Wardell
2. That Council request a response in relation to ADSL capacity in Wollongbar.

Cr Phillip Meehan returned to the meeting at 03:35 pm.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

13.3 Notice of Motion - Enclosed Off-Lead (Dog) Exercise and Training Areas

270417/36 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council include in the 2017/18 Operational Plan an action to investigate the feasibility and establishment, subject to funding, of at least one enclosed off-lead dog exercise area in Ballina Shire.

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

13.4 Notice of Motion - Wild Dogs

270417/37 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council write to the relevant members of Parliament and State Government Agencies seeking a far more proactive approach to address the problem of wild dog control in areas that are known as "peri-urban" regions across our Shire and the Far North Coast.

FOR VOTE - All Councillors voted unanimously.
AGAINST VOTE - Cr Phillip Meehan

Cr Jeff Johnson left the meeting at 03:49 pm.

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 20 April 2017

270417/38 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the minutes of the Finance Committee meeting held 20 April 2017 and that the recommendations contained within the minutes be adopted, with the exception of Items 4.8 and 4.12 which shall be dealt with separately.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

Item 4.8 - Fees and Charges - 2017/18

270417/39 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

1. That Council approves the exhibition of the draft schedule of fees and charges for 2017/18 as attached, including any amendments resulting from this meeting.
2. That Council trial, for a period of 12 months, the introduction of a 50% pensioner/health care card holder discount for ferry season tickets by altering current ferry fees applicable to caravans and trailers to replace the current relevant fee and introduce two new fees. The first fee to be \$11.60 for vehicle and 1-axle trailer and the second fee to be \$17.40 for vehicle and 2-axle trailer and all caravans.

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

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Delivery Program and Operational Plan - Exhibition

270417/40 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That Council approves the exhibition of the draft Delivery Program and Operational Plan document, as attached to this report, inclusive of any changes arising from this meeting, as follows:

- Elizabeth Ann Brown Park, Alstonville – consideration of implementation of the masterplan with the focus on the plinth.
- Consideration of installation of BBQs at Missingham Beach/Shaws Bay and any other appropriate sites.
- Bulwinkle Park, Alstonville – that Council arrange a meeting with relevant stakeholders in relation to proposed improvements and if a plan of management is required, that consideration be given at the June meeting to the preparation and implementation of such a plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

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

15.1 Mayoral Meetings

270417/41 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

16. Confidential Session

270417/42 RESOLVED

(Cr Ben Smith/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 Fig Tree - Castle Drive - Legal Advice

Reason for Confidentiality

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

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

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

(The Council moved into Confidential Session at 4.35 pm).

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/04/17 AT 9.00 AM**

Open Council

270417/43 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

(The Council moved into Open Council at 4.38 pm).

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

16.1 Fig Tree - Castle Drive - Legal Advice

CF270417/44 RECOMMENDED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the information contained in this confidential report in respect to the Fig Tree in Castle Drive, including the attached legal advice.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Adoption of Recommendation from Confidential Session

270417/45 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

MEETING CLOSURE

4.39 pm

The Minutes of the Ordinary Meeting held on 27/04/17 were submitted for confirmation by council on 25 May 2017 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 May 2017.