

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson (arrived at 9.10 am), Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Robyn Hordern and Ben Smith.

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

There were 33 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 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

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

280716/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That such apology be accepted.

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 28/07/16 AT 9.00 AM**

4. Confirmation of Minutes

280716/2 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 June 2016.

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

5. Declarations of Interest and Reportable Political Donations

Cr Keith Williams – declared an interest in Item 10.4 – Donations – Financial Assistance and Community Halls and in particular to the donation request from Australian Seabird Rescue. (Nature of Interest: non significant, non pecuniary - he is Vice President of the Association). .He will be departing the meeting while the matter is discussed.

Cr Keith Williams – declared an interest in Item 10.5 – Donations – Rates and Charges 2016/17 and in particular to the wastewater charges for Australian Seabird Rescue. (Nature of Interest: non significant, non pecuniary - he is Vice President of the Association). .He will be departing the meeting while the matter is discussed.

Cr Jeff Johnson – later in the meeting declared an interest in Item 13.2 – Rescission Motion - Planning Proposal – Blue Seas Parade, Lennox Head. (Nature of Interest: non significant, non pecuniary – a company he worked for has worked on that property). He will be departing the meeting while the matter is discussed..

There were no reportable political donations.

6. Deputations

- **John Waygood** – spoke in opposition to Item 9.1 – Planning Proposal (BSCPP 14/002) – Reservoir Hill, Lennox Head.
- **Fred Goodman** – spoke in opposition to Item 11.1 - Ocean Breeze Reserve – Proposed Cycle Track.

Cr Jeff Johnson arrived at the meeting at 09:10 am.

- **Graham Shaw** – spoke in favour of Item 11.1 – Ocean Breeze Reserve – Proposed Cycle Track.
- **Pamela Andrews** – spoke in opposition to Item 8.1 – DA 2016/25 – Service Station, River Street, Ballina.
- **Klute Griese, Retail Fuel Development Pty Ltd** – spoke in favour of Item 8.1 - DA 2016/25 – Service Station, River Street, Ballina.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

- **Jenny Rudolph, Intrapac** – spoke in favour of Item 9.2 – Development Control Plan Amendment- Skennars Head Expansion.
- **Max Ryan** – spoke in favour of Item 13.4 – Notice of Motion – Coastal Recreational Path Alignment.
- **David Fuller**– spoke in favour of Item 13.5 – Notice of Motion – Draft Ballina Bike Plan – Beachfront Parade.
- **David Fuller** – spoke in favour of Item 13.7 – Notice of Motion – Viewing Platforms at Angels Beach.
- **Monica Wilcox** – spoke in favour of Item 10.6 – Capital Expenditure Program – Resolutions Review and in particular to the Gibbon Street, Lennox Head Footpaths.
- **George Farley** – spoke in favour of Item 13.2 – Rescission Motion – Planning Proposal – Blue Seas Parade.
- **Peter Small** – spoke in opposition to Item 13.2 – Rescission Motion – Planning Proposal – Blue Seas Parade.
- **Dr Effie Ablett** – spoke in favour of Item 13.9 – Notice of Motion – Alstonville’s bitumen Batching Plant.
- **Denis Magnay** – spoke in favour of Item 13.6 – Notice of Motion – Access for 4WD Vehicles at Angels Beach.
- **Monique Feain** – spoke in favour of Item 13.8 – Notice of Motion – Developer Contributions for Small Businesses.
- **John Wise** – spoke in support of Item 13.11 – Notice of Motion – Ballina Ocean Pool.

7. Mayoral Minutes

Nil

9.1 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

280716/3 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to rezone part of Lot 1 DP 517111, and 2 DP 517111, and sections of the adjoining road reserves, at North Creek Road, Lennox Head, to facilitate future residential development, as detailed in Planning Proposal BSCPP 14/002, including the zone boundary adjustments as shown in Diagram 4 (item B) contained within this report.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 14/002 under delegated authority.

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 28/07/16 AT 9.00 AM**

Adjournment

The Mayor declared the meeting adjourned at 10.26 am

The meeting resumed at 10.47 am

11.1 Ocean Breeze Reserve - Proposed Cycle Track

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Paul Worth

1. That Council authorises the General Manager to complete the procurement of a cycle track at Ocean Breeze Reserve generally in accordance with the scale and location of the concept proposal illustrated in attachment one to this report, with any costs associated with this project to be funded from the Open Spaces and Reserves operations budget.
2. That Council authorises the General Manager to prepare a draft plan of management for Ocean Breeze Reserve, with that draft plan to be reported back to Council prior to exhibition. The costs of this plan are to be funded from the Open Spaces and Reserves operations budget.

An **Amendment** was moved by Cr Susan Meehan and seconded by Cr Robyn Hordern

1. That Council defer consideration of the cycle track and community garden proposals until the plan of management is prepared and considered.
2. That Council authorises the General Manager to prepare a draft plan of management for Ocean Breeze Reserve, with that draft plan to be reported back to Council prior to exhibition. The costs of this plan are to be funded from the Open Spaces and Reserves operations budget.

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Ken Johnston

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

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

1. That Council defer consideration of the cycle track and community garden proposals until the plan of management is prepared and considered.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

2. That Council authorises the General Manager to prepare a draft plan of management for Ocean Breeze Reserve, with that draft plan to be reported back to Council prior to exhibition. The costs of this plan are to be funded from the Open Spaces and Reserves operations budget.
3. That the draft plan of management include the provision of a cycle track.

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

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Ken Johnston and Cr Paul Worth

AGAINST VOTE - Cr David Wright, Cr Keith Williams, Cr Susan Meehan, Cr Ben Smith and Cr Robyn Hordern and the casting vote of the Mayor

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

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson, Cr Ken Johnston and Cr Paul Worth

280716/4 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council defer consideration of the cycle track and community garden proposals until the plan of management is prepared and considered.
2. That Council authorises the General Manager to prepare a draft plan of management for Ocean Breeze Reserve, with that draft plan to be reported back to Council prior to exhibition. The costs of this plan are to be funded from the Open Spaces and Reserves operations budget.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson, Cr Ken Johnston and Cr Paul Worth

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

8. Development and Environmental Health Group Reports

8.1 DA 2016/25 - Service Station, River Street, Ballina

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

That DA 2016/25 to undertake the demolition of the existing buildings for the construction of a Service Station, Ancillary Kiosk and associated works at Lot 12 DP 1086670, No. 323 River Street, Ballina be **REFUSED** on the following grounds:

- Not in the public interest
- Increased traffic impacts

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

That this matter be deferred to a Councillor briefing for further consideration of traffic management issues.

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

FOR VOTE - Cr David Wright, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern
AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Ken Johnston

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

FOR VOTE - Cr David Wright, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern
AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Ken Johnston

280716/5 RESOLVED

(Cr Keith Johnson/Cr Keith Williams)

That this matter be deferred to a Councillor briefing for further consideration of traffic management issues.

FOR VOTE - Cr David Wright, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern
AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

9.2 Development Control Plan Amendment - Skennars Head Expansion

280716/6 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That Council proceed to publicly exhibit the draft development control provisions for the Skennars Head Expansion Area provided in Attachment One to this report in accordance with the terms of the *Environmental Planning and Assessment Act 1979* and associated Regulation.
2. That following the public exhibition of the draft development control plan provisions, the matter be reported back to the elected Council for further consideration.

FOR VOTE - All Councillors voted unanimously.

13. Notices of Motion

13.4 Notice of Motion - Coastal Recreational Path Alignment

280716/7 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That as a matter of urgency Council undertake a review of the Coastal Recreation Path covering a distance of 160 metres of the segment from the Angels Beach Underpass to approximately chainage 160 of the GeoLink plan to determine whether there are options to further improve the safety and the experience of the walk.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams and Cr Susan Meehan

12. Public Question Time

12.1 Shark Barrier

Craig Zerk on behalf of the Lennox Head and Ballina Chapter of the Surfriders Foundation – given that it is now apparent that the shark barrier at Lighthouse Beach represents a greater risk of safety to surfers than from shark attacks, does Council support the installation of the barrier in the current alignment?

Paul Hickey advised that he was not aware of any evidence that supports the comment that the barrier provided a greater risk and Council doesn't have an adopted position on the shark barrier being installed by DPI.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

12.2 Eastern Road at Lake Ainsworth

Lavender – why there have been delays in the closure of the eastern road at Lake Ainsworth?

Paul Hickey advised that there has been a detailed design prepared but Council does not have planning approval to date to commence works.

12.3 Shark Barrier

Craig Zerk – given the significance of Lighthouse Beach as a recreational resource and tourism attraction, could I ask that Council formulate a position in relation to the shark barrier because for reasons of safety for the local community he would like the Council to have an opinion on this matter.

Paul Hickey advised that the shark barrier was a three year trial by DPI and it was reasonable for Council to adopt a position on the trial. This may take a few months of observing the barrier.

13.5 Notice of Motion - Draft Ballina Bike Plan - Beachfront Parade

280716/8 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

That Council amend the Draft Ballina Bike Plan to exclude the proposed shared pathway proposed for Beachfront Parade and that Council remove the Beachfront Parade footpath from the PAMP.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams and Cr Susan Meehan

Adjournment

The Mayor declared the meeting adjourned at 1.04 pm

The meeting resumed at 1.48 pm

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

13.7 Notice of Motion - Viewing Platforms at Angels Beach

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

That the two viewing platforms recently removed from Angels Beach be replaced and that the remaining platform be maintained to an acceptable standard.

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

That Council receive a report that provides a draft strategic asset management program for viewing platforms, walkways and beach access points within the Coastal Reserve.

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern

AGAINST VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern

AGAINST VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

280716/9 RESOLVED

(Cr Susan Meehan/Cr Keith Williams)

That Council receive a report that provides a draft strategic asset management program for viewing platforms, walkways and beach access points within the Coastal Reserve.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern

AGAINST VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Paul Worth 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 28/07/16 AT 9.00 AM**

10.6 Capital Expenditure Program - Resolutions Review

280716/10 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council approves the revised road reconstruction program as per Table Two of this report for inclusion in Council's Delivery Program and Operational Plan, due to the announcement of an additional \$1,011,000 in grant monies for Council as part of the recent Federal Election. If these monies are not forthcoming Council endorses the implementation of the original program of works for implementation in 2016/17, as per Table One of this report.

FOR VOTE - All Councillors voted unanimously.

A **Motion** was moved by Cr Ben Smith and seconded by Cr Keith Williams

That based on the submissions to the draft Delivery Program and Operational Plan, along with the announcement of RMS funding, Council amends the exhibited footpath and shared path construction program for 2016/17 as follows:

- a) Replacement of Ross Street with Gibbon Street (\$40,000) for works commencing at Byron Street and finishing north of Foster Street
- b) Reduction of Compton Drive from \$80,000 to \$40,000
- c) Inclusion of \$40,000 to match an RMS grant of \$40,000 to review Council's Pedestrian Access and Mobility Plan (PAMP).

An **Amendment** was moved by Cr Paul Worth and seconded by Cr Keith Johnson

That based on the submissions to the draft Delivery Program and Operational Plan, along with the announcement of RMS funding, Council amends the exhibited footpath and shared path construction program for 2016/17 as follows:

- a) Replacement of Ross Street with the review of Council's Pedestrian Access and Mobility Plan (PAMP) (\$40,000).

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

FOR VOTE - Cr Keith Johnson and Cr Paul Worth

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Ben Smith and Cr Robyn Hordern

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Johnson and Cr Paul Worth

280716/11 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That based on the submissions to the draft Delivery Program and Operational Plan, along with the announcement of RMS funding, Council amends the exhibited footpath and shared path construction program for 2016/17 as follows:

- a) Replacement of Ross Street with Gibbon Street (\$40,000) for works commencing at Byron Street and finishing north of Foster Street
- b) Reduction of Compton Drive from \$80,000 to \$40,000
- c) Inclusion of \$40,000 to match an RMS grant of \$40,000 to review Council's Pedestrian Access and Mobility Plan (PAMP).

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Johnson and Cr Paul Worth

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

That Council defer any action on the road reserve through the Lake Ainsworth Caravan Park until the impacts of the proposed ski jump facility at the NSW Sport and Recreation Centre are known.

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

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Ken Johnston

AGAINST VOTE - Cr David Wright, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

280716/12 RESOLVED

(Cr Paul Worth/Cr Keith Williams)

That Council authorises the General Manager to undertake discussions with North Coast Holiday Parks and related agencies in respect to the possible sale of the Council road reserve through the Lake Ainsworth Caravan Park. These discussions are not to commit Council to the sale of the road reserve but rather to assess whether this is a viable option to raise additional income to assist in undertaking the works identified for the southern road as part of the Lake Ainsworth South Eastern Precinct redevelopment. The outcomes of these discussions are to be reported back to Council for further direction from the Council.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern
AGAINST VOTE - Cr Ken Johnston

280716/13 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council approves a review of the forecast cash flows for the Community Infrastructure Reserve to allow the expansion of the Skennars Head Sports Fields to be undertaken during 2017/18. This review is to consider the possibility of increased land sales above budget, along with the possible deferral of the Ballina Town Entry Treatments and Captain Cook Master Plan budgets.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern
AGAINST VOTE - Cr Susan Meehan

Cr Jeff Johnson – at this point declared a non significant, non pecuniary interest in Item 13.2 and left the meeting at 2:32 pm.

13.2 Rescission Motion - Planning Proposal - Blue Seas Parade

280716/14 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That resolution 230616/8, as follows, be rescinded:

1. *That the planning proposal relating to land comprising part Lot 1 and part Lot 2 DP 1165957, Blue Seas Parade, Lennox Head be amended to make provision for the altered zoning and minimum lot size regime as shown in Diagram 3 within this report, with the proposed residential zone being no closer than 50 metres from the common property boundary to the south (Mr and Mrs Small's property).*
2. *The existing maximum building height of 8.5 metres applicable to the site be retained.*
3. *The amended planning proposal be submitted to the NSW Department of Planning and Environment for an altered Gateway determination.*
4. *A draft amendment to Ballina DCP 2012 be prepared which incorporates the rear setback provisions applied by the Codes SEPP to lots having an area of 1,200m² as detailed in this report, as well as appropriate slope sensitive design principles as recommended in the Mike Svikis Planning report.*

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

5. *Upon an altered Gateway determination being received, Council authorise the public exhibition of the planning proposal and draft amendments to Ballina DCP 2012 for a minimum period of 28 days.*
6. *That the matter be reported for further consideration by Council following the mandatory public exhibition period.*

FOR VOTE - Cr David Wright, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Jeff Johnson

280716/15 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That the planning proposal relating to land comprising part Lot 1 and part Lot 2 DP 1165957, Blue Seas Parade, Lennox Head be amended to make provision for the altered zoning and minimum lot size regime as shown in Diagram 3 within this report.
2. The existing maximum building height of 8.5 metres applicable to the site be retained.
3. The amended planning proposal be submitted to the NSW Department of Planning and Environment for an altered Gateway determination.
4. A draft amendment to Ballina DCP 2012 be prepared which incorporates the rear setback provisions applied by the Codes SEPP to lots having an area of 1,200m² as detailed in this report, as well as appropriate slope sensitive design principles as recommended in the Mike Svikis Planning report.
5. Upon an altered Gateway determination being received, Council authorise the public exhibition of the planning proposal and draft amendments to Ballina DCP 2012 for a minimum period of 28 days.
6. That the matter be reported for further consideration by Council following the mandatory public exhibition period.

FOR VOTE - Cr David Wright, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Cr Jeff Johnson returned to the meeting at 02:45 pm.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

13.9 Notice of Motion - Alstonville's Bitumen Batching Plant

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

1. That Council acknowledges that recent NSW Government Guidelines recommend a buffer of 1,000m between Boral's Bitumen Batching plant and the residential area at Alstonville.
2. That Council acknowledges that a number of houses in the Alstonville area that are within the 1,000m buffer zone regularly experience a strong bitumen odour in their homes.
3. That Council investigate alternative locations for Boral's bitumen batching plant that are further away from residential properties.
4. That Council contact the EPA and ask that the emissions from the Boral Batching Plant be tested and reported to Council.

Cr Robyn Hordern left the meeting at 02:53 pm.

An **Amendment** was moved by Cr Keith Johnson and seconded by Cr Susan Meehan

That Council contact the EPA and ask that the emissions from the Boral Batching Plant be tested and reported to Council.

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

280716/16 RESOLVED

(Cr Keith Johnson/Cr Susan Meehan)

That Council contact the EPA and ask that the emissions from the Boral Batching Plant be tested and reported to Council.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

13.6 Notice of Motion - Access for 4WD Vehicles at Angels Beach

280716/17 RESOLVED

(Cr Ken Johnston/Cr Keith Williams)

That the status quo be maintained for four wheel drive access to Angels Beach after the construction of the Coastal Recreational Pathway, as per the Ballina Coastal Reserve Plan of Management 2003.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Robyn Hordern

13.8 Notice of Motion - Developer Contributions for Small Businesses

280716/18 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council receive a report on options that could be considered to reduce, or waive, the developer contributions payable by smaller sized businesses when starting up or transferring their business location.
2. The objective of the reduction, or waiver, would be designed to assist in encouraging the establishment of small businesses in our Shire and to assist those businesses to survive in the first few years of operation.
3. The report is also to examine options where the reduction, or waiver, could be targeted at certain types of businesses that may assist in enhancing the overall commercial activity in our Shire.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

13.11 Notice of Motion - Ballina Ocean Pool

280716/19 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council allocate \$15,000 from the Community Infrastructure Reserve to assist with the costs associated with preparing the environmental and engineering reports needed for the Ballina Ocean Pool (Shelly Beach rock shelf) approval process.

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston and Cr Paul Worth

AGAINST VOTE - Cr David Wright, Cr Keith Johnson, Cr Susan Meehan and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Robyn Hordern

13.10 Notice of Motion - Demolition of the Shelly Beach Café Building

280716/20 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council conduct a site inspection of the Shelly Beach Café building due to safety concerns, squatters and extensive damage that has occurred at the abandoned building.
2. That Council convene a meeting with the new lessee of this site to determine whether they intend to build a new café on the site and if not, discuss the possibility of Ballina Shire Council inviting expressions of interest from other parties to ensure that this once iconic Café can be re-established.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

13.3 Notice of Motion - Tosha Falls - Plan of Management

280716/21 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council authorises the General Manager to prepare a plan of management for the Tosha Falls site to assist with long term planning for the site.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson and Cr Keith Johnson

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

13.1 Rescission Motion - Ballina Indoor Sporting Facility Venture

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Keith Johnson

That Council rescind resolution 230616/35 as follows:

1. *That Council commits to provision of an indoor sporting facility in Ballina on the site of the Ballina High School through a joint venture with the NSW Department of Education.*
2. *That Council's commitment to the joint venture is based on:*
 - *provision of a sporting facility generally in accordance with the plans contained in Attachment 1 (comprising of the equivalent of two indoor sporting courts provided by Council and two by the Department of Education).*
 - *a capital cost for the facility of approximately \$9.35 million to be paid in instalments.*
 - *a long term lease arrangement of 50 years.*
 - *the inclusion of a clause where any non-renewal of the lease results in a payout to Council of the asset value.*
 - *consideration of a commercial kitchen.*
 - *inclusion of a mezzanine seating level.*
3. *That Council acknowledges that in committing to this joint venture it is accepting the following risks / conditions:*
 - *The funding for this project is being sourced, in part, from the Landfill and Resource Management Reserve, which significantly restricts the ability of our waste operations to respond to any changes in legislative and operational arrangements for the next three to four years*
 - *The funding is based on a grant of \$4 million, with no guarantee that this source of funding will be provided during the construction of the project*
 - *If the grant funding is not secured, Council accepts that other revenue raising measures such as above the rate pegging limit rate increases may be needed to ensure the long term financial viability of Council*
 - *The construction of this facility, as a new asset, will place increased pressure on our ability to achieve compliance with the State Government's Fit for the Future Program, as the facility is likely to operate at a significant cost to the community, particularly once the depreciation expense is included*
 - *That all efforts need to be made to ensure our contribution is limited to the agreed figure to limit any further deterioration in our overall financial position.*
4. *That the General Manager is authorised to complete negotiations with the Department of Education to formalise the joint venture arrangement as well as operational and maintenance agreements to enable delivery of the project. The General Manager is also to report back to Council any matters that are considered to be of such significance by the General*

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

Manager, that they require a Council determination.

5. *That Council affix the common seal to the joint venture agreement and associated documentation.*
6. *That the detailed design phase include community consultation.*
7. *That Council receive a report on options for financing the inclusion of the mezzanine level.*

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

FOR VOTE - Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan and Cr Paul Worth

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Ken Johnston and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Robyn Hordern

Adjournment

The Mayor declared the meeting adjourned at 5.00 pm

The meeting resumed at 5.13 pm

8.2 DA 2015/98.2 - 17 Hill Street - Variation to LEP Standards

A **Motion** was moved by Cr Paul Worth

That the Section 96 application to vary the Ballina Local Environmental Plan 2012 Development Standard Clause 4.3 - Height of Buildings and Clause 4.4 - Floor Space Ratio for DA 2015/98 for modifications to the original approval as depicted in plans prepared by Arthur Colledge Sheets 1 to 4 be **APPROVED**.

The **Motion LAPSED**.

280716/22 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

That the Section 96 application to vary the Ballina Local Environmental Plan 2012 Development Standard Clause 4.3 - Height of Buildings and Clause 4.4 - Floor Space Ratio for DA 2015/98 for modifications to the original approval as depicted in plans prepared by Arthur Colledge Sheets 1 to 4 be **REFUSED** for the following reasons:

1. The development amendments are contrary to the provisions of the Ballina Local Environmental Plan (BLEP) 2012, Clauses 4.3 and 4.4.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

2. The scale and bulk of the amended development is an overdevelopment of the site and will have an adverse impact on the amenity of surrounding properties.
3. The amended development is not in the public interest.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Ben Smith

AGAINST VOTE - Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Robyn Hordern

8.3 Pacific Highway Upgrade - Status of Rehabilitation Works for T2E

280716/23 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That Council prepare a joint submission with Rous Water, Richmond River County Council, Far North Coast Weeds and Byron Shire Council to submit to the relevant Ministers on the matters detailed in this report, subject to the findings of a joint inspection of the project to be conducted toward the end of July 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

8.4 Pacific Highway Upgrade - Erection of Fauna (Koala) Fencing

280716/24 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council approves a formal submission to the NSW Roads and Maritime Services and the Federal Government seeking clarification on the matters detailed in this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

8.5 Policy (Review) - Management of Contaminated Land

280716/25 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Draft Management of Contaminated Land Policy, as attached to this report.
2. That Council place this policy on exhibition for community feedback, with any submissions received addressing substantive changes to the policy to be reported back to the Council. If no such submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

8.6 Development Standards - Variations

280716/26 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council notes the contents of this report with respect to the variations to development standards procedure and the new reporting regime for those development applications involving a request for a variation to a development standard of 10% or greater and for those applications determined under delegation that involve a variation to a development standard of less than 10%.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

8.7 Development Applications – Variation to Development Standards

280716/27 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of this report on the development applications approved under delegation for variations to development standards less than 10% for June 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

8.8 Development Consent and Infrastructure Approvals - June 2016

280716/28 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 June 2016 to 30 June 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

8.9 Development Applications - Works in Progress - July 2016

280716/29 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of the report on the status of outstanding development applications for 28 July 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

9. Strategic and Community Facilities Group Reports

9.3 Plan of Managment for Community Land - Review

280716/30 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That Council places on exhibition the revised Plan of Management for Community Land for for a minimum period of six weeks in accordance with the requirements of the *Local Government Act 1993*.
2. That following the conclusion of the public exhibition, a public hearing be held in relation to the proposed categorisation of land.
3. That following the conclusion of the public exhibition and public hearing, Council receive a further report detailing the outcomes of the processes.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

9.4 Policy (New) - Private Structures - Council Owned Waterways

280716/31 RESOLVED

(Cr Paul Worth/Cr Susan Meehan)

1. That Council adopts the Policy for Private Structures Within Council Owned (Public) Waterways, as contained in Attachment Four to this report.
2. That Council adopts licence fees in association with the policy as follows:

Fee Type	Amount (incl. GST)	When Payable
Application Fee	\$132	On initial application for a licence for a new structure
Licence Transfer Fee (change in ownership)	\$132	To transfer a licence to a new owner
Annual Licence Fee	\$220	When a licence is first issued and then annually

3. That Council applies the adopted licence fees in the following manner:
 - Application fees will be charged in relation to new structures or for existing structures where development approval is identified as being required.
 - New structures will initially be subject to both the application fee and the annual licence fee.
 - Existing lawful structures will be subject only to the annual licence fee. No application fee will be charged to implement the initial licence for these structures.
 - Where a property owner enters into a licence agreement for an existing structure with Council within three months of the commencement of the licensing program, the first annual licence fee will be waived. Annual licence fees will then be applicable for each year thereafter.
 - Fees will be charged on a per property basis rather than on a per structure basis.
 - Licence fees are to be applied on an annual basis aligning with financial years and are not to be applied on a pro rata basis.
4. Public notice of the new licence fees is to be provided in accordance with Section 610F of the Local Government Act and included in Council's Fees and Charges document.
5. That Council's decision is conveyed in writing to all land owners whose property is affected by the policy.
6. The Council amend the policy to allow sub-letting for private purposes.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith
AGAINST VOTE - Cr Sharon Cadwallader and Cr Keith Williams
ABSENT. DID NOT VOTE - Cr Robyn Hordern

..

9.5 Policy (New) - Community Property Leasing and Licensing

280716/32 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council adopts the Community Property Leasing and Licensing Policy as contained in Attachment 1 to this report.
2. That Council defer implementing any additional fees or charges in accordance with this policy to allow for further consultation with the user groups.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

9.6 Policy (Review) - Markets on Public Land

280716/33 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council adopts the amended Markets on Public Land Policy, as attached to this report.
2. That Council place this policy on exhibition for community feedback, along with the proposed fee of \$55 for applications to operate. Any submissions received are to be resubmitted back to the Council and if no submissions are received then no further reporting action is required.
3. That upon implementation of the revised policy, the fee of \$55 for applications to operate (or renew operation of) a market on public land be incorporated into the Council's adopted fees and charges schedule.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

9.7 Policy (Review) - Public Art

280716/34 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council adopts the amended Public Art Policy, as attached to this report.
2. That Council place this policy on exhibition for community feedback, with any submissions received addressing substantive changes to the policy to be reported back to the Council. If no such submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

10. General Manager's Group Reports

10.1 Use of Council Seal

280716/35 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council affix the Common Seal to the following documents.

US16/07	Employment Contract – General Manager
US16/08	Licence agreement for part lot 105 in DP871675 between Ballina Shire Council and Ballina Golf and Sports Club Limited (BGSCCL) at a nominal licence fee for a three year term.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

10.2 Investment Summary - June 2016

280716/36 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

10.3 September Ordinary Council Meeting - Change of Date

280716/37 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council approves a change in the September Ordinary meeting date from Thursday 22 September 2016 to Thursday 29 September 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

Cr Williams declared an interest In Item 10.4 and left the meeting at 05:34 pm.

Cr Jeff Johnson left the meeting at 05:34 pm.

10.4 Donations - Financial Assistance and Community Halls

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

1. That Council approves the community financial assistance donations for 2016/17, as outlined in Table One of this report, subject to point three as follows.
2. That Council approves the community public hall donations for 2016/17, as outlined in table two of this report, subject to point four as follows.
3. That in respect to the General Donations recommended in Table One:
 - Item No. 11 - Sprung Integrated Dance: The donation is to be for venue hire.
 - Item No. 15 - Westpac Lifesaver Rescue Helicopter - In addition to the recommended donation, an additional \$1,000 is to be available for waste fees, with this amount to be funded by Council's Landfill and Resource Management Program.
 - Item No. 17 - Alstonville RSL Day Club: The Manager Community Facilities and Customer Service will discuss possible alternative venues with the group.
 - Item No. 20 - Riding for the Disabled: The Fleet Coordinator will discuss with the group opportunities to provide a second hand mower as and when a mower becomes available, with any donation to be approved by Council.
 - Item No 30 - Australian Seabird Rescue: Council will provide a credit at the Waste Management Facility of up to \$1,000 during 2016/17 funded by Council's Landfill and Resource Management Program.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

- Item No. 31 - Paradise FM Community Radio: The 'donation' is provided on the basis that Council receives equivalent advertising air time.
 - Item No. 37 - Newton Denny Chappelle (Ballina Jockey Club): The additional fees of \$10,320 are to be waived by Council due to the extenuating circumstances. All DA fees were paid in June 2016, and the applicant then needed to lodge a fresh application and whilst waiting for a reimbursement of fees paid, 2016/17 fees were adopted by Council which resulted in the fee increase. This adjustment is to be shown as a waiver in Council's records and not as a donation due to the exceptional circumstances.
4. That in respect to the Halls Capital Assistance Donations in Table Two:
- Item No. 2 - Newrybar Hall: The Manager Community Facilities and Customer Service is to confirm the preferred maintenance items to be addressed.
 - Item No. 6 - Wardell Hall: The recommended donation is to be spent on electrical upgrades to lights and fans, not painting.
 - Item No. 7 - Rous Mill: The donation represents 50% of anticipated electricity and cleaning costs.
5. That Council approves the reallocation of the unallocated balance of the donations budget (\$2,714) to the halls maintenance budget.
6. That the General Manager advise any applicants requesting donations for the remainder of the 2016/17 financial year that the donations budget has been exhausted and that they will need to apply again in the following financial year, if the donation is still relevant to that year.
7. Council notes that the only exception to point six will be applications in respect to assistance provided for Council fees and charges, as per the "Assistance with Council Fees for Community Groups" Policy. Council also notes that this resolution does not stop any Councillor from submitting a notice of motion to support a donation request.

An **Amendment** was moved by Cr Paul Worth and seconded by Cr Ben Smith

1. That Council approves the community financial assistance donations for 2016/17, as outlined in Table One of this report, with an amendment to Donation Request No. 23 – Biala Support Services Inc being reduced to \$2,000, and subject to point three as follows.
2. That Council approves the community public hall donations for 2016/17, as outlined in table two of this report, subject to point four as follows.
3. That in respect to the General Donations recommended in Table One:

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

- Item No. 11 - Sprung Integrated Dance: The donation is to be for venue hire.
 - Item No. 15 - Westpac Lifesaver Rescue Helicopter - In addition to the recommended donation, an additional \$1,000 is to be available for waste fees, with this amount to be funded by Council's Landfill and Resource Management Program.
 - Item No. 17 - Alstonville RSL Day Club: The Manager Community Facilities and Customer Service will discuss possible alternative venues with the group.
 - Item No. 20 - Riding for the Disabled: The Fleet Coordinator will discuss with the group opportunities to provide a second hand mower as and when a mower becomes available, with any donation to be approved by Council.
 - Item No 30 - Australian Seabird Rescue: Council will provide a credit at the Waste Management Facility of up to \$1,000 during 2016/17 funded by Council's Landfill and Resource Management Program.
 - Item No. 31 - Paradise FM Community Radio: The 'donation' is provided on the basis that Council receives equivalent advertising air time.
 - Item No. 37 - Newton Denny Chappelle (Ballina Jockey Club): The additional fees of \$10,320 are to be waived by Council due to the extenuating circumstances. All DA fees were paid in June 2016, and the applicant then needed to lodge a fresh application and whilst waiting for a reimbursement of fees paid, 2016/17 fees were adopted by Council which resulted in the fee increase. This adjustment is to shown as a waiver in Council's records and not as a donation due to the exceptional circumstances.
4. That in respect to the Halls Capital Assistance Donations in Table Two:
- Item No. 2 - Newrybar Hall: The Manager Community Facilities and Customer Service is to confirm the preferred maintenance items to be addressed.
 - Item No. 6 - Wardell Hall: The recommended donation is to be spent on electrical upgrades to lights and fans, not painting.
 - Item No. 7 - Rous Mill: The donation represents 50% of anticipated electricity and cleaning costs.
5. That Council approves the reallocation of the unallocated balance of the donations budget (\$2,714) to the halls maintenance budget.
6. That the General Manager advise any applicants requesting donations for

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

the remainder of the 2016/17 financial year that the donations budget has been exhausted and that they will need to apply again in the following financial year, if the donation is still relevant to that year.

7. Council notes that the only exception to point six will be applications in respect to assistance provided for Council fees and charges, as per the "Assistance with Council Fees for Community Groups" Policy. Council also notes that this resolution does not stop any Councillor from submitting a notice of motion to support a donation request.

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

FOR VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Robyn Hordern

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Robyn Hordern

280716/38 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council approves the community financial assistance donations for 2016/17, as outlined in Table One of this report, with an amendment to Donation Request No. 23 – Biala Support Services Inc being reduced to \$2,000, and subject to point three as follows.
2. That Council approves the community public hall donations for 2016/17, as outlined in table two of this report, subject to point four as follows.
3. That in respect to the General Donations recommended in Table One:
 - Item No. 11 - Sprung Integrated Dance: The donation is to be for venue hire.
 - Item No. 15 - Westpac Lifesaver Rescue Helicopter - In addition to the recommended donation, an additional \$1,000 is to be available for waste fees, with this amount to be funded by Council's Landfill and Resource Management Program.
 - Item No. 17 - Alstonville RSL Day Club: The Manager Community Facilities and Customer Service will discuss possible alternative venues with the group.
 - Item No. 20 - Riding for the Disabled: The Fleet Coordinator will

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

discuss with the group opportunities to provide a second hand mower as and when a mower becomes available, with any donation to be approved by Council.

- Item No 30 - Australian Seabird Rescue: Council will provide a credit at the Waste Management Facility of up to \$1,000 during 2016/17 funded by Council's Landfill and Resource Management Program.
- Item No. 31 - Paradise FM Community Radio: The 'donation' is provided on the basis that Council receives equivalent advertising air time.
- Item No. 37 - Newton Denny Chappelle (Ballina Jockey Club): The additional fees of \$10,320 are to be waived by Council due to the extenuating circumstances. All DA fees were paid in June 2016, and the applicant then needed to lodge a fresh application and whilst waiting for a reimbursement of fees paid, 2016/17 fees were adopted by Council which resulted in the fee increase. This adjustment is to be shown as a waiver in Council's records and not as a donation due to the exceptional circumstances.

4. That in respect to the Halls Capital Assistance Donations in Table Two:

- Item No. 2 - Newrybar Hall: The Manager Community Facilities and Customer Service is to confirm the preferred maintenance items to be addressed.
- Item No. 6 - Wardell Hall: The recommended donation is to be spent on electrical upgrades to lights and fans, not painting.
- Item No. 7 - Rous Mill: The donation represents 50% of anticipated electricity and cleaning costs.

5. That Council approves the reallocation of the unallocated balance of the donations budget (\$2,714) to the halls maintenance budget.

6. That the General Manager advise any applicants requesting donations for the remainder of the 2016/17 financial year that the donations budget has been exhausted and that they will need to apply again in the following financial year, if the donation is still relevant to that year.

7. Council notes that the only exception to point six will be applications in respect to assistance provided for Council fees and charges, as per the "Assistance with Council Fees for Community Groups" Policy. Council also notes that this resolution does not stop any Councillor from submitting a notice of motion to support a donation request.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

10.5 Donations - Rates and Charges 2016/17

280716/39 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the donation of the 2016/17 rates and charges, as detailed within Tables One and Two of this report, which includes future estimated water consumption and wastewater usage charges, pursuant to Section 356 of the NSW Local Government Act 1993.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Robyn Hordern

280716/40 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council receive a report on the options for the land on which the Naval Cadets are located in Endeavour Close.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Robyn Hordern

10.7 Delivery Program and Operation Plan - 30 June 2016 Review

280716/41 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

That Council notes the contents of this report on the review of the Delivery Program and Operational Plan for the 2015/16 financial year.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Robyn Hordern

10.8 Capital Expenditure Program - 30 June 2016 Review

280716/42 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this status report on the Capital Expenditure Program for the 2015/16 financial year.

Cr Keith Williams returned to the meeting at 05:41 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

Cr Ben Smith left the meeting at 05:43 pm.

11. Civil Services Group Reports

11.2 Tuckombil and Stokers Quarries - Management Options

280716/43 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the operations of the Tuckombil and Stokers Quarries.
2. That following confirmation of the environmental assessment requirements, Council receive a further report assessing the benefits and risks associated with commencing the preparation of the next stage of planning approval documentation for the possible extension of the development consent to operate the quarry into the future.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Ben Smith and Cr Robyn Hordern

11.3 Weed Control Funding

280716/44 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council notes the contents of this report regarding Weed Control Funding.
2. That following the Local Government Elections, as part of the induction program, or any other activities reviewing Council's existing levels of service, the Council receive a briefing on the current levels of service for weed control and options to improve that level of service.
3. That Council receive a report in respect to Council's contribution to Rous County Council for weed control.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Ben Smith and Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

11.4 Ferry Operational Matters

280716/45 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council notes the information regarding the provision of a turnaround area to service the southern ferry approach during periods when the ferry is not operating, with no further action to be undertaken on this proposal on the basis of cost, demand for other works with an assessed higher priority, and the uncertainty of whether or not regulatory approval could be achieved for the project.
2. That Council notes the information regarding the arrangements to improve street lighting for the southern approach to the ferry.
3. That Council notes the information in response to the question of whether excessive time and cost have occurred in servicing the boom gate for the southern approach.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Ben Smith and Cr Robyn Hordern

11.5 Tender - Byron Street Sewage Pumping Station Upgrade

280716/46 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council accepts the tender from Diona Pty Ltd for the construction of a replacement Sewer Pump Station at Byron Street, Lennox Head for the tendered amount of \$1,534,000 (ex GST).
2. In order to fund this project the 2016/17 to 2019/20 Delivery Program be adjusted by deferring the proposed Skennars Head Road Sewer Pump Station Upgrade project to the 2017/18 financial year, with the balance of the expenditure over budget to be funded from reserves.
3. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Ben Smith and Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

11.6 Policy (New) - Donations to Community Sporting Groups

280716/47 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council adopts the *draft Donations – Community Sporting Groups Capital Works Assistance Policy*, as attached to this report.
2. That Council place the draft *Donations – Community Sporting Groups Capital Works Assistance Policy* on public exhibition for comment with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.
3. That subject to there being no further changes to this Policy, Council looks towards implementing a recurrent budget for the implementation of the Policy, commencing in the 2017/18 financial year.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Ben Smith and Cr Robyn Hordern

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes 19 July 2016

280716/48 RESOLVED

(Cr Keith Johnson/Cr Susan Meehan)

That Council confirms the minutes of the Commercial Services Committee meeting held 19 July 2016 and that the recommendations contained within the minutes be adopted, subject to a change to the title description for one of the properties to be put to auction as listed in Agenda Items 4.1 and 5.1 of the Commercial Services Business Paper – as proposed Lot 20 Kays Lane Wollongbar has changed from “*Lot 20 in proposed subdivision of Lot 132 DP 1047320*” to “*Lot 20 in proposed subdivision of Lot 2 DP 1169153*”

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Ben Smith and Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

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

15.1 Mayoral Meetings

280716/49 RESOLVED

(Cr Keith Johnson/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, Cr Ben Smith and Cr Robyn Hordern

16. Questions Without Notice

16.1 Cr Susan Meehan - Works in Summerhill Crescent

Cr Susan Meehan – thanked Council for the works recently undertaken in Summerhill Crescent.

16.2 Cr Susan Meehan - Donations

Cr Susan Meehan – how do we monitor the amounts of money given to organisations as donations, and how will we monitor the money given today to the Ocean Pool Committee?

Paul Hickey advised that part of the donations process is for the organisation to submit an acquittal of the funds to Council. In respect to the Ocean Pool Committee we may have to obtain the invoices from the Committee and Council pay them direct.

16.3 Cr Sharon Cadwallader - Montwood Drive Playground

Cr Sharon Cadwallader – can the playground inspection for the Montwood Drive playground be brought forward? Can we have a review of the PAMP for that area?

John Truman will provide a response to Gary Fox and Cr Cadwallader.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/07/16 AT 9.00 AM**

16.4 Cr Sharon Cadwallader - Lennox Head CWA Rooms

Cr Sharon Cadwallader – it has been reported that the CWA Rooms in Lennox Head have been left dirty and the kitchen cannot be used because of chairs being stored in the kitchen.

Steve Barnier to follow this matter up.

16.5 Cr Sharon Cadwallader - Christmas Decorations for East Ballina Shopping Centre

Cr Sharon Cadwallader – do we have some Christmas decorations that were taken down from somewhere else that could be erected at the East Ballina Shopping Centre?

Steve Barnier advised that this was a private development and Council was not responsible for Christmas decorations for the shopping centre.

17. Confidential Session

Nil items

MEETING CLOSURE

6.02 pm

The Minutes of the Ordinary Meeting held on 28/07/16 were submitted for confirmation by council on 25 August 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 August 2016.