

**MINUTES OF THE RESERVE TRUST MANAGER MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 27/09/18 AT 12.00 NOON**

Attendance

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

Paul Hickey (General Manager), Cheyne Willebrands (Acting Group Manager Civil Services), Matthew Wood (Group Manager Development and Environmental Health), Steve Barnier (Group Manager Strategic and Community Facilities) and Sarah Carden (Secretary) were in attendance.

There were two people in the gallery at this time.

1. Acknowledgement of Country

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

2. Apologies

An apology was received from Cr Eoin Johnston

RT270918/ RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston

3. Declarations of Interest

Nil

4. Confirmation of Minutes

RT270918/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Reserve Trust Manager Meeting held on Thursday 23 August 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston

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5. Deputations

Michelle Bourke – spoke in favour of Item 6.2 – Ballina Ocean Pool.

6. Committee Reports

6.1 Use of Council Seal

RT270918/2 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council, as Crown Land Manager for the Ballina Coastal Reserve Trust (R1010068), affix the Common Seal to the following documents:

1. 12 month short-term Licence between Ballina Coastal Reserve Trust (R1010068) and Marine Rescue New South Wales for part Lot 7025 in DP 1064241 at a statutory minimum rental, commencing 1 July 2018 to 30 June 2019.
2. 12 month short-term Licence between Ballina Coastal Reserve Trust (R1010068) and Surf Life Saving Far North Coast Branch Incorporated for part Lot 402 in DP 755684 at a statutory minimum rental, commencing 1 July 2018 to 30 June 2019.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Eoin Johnston

6.2 Ballina Ocean Pool

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Ben Smith

That the Reserve Trust defer this matter for Reserve Trust members to participate in a briefing with staff and the Ballina Ocean Pool committee to receive information and understanding of site location, draft engineering designs, ecology reports, traffic reports and community consultation.

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

FOR VOTE - Cr Phillip Meehan and Cr Ben Smith
AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader
ABSENT. DID NOT VOTE - Cr Eoin Johnston

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

1. That the Ballina Coastal Reserve Trust endorses the preparation of an application to seek the necessary planning approval for the Ballina Ocean Pool project at Shelly Beach, Ballina, subject to the application being inclusive of appropriate planning and technical assessments.
2. That the Ballina Coastal Reserve Trust endorses the application of staff resources to address the applicable requirements of the *Crown Land Management Act 2016* in relation to the Ballina Ocean Pool project.
3. That the Trust obtains legal advice addressing Native Title in relation to the Ballina Ocean Pool proposal before an application for planning approval is lodged with Ballina Shire Council.
4. That the cost for the Native Title legal advice be met from grant funding provided by the NSW Government for the Ballina Ocean Pool project. If the available funding is not sufficient to meet the cost of the advice or the Ballina Ocean Pool Committee objects to this approach, the matter is to be reported back to the Trust for further consideration.

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

1. That the Ballina Coastal Reserve Trust endorses the lodgement of an application to seek the necessary planning approval for the Ballina Ocean Pool project at Shelly Beach, Ballina, subject to the application being inclusive of appropriate planning and technical assessments.
2. That the Ballina Coastal Reserve Trust endorses the application of staff resources to address the applicable requirements of the *Crown Land Management Act 2016* in relation to the Ballina Ocean Pool project.
3. That the Trust obtains legal advice addressing Native Title in relation to the Ballina Ocean Pool proposal before an application for planning approval is lodged with Ballina Shire Council.

Cr Ben Smith left the meeting at 12:59 pm.

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

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

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Stephen McCarthy and Cr Sharon Cadwallader and the casting vote of the Mayor

ABSENT. DID NOT VOTE - Cr Eoin Johnston and Cr Ben Smith

Cr Ben Smith returned to the meeting at 01:00 pm.

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Eoin Johnston

RT270918/3 RESOLVED

(Cr Sharon Cadwallader/Cr Phillip Meehan)

1. That the Ballina Coastal Reserve Trust endorses the preparation of an application to seek the necessary planning approval for the Ballina Ocean Pool project at Shelly Beach, Ballina, subject to the application being inclusive of appropriate planning and technical assessments.
2. That the Ballina Coastal Reserve Trust endorses the application of staff resources to address the applicable requirements of the *Crown Land Management Act 2016* in relation to the Ballina Ocean Pool project.
3. That the Trust obtains legal advice addressing Native Title in relation to the Ballina Ocean Pool proposal before an application for planning approval is lodged with Ballina Shire Council.
4. That the cost for the Native Title legal advice be met from grant funding provided by the NSW Government for the Ballina Ocean Pool project. If the available funding is not sufficient to meet the cost of the advice or the Ballina Ocean Pool Committee objects to this approach, the matter is to be reported back to the Trust for further consideration.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Eoin Johnston

MEETING CLOSURE

1.01 pm