

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/19 AT 9.00 AM**

Attendance

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

Paul Hickey (General Manager), John Truman (Director, Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division) and Sarah Carden (Secretary) were in attendance.

There were 11 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Councillors and staff.

2. Acknowledgement of Country

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

3. Apologies

An apology was received from Cr Ben Smith and Cr Jeff Johnson

241019/1 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE – Cr Jeff Johnson and Cr Ben Smith

4. Confirmation of Minutes

241019/2 RESOLVED

(Cr Stephen McCarthy/Cr Sharon Parry)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 September 2019, subject to correction to Item 11.3 – Notice of Motion – Ballina Island Traffic Modelling mover and seconder being Cr Steve McCarthy and Cr Jeff Johnson.

FOR VOTE - All Councillors voted unanimously.

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

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5. Declarations of Interest and Reportable Political Donations

- **Cr Eoin Johnston** – declared an interest in Item 8.5 – Alstonville Dual Occupancy Planning Proposal (Nature of Interest: non-pecuniary and non-significant interest – he owns properties in Alstonville village not affected by this motion). He will remain in the meeting while the matter is discussed.
- **Cr Sharon Parry** – declared an interest in Item 8.5 – Alstonville Dual Occupancy Planning Proposal (Nature of Interest: non-pecuniary and non-significant – she owns property in affected area). She will be departing the meeting while the matter is discussed.
- **Cr Nathan Willis** – declared an interest in Item 9.2 – Investment Summary – September 2019 (Nature of Interest: non-significant and non-pecuniary – he has a personal banking relationship with Suncorp). He will remain in the meeting while the matter is discussed.
- **Cr David Wright** – declared an interest in Item 9.2 – Investment Summary – September 2019 (Nature of Interest: non-significant and non-pecuniary – his daughter works for Suncorp). He will remain in the meeting while the matter is discussed.
- **Cr Keith Williams** later in the meeting declared an interest in Item 9.10 – Capital Expenditure – 30 September 2019 Review (Nature of Interest: non-significant and non-pecuniary – he owns a property adjacent to Segment 10 of Fernleigh Road). He will remain in the meeting while the matter is discussed and vote on the matter.

6. Deputations

- **Richard Lutze** spoke in favour of Item 8.1 - 2019/301 – Site Levelling, Fencing and Demolition Works – Alstonville Showground.
- **Sam Stevens** spoke in favour of Item 8.2 – DA 2019/303 – Tiered Seating, Viewing Platform and Awnings – Alstonville Showground.
- **Ross Brown** spoke in opposition to Item 8.4 – Part 5 Application – Construction of Hutley Drive Northern Extension.

Cr Sharon Parry left the meeting at 09:20 am.

- **Richard Lutze** spoke in favour of Item 8.5 – Alstonville Dual Occupancy Planning Proposal.

Cr Sharon Parry returned to the meeting at 09:23 am.

- **Paul Worth** spoke in relation to Item 9.10 Capital Expenditure – 30 September 2019 Review.

Extension to Deputation

241019/3 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

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That Mr Paul Worth be granted an extension of 5 minutes for his deputation.

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

8. Planning and Environmental Health Division Reports

8.1 DA 2019/301 - Site Levelling, Fencing and Demolition Works - Alstonville Showground

241019/4 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Development Application 2019/301 to undertake site levelling, erection of retaining walls and security fencing and demolition works at Lot 2 DP 1031929, 22-40 Commercial Road Alstonville be **APPROVED** subject to standard planning, building and environmental health conditions.

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

8.2 DA 2019/303 - Tiered Seating, Viewing Platform and Awnings - Alstonville Showground

241019/5 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Development Application 2019/303 for proposed new roofed tiered seating and viewing platform extension adjacent to the rodeo arena area and new awnings to existing amenities building at Lot 2 DP 1031929, 22-40 Commercial Road Alstonville be **APPROVED** subject to standard planning, building and environmental health conditions.

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

8.4 Part 5 Application - Construction of Hutley Drive Northern Extension

241019/6 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Part 5 application 22.2019/1 for the Construction of the Hutley Drive Northern Extension at Hutley Drive and Byron Bay road reserves, Lot 2 DP 620838 and Lot 31 DP 787876, 9 Byron Bay Road and Ocean Breeze Reserve, Lennox Head be **APPROVED** subject to planning, engineering and environmental ameliorative measures.

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2. That Council look at a report on options to categorise the residual land on the west side of the road as Community Land and develop appropriate concept plans.
3. That the section of Byron Bay Road as depicted on page 3 of the attachments also be treated with a low noise road surface.

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

Cr Sharon Parry left the meeting at 9:55 am.

8.5 Alstonville Dual Occupancy Planning Proposal

241019/7 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council authorises the General Manager to finalise and implement Planning Proposal BSCPP19/002 – Attached Dual Occupancy Alstonville under delegated authority as detailed in Attachment 1 of September 2019 Ordinary business paper.
2. That Council adopts the draft amendments to Ballina Shire DCP 2012 Chapters 2, 3 and 4, as publically exhibited and inclusive of the additional changes highlighted in red as detailed in Attachment 2 of September 2019 Ordinary business paper.
3. That Council provide public notice of the adoption of the amendments to Ballina Shire Development Control Plan 2012 referenced in point two above, with the amendment to take effect from the date of finalisation of the respective LEP amendments for the Alstonville and Wardell dual occupancy planning proposals.
4. That Council publically exhibit the further DCP controls relating to attached dual occupancy development (as detailed in Attachment 3 of September 2019 Ordinary business paper) in accordance with the terms of the Environmental Planning and Assessment Act 1979 and the associated Regulation.
5. That Council receive a further report on the draft amendments the subject of point 4 above after the public exhibition period.
6. That those persons who made submissions be thanked for their contribution and provided with advice as to Council's decision with respect to this planning proposal and associated DCP amendments.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Ben Smith

Cr Sharon Parry returned to the meeting at 10:16 am.

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9.10 Capital Expenditure - 30 September 2019 Review

241019/8 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council notes the contents of this status report on the Capital Expenditure Program for the 2019/20 financial year.
2. That Council approves the following 2019/20 budget amendments as outlined in the attachments to this report:

Item	Current Budget	Revised Budget	Variation	Comment
Open Spaces and Reserves				
Crown Reserve Improvements	27,000	74,000	47,000	Transfer from Open Spaces Operations
Skennars Head Sports Fields	1,672,400	1,822,400	150,000	Transfer from Community Infrastructure Reserve
Ballina Heights Sports Fields	0	150,000	150,000	Transfer from Community Infrastructure Reserve
Waste Management				
Public Place Recycling	0	100,000	100,000	Funded from LRM Reserve
Recycling Dome Load Out Area	0	25,000	25,000	Funded from LRM Reserve
Operations Support				
Depot – Workshop Welders Bay	437,000	462,000	25,000	Transfer from Hardstand
Depot – Solar	120,000	0	(120,000)	Defer to 2020/21
Depot - Hardstand	25,000	0	(25,000)	Transfer to Welders Bay
Plant and Fleet	3,186,800	3,086,600	(100,200)	Reduce budget based on reserve balance
Commercial Services				
Airport – Car Park, Solar	1,500,000	250,000	(1,250,000)	Defer to 2020/21
Airport – Baggage Area	1,000,000	250,000	(750,000)	Defer to 2020/21
Shelly Beach Cafe	43,000	83,000	40,000	Transfer from Property Development Reserve
WUEA – Stage 3	5,151,500	500,000	(4,651,500)	Defer to 2020/21
Community Facilities				
32 Swift Street	0	28,000	28,000	Transfer from Halls Maintenance budget
Water				
Main Renewals – Alstonville Valve	120,000	60,000	(60,000)	Reduction in budget – transfer funds back to reserve
Reservoir – Demolish Gray's Lane	0	70,000	70,000	Essential work funded from reserves
Wastewater				
Lennox Treatment Plant – Membrane	300,000	0	(300,000)	Defer to 2020/21
Alstonville Treatment Plant – Master Plan	247,900	67,900	(180,000)	Defer to 2020/21

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Skennars Head Sports Fields – Recycled	0	85,000	85,000	Funded from reserves
Lennox to Angels Beach Drive - Recycled	150,000	63,000	(87,000)	Saving – transfer to reserves
Engineering Works – Stormwater				
Henry Philp Avenue	50,000	0	(50,000)	Deferred to 2022/23
Rutherford Street	136,900	116,900	(20,000)	Offset for increase in Wardell Road
Wardell Road	0	20,000	20,000	Offset by decrease in Rutherford Street
Engineering Works – Roads and Bridges				
Swift Street	105,000	5,000	(100,000)	Defer to 2020/21
Northumberland Avenue, Ballina	492,300	22,300	(470,000)	Defer to 2020/21
Wardell Road segments 70 and 80	100,000	120,000	20,000	Transfer from Road Contingency Reserve
Fernleigh Road seg 10	0	35,000	35,000	Transfer from Road Contingency Reserve
Martin Street	125,000	165,000	40,000	Savings from Corks Lane
Pimlico Road	296,000	321,000	25,000	Savings from Corks Lane
Fawcett Street	80,000	5,000	(75,000)	Defer to 2020/21
Skinner Street	64,000	124,000	60,000	Savings from Corks Lane
Brunswick Street	84,000	4,000	(80,000)	Defer to 2020/21
Burnet Street	200,000	5,000	(195,000)	Defer to 2020/21
Barlows Road	167,000	7,000	(160,000)	Defer to 2020/21
Kays Lane segment	57,000	7,000	(50,000)	Defer to 2020/21
Corks Lane	250,000	125,000	(125,000)	Budget savings
South Ballina Beach Road	158,000	8,000	(150,000)	Defer to 2020/21
Engineering Works – Footpaths and Cycleways				
Coastal Walk	1,435,700	500,000	(935,700)	Defer to 2020/21
Pine Avenue, Short Street, East Ballina	22,800	0	(22,800)	Reallocate to Suvla Street
Roberston Street, Alstonville	33,000	0	(33,000)	Transfer to reserve
River Street - Keppel, Ballina	17,000	0	(17,000)	Defer – transfer to reserve
Suvla Street, Shelly Beach Road, Ballina	114,000	136,800	22,800	Funded from Pine Avenue
River Street, Ballina	14,000	0	(14,000)	Defer – transfer to reserve
Bugden Avenue, Alstonville	34,000	0	(34,000)	Transfer to new Bugden Avenue project
River Street, Ballina	19,000	0	(19,000)	Defer – transfer to reserve
Eyles Drive, John Sharpe, Links Ave, Ballina	110,000	0	(110,000)	Transfer to new Bugden Avenue and Main Street projects
Bike Plan Projects	59,000	0	(59,000)	Transfer to new Main Street and Links Ave projects
Barlows Road, Ballina	43,000	0	(43,000)	Defer – transfer to reserve
Bugden Avenue, Alstonville	0	76,000	76,000	Funded from existing project transfers above
Main Street, Alstonville	0	82,000	82,000	Funded from existing project transfers above

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Links Avenue, East Ballina	0	45,000	45,000	Funded from existing project transfers above
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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Ben Smith

Declaration of Interest

At this stage, **Cr Keith Williams** declared an interest in Item 9.10 – Capital Expenditure – 30 September 2019 Review (Nature of Interest: non-significant and non-pecuniary – he owns a property adjacent to Segment 10 of Fernleigh Road). He will remain in the meeting while the matter is discussed and be voting on the matter.

9.9 Annual Financial Statements - 2018/19

241019/9 RESOLVED

(Cr Keith Williams/Cr Sharon Parry)

1. That Council approves the signing of the statements that confirm the Annual Financial Statements are fair and accurate, by the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer.
2. That Council authorises the exhibition of the Annual Financial Statements and Auditor's Reports for the year ended 30 June 2019, as attached to this report, for public comment.

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

Adjournment

The Mayor declared the meeting adjourned at 11.16 am.

The meeting resumed at 11.32 am.

7. Mayoral Minutes

7.1 Cr David Wright - Ordinary Meeting Date - December 2019

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

That Council change the scheduled date of the December 2019 Ordinary meeting to Thursday 12 December 2019.

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

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

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ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

Cr Keith Williams left the meeting at 11:33 am.

**8.3 DA 2018/321 - Palm Lakes
241019/10 **RESOLVED****

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report in respect to the Land and Environment Court judgement relating to DA 2018/321.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

Cr Keith Williams returned to the meeting at 11:37 am.

**8.6 Land Classification - Lot 126 DP 1255390, 6 Dorset Place, Wollongbar
241019/11 **RESOLVED****

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council classifies the land identified as Lot 126 DP 1255390, being land having frontage to Dorset Place in Wollongbar, as operational land under the provisions of the Local Government Act 1993 and that this classification takes effect immediately.

FOR VOTE - All Councillors voted unanimously.

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

Cr Keith Williams left the meeting at 11:37 am.

**8.7 Land Classification - Lots 2 and 3 DP 506103, 60 Crane Street, Ballina
241019/12 **RESOLVED****

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council classifies the land identified as Lots 2 and 3 DP 506103, being land located at 60 Crane Street Ballina, as operational land under the provisions of the Local Government Act 1993 and that this classification takes effect immediately.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

Cr Keith Williams returned to the meeting at 11:38 am.

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8.8 LEP Amendments and Planning Proposals - Status

241019/13 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council notes the contents of this report on current LEP amendments and planning proposals.

FOR VOTE - All Councillors voted unanimously.

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

8.9 Lennox Head Community Markets

241019/14 RESOLVED

(Cr Phillip Meehan/Cr Sharon Parry)

1. That Council receive a report once the summer period has concluded and the public exhibition of the Lake Ainsworth Coastal Management Program has occurred regarding the relocation of the Lennox Head Community Market to the Lake Ainsworth Precinct. The report is to include an assessment of the condition of the Lake Ainsworth improvement works following the summer period and the outcomes of the Coastal Management Program process.
2. That Council invite the current market site manager, Mr Mike Stack, to enter into a short term licence to continue the Lennox Head Community Market at the Williams Reserve site for a period of six months. This is to provide for continuity of the operation of the market whilst market location, planning and land management matters and market management arrangements are further considered by Council.

FOR VOTE - All Councillors voted unanimously.

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

8.10 Coastal Management Program - Lake Ainsworth Lennox Head

241019/15 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council endorses the draft Coastal Management Program for Lake Ainsworth (as contained in Attachment 1) for public exhibition.
2. That Council receives a briefing on the draft Coastal Management Program for Lake Ainsworth during or as soon as practical following the public exhibition of the draft plan.
3. The report back to Council on the outcomes of the public exhibition is to include options for funding the actions identified in the Coastal Management Program, to allow that information to be incorporated into

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Council's Long Term Financial Plan.

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

8.11 Lake Ainsworth and Seven Mile Beach - Dog Management

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Sharon Parry

1. That Council endorses the implementation of the dog access and management arrangements as set out in Figure 2.
2. That staff give further consideration to the retention of a small on-leash area on the beach at the end of the path depicted in Figure 2.
3. That early morning, late afternoon and weekend community participation/information drop in sessions at Lake Ainsworth to educate the public on the new dog access practices and dog restrictions be undertaken.
4. That Council supports ongoing community education and compliance action regarding dog management in the Lake Ainsworth locality.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Eoin Johnston

1. That Council endorses the implementation of the dog access and management arrangements as set out in Figure 2 subject to the off-leash area on the beach remaining where it is and the on-leash area through the parkland remains as is depicted in Figure 1.
2. That early morning, late afternoon and weekend community participation/information drop in sessions at Lake Ainsworth to educate the public on the new dog access practices and dog restrictions be undertaken.
3. That Council supports ongoing community education and compliance action regarding dog management in the Lake Ainsworth locality.

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

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

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

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

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

241019/16 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council endorses the implementation of the dog access and management arrangements as set out in Figure 2.
2. That staff give further consideration to the retention of a small on-leash area on the beach at the end of the path depicted in Figure 2.
3. That early morning, late afternoon and weekend community participation/information drop in sessions at Lake Ainsworth to educate the public on the new dog access practices and dog restrictions be undertaken.
4. That Council supports ongoing community education and compliance action regarding dog management in the Lake Ainsworth locality.

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

AGAINST VOTE - Cr Eoin Johnston

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

8.12 Development Applications – Variation to Development Standards

241019/17 RESOLVED

(Cr Sharon Parry/Cr Nathan Willis)

That Council notes that there has been one approved under delegation for variations to development standards of 10% or less for the period July to September 2019.

FOR VOTE - All Councillors voted unanimously.

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

Cr Keith Williams left the meeting at 12:21 pm.

8.13 Development Applications - Works in Progress - October 2019

241019/18 RESOLVED

(Cr Sharon Parry/Cr Nathan Willis)

1. That Council notes the contents of this report on the status of outstanding development applications for October 2019.
2. That Council hold a briefing to discuss the cumulative impacts of DAs 2017/600, 2019/223 and 2019/519, with that briefing to provide information that will assist in determining whether Councillors should

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make a Council submission to the Joint Regional Planning Panel in its determination of 2017/600.

3. That DAs 2019/223 and 2019/519 are to be reported to Council for determination.

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

Cr Keith Williams returned to the meeting at 12:22 pm.

9. Corporate and Community Division Reports

9.1 Use of Council Seal

241019/19 RESOLVED

(Cr Nathan Willis/Cr Stephen McCarthy)

That Council affix the Common Seal to the following document.

US 19/10	Licence Agreement for Lot 1 DP 853747, 79 Johnstons Road, Alstonville between Council and Friends of The Koala (FOK), at a nominal licence fee for a five year period for the establishment of a koala feed tree harvest plantation.
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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Ben Smith

9.2 Investment Summary - September 2019

241019/20 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

1. That Council notes the record of banking and investments for September 2019.
2. That Council amend clause 13.1 of the Investments Policy, as follows, to further encourage investment in non-fossil fuel aligned investments, by providing a 0.05% margin.

*13.1 Where possible (and subject to obtaining a comparable return, **or a return within 0.05%**, and compliance with other investment policy parameters), the investing officer will place the investment with an institution which has been classified as non-fossil fuel aligned. This classification shall be determined based on publicly available information, such as from Market Forces (www.marketforces.org.au).*

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

AGAINST VOTE - Cr Phillip Meehan

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

9.3 Disclosure of Interest Returns

241019/21 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of the report on the disclosure of interest returns for the period 1 July 2018 to 30 June 2019.

FOR VOTE - All Councillors voted unanimously.

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

9.4 Code of Conduct - Reporting

241019/22 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of this report on Code of Conduct complaints for the period 1 September 2018 to 31 August 2019.

FOR VOTE - All Councillors voted unanimously.

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

9.5 Donations - Australian Representation

241019/23 RESOLVED

(Cr Keith Williams/Cr Phillip Meehan)

1. That Council not approve the request from Ms Melissa Evans on behalf of her son Ned Evans for a donation as per Council's Donations - Australian Representation Policy as the policy requires a selection process to represent Australia and it is Council's understanding that this was a registration process only.

2. That Council wishes Ned all the best in the Pan Pacific Jiu-Jitsu Kids IBJJF Championships 2019.

FOR VOTE - All Councillors voted unanimously.

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

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9.6 Donations - Northern Rivers Branch Ulysses Children's Toy Run

241019/24 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council approves the donation of \$850 to the Northern Rivers Branch Ulysses Club, as per the attached request, funded from the Community Donations for Community Groups budget.

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

9.7 Northern Regional Planning Panel - Election of Alternate Delegate

241019/25 RESOLVED

(Cr Sharon Parry/Cr Nathan Willis)

That Council confirms its preference is for two alternative delegates to be nominated for the Northern Regional Planning Panel, with Cr Keith Williams appointed as the second alternate delegate.

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

9.8 Policy (Review) - Untaken Sick Leave

241019/26 RESOLVED

(Cr Nathan Willis/Cr Sharon Parry)

That Council notes the contents of this report and approves the deletion of the Untaken Sick Leave Policy from Council's Policy Register as employees who benefit from the policy are protected by historical industrial agreements and associated legislation.

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

9.11 Delivery Program and Operational Plan - 30 September 2019 Review

241019/27 RESOLVED

(Cr Sharon Cadwallader/Cr Phillip Meehan)

1. That Council notes the contents of this report on the quarterly review of the 2019/20 to 2022/23 Delivery Program and 2019/20 Operational Plan.
2. That Council review the denominational and directional signage within the cemeteries.

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

Adjournment

The Mayor declared the meeting adjourned at 12.53 pm for Public Question Time.

The meeting resumed at 12.55 pm.

10. Civil Services Division Reports

10.1 Ballina Sport and Recreation Facilities Plan

241019/28 RESOLVED

(Cr Phillip Meehan/Cr Sharon Cadwallader)

1. That Council endorses the draft Ballina Sport and Recreation Facilities Plan for the purposes of public exhibition.
2. That a further report be presented to Council assessing any feedback from the exhibition and how recommendations and actions within the Plan are proposed to be integrated into Council's Long Term Financial Plan, and our next Delivery Program and Operational Plan.

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

10.2 Ballina Shire Heavy Haulage Contributions Plan - Review

241019/29 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council, pursuant to Clause 31 (1) of the *Environmental Planning and Assessment Regulation 2000*, adopts the Ballina Shire Heavy Haulage Contributions Plan in the form in which it was publicly exhibited, as per Attachment 1 to this report.
2. That Council, pursuant to Clause 31 (2) of the *Environmental Planning and Assessment Regulation 2000* give public notice of the decision in point one above in a local newspaper within 28 days.

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

10.3 River Street Lane Duplication - Public Exhibition

241019/30 RESOLVED

(Cr Phillip Meehan/Cr Nathan Willis)

1. That Council approves the public exhibition of the River Street Ballina

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Concept Design Plans as detailed in this report.

2. That submissions from the public be considered at a future meeting prior to Council considering adoption of the Concept Design and proceeding to the next preconstruction phases of the River Street Ballina Lane Duplication Project.

FOR VOTE - All Councillors voted unanimously.

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

Adjournment

The Mayor declared meeting adjourned at 1.13 pm.

The meeting resumed at 1.52 pm

Cr Nathan Willis and Cr Keith Williams left the meeting at 01:52 pm.

10.4 Steam Spraying for Weed Control

241019/31 RESOLVED

(Cr Eoin Johnston/Cr Phillip Meehan)

1. That Council notes the contents of this report regarding steam weeding.
2. That Council continue the use of approved herbicides to control weeds within municipal areas of the Shire and elsewhere until more efficient and cost-effective non-chemical solutions are available.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

Cr Keith Williams returned to the meeting at 01:55 pm.

10.5 Tender - Lennox Head Community Centre Enhancements

241019/32 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178 (1)(a)*, accepts the offer and awards contract RFT1194 Lennox Head Cultural and Community Centre Enhancements to AGS Commercial.
2. 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 Nathan Willis and Cr Ben Smith

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10.6 Policy (Review) - Commercial Activities on Public Land

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

1. That Council adopts the amended Commercial Activities on Public Land Policy, as per Attachment 2 to this report, subject to the retention of existing activities.
2. That Council adopts the amended Commercial Activities on Public Land Specifications, as per Attachment 3 to this report, subject to the retention of existing activities.
3. That Council place the policy and specifications on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

FOR VOTE - Cr Eoin Johnston, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry and Cr Stephen McCarthy

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Ben Smith

241019/33 RESOLVED

(Cr Phillip Meehan/Cr Sharon Parry)

1. That Council adopts the amended Commercial Activities on Public Land Policy, as per Attachment 2 to this report.
2. That Council adopts the amended Commercial Activities on Public Land Specifications, as per Attachment 3 to this report.
3. That Council place the policy and specifications on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Ben Smith

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10.7 Policy (Review) - Mobile Vending on Public Land

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

That Council adopts the Mobile Vending On Public Land Policy, as exhibited, as per Attachment 1 to this report.

An **Amendment** was moved by Cr Steve McCarthy

That Council adopts the Mobile Vending On Public Land Policy, as per Attachment 1 to this report, subject to extending the 200 metre distance required between existing trading premises and the fixed mobile vending trading sites to 400 metres.

The Amendment **LAPSED**.

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

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Eoin Johnston, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Stephen McCarthy, Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Ben Smith

241019/34 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council adopts the Mobile Vending On Public Land Policy, as exhibited, as per Attachment 1 to this report.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Eoin Johnston, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Stephen McCarthy, Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Ben Smith

10.8 Policy (Review) - Contributions for Dust Sealing of Roads

241019/35 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That based on the contents of this report Council deletes the Contributions for Dust Sealing of Roads Policy from Council's policy register with the information to be transferred to the Roads and Transport Asset Management Plan.

2. That Council endorses the draft Appendix - Contributions for Dust Sealing of Roads, as per Attachment 2 to this report, for inclusion in the Roads

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and Transport Asset Management Plan.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Ben Smith

11. Notices of Motion

11.1 Notice of Motion - Lennox Head Car Parking

241019/36 RESOLVED

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

That the Crown Land Management Review of Williams Reserve, as required by the Crown Lands Management Act, also examine whether there are options available to extend the car park at the western end of the Lennox Head Cultural and Community Centre and / or at the southern end of the Reserve, to provide additional car parking for the Lennox Head village, so long as it does not impact on the current use of the Reserve.

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

12. Advisory Committee Minutes

Nil Items

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

13.1 Mayoral Meetings

241019/37 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

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 Nathan Willis and Cr Ben Smith

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14. Confidential Session

241019/38 RESOLVED

(Cr Sharon Parry/Cr Eoin Johnston)

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.

14.1 DA 2018/321 - Palm Lakes

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 and the legal advice provided is subject to legal privilege.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Ben Smith

(The Council moved into Confidential Session at 2.31 pm).

Open Council

241019/39 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

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, Cr Nathan Willis and Cr Ben Smith

(The Council moved into Open Council at 2.52 pm).

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

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14.1 DA 2018/321 - Palm Lakes

CF241019/1 RECOMMENDED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That based on the contents of this report Council lodge an appeal with respect to the Land and Environment Court decision granting development consent to DA 2018/321.
2. That Council write to LGNSW seeking costs assistance with this case.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Ben Smith

Adoption of Recommendations from Confidential Session

241019/40 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Ben Smith

MEETING CLOSURE

2.52 pm

The Minutes of the Ordinary Meeting held on 24/10/19 were submitted for confirmation by council on 28 November 2019 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 November 2019.