

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 26/09/19 AT 9.00 AM**

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**Attendance**

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

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 60 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**

Apologies were received from Cr Sharon Cadwallader and Cr Nathan Willis.

**260919/1        RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**4. Confirmation of Minutes**

**260919/2        RESOLVED**

(Cr Keith Williams/Cr Sharon Parry)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 August 2019.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

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

- **Cr Sharon Parry** – declared an interest in Item 8.3 – Planning Proposal and DCP Amendments – Attached Dual Occupancy (Nature of Interest: non-significant and non-pecuniary – she owns a property in the Alstonville area). She will be departing the meeting while the matter is discussed.
- **Cr Jeff Johnson** - declared an interest in Item 8.1 – Club Lennox – Lease and Planning Matters (Nature of Interest: non-significant and non-pecuniary – he is a member of the club). He will remain in the meeting while the matter is discussed.
- **Cr Eoin Johnston** – declared an interest in 8.3 - Planning Proposal and DCP Amendments – Attached Dual Occupancy (Nature of Interest: non-significant and non-pecuniary – owns a property in the Alstonville area). He will remain in the meeting while the matter is discussed.

**6. Deputations**

- **Isabelle Braly, S&P Lawyers** – spoke in favour of Item 8.1 – Club Lennox – Lease and Planning Matters
- **Terry Prendergast** – spoke in opposition to Item 8.3 – Planning Proposal and DCP Amendments – Attached Dual Occupancy
- **Graham Shaw** – spoke in favour of Item 11.2 – Notice of Motion - Lake Ainsworth Parking
- **Denis Magnay** – spoke in favour of Item 11.3 – Notice of Motion – Ballina Island Traffic Modelling
- **Denis Magnay** – spoke in favour of Item 11.4 – Notice of Motion – Western Arterial Road

**9.3 Deputy Mayor – Election**

**260919/3            RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

1. That Council elect a Deputy Mayor for the period to September 2020.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

Nominations were received for Crs Eoin Johnston and Ben Smith. After an ordinary (secret) ballot process, Cr Eoin Johnston was declared the Deputy Mayor by 5 votes to 3.

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**7. Mayoral Minutes**

Nil items.

**8. Planning and Environmental Health Division Reports**

**8.1 Club Lennox - Lease and Planning Matters**

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

1. That Council manages the lease to Club Lennox for Lot 31 DP 11905, 10 Stewart Street, and the associated lease over part of King Street as follows with respect to land use and activities on and around the bowling green area:
  - Where the proposed use of the land or activity is already the subject of an existing approval or the use is classed as exempt development or development that does not require consent, that Council as lessor agrees to the use or activity being carried out (subject to compliance with clause 6.02 in both leases).
  - Where the proposed use of the land or activity is exempt development, but it otherwise requires an approval from Council under the Local Government Act and/or Roads Act, that Council as landowner and lessor agrees to the lodgement of the required application.
  - Where the proposed use of the land or activity requires development consent, that the proposed use or activity be reported to Council as landowner and lessor to enable consideration of the particular proposal and circumstances before a development application is lodged for assessment.
2. That in relation to the proposed Craft Beer and Food Truck Festival, that Council as landowner and lessor agrees to the lodgement of the required application for an event on public land.
3. That in relation to the proposed temporary operation of Sundays on the Green (where the activity meets the exempt development criteria for a special event on public land under the Ballina LEP 2012), that Council as landowner and lessor agrees to the lodgement of the required application for an event on public land.
4. That in relation to the proposed Sundays on the Green initiative, that Council as landowner and lessor agrees to the lodgement of a development application for the ongoing use of the greens for this purpose.
5. That Council be guided by findings from investigations undertaken by Liquor and Gaming NSW in relation to the management of noise related issues under the Club Lennox leases for Lot 31 DP 11905, 10 Stewart Street, and part of King Street.

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

That Council manages the lease to Club Lennox for Lot 31 DP 11905, 10 Stewart Street, and the associated lease over part of King Street as follows with respect to land use and activities on and around the bowling green area:

- Where the proposed use of the land or activity is already the subject of an existing approval or the use is classed as exempt development or development that does not require consent, that Council as lessor agrees to the use or activity being carried out (subject to compliance with clause 6.02 in both leases).
  - Where the proposed use of the land or activity is exempt development, but it otherwise requires an approval from Council under the Local Government Act and/or Roads Act, that Council as landowner and lessor agrees to the lodgement of the required application.
  - Where the proposed use of the land or activity requires development consent, that the proposed use or activity be reported to Council as landowner and lessor to enable consideration of the particular proposal and circumstances before a development application is lodged for assessment.
2. That in relation to the proposed Craft Beer and Food Truck Festival, that Council as landowner and lessor agrees to the lodgement of the required application for an event on public land.
  3. That in relation to the proposed temporary operation of Sundays on the Green (where the activity meets the exempt development criteria for a special event on public land under the Ballina LEP 2012), that Council as landowner and lessor agrees to the lodgement of the required application for an event on public land, subject to a limitation of one event per month.
  4. That in relation to the proposed Sundays on the Green initiative, that Council as landowner and lessor agrees to the lodgement of a development application for the ongoing use of the greens for this purpose.
  5. That Council be guided by findings from investigations undertaken by Liquor and Gaming NSW in relation to the management of noise related issues under the Club Lennox leases for Lot 31 DP 11905, 10 Stewart Street, and part of King Street.

Cr David Wright, Mayor left the meeting at 10:03 am.

Cr Eoin Johnston, Deputy Mayor assumed the Chair.

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

FOR VOTE - Cr Phillip Meehan and Cr Sharon Parry

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

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr David Wright, Cr Nathan Willis and Cr Sharon  
Cadwallader

**260919/4        RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

1. That Council manages the lease to Club Lennox for Lot 31 DP 11905, 10 Stewart Street, and the associated lease over part of King Street as follows with respect to land use and activities on and around the bowling green area:
  - Where the proposed use of the land or activity is already the subject of an existing approval or the use is classed as exempt development or development that does not require consent, that Council as lessor agrees to the use or activity being carried out (subject to compliance with clause 6.02 in both leases).
  - Where the proposed use of the land or activity is exempt development, but it otherwise requires an approval from Council under the Local Government Act and/or Roads Act, that Council as landowner and lessor agrees to the lodgement of the required application.
  - Where the proposed use of the land or activity requires development consent, that the proposed use or activity be reported to Council as landowner and lessor to enable consideration of the particular proposal and circumstances before a development application is lodged for assessment.
2. That in relation to the proposed Craft Beer and Food Truck Festival, that Council as landowner and lessor agrees to the lodgement of the required application for an event on public land.
3. That in relation to the proposed temporary operation of Sundays on the Green (where the activity meets the exempt development criteria for a special event on public land under the Ballina LEP 2012), that Council as landowner and lessor agrees to the lodgement of the required application for an event on public land.
4. That in relation to the proposed Sundays on the Green initiative, that Council as landowner and lessor agrees to the lodgement of a development application for the ongoing use of the greens for this purpose.

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5. That Council be guided by findings from investigations undertaken by Liquor and Gaming NSW in relation to the management of noise related issues under the Club Lennox leases for Lot 31 DP 11905, 10 Stewart Street, and part of King Street.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright, Cr Nathan Willis and Cr Sharon Cadwallader

Cr Sharon Parry declared an interest in Item 8.3 and left the meeting at 10.21 am.

**8.3 Planning Proposal and DCP Amendments - Attached Dual Occupancy**

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

1. That Council authorises the General Manager to finalise and implement Planning Proposal BSCPP18/002 – Attached Dual Occupancy Alstonville under delegated authority as detailed in Attachment 1.
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.
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) 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.

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

FOR VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Eoin Johnston and Cr Stephen McCarthy and the casting vote of the Deputy Mayor

ABSENT. DID NOT VOTE - Cr David Wright, Cr Sharon Parry, Cr Nathan Willis and Cr Sharon Cadwallader

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A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Stephen McCarthy

That Council notes the content of this report.

Cr Jeff Johnson left the meeting at 10:55 am. This left the meeting with no quorum.

**Adjournment**

The Deputy Mayor declared the meeting adjourned at 10.56 am due to lack of a quorum.

The meeting resumed at 11.10 am.

Cr David Wright and Cr Jeff Johnson returned to the meeting at 11:10 am.

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

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

AGAINST VOTE - Cr Keith Williams and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Sharon Cadwallader

**260919/5        RESOLVED**

(Cr Phillip Meehan/Cr Stephen McCarthy)

That Council notes the content of this report.

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

AGAINST VOTE - Cr Keith Williams and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Sharon Cadwallader

Cr Sharon Parry returned to the meeting at 11:21 am.

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**11.2 Notice of Motion - Lake Ainsworth Parking**

**260919/6          RESOLVED**

(Cr Jeff Johnson/Cr Keith Williams)

1. That Council receives a report on options to ensure that the overflow cars from the caravan park are not parked in the public car parking spaces or the surrounding residential streets.
2. As part of this report, Council to follow up on other matters previously agreed to by the caravan park including a boundary fence along the northern boundary to formally separate the public parking area/road network and the caravan park grounds.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**11.3 Notice of Motion - Ballina Island Traffic Modelling**

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

That Council receive a report on the possibility, including the benefit and cost of:

- using the RMS access road that currently exists from Flat Head Lane to the Teven Road interchange; OR
- the Council road reserve that exists from Flat Head Lane to Barlows Road

as a short to medium term solution to allow traffic to move north and south (and vice versa) from areas such as Ballina Heights, the airport, and the Southern Cross Industrial Precinct, without the need to travel through the Ballina Island.

An **Amendment** was moved by Cr Johnson and seconded by Cr Parry.

1. That Council receive a report on the possibility, including the benefit and cost of:
  - using the RMS access road that currently exists from Flat Head Lane to the Teven Road interchange; OR
  - the Council road reserve that exists from Flat Head Lane to Barlows Road

as a short to medium term solution to allow traffic to move north and south (and vice versa) from areas such as Ballina Heights, the airport, and the Southern Cross Industrial Precinct, without the need to travel through the Ballina Island.



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2. That as part of this report, the timing, costs and opportunities for grant funding for the Western Arterial Road be included.

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

FOR VOTE - Cr Sharon Parry and Cr Jeff Johnson

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

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

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

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

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**260919/7        RESOLVED**

(Cr Stephen McCarthy/Cr Jeff Johnson)

That Council receive a report on the possibility, including the benefit and cost of:

- using the RMS access road that currently exists from Flat Head Lane to the Teven Road interchange; OR
- the Council road reserve that exists from Flat Head Lane to Barlows Road

as a short to medium term solution to allow traffic to move north and south (and vice versa) from areas such as Ballina Heights, the airport, and the Southern Cross Industrial Precinct, without the need to travel through the Ballina Island.

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

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**14.    Confidential Session**

**260919/8        RESOLVED**

(Cr Ben Smith/Cr Jeff Johnson)

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.

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**14.1 70 Shelly Beach Road East Ballina - The Beach House**

**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 is subject to legal privilege.

**14.2 Ballina Wastewater Treatment Plant Upgrade - Contract Update**

**Reason for Confidentiality**

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as this report provides advice concerning litigation.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

(The Council moved into Confidential Session at 12.06 pm).

**Open Council**

**260919/9        RESOLVED**

(Cr Ben Smith/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

(The Council moved into Open Council at 1.01 pm).

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

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**14.1 70 Shelly Beach Road East Ballina - The Beach House**

**CF260919/1 RECOMMENDED**

(Cr Ben Smith/Cr Keith Williams)

That in respect to the building activity and works the subject of this report at 70 Shelly Beach Road, East Ballina, Council endorses action based on points 1 and 2 as outlined in this report.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Eoin Johnston

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**CF260919/2 RECOMMENDED**

(Cr Ben Smith/Cr Keith Williams)

That Council write to the landowner seeking an undertaking that they will not use the land for any purpose other than as provided in the 1971 consent (as amended, if applicable).

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

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**14.2 Ballina Wastewater Treatment Plant Upgrade - Contract Update**

**CF260919/3 RECOMMENDED**

(Cr Ben Smith/Cr Keith Williams)

That Council notes the confidential information in respect to the West Ballina Wastewater Treatment Plant contract dispute.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**Adoption of Recommendations from Confidential Session**

**260919/11 RESOLVED**

(Cr Keith Williams/Cr Jeff Johnson)

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Eoin Johnston, Cr

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Stephen McCarthy, Cr Keith Williams and Cr Ben Smith  
AGAINST VOTE - Cr Phillip Meehan and Cr Sharon Parry  
ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**Public Question Time**

There were no members of the public present for Public Question Time.

The Mayor declared the meeting adjourned at 1.03 pm.

The meeting resumed at 1.39 pm

Cr Phillip Meehan left the meeting at 01:39 pm.

**11.4 Notice of Motion - Western Arterial Road**

**260919/12      RESOLVED**

(Cr Keith Williams/Cr Ben Smith)

That Council receive a report on options for the timing, cost and funding of the Western Arterial Road.

Cr Phillip Meehan returned to the meeting at 01:40 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**8.2 70 Shelly Beach Road East Ballina - The Beach House**

**260919/13      RESOLVED**

(Cr Keith Williams/Cr Ben Smith)

That Council notes the contents of this report in respect to the options for enforcement action in relation to 70 Shelly Beach Road East Ballina.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**8.4 Ballina Shire Development Control Plan 2012 - Amendment No. 12**

**260919/14      RESOLVED**

(Cr Ben Smith/Cr Eoin Johnston)

1. That Council adopts Draft Amendment No. 12 to the Ballina Shire Development Control Plan 2012, as exhibited for public comment, subject to the changes to Element H in Chapter 4 as detailed in Attachment 2 to this report.

2. That Council provide a copy of Ballina Shire Development Control Plan 2012, once amended, to the NSW Department of Planning, Industry and Environment as required by the Environmental Planning and Assessment

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Regulation.

3. That Council provide public notice of the adoption of Ballina Shire Development Control Plan 2012 Amendment No. 12, with the amended DCP to take effect from the date of publication in the Ballina Shire Advocate.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**8.5 Community Participation Plan – Draft**

**260919/15      RESOLVED**

(Cr Ben Smith/Cr Sharon Parry)

1. That Council proceed to undertake the public exhibition of the Draft Community Participation Plan (as contained in Attachment 1), in accordance with the terms of the *Environmental Planning and Assessment Act 1979* and the associated Regulation.
2. That Council proceed to undertake the public exhibition of draft amendments to the Ballina Shire Development Control Plan 2012 relating to the Community Participation Plan (as contained in Attachment 2), in accordance with the terms of the *Environmental Planning and Assessment Act 1979* and the associated Regulation.
3. That a further report on the outcomes of the exhibition process be submitted to Council following the public exhibition of the Draft Community Participation Plan and Ballina Shire Development Control Plan 2012 amendments.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

Cr Jeff Johnson left the meeting at 01:54 pm.

**8.6 Land Classification - North Teven Road, Teven**

**260919/16      RESOLVED**

(Cr Eoin Johnston/Cr Jeff Johnson)

That Council classify the land identified as Lots 129, 153, 224 DP 755741 and Lot 21 DP 728269, located at Teven, 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 Nathan Willis and Cr Sharon Cadwallader

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**8.7     Development Applications - Works in Progress - September 2019**

**260919/17     RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of this report on the status of outstanding development applications for September 2019.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Sharon Cadwallader

**9.     Corporate and Community Division Reports**

**9.1     Use of Council Seal**

**260919/18     RESOLVED**

(Cr Ben Smith/Cr Eoin Johnston)

That Council affix the Common Seal to the following documents.

US 19/08	Ballina Shire Council Sublease to P & K Sinclair for premises being the café on that part of level 2 of the building known as Ballina Surf Club situated at 65 Lighthouse Parade, East Ballina for the five year option on the sublease.  Ballina Shire Council Sublease to P & K Sinclair for premises being the kiosk on that part of level 1 of the building known as Ballina Surf Club situated at 65 Lighthouse Parade, East Ballina for the five year option on the sublease
US 19/09	Ballina Shire Council Lease to Ballina Wealth Management Pty Ltd for premises being 135 River Street, Ballina for the three year option on the lease.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Sharon Cadwallader

**9.2     Investment Summary - August 2019**

**260919/19     RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That Council notes the record of banking and investments for August 2019.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Sharon Cadwallader

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Cr Jeff Johnson returned to the meeting at 02:00 pm.

**9.4 Legal Matters - Update**

**260919/20      RESOLVED**

(Cr Eoin Johnston/Cr Ben Smith)

1. That Council notes the contents of this report on legal matters.
2. That Council notes that there will need to be a budget increase for legal expenses of at least \$300,000 as part of the September 2019 Quarterly Budget Review report to the November 2019 Ordinary meeting, based on actual and forecast legal expenditure as outlined in this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**9.5 Policy (Review) - Website - Direct Links and Commercial Advertising**

**260919/21      RESOLVED**

(Cr Ben Smith/Cr Sharon Parry)

1. That Council adopts the amended Website – Direct Links and Commercial Advertising Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions to be reported 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 Nathan Willis and Cr Sharon Cadwallader

**9.6 Policy (Review) - Property Reserves**

**260919/22      RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

1. That Council adopts the amended Property Reserves Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions to be reported 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 Nathan Willis and Cr Sharon Cadwallader

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**10. Civil Services Division Reports**

**10.1 Ballina Wastewater Treatment Plant Upgrade - Contract Dispute**

**260919/25 RESOLVED**

(Cr Jeff Johnson/Cr Sharon Parry)

That Council notes the contents of this report in respect to the Ballina Wastewater Treatment Plant Upgrade Contract Dispute.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**10.2 Policy (Review) - Unused Public Roads - Short Term Leases**

**260919/26 RESOLVED**

(Cr Eoin Johnston/Cr Ben Smith)

1. That Council adopts the amended Unused Public Roads – Short Term Leases Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions to be reported 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 Nathan Willis and Cr Sharon Cadwallader

**11. Notices of Motion**

**11.1 Notice of Motion - Emergency Services Levy - Permanent Firefighters**

A **Motion** was moved by Cr Phillip Meehan

That with the announcement of the new State Government Cabinet, that Council write to the Minister for Police and Emergency Services, the Honourable David Elliott, again seeking a commitment from the State Government to introduce permanent full time firefighters in Ballina based, initially, on the special roster model in recognition of the growth of the Shire and the commensurate requirement for emergency services.

The **Motion LAPSED.**



**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 26/09/19 AT 9.00 AM**

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**11.5 Notice of Motion - Lennox Head Car Parking**

**260919/27      RESOLVED**

(Cr Sharon Parry/Cr Stephen McCarthy)

That the matter be deferred to the next meeting.

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

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**12. Advisory Committee Minutes**

Nil Items

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

**13.1 Mayoral Meetings**

**260919/28      RESOLVED**

(Cr Sharon Parry/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Sharon Cadwallader

**MEETING CLOSURE**

2.12 pm

The Minutes of the Ordinary Meeting held on 26/09/19 were submitted for confirmation by council on 24 October 2019 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 October 2019.