

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 28/11/19 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, Nathan Willis, Keith Williams, Sharon Cadwallader 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 14 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**

Nil

**4. Confirmation of Minutes**

**281119/1 RESOLVED**

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 October 2019.

FOR VOTE - All Councillors voted unanimously.

**281119/2 RESOLVED**

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Monday 18 November 2019.

FOR VOTE - All Councillors voted unanimously.

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

- **Paul Hickey** – declared an interest in Item 8.1 – DA 2018/381 – 404 Old Byron Bay Road, Newrybar (Nature of Interest: non-significant, non-pecuniary – a member of his family has a close relationship with one of the adjoining property owners). He will be departing the meeting while the matter is discussed.
- **Phil Meehan** – declared an interest in Item 10.4 – Festival and Event Sponsorship Program (Nature of Interest: significant, non-pecuniary – he has a family member who is a member of the board for Ballina Chamber of Commerce). He will be departing the meeting while the matter is discussed.
- **Cr David Wright** later in the meeting declared an interest in Item 8.6 – Ocean Pool Update (Nature of Interest: non-significant, non-pecuniary - he taught the daughter of Cathy Byrne, who gave a deputation). He remained in the meeting while the matter was discussed and voted on the matter.
- **Cr Nathan Willis** later in the meeting declared an interest in Item 11.4 – Pedestrian Safety Improvements – Main Street Alstonville (Nature of Interest: non-significant, non-pecuniary – his business is located in Main Street). He remained in the meeting while the matter was discussed and voted on the matter.

Paul Hickey left the meeting at 9.02 am.

**6. Deputations**

- **Mark Ryan, Scenic Escarpment Protection Alliance** – spoke in opposition to Item 8.1 – DA 2018/381 – 404 Old Byron Bay Road, Newrybar
- **Joanne White** – spoke in favour of Item 8.1 – DA 2018/381 – 404 Old Byron Bay Road, Newrybar
- **Cathy Byrne** – spoke in opposition to Item 8.6 – Ballina Ocean Pool – Update
- **Bruce Johnston** – spoke in favour of Item 9.4 – High Water Consumption – 11 Bonito Place, Ballina
- **Ken Johnston** – spoke in opposition to Item 10.2 – Western Arterial Bypass – Analysis of Route Options

**7. Mayoral Minutes**

Nil

Paul Hickey returned to the meeting at 9.30 am.

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40 CHERRY STREET BALLINA,  
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---

**9.4 High Water Consumption - 11 Bonito Place, Ballina**

**281119/3          RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council approves the write-off of \$9,716.31 as detailed in this report for property assessment number 111144 based on the following reasons:

- 1) Council and the property owner have not been able to determine the basis for the excessive water usage at this property.
- 2) The property owner is a pensioner who does not have the financial means to meet the water consumption charges.
- 3) The usage is inconsistent with previous readings for this property and property owner.

FOR VOTE - All Councillors voted unanimously.

Paul Hickey left the meeting at 9.37 am.

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

**8.1          DA 2018/381 - Lot 2, DP 1065811, 404 Old Byron Bay Road, Newrybar**

**281119/4          RESOLVED**

(Cr Phillip Meehan/Cr Eoin Johnston)

That DA 2018/381 for the decommissioning of an existing dwelling and construction of a new two storey dwelling and swimming pool and the upgrading of an existing internal access way be **APPROVED** subject to the application of standard planning, engineering and environmental health conditions of consent for this type of development and other conditions as outlined in this report and inclusive of:

- a condition addressing rectification works to the culverts consistent with the following:

Prior to the commencement of works (except vegetation planting, restoration and rehabilitation works) the applicant is to submit to Council for approval a Culvert Rectification Plan (CRP). The purpose of the CRP is to ensure the natural flow regimes of the creek which, traverses the approved internal driveway are restored to their predevelopment state. The CRP is to be prepared by a suitably qualified professional to address the following matters:

- o methods for undertaking rectification works to the culverts without causing environmental harm to the creek and/or adjacent vegetation
- o identify by survey the natural base level of the creek bed and other environmental constraints

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---

- based on the results of the survey data include detailed design plans to ensure all low flow events from the creek can pass through the culverts unimpeded
  - the culvert design is to ensure that velocity of natural creek flows are not altered and the installation of the new culverts will not cause erosion and/or upstream ponding
  - environmental actions to be incorporated to ensure the culverts post rectification works will not cause environmental harm to the creek and/or adjacent vegetation
  - a reporting and the implementation monitoring program for the installation and post operation of the culverts
  - certification that the culverts meet relevant engineering standards and requirement of the Rural Fire Service by a suitably qualified engineer
  - the provision of monitoring reports to be submitted to Council's Planning and Environmental Health Division
- a condition requiring completion of required culvert rectification works prior to commencement of works on the new dwelling house.
  - a condition requiring all services to the new dwelling to be located underground (as far as is practical).
  - a condition requiring the submission of a construction management plan that includes the address of construction vehicle access to the new dwelling.

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

**Adjournment**

The Mayor declared the meeting adjourned at 10.36 am.

The meeting resumed at 10:56 am

**8.6 Ballina Ocean Pool - Update**

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Eoin Johnston

That Council notes the content of this report regarding the status of the Ballina Ocean Pool project.

At this point Cr David Wright declared an interest in item 8.6 – Ballina Ocean Pool – Update (Nature of Interest: non-significant, non-pecuniary – he taught the daughter of Cathy Byrne, who gave a deputation). He will be remaining in the meeting and voting on the matter.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
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---

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Phil Meehan

1. That Council dissolves the Ballina Ocean Pool Committee as a committee of Council.
2. That Council not allocate further resources to the project, including staff time and funding, except for planning process advice as would be provided to any party considering a development application, and any remaining grant funds held by Council.

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

FOR VOTE - Cr Phillip Meehan, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

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

**Adjournment**

The Mayor declared the meeting adjourned at 11.30 am.

The meeting resumed at 11.54 am

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Eoin Johnston

1. That Council notes the content of this report regarding the status of the Ballina Ocean Pool project.
2. That a Council briefing be held on the preparation of an ILUA.

**Adjournment**

The meeting was adjourned at 12.00 pm.

The meeting resumed at 2.00 pm.

Item 8.6 Ballina Ocean Pool - Update was deferred as Council resolved to move into confidential session to consider legal advice by teleconference in respect to item 9.7 – Financial Review – 30 September 2019, with this advice only available from 2.00 pm.

**Confidential Session**

**281119/5      RESOLVED**

(Cr Nathan Willis/Cr Sharon Cadwallader)

That Council move 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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---

**9.7      Financial Review – 30 September 2019**

**Reason for Confidentiality**

A representative from Allens Solicitors was in attendance by teleconference to discuss the legal costs being incurred by Council in relation to court cases with Intrapac. This session 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) the discussion of the matter in an open meeting is not considered to be in the public interest as the legal opinion provided is subject to legal privilege.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 2.01 pm)

**Open Council**

**281119/6      RESOLVED**

(Cr Nathan Willis/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 2.23 pm.)

**9.7      Financial Review - 30 September 2019**

**281119/7      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of the September 2019 Quarterly Budget Review and approves the changes identified within this report.

FOR VOTE - All Councillors voted unanimously.

**8.6      Ballina Ocean Pool – Update**

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Ben Smith

1. That Council notes the content of this report regarding the status of the Ballina Ocean Pool project.
2. That a Council briefing be held on the preparation of an ILUA.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 28/11/19 AT 9.00 AM**

---

3. That Council receive a report on potential liabilities that may be faced with construction of an ocean pool, including comments from our insurer.

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

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

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Eoin Johnston

1. That Council notes the content of this report regarding the status of the Ballina Ocean Pool project.
2. That a Council briefing be held on the preparation of an ILUA.

A **Motion** was moved by Cr Nathan Willis

That the motion be put to the vote.

The **Motion** to put the Motion to the vote was **CARRIED**

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

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

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

**281119/8        RESOLVED**

(Cr Jeff Johnson/Cr Eoin Johnston)

1. That Council notes the content of this report regarding the status of the Ballina Ocean Pool project.
2. That a Council briefing be held on the preparation of an ILUA.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
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---

**10.2 Western Arterial Bypass - Analysis of Route Options**

**281119/9            RESOLVED**

(Cr Phillip Meehan/Cr Nathan Willis)

1. That Council notes the contents of this report regarding options for the timing, cost and funding of the Western Arterial Road.
2. That Council defers further consideration of the Barlows Road route option as a short-to-medium term solution to traffic congestion on Ballina Island until such time as the benefits of the River Street and Tamarind Drive duplication projects can be realised following their completion.
3. That Council discontinue further consideration of the RMS service road as a short-to-medium term solution to traffic congestion on Ballina Island.

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

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

**8.2 DA 2019/382 - Two Lot Torrens Title Subdivision - 5-9 Sapphire Court**

**281119/10           RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

That Development Application 2019/382 to undertake a two lot Torrens subdivision and demolition of existing garage, shed and erection of new carport at Lot 3 DP 1041589, No. 5-9 Sapphire Court, Lennox Head be **APPROVED** subject to any conditions referred to within this report and standard planning, civil and environmental health conditions.

FOR VOTE - All Councillors voted unanimously.

**8.3 Lake Ainsworth Precinct - Car Parking**

A **Motion** was moved by Cr Jeff Johnson

1. That Council adopt a no parking zone around the Lake Ainsworth foreshore precinct between 1am and 5am.
2. That Council liaise with Reflections caravan park and seek confirmation that adequate parking will be provided in the caravan park for guests cars.

The **Motion LAPSED**.



**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
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40 CHERRY STREET BALLINA,  
ON 28/11/19 AT 9.00 AM**

---

**281119/11      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council undertake monitoring of parking, access and traffic in the Lake Ainsworth precinct following the completion of the foreshore improvement works in line with the actions that are ultimately adopted by Council in the Lake Ainsworth Coastal Management Program.
2. That Council engage in ongoing discussions with NSW Crown Lands and Reflections caravan park management in relation to the overall management of the Lake Ainsworth precinct.
3. That Council develop in consultation with the Reflections caravan park management a suitable factsheet on Lake Ainsworth and parking considerations in the precinct for distribution in the 2019/20 holiday period.
4. That Council install appropriate signage regarding no camping in the Lake Ainsworth and Camp Drew Road Precinct.
5. That Council engage local MPs and relevant state government ministers to implement actions previously agreed to by Reflections caravan park.

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

AGAINST VOTE - Cr Ben Smith

**8.4      Local Environmental Plan Framework - Water Extraction**

**281119/12      RESOLVED**

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council prepare a planning proposal which seeks to substitute the definition of rural industry contained within Ballina LEP 1987 with the Standard Instrument definition of rural industry.
2. That the planning proposal once prepared be forwarded to the Department of Planning Industry and Environment for a Gateway determination.
3. That the Department of Planning Industry and Environment be advised that Council seeks to exercise the functions of the local plan-making authority under section 3.36(2) of the *Environmental Planning and Assessment Act* 1979 for this LEP amendment.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 28/11/19 AT 9.00 AM**

---

4. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
5. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal and after the release of the final report of the NSW Chief Scientist and Engineer into the Impacts of the Bottled Water Industry on Groundwater Resources in the Northern Rivers Region of NSW.

FOR VOTE - All Councillors voted unanimously.

**8.5 Market Proposals - Market on Dusk, Alstonville and Ballina**

**281119/13      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the 'Market on Dusk' proposals for a period of three years, with temporary license issued annually, to be held:
  - 2<sup>nd</sup> Saturday of each month at Missingham Park, Ballina (December – April inclusive).
  - 4<sup>th</sup> Saturday of each month at Elizabeth Anne Brown Park, Alstonville (December – April inclusive; with adjustments for public holidays such as to provide for markets on 21 December and 18 April).
2. That Council authorises the use of the Council Seal to execute the required licence documents and any associated documentation to enable the operation of the market as set out in point one.

FOR VOTE - All Councillors voted unanimously.

**8.7 Community Participation Plan - Adoption**

**281119/14      RESOLVED**

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council adopts the Community Participation Plan and associated amendments to the Ballina Shire Development Control Plan 2012 as exhibited for public comment.
2. That Council upload the adopted Community Participation Plan to the NSW Department of Planning, Industry and Environment's (DPIE) planning portal by 1 December 2019 as required by the Environmental Planning and Assessment Act 1979, and provide a copy of the amended Ballina Shire Development Control Plan 2012 to DPIE as required by the Environmental Planning and Assessment Regulation 2000.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
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40 CHERRY STREET BALLINA,  
ON 28/11/19 AT 9.00 AM**

---

3. That Council provide public notice of the adoption of the Community Participation Plan and amended Ballina Shire Development Control Plan 2012, with the amended DCP to take effect from the date of publication in the Ballina Shire Advocate.

Cr Jeff Johnson left the meeting at 03:28 pm.

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

Cr Jeff Johnson returned to the meeting at 03:29 pm.

**8.8 Development Applications - Works in Progress - November 2019**

**281119/15      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council notes the contents of the report on the status of outstanding development applications for November 2019.
2. That DA 2019/123 be reported to Council for determination.

FOR VOTE - All Councillors voted unanimously.

**9. Corporate and Community Division Reports**

**9.1 Use of Council Seal**

**281119/16      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following document.

US 19/11	Ballina Shire Council Sublease to T Woznitza for a further term of three years for premises being the Areas 3 & 4 Old Tintenbar Council Chambers, 2 High Street, Alstonville.
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FOR VOTE - All Councillors voted unanimously.

**9.2 Investment Summary - October 2019**

**281119/17      RESOLVED**

(Cr Keith Williams/Cr Sharon Cadwallader)

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

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 28/11/19 AT 9.00 AM**

---

**9.3 Community Donation - Ballina Presbyterian Church**

**281119/18      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council provide the Ballina Presbyterian Church with a donation to the value of \$500 for the purchase of food for the Ballina Community Free Christmas Lunch. That the funds come from the Financial Assistance – Community Donations budget and acquittal of the funds is by way of receipts and a Statutory Declaration.

FOR VOTE - All Councillors voted unanimously.

**9.5 Flat Rock Tent Park Fees and Charges - 2020/21**

**281119/19      RESOLVED**

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council authorises the exhibition of the draft Flat Rock Tent Park fees and charges for 1 February 2020 to 31 January 2021, as per Attachment 1 to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.

**9.6 Financial Statements - 2018/19**

**281119/20      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council adopts the annual financial reports and auditor's reports for the financial year ended 30 June 2019, as publicly exhibited.

FOR VOTE - All Councillors voted unanimously.

**10. Civil Services Division Reports**

**10.1 Bangalow Road / Angels Beach Drive Intersection - Public Exhibition**

**281119/21      RESOLVED**

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council approves public exhibition of the concept design plan for the upgrade of approach roads to the Bangalow Road/Angels Beach Drive intersection, as per Attachment 1 to 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 phase of the project.

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 28/11/19 AT 9.00 AM**

---

**10.3 Residential Rear Lanes - Management of Parking**

**281119/22      RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

1. That Council confirms it will rely on NSW Road Rules for management of parking in residential lanes, instead of the installation of signage unless there are extenuating circumstances.
2. That Council update the Road and Transport Asset Management Plan with information in response to point one and the contents of this report.

FOR VOTE - All Councillors voted unanimously.

Cr Phillip Meehan left the meeting at 03:38 pm.

**10.4 Festival and Event Sponsorship Program**

**281119/23      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council approves the following funding allocations for the 2020/21 Festival and Events Sponsorship Program.

<b>Name of Organisation</b>	<b>Name of Event</b>	<b>2020/21 Request</b>	<b>Funding Approved</b>
Lennox Head Chamber of Commerce	Love Lennox Festival 2021	20,000	20,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2020	25,000	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2020	5,000	5,000
Alstonville Agricultural Society	New Year's Eve Family Festival	20,000	20,000
Truckstop Sk8	Fair Go Skatefest 2020	10,000	(*4,000) 5,000
Lennox Weddings and Events	The Wedding Gathering 2021	5,000	0
Lennox Weddings and Events	Health and Wellness Festival	5,000	0
The Rotary Club of Ballina-on-Richmond	Ballina Fine Wine and Food Fair 2020	10,000	10,000
Cherry Street Sports Club	Ballina Country Music Fest 2020	35,000	30,000
Ballina Chamber of Commerce and Industry	Christmas on River Street 2020	10,000	5,000
<b>TOTAL</b>		<b>145,000</b>	<b>120,000</b>

\* Plus funding from the Fair Go Skate annual event budget

2. That Council receive a report reviewing the Festivals and Events (Community) Sponsorship Program and the Festivals and Events (Commercial) Sponsorship Program to ensure the policies better reflect the financial realities of conducting festivals and events.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
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40 CHERRY STREET BALLINA,  
ON 28/11/19 AT 9.00 AM**

---

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

Cr Phillip Meehan returned to the meeting at 03:47 pm.

**10.5 No Parking Zone, Dalwood Road**

**281119/24      RESOLVED**

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council notes the recommendation of the Local Traffic Committee that parking restrictions on Dalwood Road, adjacent to Dalwood Falls, are not supported.
2. That Council take no further action in regards to the proposal to implement parking restrictions on Dalwood Road, adjacent to Dalwood Falls.

FOR VOTE - All Councillors voted unanimously.

**10.6 Policy (Review) - Urban Water Quality**

**281119/25      RESOLVED**

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council adopts the amended Urban Water Quality Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

**10.7 Policy (Review) - Temporary Storage Containers on Community Land**

**281119/26      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Temporary Storage Containers on Public Land Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
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---

**10.8 Policy (Review) - Pesticide Use and Pesticide Notification Plan**

**281119/27      RESOLVED**

(Cr Keith Williams/Cr Nathan Willis)

1. That Council recognises the importance of bee health and pollination services provided to agriculture in Ballina Shire.
2. That Council hold a Councillor briefing to:
  - a) Review Council use of pesticides implicated in mass bee deaths (including but not limited to Fipronil, Diazinon and neonicotinoid pesticides) and
  - b) Review and amend as necessary the draft Pesticide Use and Pesticide notification plan prior to public exhibition.

FOR VOTE - All Councillors voted unanimously.

**11. Notices of Motion**

**11.1 Rescission Motion - Lake Ainsworth - Dog Management**

**281119/28      RESOLVED**

(Cr Phillip Meehan/Cr Eoin Johnston)

That Resolution 241019/16, as follows, be rescinded:

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 Phillip Meehan, Cr Jeff Johnson, Cr Eoin Johnston and Cr Ben Smith

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

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
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40 CHERRY STREET BALLINA,  
ON 28/11/19 AT 9.00 AM**

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**11.2 Local Government Remuneration Tribunal - 2020 Annual Review**

A **Motion** was moved by Cr Nathan Willis and seconded by Cr Stephen McCarthy

1. That Council make a submission to the Local Government Remuneration Tribunal supporting an increase in Councillor fees to encourage a greater diversity of candidates in the future and that is reflective of the hours and commitments involved.
2. That Council's submission also support the creation of the new category of Regional Centre with Ballina Shire to be included in that category based on the State Government's confirmation that Ballina has been identified as an emerging regional centre.

A **Motion** was moved by Cr Sharon Parry

That the motion be put to the vote.

The **Motion** to put to the vote was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

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

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

**281119/29      RESOLVED**

(Cr Nathan Willis/Cr Stephen McCarthy)

1. That Council make a submission to the Local Government Remuneration Tribunal supporting an increase in Councillor fees to encourage a greater diversity of candidates in the future and that is reflective of the hours and commitments involved.
2. That Council's submission also support the creation of the new category of Regional Centre with Ballina Shire to be included in that category based on the State Government's confirmation that Ballina has been identified as an emerging regional centre.

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



**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 28/11/19 AT 9.00 AM**

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**11.3 Climate Emergency Declaration**

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Eoin Johnston

1. That Council declares we are in a state of climate emergency that requires urgent action by all levels of government.
2. That Council notes that at least 71 Local Government areas in Australia have already declared a 'Climate Emergency'.
3. That Council acknowledges Ballina Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods.
4. That Council calls upon the State and Federal Governments to declare a climate emergency, and to back this up with legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the lower of the Paris Agreements or a maximum 1.5 degree warming.
5. That Council writes to all NSW and Federal Government MP's advising them of Council's resolution and urging them to acknowledge a climate emergency and to act with urgency to address the crisis.
6. That Council receives a report on potential impacts on Ballina Shire and adaptations that could be considered.
7. That Council notes that a recent Bureau of Meteorology (BoM) and CSIRO report, *State of the Climate* states that 'Australia's climate has warmed by just over 1 degree C since 1910.

A **Motion** was moved by Cr Sharon Parry

That the motion be put to the vote.

The **Motion** to put to the vote was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

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

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

AGAINST VOTE - Cr Phillip Meehan

**281119/30      RESOLVED**

(Cr Jeff Johnson/Cr Eoin Johnston)

1. That Council declares we are in a state of climate emergency that requires urgent action by all levels of government.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 28/11/19 AT 9.00 AM**

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2. That Council notes that at least 71 Local Government areas in Australia have already declared a 'Climate Emergency'.
3. That Council acknowledges Ballina Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods.
4. That Council calls upon the State and Federal Governments to declare a climate emergency, and to back this up with legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the lower of the Paris Agreements or a maximum 1.5 degree warming.
5. That Council writes to all NSW and Federal Government MP's advising them of Council's resolution and urging them to acknowledge a climate emergency and to act with urgency to address the crisis.
6. That Council receives a report on potential impacts on Ballina Shire and adaptations that could be considered.
7. That Council notes that a recent Bureau of Meteorology (BoM) and CSIRO report, *State of the Climate* states that 'Australia's climate has warmed by just over 1 degree C since 1910.

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

Cr Phillip Meehan left the meeting at 05:01 pm.

**Cr Nathan Willis** – at this stage declared an interest in Item 11.4 – Pedestrian Safety Improvements – Main Street Alstonville (Nature of Interest: non-significant, non-pecuniary – his business is located in Main Street). He will be remaining in the meeting while the matter is discussed and voting on the matter.

**11.4 Pedestrian Safety Improvements - Main Street Alstonville**

**281119/31      RESOLVED**

(Cr Eoin Johnston/Cr Sharon Parry)

To improve safety, the central pedestrian crossing in Main Street Alstonville be modified, with the cost for this work to be funded by an allocation of \$5,000 from the 2019/20 Roads Maintenance budget.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 28/11/19 AT 9.00 AM**

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**12. Advisory Committee Minutes**

**12.1 Facilities Committee Minutes 20 and 28 November 2019**

**281119/32 RESOLVED**

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

That Council confirms the minutes of the Facilities Committee meeting held 20 November 2019 and resumed 28 November 2019 and that the recommendations contained within the minutes be adopted.

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

**12.2 Commercial Services Committee Minutes 20 and 28 November 2019**

**281119/33 RESOLVED**

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council confirms the minutes of the Commercial Services Committee meeting held 20 November 2019 and resumed 28 November 2019 and that the recommendations contained within the minutes be adopted.

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

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

**13.1 Mayoral Meetings**

**281119/34 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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

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

**MEETING CLOSURE**

5.07 pm

The Minutes of the Ordinary Meeting held on 28/11/19 were submitted for confirmation by council on 19 December 2019 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 19 December 2019.