### **Attendance**

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan (arrived at 9.38 am), Ken Johnston, Paul Worth, Robyn Hordern and Ben Smith.

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

There were 19 people in the gallery at this time.

### 1. Australian National Anthem

The National Anthem was performed by Councillors and staff.

### 2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

### 3. Apologies

Cr Susan Meehan indicated that she would be late to the meeting.

### 270815/1 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That such apology be accepted.

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

Page 1 of 18 of the	Minutes of the Ordinary	Meeting of Ballina	Shire Council – 27/08/15

#### 4. Confirmation of Minutes

#### 270815/2 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 July 2015 with an amendment to Item 14.1 on page 20 – the seconder should be Cr Keith Johnson and not Cr Keith Williams.

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

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

Cr Keith Williams later in the meeting - declared an interest in Item 9.3 –
Koala Plan of Management. (Nature of Interest: non significant, non
pecuniary - he is currently employed by Envite to plant koala trees). He
remained in the meeting while the matter was discussed and voted on the
matter.

There were no reportable political donations.

### <u>Cr Jeff Johnson - DA 2014/387 - 11 Dees Lane, Lynwood - Telecommunications Tower</u>

**Cr Jeff Johnson** - tabled a petition on behalf of the Keep Ballina Airport Safe Group in relation to the proposed telecommunications tower at Lynwood.

### 6. Deputations

- **David Cowdery** spoke in opposition to Item 10.4 Ferry Bicycle Fees.
- Ralph Moss spoke in favour of Item 8.1 Environmental Planning and Assessment Act – Amendments.
- Ralph Moss spoke in opposition to Item 9.1 Ballina Shire Development Control Plan – Amendment No. 6.
- **Stephanie Shoebridge** spoke in favour of Item 13.2 Notice of Motion A Community Poll on Fluoride.

### 7. Mayoral Minutes

Nil

Page 2 of 18 of the Minutes of the Ordinary Meeting of Ballina Shire Council – 27/08/15
MAYOF

### 10.4 Ferry - Bicycle Fees

### 270815/3 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

- 1. That Council confirms that it has publically exhibited the \$1 fee for bicycle riders for the ferry, considered the submissions received and subsequently adopted and endorsed the introduction of the fee (noting that it commenced operation on Monday 10 August 2015)
- 2. That Council also authorises the General Manager to introduce a season ticket of \$50 per annum for bicycle riders, with school children exempt at all times.

Cr Susan Meehan arrived at the meeting at 09:38 am.

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

### 8. Development and Environmental Health Group Reports

### 8.1 <u>Environmental Planning and Assessment Act - Amendments</u> 270815/4 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of this report regarding amendments to the Environmental Planning and Assessment Act.

FOR VOTE - All Councillors voted unanimously.

### 9.1 Ballina Shire Development Control Plan - Amendment No 6

A Motion was moved by Cr Robyn Hordern and seconded by Cr Ben Smith

- 1. That Council proceed to undertake the public exhibition of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012, to achieve the particular planning outcomes identified in the attachment to this report, in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.
- 2. That a further report be submitted to the Council following the public exhibition of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012.

Page 3 of 18 of the Minutes of the Ordinary Meeti	ing of Ballina Shire Council – 27/08/15
	MAYOR

### An **Amendment** was moved by Cr Keith Williams

- 1. That Council proceed to undertake the public exhibition of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012, to achieve the particular planning outcomes identified in the attachment to this report, in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.
- 2. That a further report be submitted to the Council following the public exhibition of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012.
- 3. That the amendments relating to Floodplain Management be withdrawn and subject to further reporting.

#### The Amendment LAPSED.

### The Motion was CARRIED.

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

### 270815/5 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

- 1. That Council proceed to undertake the public exhibition of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012, to achieve the particular planning outcomes identified in the attachment to this report, in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.
- 2. That a further report be submitted to the Council following the public exhibition of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012.

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

Page 4 of 18 of the	Minutes of the	Ordinary Meeting	of Ballina Shire	e Council – 27/08/15

### 13.2 Notice of Motion - A Community Poll on Fluoride

A Motion was moved by Cr Jeff Johnson and seconded by Cr Keith Williams

That at the next Local Government election (2016) Ballina conduct a community poll to determine whether the majority of residents want the water supply fluoridated.

The Motion was LOST.

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

### **Adjournment**

The Mayor declared the meeting adjourned at 10.16 am

The meeting resumed at 10.47 am

### 8.2 <u>Development Consent and Public Infrastructure Approvals - July 2015</u> 270815/6 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 July 2015 to 31 July 2015.

FOR VOTE - All Councillors voted unanimously.

### 8.3 <u>Development Applications - Works in Progress - August 2015</u> 270815/7 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on the status of outstanding development applications for August 2015.

Page 5 of 18 of the Minutes of the Ordinary Meet	ing of Ballina Shire Council – 27/08/15
	MAYOR

### 9. Strategic and Community Facilities Group Reports

### 9.2 <u>Wardell Planning and Environmental Study - Exhibition</u>

### 270815/8 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

- 1. That Council endorses the Wardell Planning and Environmental Study and the draft Wardell Strategic Plan for public exhibition for a minimum period of four weeks.
- 2. That Council provide further consideration to the draft Wardell Strategic Plan following the completion of the public exhibition process.

FOR VOTE - All Councillors voted unanimously.

Cr Keith Williams declared a non significant, non pecuniary interest in Item 9.3. He is currently employed by Envite to plant koala trees.

### 9.3 Koala Plan of Management

### 270815/9 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

- 1. That Council authorises the revised draft Ballina Shire Comprehensive Koala Plan of Management (as attached to this report) for the purpose public exhibition for a minimum period of four weeks.
- 2. That Council forward a copy of the revised draft Ballina Shire Comprehensive Koala Plan of Management to relevant NSW Government agencies to seek feedback during the public exhibition period.
- 3. That Recommendation No. 43 be removed from the Plan and made part of Council's annual community donation considerations.

Page 6 of 18 of the Minutes of the Ordinary Meeting of Ballina Shire Council – 27/08/15
MAYOR

### 9.4 <u>Alstonville Farmers' Market and Ballina Twilight Market.</u>

#### 270815/10 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

- 1. That Council notes the information contained within this report regarding the relocation of the Alstonville Farmers' Market to the Alstonville Showground.
- 2. That Council invite Mr Steve Cooke to operate the 2015/16 Ballina Twilight Market.
- 3. That Council not apply a site rental fee for the use of Fawcett Park for the 2015/16 Ballina Twilight Market, with other assistance such as marketing to be provided, as determined by the General Manager.
- 4. That any application received for use of the Bugden Lane carpark be considered by the elected Council.
- 5. That Council receive a report in early 2016 on the Fawcett Park market outcomes.

FOR VOTE - All Councillors voted unanimously.

### 9.5 Ballina Naval and Maritime Museum - Timber Vessels

### 270815/11 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

- 1. That Council notes the contents of this report relating to the future management of the MV Florrie.
- 2. That Council endorses the Conservation Management Plan for MV Florrie, as prepared by Dr Kate Gahan.
- 3. That the General Manager forward a letter to the Ballina Naval and Maritime Museum conveying the Council's appreciation for the Museum members' commitment to substantially contributing to the implementation of the MV Florrie Conservation Management Plan.

Page / of 18 of the Minutes of the Ordinary Meeti	ng of Ballina Shire Council – 2//08/15
	MAYOR

### 9.6 Policies on Use of Public Land - Style and Content Review 270815/12 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

- 1. That Council adopts the amended public land policies and *Use of Public Land Handbook*, as attached to this report for the purpose of public exhibition.
- That Council place the policies and handbook on exhibition for public comment, with any submissions received to be reported back to the Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

### 10. General Manager's Group Reports

### 10.1 Use of Council Seal

270815/13 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council attach the Common Seal to the following documents.

US 15/10	The Alstonville Plateau Historical Society (APHS) – Lease for "Crawford House", located at 10 Wardell Road, Alstonville – Peppercorn rent – Term of three years.
US15/11	Northern Rivers Dirty Wheels Mountain Bike Club – Bruxner Highway, Alstonville
US15/12	Essential Energy - Creation of Easement for multi purpose electrical installation - Lot 2, DP 1168781, Wollongbar Sporting Fields - access via Ramses Street, Wollongbar.

FOR VOTE - All Councillors voted unanimously.

### 10.2 Investment Summary - July 2015

270815/14 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for July 2015.

Page 8 of 18 of the Minutes of the Ordinary Meeting of Ballina Shire Council – 27/08/15	
MAYC	)R

### 10.3 Rates and Charges Write Offs - 2014/15

#### 270815/15 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes that no rates, charges, or interest were written off under delegation of the General Manager for the 2014/15 rating year, pursuant to clause 131 of the Local Government (General) Regulation 2005.

FOR VOTE - All Councillors voted unanimously.

### 10.5 <u>Budgets Carried Forward and Reserve Movements</u>

#### 270815/16 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

- 1. That Council approves the works and services carried forward and reserve movements as outlined in tables six, seven and eight of this report, for inclusion in Council's Long Term Financial Plan.
- 2. That Council reduce the \$120,000 in the 2015/16 budget for footpath construction at Byron and Carlisle Streets, Wardell by \$79,000 and transfer these funds to the Wardell Town Centre Boardwalk project, which will enable the boardwalk project to proceed. The remaining \$41,000 for Wardell footpaths shall be allocated by the General Manager in consultation with the local community.

FOR VOTE - All Councillors voted unanimously.

### 10.6 Councillor Expenses - Claim

### 270815/17 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That Council authorises the claim for expenses from Cr Jeff Johnson in excess of the three month timeframe as per the contents of this report.

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

Page 9 of 18 of the	Minutes of the	Ordinary I	Meeting of	Ballina	Shire C	Council –	27/08/15

### 10.7 Policy (Review) - Councillor Expenses and Facilities

270815/18 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Council adopts the existing Councillor Expenses and Facilities Policy, as attached to this report.

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

### 11. Civil Services Group Reports

### 11.1 Shark Mitigation Strategy

270815/19 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

- 1. That Council notes the contents of this report regarding the shark mitigation strategy.
- 2. That Council write to Air T & G, the NSW Police and NSW Surf Rescue and thank them for the service, cooperation and support in developing the response to the current shark related incidents and risks.
- 3. That Council give further consideration to the development and funding of increased tourism promotion for the coming tourist season.

Cr Susan Meehan left the meeting at 12:36 pm.

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

Page 10	of 18 of	f the Min	utes of the	Ordinary I	Meeting o	f Ballina	Shire C	Council –	27/08/15

### 11.2 Permit Parking - 12 Shelly Beach Road

#### 270815/20 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

- That based on the contents of this report that Council take no further action in regard to the request for a Residents Parking Permit Scheme for the vicinity of 12 Shelly Beach Road, as it would appear not to meet the RMS guidelines for such a scheme.
- 2. That Council write to the Belle General Café inviting the business to meet the costs of the installation of a bike rack to service the demands generated by the business.

Cr Susan Meehan returned to the meeting at 12:38 pm.

FOR VOTE - All Councillors voted unanimously.

#### 12. Public Question Time

### 12.1 DA 2015/27 - 12 Shelly Beach Road - Belle General Cafe

**Julie Casey** – what is the timeframe for items 1 to 4 (as resolved at the June 2015 Ordinary meeting) of the Belle General Development Consent to be complied with?

Paul Hickey advised that one option would to provide an update to the next meeting and he would discuss this option with Rod Willis.

### 12.2 Wardell Boardwalk

**Pat Carney** – thanked Councillors for voting to go ahead with this project earlier in the meeting today. Is there a timeframe and what is the next step involved in this?

John Truman advised that the next step will be to determine the timeframe. This project has not been on Council's program, so that will need to be prioritised, staff will need to review the old design and confirm the procurement arrangements for the work.

**Pat Carney** - Cr Worth queried the projected cost earlier in the meeting – he is assuming a quote will be obtained?

John Truman advised that Council will most likely tender the project, however this is still to be confirmed.

Page 11 of 18 of the Minutes of the Ordinary Meeting of Ballina Shire Council – 27/08/15	
MAYO	R

### 12.3 <u>Building Requirements for Wardell</u>

**Pat Carney** – enquired about the issue of increasing fill if you are building a house at South Ballina. Is there any idea that in the future that a Queenslander house may be built without the necessity for fill?

Paul Hickey advised that Council adopted the Ballina Floodplain Management Plan and in adopting that Plan Council asked for options other than fill. A report is to be submitted back to Council on these options.

**Pat Carney** –if someone wants to build a house in the next twelve months in South Ballina, what standards are they required to meet?

Paul Hickey advised that they would be required to meet the existing standards as they exist at the time of building.

### 12.4 Floodgates

**Ralph Moss** – there are no floodgates on the canal on Ballina Island between the two bridges. Is that going to come before Council in the next three to six months?

John Truman advised that as previously advised, we do not have any budget allocation for installation of floodgates. The only floodgates that are installed by Council are when rehabilitation/replacement of pipes is undertaken.

### <u>Adjournment</u>

The Mayor declared the meeting adjourned at 1.01 pm

The meeting resumed at 1.45 pm

### 11.3 Alcohol Free Zones - Ballina and Wardell

#### 270815/21 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

- 1. That In accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Ballina, as per the attached map and as per the consulted time from 1 February 2015 to 31 January 2018.
- In accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Wardell, as per the attached map and as per the consulted time from 1 February 2015 to 31 January 2018.

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

Page 12 of	18 of the Minute	s of the Ordinary	Meeting of Ballin	a Shire Council –	27/08/15
					MAYOR

### 11.4 Ballina Heights Drive - Contract Variation Claim

270815/22 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of this report on the contract variation claim for the Ballina Heights Drive project.

FOR VOTE - All Councillors voted unanimously.

### 11.5 <u>Tender - Cabbage Tree Island - Pump Station Augmentation</u>

270815/23 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That Council rejects all tenders and undertake the works itself, in accordance with Local Government Regulation 178 (3) (f), subject to NSW Office of Water formal funding approval, for the Cabbage Tree Island Pump Station Augmentation.

FOR VOTE - All Councillors voted unanimously.

### 11.6 Tender - Supply and Delivery of Pre-Mixed Concrete

270815/24 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

- 1. That Council accepts the tenders of Nucon Concrete P/L and Holcim (Australia) P/L as preferred contractors for the supply of pre-mixed concrete for the revised period from 1 July 2015 to 30 June 2016, with the preferred supplier for each order determined by an assessment undertaken by staff having regard to cost and program requirements applicable at the time of the order.
- 2. That the contractor performance and market conditions be reviewed after the first year and a call for fresh tenders be made if this is determined to favourable to Council.
- 3. In the event point two above is not preferred, then in accordance with the revised terms of the Contract, the General Manager is authorised to extend the contract period to 30 June 2017, if that arrangement is to the best advantage of Council.
- 4. That Council authorises the Council seal to be attached to the contract documents.
- 5. That Council advise Nucon Pty. Ltd. that it was not prepared to accept their non-conforming tenders.

Page 13 of 18 of the Minutes of the Ordinary Meeting of Ballina Shire Council – 27/08/15

### 11.7 <u>Tender - Provision for Sprayed Bituminous Surfacing</u>

270815/25 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

- That Council accepts the tender from NSW Spray Sealing Pty Ltd, Boral, State Asphalt Services, Fulton Hogan and SRS for the Supply and Application of Bituminous Products for the period 1 October 2015 to 30 June 2018.
- 2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

### 13. Notices of Motion

### 13.1 Notice of Motion - Youth Outreach Programs

270815/26 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

- 1. That Council write a letter of support to Richmond LAC (Police) regarding making a case for the services of Fr Chris Riley 'Youth Outreach Programs' to be established in the Lismore / Ballina area.
- That Council also write to our local member, Kevin Hogan, to engage his understanding and support.

FOR VOTE - All Councillors voted unanimously.

### 14. Advisory Committee Minutes

Nil Items

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

### 15.1 Mayoral Meetings

270815/27 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

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

Page 14 of 18 of the Minutes of the Ordinary Meeting of Ballina Shire Council – 27/08/15	
MAYOF	R

#### 16. Questions Without Notice

### 16.1 Cr Ken Johnston - Drainage - 6 Waterview Court, West Ballina

**Cr Ken Johnston** – Has received representations from the owner of 6 Waterview Court, West Ballina – the rear of the property gets flooded from Porter Park. Some drainage exists between the pathway and the back fence but the area seems overgrown. Can someone have a look?

John Truman to follow up.

### 16.2 <u>Cr Susan Meehan - Ballina Heights Playing Fields</u>

**Cr Susan Meehan** – asked in relation to the Softball and Baseball Clubs interested in using the Ballina Heights fields.

John Truman to follow up.

### 16.3 Cr Keith Williams - Blackspot Funding - Teven Road

**Cr Keith Williams** – requires an update on the Teven Road resealing upgrade as part of Blackspot funding received.

John Truman to follow up.

### 16.4 <u>Cr David Wright - Ballina Surf Club - Painting</u>

**Cr David Wright** – can staff please inspect the paint work at the Ballina Surf Club?

Steve Barnier to investigate.

### 17. Confidential Session

### 270815/28 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

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.

#### 17.1 Ballina Heights Drive - Contract Variation Claim - Financial Details

#### **Reason for Confidentiality**

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

 information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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 matter involves legal claims against the Council.

#### 17.2 Tender - Supply and Delivery of Pre-Mixed Concrete - Pricing

#### Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
- prejudice the commercial position of the person who supplied it. or
- confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret

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 because the information is commercial in confidence for the companies that have provided it.

#### 17.3 Tender - Provision of Sprayed Bituminous Surfacing - Pricing

#### **Reason for Confidentiality**

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

- d) commercial information of a confidential nature that would, if disclosed:
- prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret

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 because the information is commercial in confidence for the companies that have provided it.

(The Council moved into Confidential Session at 2.15 pm).

Page 16 of 18 of the Minutes of the Ordinary Meeting of Ballina Shire Council – 27/08/15	
MAYOI	R

### **Open Council**

#### 270815/29 RESOLVED

(Cr Paul Worth/Cr Robyn Hordern)

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 2.19 pm).

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

### 17.1 <u>Ballina Heights Drive - Contract Variation Claim - Financial Details</u> CF270815/30 RECOMMENDED

(Cr Paul Worth/Cr Robyn Hordern)

That Council notes the contents of this confidential report on the contract variation claim for the Ballina Heights Drive project.

FOR VOTE - All Councillors voted unanimously.

### 17.2 <u>Tender - Supply and Delivery of Pre-Mixed Concrete - Pricing</u> CF270815/31 RECOMMENDED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of the pricing information for the tender for the supply and delivery of pre mixed concrete.

FOR VOTE - All Councillors voted unanimously.

### 17.3 <u>Tender - Provision of Sprayed Bituminous Surfacing - Pricing</u> CF270815/32 RECOMMENDED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of the pricing information for the tender for the provision of sprayed bituminous surfacing.

Page 17 of 18 of the Minutes of the Ordinary Mee	eting of Ballina Shire Council – 27/08/15
	MAYOF

### **Adoption of Recommendations from Confidential Session**

27081	5/33	<b>RESOLVED</b>

(Cr Keith Williams/Cr Paul Worth)

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

### **MEETING CLOSURE**

2.20 pm

The Minutes of the Ordinary Meeting held on 27/08/15 were submitted for confirmation by council on 24 September 2015 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 September 2015.

Page 18 of 18 of the Minutes of the Ordinary Meeting of Ballina Shire Council – 27/08/15