

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/11/16 AT 9.00 AM**

Attendance

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

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

There were 26 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Richmond Christian College.

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

An apology was received from Cr Sharon Parry.

241116/1 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

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4. Confirmation of Minutes

241116/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 October 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

5. Declarations of Interest and Reportable Political Donations

Cr Sharon Cadwallader – declared an interest in Item 8.2 – Compliance Update – Function Venue – Down Converys Lane. (Nature of Interest: non significant, non pecuniary– she is a civil celebrant, has never conducted a service at the venue or has any bookings for the venue). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Eoin Johnston – declared an interest in Item 11.5 – Tender – Design and Construction of the Public Swimming Pools. (Nature of Interest: non significant, non pecuniary – he is a life member of the Water Polo Association, is not on their Committee and is a regular pool user). He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Pip Carter** – spoke in opposition to Item 13.1 – Rescission Motion – Lake Ainsworth Eastern Road.
- **Monica Wilcox** – spoke in favour of Item 13.1 – Rescission Motion – Lake Ainsworth Eastern Road.
- **Rod Wallace, Boral** – spoke in favour of Item 8.1 – DA 1995/292 – Section 96 – Boral North Teven Road Quarry.
- **Keith Austin, Ballina Lions Club** – spoke in favour of Item 9.4 – West End Hall – Condition and Tenure Arrangements.
- **David Bester** – spoke in favour of Item 13.2 – Notice of Motion – Killen Falls – Temporary Toilets
- **Alan Brown** – spoke in opposition to Item 11.2 – Coastal Recreational Path Project – 4WD Access at Angels Beach.
- **Ralph Moss** – spoke in opposition to Item 11.5 – Tender – Design and Construction of the Public Swimming Pools
- **Ralph Moss** – spoke in opposition to Item 13.4 – Notice of Motion – Code of Meeting Practice Amendment.

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- **Robb Orr, Pines on the Plateau** – spoke in favour of Item 8.2 – Compliance Update – function Centre – Down Converys Lane.

Deputation - Extension of Time

241116/3 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Mr Orr be granted an extension of time for his deputation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

- **Steve Connelly** – spoke in favour of Item 9.1 – Planning Proposal – Greenwood Place, Lennox Head.

7. Mayoral Minutes

Nil items.

13.1 Rescission Motion - Lake Ainsworth Eastern Road

241116/4 RESOLVED

(Cr Jeff Johnson/Cr Phillip Meehan)

That Resolution 290916/3, as follows, be rescinded:

- 1. That Council write to the NSW Minister for Sport to request the Department provide its preferred options, including financial support, for maintaining access via the East Road and enhancing the amenity of the Eastern precinct of Lake Ainsworth.*
- 2. That Council take no further action in relation to the proposed closure of the East Road until negotiations with the State Government have been finalised and a set of options are available for consideration.*

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Sharon Cadwallader

AGAINST VOTE - Cr Eoin Johnston, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

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8. Development and Environmental Health Group Reports

8.1 DA 1995/292 Section 96 - Boral North Teven Road Quarry

241116/5 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That the modification application to DA 1995/292 for the Boral North Teven Quarry be **APPROVED** via the amendment to conditions as requested and agreed additional conditions as outlined within this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

Adjournment

The Mayor declared the meeting adjourned at 10.29 am

The meeting resumed at 10.50 pm

9.4 West End Hall - Condition and Tenure Arrangements

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Jeff Johnson

1. That Council notes the contents of this report regarding the condition of the West End Hall.
2. That Council work with the Ballina Lions Club to develop an upgraded maintenance program which includes but not limited to access to the community hall upgrade funds.
3. That Council transfer the unallocated donation funds of \$4,700 to the Ballina Lions Club for the Club to match the funds to carry out the required identified works.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Eoin Johnston

1. That Council notes the contents of this report regarding the condition of the West End Hall.
2. That Council, as a high priority, receive a report on the range of options for the future use of the West End Hall.
3. That Council continue with the holding over provisions of the lease with the Ballina Lions Club.

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

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

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

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

241116/6 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council notes the contents of this report regarding the condition of the West End Hall.
2. That, for a maximum period of twelve months, Council waives the applicable hire charges of \$150 per month for the Ballina Lions Club to access the Richmond Room, to enable continuation of its monthly meetings.
3. That, for a maximum period of twelve months, Council approves the current users of the West End Hall to hire Council's Community Spaces venues, at their existing rate of hire for the West End Hall.
4. That Council, as a high priority, receive a report on the range of options for the future use of the West End Hall.

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

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13.2 Notice of Motion - Killen Falls - Temporary Toilets

A **Motion** was moved by Cr Eoin Johnston and seconded by Cr Keith Williams

1. That Council provide temporary toilet facilities at Killen Falls on a trial basis for a three month period commencing on or around 1 December 2016.
2. That the costs for this service be limited to \$5,000 and the funds be allocated from savings to be identified by staff from the existing Open Spaces and Reserves budget.
3. That Council receives a report that outlines the options for permanent toilet facilities at Killen Falls.

An **Amendment** was moved by Cr Ben Smith

1. That Council provide temporary toilet facilities at Killen Falls on a trial basis for a three month period commencing on or around 1 December 2016.
2. That the costs for this service be limited to \$5,000 and the funds be allocated from savings to be identified by staff from the existing Open Spaces and Reserves budget.

The **Amendment LAPSED.**

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

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

AGAINST VOTE - Cr David Wright and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

241116/7 RESOLVED

(Cr Eoin Johnston/Cr Keith Williams)

1. That Council provide temporary toilet facilities at Killen Falls on a trial basis for a three month period commencing on or around 1 December 2016.
2. That the costs for this service be limited to \$5,000 and the funds be allocated from savings to be identified by staff from the existing Open Spaces and Reserves budget.
3. That Council receives a report that outlines the options for permanent toilet facilities at Killen Falls.

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

AGAINST VOTE - Cr David Wright and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

11.2 Coastal Recreational Path Project - 4WD Access at Angels Beach

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Jeff Johnson

That the current status of vehicle access to Angels Beach remain as per the development consent.

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan and Cr Jeff Johnson

AGAINST VOTE - Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

241116/8 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That this matter be deferred to a Councillor briefing.

FOR VOTE - Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan and Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Parry

8.2 Compliance Update - Function Venue - Down Converys Lane

241116/9 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That this matter be deferred to 2pm to a Confidential Session with Council's Solicitor being in attendance.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

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9.1 Planning Proposal - Greenwood Place Lennox Head

241116/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to rezone Lot 12 DP 581159 and part Lot 21 DP 1007134, Greenwood Place, Lennox Head, to facilitate future residential development, as detailed in Planning Proposal BSCPP 15/004.
2. That, in amending the Minimum Lot Size Map in relation to this site, Council endorses a minimum lot size of 600m².
3. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 15/004 under delegated authority.
4. That Council ask the applicant to consider improving the footpath network in this locality as part of a future development application.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

13.4 Notice of Motion - Code of Meeting Practice Amendment

241116/11 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That Council amend its Code of Meeting Practice to remove the agenda item titled Questions without Notice, as it is inconsistent with the Local Government Act and advice from the Office of Local Government (OLG) including OLG circular 10-10 (May 2010) and clause 1.4.11 of the OLG's Meeting Practice Note.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

Committee of the Whole

241116/12 RESOLVED

(Cr Jeff Johnson/Cr Nathan Willis)

That Council move into Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

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Committee of the Whole

241116/13 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

11.5 Tender - Design and Construction of the Public Swimming Pools

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

1. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council resolves not to accept any tender for the design and construction of the Ballina and Alstonville Swimming Pools.
2. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council authorises the General Manager to enter into direct negotiations with the three early tenderers for the design and construction of the Ballina and Alstonville Swimming Pools.
3. The General Manager is authorised to execute a contract, subject to the negotiations in point two above confirming the project is able to proceed in accordance with the available budget.
4. The scope of works is to be amended for the project through the following changes
 - Reducing the Ballina and Alstonville lap pools from 10 to 8 lanes (estimated saving of \$1.6 m).
 - Increase the 25m Ballina and Alstonville learn to swim pools from 4 lanes to 6 lanes
 - Retain the Alstonville toddlers pool, including refurbishment along with minimisation of any liability risk (estimated saving of \$200,000).
5. The approved budget for the Ballina and Alstonville Swimming Pools is based on a maximum amount of approximately \$14 million, including as a minimum a 4% contingency, financed as follows:
 - Internal Reserve as at 30 June 2017 - \$1,379,000
 - 50% of the forecast 2017/18 annual loan repayment transferred to reserve (\$408,000)
 - Approximate loan of \$12,213,000 based on a term of 20 years at 3%, with the funds being drawn down six months into the 2017/18 financial year.

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6. In the event that the negotiations are unsuccessful a further report is to be submitted to Council to review the options for this project.
7. That Council authorises the seal to be attached to any contract documents.

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

1. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council resolves not to accept any tender for the design and construction of the Ballina and Alstonville Swimming Pools.
2. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council authorises the General Manager to enter into direct negotiations with the three early tenderers for the design and construction of the Ballina and Alstonville Swimming Pools.
3. The General Manager is authorised to execute a contract, subject to the negotiations in point two above confirming the project is able to proceed in accordance with the available budget.
4. The scope of works is to be amended for the project through the following changes
 - Reducing the Ballina and Alstonville lap pools from 10 to 8 lanes (estimated saving of \$1.6 m).
 - Increase the 25m Ballina and Alstonville learn to swim pools from 4 lanes to 6 lanes
5. The approved budget for the Ballina and Alstonville Swimming Pools is based on a maximum amount of approximately \$14 million, including as a minimum a 4% contingency, financed as follows:
 - Internal Reserve as at 30 June 2017 - \$1,379,000
 - 50% of the forecast 2017/18 annual loan repayment transferred to reserve (\$408,000)
 - Approximate loan of \$12,213,000 based on a term of 20 years at 3%, with the funds being drawn down six months into the 2017/18 financial year.
6. In the event that the negotiations are unsuccessful a further report is to be submitted to Council to review the options for this project.
7. That Council authorises the seal to be attached to any contract documents.

The **Amendment** was **CARRIED**.

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

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

241116/14 RESOLVED

(Cr Ben Smith/Cr Phillip Meehan)

1. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council resolves not to accept any tender for the design and construction of the Ballina and Alstonville Swimming Pools.
2. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council authorises the General Manager to enter into direct negotiations with the three early tenderers for the design and construction of the Ballina and Alstonville Swimming Pools.
3. The General Manager is authorised to execute a contract, subject to the negotiations in point two above confirming the project is able to proceed in accordance with the available budget.
4. The scope of works is to be amended for the project through the following changes
 - Reducing the Ballina and Alstonville lap pools from 10 to 8 lanes (estimated saving of \$1.6 m).
 - Increase the Ballina and Alstonville learn to swim pools from 4 lanes to 6 lanes
5. The approved budget for the Ballina and Alstonville Swimming Pools is based on a maximum amount of \$14 million, including as a minimum a 4% contingency, financed as follows:
 - Internal Reserve as at 30 June 2017 - \$1,379,000
 - 50% of the forecast 2017/18 annual loan repayment transferred to reserve (\$408,000)
 - Approximate loan of \$12,213,000 based on a term of 20 years at 3%, with the funds being drawn down six months into the 2017/18 financial year.
6. In the event that the negotiations are unsuccessful a further report is to be submitted to Council to review the options for this project.

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7. That Council authorises the seal to be attached to any contract documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

12. Public Question Time

12.1 Ralph Moss - DA for Service Station, River Street, Ballina

Ralph Moss – he has received a letter from Council in response to the submission made by him in relation to the development of the service station at 323 River Street, Ballina.

Council’s letter advised that we had to receive legal advice before we can forward submissions to the Commissioner.

Paul Hickey advised that Rod Willis is running the case defending the Council decision in this matter. Andrew Smith later advised that the submissions will be forwarded to the Commissioner.

12.2 John Bout - Tamarind Drive/Deadmans Creek Road Intersection

John Bout – resident of Cumbalum has concerns about safety and risk associated with traffic movements in the Cumbalum area, particularly the Deadmans Creek area.

He has received a response from the General Manager giving him a copy of Council’s street lighting budget. \$128,000 has been allocated for street lighting in an industrial area in A Ward. He has made a request for a street light at the Tamarind Drive/Deadmans Creek intersection.

On what basis has Council allocated the \$128,000 from the \$200,000 budget to lighting in an industrial area. Are they all non standard lights and we are just bringing them up to standard?

Mr Truman will take this question on notice.

Adjournment

The Mayor declared the meeting adjourned at 1.23 pm

The meeting resumed at 2.05 pm

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17. Confidential Session

241116/15 RESOLVED

(Cr Ben Smith/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 Alstonville Leisure and Entertainment Centre - Management

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) (g) 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:
 - (i) 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
- 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 discusses contractual issues that may provide a commercial advantage to the contractor and may result in litigation.

8.2 Compliance Update - Function Venue - Down Converys Lane

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) (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 matter involves issues of a legal nature which may prejudice the outcome of any possible legal actions.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

(The Council moved into Confidential Session at 2.07 pm).

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Open Council

241116/16 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

(The Council moved into Open Council at 3.03 pm).

(Clarissa Huegill, Council Solicitor, was in attendance during the Confidential Session).

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

17.1 Alstonville Leisure and Entertainment Centre - Management

CF241116/1 RECOMMENDED

(Cr Ben Smith/Cr Keith Williams)

1. That Council notes the contents of the report.
2. That prior to the expiration of the current contract, Council receive a further report in respect to overall management arrangements and intended uses of the facility.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

8.2 Compliance Update - Function Venue - Down Converys Lane

241116/2 RESOLVED

(Cr Nathan Willis/Cr Stephen McCarthy)

That Council authorises the General Manager to commence appropriate legal proceedings for any past or future breaches of the relevant development consents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

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Adoption of Recommendations from Confidential Session

241116/18 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

8.3 Development Applications – Variation to Development Standards

241116/19 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of this report on the development applications approved under delegation for variations to development standards less than 10% for November 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

8.4 Development Consent and Infrastructure Approvals - October 2016

241116/20 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 October 2016 to 31 October 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

8.5 Development Applications - Works in Progress - November 2016

241116/21 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council notes the contents of the report on the status of outstanding development applications for November 2016.

2. That DA 2016/148 at 61 Ballina Road, Lennox Head be called in and considered by Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

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9. Strategic and Community Facilities Group Reports

9.2 DCP Amendment - 16 Tara Downs, Lennox Head

241116/22 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the draft amendment to Chapter 4 of the Ballina Shire Development Control Plan 2012 relating to No. 16 Tara Downs Lennox Head as exhibited.
2. That Council provides public notice of the adoption of the DCP amendment for No. 16 Tara Downs Lennox Head with the amendment taking effect from 12 December 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

9.3 Contributions Plan - Open Spaces and Community Facilities

241116/23 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council adopts the draft Ballina Shire Open Space and Community Facilities Contributions Plan 2016 (as contained in Attachment One) in accordance with relevant provisions of the *Environmental Planning and Assessment Act* 1979 and associated Regulation, incorporating the following amendments:

- Amend the value shown for item 23 (Lennox Head Community Hall) in the works schedule to be \$1,980,000 instead of \$550,440.
- Amend the last paragraph of section 3.2.5, so that the total cost of all the works is \$6.47 million instead of \$5.04 million. Consequently, the effective cost apportionment rate applicable to new development is 44% instead of 56%.
- In Table 1, amend the total amount for 'Multi-purpose community centres and meeting halls' to be \$6,470,000 instead of \$5,040,440.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

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9.5 Alstonville Leisure and Entertainment Centre - Operations

241116/24 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report regarding the management and operation of the Alstonville Leisure and Entertainment Centre.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

9.6 Lennox Head Community Market - Operation and Location

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Ben Smith

1. That Council notes the contents of this report regarding the operation and location of the Lennox Head Community Market.
2. That the Lennox Head Community Markets be returned to Lake Ainsworth upon the completion of the works on the Lake Ainsworth precinct.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Phillip Meehan

1. That Council notes the contents of this report regarding the operation and location of the Lennox Head Community Market.
2. That Council receives a further report on reducing the net costs associated with a market in the Lennox Head main street.

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

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

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

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

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HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/11/16 AT 9.00 AM**

241116/25 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report regarding the operation and location of the Lennox Head Community Market.
2. That the Lennox Head Community Markets be returned to Lake Ainsworth upon the completion of the works on the Lake Ainsworth precinct.

FOR VOTE - Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan and Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Parry

10. General Manager's Group Reports

10.1 Use of Council Seal

241116/26 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That Council affix the Common Seal to the following documents.

US16/10	Section 88B instrument to create easements for water supply and access in conjunction with Council road opening and closing sections of Howards Road.
US16/11	Deed of Confidentiality between Airservices Australia and Ballina Shire Council.
US16/12	Ballina Shire Council Sublease to Peter Robert Sinclair and Karen Lea Sinclair for the 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 NSW commencing on 25 October 2014 for a period of five years with a five x five year option.
US16/13	Ballina Shire Council Sublease to Peter Robert Sinclair and Karen Lea Sinclair for the 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 NSW commencing on 25 October 2014 for a period of five years with a five x five year option.
US16/14	Ballina Shire Council Sublease to Paradise FM Community Radio Association Inc for Lot 2 DP 1153927, being that part of the building known as the Old Ballina Library for a period of five years commencing 1 July 2013.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

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10.2 Investment Summary - October 2016

241116/27 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That Council notes the record of banking and investments for October 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

10.3 Code of Conduct - Reporting

241116/28 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That Council notes the contents of this report on Code of Conduct complaints for the period 1 September 2015 to 31 August 2016.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

10.4 Ballina Naval Museum - Delegate

241116/29 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the appointment of a Councillor delegate to the Ballina Naval Museum Management Committee and nominates Crs Jeff Johnson and Sharon Cadwallader as its delegates.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

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10.5 Festival and Event Support Program - 2017/18

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

1. That Council approves the allocation of the 2017/18 Festival and Event Support Program funds, as per the following table.

Name of organisation	Name of event	Amount
Quota International of Alstonville Wollongbar Inc	Quota Club of Alstonville Craft and Garden Fair 2017	5,000
Le-Ba Boardriders	Skullcandy Oz Grom Open 2017	25,000
Lennox Head Chamber of Commerce	Love Lennox Festival 2018	15,000
Alstonville Agricultural Society	New Year's Eve Family Festival 2017/18	20,000
Ballina Chamber of Commerce and Industry	Ballina Prawn Festival 2017	30,000
Rotary Club of Ballina-on-Richmond	Ballina Fine Wine and Food Fair 2017	10,000
Total		105,000

2. That Council approves the following allocation to the Ballina District Minister's Association, with that funding to be sourced from the 2017/18 Community Donations program budget, subject to a transfer of \$5,000 from the Festival and Event Support Program budget. This ensures that the allocation of the funds is more consistent with Council's policies.

Name of organisation	Name of event	Amount
Ballina District Minister's Association	Riverside Carols 2017	5,000

3. That Council approves the following reallocation of funds for the 2016/17 Coastal Country Music Festival to the Cherry Street Sports Club, with those funds to be rolled forward from 2016/17 to 2017/18, to allow the event to be staged in September 2017.

Name of organisation	Name of event	Amount
Cherry Street Sports Club	Ballina Coastal Country Music Festival 2017	25,000

4. That Council delay any transfer funds to the Ballina Chamber of Commerce for the 2017/18 Prawn Festival until an assessment of the acquittal of the funding for 2016/17 has been completed, particularly with reference to the impact that the charging of an entrance fee has had on the overall viability of the event.
5. That Council approves an amendment to the Festival and Event Support Program Policy to remove point *ii) Contributions to charities* from the list of items where Council will not provide funding, along with any other associated formatting and procedural changes.

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

FOR VOTE - Cr Keith Williams and Cr Ben Smith

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

ABSENT. DID NOT VOTE - Cr Sharon Parry

241116/30 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council approves the allocation of the 2017/18 Festival and Event Support Program funds, as per the following table.

Name of organisation	Name of event	Amount
Quota International of Alstonville Wollongbar Inc	Quota Club of Alstonville Craft and Garden Fair 2017	5,000
Le-Ba Boardriders	Skullcandy Oz Grom Open 2017	25,000
Lennox Head Chamber of Commerce	Love Lennox Festival 2018	15,000
Alstonville Agricultural Society	New Year's Eve Family Festival 2017/18	20,000
Ballina Chamber of Commerce and Industry	Ballina Prawn Festival 2017	30,000
Rotary Club of Ballina-on-Richmond	Ballina Fine Wine and Food Fair 2017	10,000
Total		105,000

2. That Council approves the following allocation to the Ballina District Minister's Association, with that funding to be sourced from the 2017/18 Community Donations program budget, subject to a transfer of \$5,000 from the Festival and Event Support Program budget. This ensures that the allocation of the funds is more consistent with Council's policies.

Name of organisation	Name of event	Amount
Ballina District Minister's Association	Riverside Carols 2017	5,000

3. That Council approves the following reallocation of funds for the 2016/17 Coastal Country Music Festival to the Cherry Street Sports Club, with those funds to be rolled forward from 2016/17 to 2017/18, to allow the event to be staged in September 2017.

Name of organisation	Name of event	Amount
Cherry Street Sports Club	Ballina Coastal Country Music Festival 2017	25,000

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4. That Council approves the following allocation to QSM Sports for the purpose of establishing the Ballina Triathlon in 2017. This funding is to be transferred from the 2017/18 Festival and Event Support Program budget to a new Commercial Festival and Event Support Program budget, with Council to receive a report on establishing both a policy and recurrent budget for such a program. The allocation of the funds for 2017 is subject to further review by the General Manager and an assessment of the overall traffic and associated impacts of the proposed triathlon.

Name of organization	Name of event	Amount
QSM Sports	Ballina Triathlon 2017	9,500

5. That Council delay any transfer funds to the Ballina Chamber of Commerce for the 2017/18 Prawn Festival until an assessment of the acquittal of the funding for 2016/17 has been completed, particularly with reference to the impact that the charging of an entrance fee has had on the overall viability of the event.
6. That Council approves an amendment to the Festival and Event Support Program Policy to remove point *ii) Contributions to charities* from the list of items where Council will not provide funding, along with any other associated formatting and procedural changes.

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

10.6 Community Strategic Plan - Community Engagement Strategy

241116/31 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council endorses the attached Community Engagement Strategy for the review of the Community Strategic Plan.

FOR VOTE - All Councillors voted unanimously.
 ABSENT. DID NOT VOTE - Cr Sharon Parry

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10.7 Financial Statements - 2015/16

241116/32 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council adopts the annual financial reports and auditor's reports for the financial year ended 30 June 2016, as publicly exhibited.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

10.8 Financial Review - 30 September 2016

A **Motion** was moved by Cr Ben Smith and seconded by Cr Sharon Cadwallader

1. That Council notes the contents of the September 2016 Quarterly Budget Review and approves the changes identified within this report.
2. That Council approves the 2016/17 budget for air-conditioning to be increased by \$552,000 and the Long Term Financial Plan to be adjusted in 2017/18 to reduce the air-conditioning allocation by \$616,000. The funding for this reallocation is to be as per the adopted budget for 2017/18, excluding the general revenue contribution of \$64,000.

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

1. That Council notes the contents of the September 2016 Quarterly Budget Review and approves the changes identified within this report.
2. That Council approves the 2016/17 budget for air-conditioning to be increased by \$552,000 and the Long Term Financial Plan to be adjusted in 2017/18 to reduce the air-conditioning allocation by \$616,000. The funding for this reallocation is to be as per the adopted budget for 2017/18, excluding the general revenue contribution of \$64,000.
3. That Council provide in-principle support of \$20,000 in respect to the proposal from the Ballina Tennis Club to be funded from the 2017/18 Community Sports Capital Works Assistance program.

The **Amendment** was **CARRIED**.

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

The **Amendment** then became the **Motion** and was **CARRIED**.

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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

241116/33 RESOLVED

(Cr Nathan Willis/Cr Jeff Johnson)

1. That Council notes the contents of the September 2016 Quarterly Budget Review and approves the changes identified within this report.
2. That Council approves the 2016/17 budget for air-conditioning to be increased by \$552,000 and the Long Term Financial Plan to be adjusted in 2017/18 to reduce the air-conditioning allocation by \$616,000. The funding for this reallocation is to be as per the adopted budget for 2017/18, excluding the general revenue contribution of \$64,000.
3. That Council provide in-principle support of \$20,000 in respect to the proposal from the Ballina Tennis Club to be funded from the 2017/18 Community Sports Capital Works Assistance program.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

11. Civil Services Group Reports

11.1 Fig Tree Management

241116/34 RESOLVED

(Cr Phillip Meehan/Cr Jeff Johnson)

That Council defer this matter to the December Ordinary meeting to obtain further information on the insurance claims.

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

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11.3 Weed Control - Funding and Service Levels

241116/35 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report regarding the weed control funding contribution to Rous County Council, along with existing service and funding levels.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

11.4 Tuckombil and Stokers Quarry - Quarry Expansion Plans

241116/36 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to continue to prepare the required Environmental Impact Statement and other planning approval documentation for the proposed expansion of Tuckombil and Stokers Quarries.
2. That in respect of point one above, a community engagement strategy be developed and implemented for the purposes of proactive community consultation during the preparation of the planning application documentation.
3. That Council increase the existing quarry expansion budget from \$140,000 to \$260,000 to finance the estimated cost of the Environmental Impact Statements, with the additional \$120,000 funded from the Quarry Reserve.
4. That Council approve a budget of \$250,000 for the Stokers Quarry Stage One rectification works, with that expenditure funded from the Quarry Reserve.
5. That Council adjust the Long Term Financial Plan for 2017/18 onwards to remove the forecast Quarry Dividend due to the current uncertainty over the operation and future of the Council owned quarries. This reduction in funding is to be offset by a matching reduction in the road reconstruction program.

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

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13. Notices of Motion

13.3 Notice of Motion - Community Property Leasing and Licensing Policy

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

That Council receive a report on the advantages and disadvantages of amending the Community Property Leasing and Licensing Policy to increase the minimum lease term from three to four (or five) year terms.

Cr Ben Smith left the meeting at 04:44 pm.

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

FOR VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Keith Williams

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

13.5 Notice of Motion - Kerbside Bulk Waste Collection

241116/37 RESOLVED

(Cr Phillip Meehan/Cr Eoin Johnston)

That Council receive a report, to be considered during the preparation of the draft 2017/18 Delivery Program, which investigates the implementation and costing of an annual system of (i) kerbside bulky waste pick-up and (ii) free tip drop-off tickets.

That the report be based upon the following model and any other viable model

Kerbside bulky waste pick-up.

- A limited co-payment service available for kerbside collection of bulky waste (2 cubic metres), equivalent to the size of a small trailer.
- Available to each residence once per year.
- Booked through the Council office.
- A cost of \$40 per collection / Aged pensioners \$20. Must be paid the week before the service through the Council office.
- Pick up days each week to be determined. Requests for a collection close at 3pm the Friday before.
- Accept household items only such as:
 - o Furniture
 - o small white goods (eg washing machine, dryer, bar fridge)
 - o electrical appliances
 - o any single item capable of being easily lifted by two persons.

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- A list of items not accepted to be developed, which may include:
 - o builder's waste
 - o bulk motor vehicle parts
 - o green waste
 - o household garbage
 - o tyres
 - o industrial or farm waste
 - o hazardous waste (e.g. chemicals, paints)

Any waste placed on the kerbside without a co-payment service booking will be treated as illegally dumped and appropriate compliance action to be taken.

The kerbside collection may be operated by Council staff or a contractor.

Free tip drop-off tickets.

- Each domestic waste ratepayer to receive one (1) free tip ticket that can be used to drop off items to Council's waste facility (2 cubic metres) equivalent to the size of a small trailer.
- The ticket to be sent out with the annual rates notice.
- Each ticket to have a unique number so multiple copies will not be accepted.
- The drop-off material may be green waste or mixed waste.
- A list of waste not accepted to be developed.
- The waste may have a weight limit (as well as volume).

Further community information and education occur about items that can be dropped off for free at the Council waste facility and the regional waste facility at Lismore.

Further community information and education occur about recycling contractors (eg. metal) that may pick up waste from households.

Cr Ben Smith returned to the meeting at 04:53 pm.

FOR VOTE - Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis and Cr Keith Williams

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

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14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 16 November 2016

241116/38 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the minutes of the Commercial Services Committee meeting held 16 November 2016 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

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

15.1 LGNSW Annual Conference

241116/39 RESOLVED

(Cr Eoin Johnston/Cr Keith Williams)

That Council notes the contents of the report from Cr Eoin Johnston on the LGNSW Annual Conference.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

15.2 Mayoral Meetings

241116/40 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 Sharon Parry

16. Questions Without Notice

16.1 Repairs to Council Chambers Table

Cr Ben Smith – asked if the trim on the edge of his desk in the Council Chambers could be fixed.

General Manager confirmed that this will be arranged.

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MEETING CLOSURE

5.22 pm

The Minutes of the Ordinary Meeting held on 24/11/16 were submitted for confirmation by council on 15 December 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 15 December 2016.