

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/09/17 AT 9.00 AM**

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 (Group Manager Civil Services), Vince Hunt (Acting Group Manager Development and Environmental Health), Steve Barnier (Group Manager Strategic and Community Facilities) and Sarah Carden (Secretary) were in attendance.

There were 15 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Lee Millward.

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

Nil.

4. Confirmation of Minutes

280917/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 August 2017.

FOR VOTE - All Councillors voted unanimously.

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280917/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 6 September 2017.

FOR VOTE - All Councillors voted unanimously.

5. Declarations of Interest and Reportable Political Donations

Cr Sharon Cadwallader – declared an interest in Item 14.1 – Commercial Services Committee Minutes 6 September 2017 and in particular Item 4.3 – Brighton Street, East Ballina – Options. (Nature of Interest: non pecuniary non significant – she owns properties in Brighton Street). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Steve McCarthy – declared an interest in Item 10.4 - Community Donations. (Nature of Interest: non pecuniary, non significant – he is a coach with North Coast Academy of Sport). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Phillip Meehan – declared an interest in Item 11.1 – Coastal Recreational Path Project – 4WD Access at Angels Beach. (Nature of Interest: non pecuniary, non significant – he co-owns a property at Angels Beach). He will be remaining in the meeting while the matter is discussed and voting on the matter.

6. Deputations

- **Tiffany Eyears, TS Lismore Naval Cadets** – spoke in favour of the recommendation in Item 14.1 – Commercial Services Committee Minutes 6 September 2017 and in particular to Item 4.1 – Operational Land – 26 Endeavour Close, Ballina.
- **Cynthia Moncrieff** – spoke in favour of the recommendation in Item 13.1 – Notice of Motion – Public Toilets.
- **Jos Webber** – spoke in favour of the recommendation in Item 13.4 – Notice of Motion - Houghlahans Creek Road – Dust Sealing.
- **Marilyn Perkins** – spoke in favour of the recommendation in Item 13.2 Notice of Motion – Plateau Drive Playground and BBQ Facilities
- **Denis Magnay** – spoke in opposition to the recommendation in Item 11.1 – Coastal Recreational Path Project – 4WD Access at Angels Beach.

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7. Mayoral Minutes

Nil

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 6 September 2017

280917/3 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

That Council confirms the minutes of the Commercial Services Committee meeting held 6 September 2017 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

13.1 Notice of Motion - Public Toilets

A **Motion** was moved by Cr Phillip Meehan/Cr Sharon Cadwallader

1. That the new Council toilet facility at Pop Denison Park be equipped with two specific female toilet cubicles and that toilet seats be fitted to the bowls in those spaces.
2. That all Council toilet facilities currently configured with unisex cubicles be reconfigured to provide at least one cubicle as specifically female. eg. Fawcett Park, Tamar Street, Ballina Surf Club, Shelley Beach. Where there are three cubicles, one to be designated as female.
3. That all Council toilet facilities designated as female have a toilet seat fitted to the bowl. Retro-fitting of toilet seats to occur as required in designated female spaces.

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An **Amendment** was moved by Cr Ben Smith and seconded by Cr Sharon Parry

That Council have a briefing in respect to this matter.

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

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith and the casting vote of the Mayor.

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

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

280917/4 RESOLVED

(Cr Ben Smith/Cr Sharon Parry)

That Council have a briefing in respect to this matter.

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

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Sharon Cadwallader

13.4 Notice of Motion - Houghlahans Creek Road - Dust Sealing

Cr Philip Meehan moved that the Motion be put.

FOR VOTE - All Councillors voted unanimously.

280917/5 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council consider, as part of the preparation of the draft 2018/19 Delivery and Operational Plan, a report that reviews the status of Council's dust sealing program and in particular consider the options in regard to dust sealing a portion of Houghlahans Creek Road.

FOR VOTE - All Councillors voted unanimously.

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13.2 Notice of Motion - Plateau Drive Playground and BBQ Facilities

280917/6 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That as part of the Stage 3 WUEA development, Council develop the new Plateau Drive open space, to include facilities such as playground equipment, an outdoor basketball court and BBQ facilities with shade.
2. That Council investigate future options in relation to the existing outdoor basketball court facility at Russellton Industrial Estate such as either selling a portion of the land, or acquisition by the water/sewer section of Council.

FOR VOTE - All Councillors voted unanimously.

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

280917/7 RESOLVED

(Cr Phillip Meehan/Cr Jeff Johnson)

That Council return to its original position, being the approved consent, which only allows access to the path for emergency and maintenance vehicles only.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson and Cr Nathan Willis with the casting vote of the Mayor.

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

8. Development and Environmental Health Group Reports

8.1 DA 2017/371 - 57 Gallans Road, Ballina

280917/8 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That the application to vary the Ballina Local Environmental Plan 2012 Development Standard Clause 4.3 – Height of Buildings for DA 2017/432 for the proposed building as depicted in the plans prepared by Amec Foster Wheeler Australia Pty. Ltd, as attached to this report and dated 4 July 2017 be **APPROVED**, for the reasons outlined in this report.

FOR VOTE - All Councillors voted unanimously.

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8.2 DA 2017/386 - 61 Piper Drive, Ballina

280917/9 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That the application to vary the Ballina Local Environmental Plan 2012 Development Standard Clause 4.3 – Height of Buildings for DA 2017/386 for the proposed building as depicted in the **attached** plans prepared by Huawei Technologies (AU) Pty Ltd dated 07/04/17 be **APPROVED**, for the reasons outlined in this report.

FOR VOTE - All Councillors voted unanimously.

8.3 Development Applications – Variation to Development Standards

280917/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the development applications approved under delegation for variations to development standards less than 10% for August 2017.

FOR VOTE - All Councillors voted unanimously.

8.4 Development Applications - Works in Progress - September 2017

280917/11 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of the report on the status of outstanding development applications for September 2017.
2. That DA 2017/370 be reported to council for determination.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.30 am

The meeting resumed at 10.51 am

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8.5 Development Consent and Infrastructure Approvals - August 2017

280917/12 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent and public infrastructure approvals for August 2017.

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

Cr Sharon Parry returned to the meeting at 10:53 am.

9. Strategic and Community Facilities Group Reports

9.1 Planning Proposal - Rural Area Detached Dual Occupancy

280917/13 RESOLVED

(Cr Keith Williams/Cr Eoin Johnston)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to permit detached dual occupancy development within the RU1 and RU2 zones under the provisions of Ballina LEP 2012 as detailed in Planning Proposal BSCPP 17/008.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 17/008 under delegated authority subject to the following:
 - Finalisation of the associated DCP amendments relating to detached dual occupancy on rural land (zones RU1 and RU2); and
 - Confirmation of the agreement of the Secretary of the Department of Planning and Environment with respect to identified inconsistencies with s117 Ministerial Directions.
3. The General Manager is authorised to provide a period of up to 12 months during which the owners of properties containing unauthorised detached dwellings may seek to obtain an appropriate development consent, subject to an initial inspection determining that there is sufficient merit to warrant further investigation in relation to compliance with the Building Code of Australia, on-site sewage management, land use buffers, land zoning and other constraints.

FOR VOTE - Cr Sharon Parry, 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

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9.2 Ballina Marina Master Plan

280917/14 RESOLVED

(Cr Nathan Willis/Cr Ben Smith)

1. That Council endorses the Ballina Marina Master Plan (as contained in Attachment 2) as the basis for planning for the future redevelopment of the Ballina Trawler Harbour site in West Ballina.
2. That Council advise Government agencies, stakeholders and community members who have participated in the master planning process of the Council's decision to endorse the Ballina Marina Master Plan.
3. That Council advise relevant Ministers and local members of parliament of the outcomes of the Ballina Marina Master Plan project.
4. That Council indicates its strong preference that any development comply with the existing building heights policy, as part of the Master Plan.

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Use of Council Seal

280917/15 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following documents.

US17/21	<p>Creation of an easement for electricity supply within Lot 264 DP 1195313 (Council owned land - Ballina Byron Gateway Airport) for the benefit of Lot 2 SP 34603 (KOTO Investments Pty Ltd) as follows:</p> <ol style="list-style-type: none">1. Creation of Deed of Agreement with Essential Energy for the proposed easement2. Creation of easement on Council's certificate of title by registration with NSW LPI
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FOR VOTE - All Councillors voted unanimously.

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10.2 Investment Summary - August 2017

280917/16 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for August 2017.

FOR VOTE - All Councillors voted unanimously.

10.3 Deputy Mayor – Election

280917/17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council elect a Deputy Mayor for the period to September 2018.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

FOR VOTE - All Councillors voted unanimously.

Cr Keith Williams was elected as Deputy Mayor by six votes to four.

10.4 Community Donations

280917/18 RESOLVED

(Cr Ben Smith/Cr Sharon Parry)

1. That Council donate \$2,000 to the North Coast Academy of Sport.
2. That Council donate \$1,000 to the Ballina Country Club Music Inc.
3. That Council not support the Country Rugby League of NSW.
4. That Council donate \$2,000 to the Ballina Tennis Club, with the request for the Rous Water contributions to be forwarded to Rous Water for their determination.

FOR VOTE - All Councillors voted unanimously.

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10.5 Hardship Relief - Application

280917/19 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That Council notes the contents of this report in respect to the overview of the outstanding debt for the hardship application.

FOR VOTE - All Councillors voted unanimously.

10.6 Resources - Plumbing and Drainage Inspections

A **Motion** was moved by Cr Ben Smith and seconded by Cr Nathan Willis

1. That Council, based on the contents of this report, approves the appointment of an additional two days permanent resource for plumbing and drainage inspections with that position to be funded from extra income generated by an increase in the relevant fees as follows:

Description	Current (\$)	Proposed (\$)
Minor Plumbing and Drainage Works (one fixture)	205	250
Value of works - \$0 to \$50,000	330	400
Value of works - \$50,001 to \$400,000	485	590
Value of works - \$400,001 to \$1,000,000	785	960
Exceeding \$1m	POA	POA

2. That Council provide a minimum of 28 days public notice prior to the implementation of this revised fee structure.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Stephen McCarthy

That Council adopts option two, as outlined in the report, whereby only properties with dual reticulation pay an extra charge of \$300 for the service.

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

FOR VOTE - Cr Stephen McCarthy and Cr Sharon Cadwallader

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

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

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 Ben Smith

AGAINST VOTE - Cr Sharon Cadwallader

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280917/20 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

1. That Council, based on the contents of this report, approves the appointment of an additional two days permanent resource for plumbing and drainage inspections with that position to be funded from extra income generated by an increase in the relevant fees as follows:

Description	Current (\$)	Proposed (\$)
Minor Plumbing and Drainage Works (one fixture)	205	250
Value of works - \$0 to \$50,000	330	400
Value of works - \$50,001 to \$400,000	485	590
Value of works - \$400,001 to \$1,000,000	785	960
Exceeding \$1m	POA	POA

2. That Council provide a minimum of 28 days public notice prior to the implementation of this revised fee structure.

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 Ben Smith

AGAINST VOTE - Cr Sharon Cadwallader

10.7 Legal Matters - Update

280917/21 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

That Council notes the contents of this legal matters update.

FOR VOTE - All Councillors voted unanimously.

10.8 Policy (New) - Concealed Water Leaks

280917/22 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

1. That Council adopts the Concealed Water Leaks 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.

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10.9 Policy (Review) - Code of Meeting Practice

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

That Council approves the exhibition of the amended Code of Meeting Practice as per attachment one to this report.

An **Amendment** was moved by Cr Nathan Willis and seconded by Cr Sharon Parry

That Council defer the code of meeting practice to a Councillor briefing.

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

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

The **Amendment** then became the Motion and 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

280917/23 RESOLVED

(Cr Nathan Willis/Cr Sharon Parry)

That Council defer the code of meeting practice to a Councillor briefing.

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

11. Civil Services Group Reports

11.2 Asset Management Plan 2017 - Foreshore Management

280917/24 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That Council endorses the Draft Foreshore Asset Management Plan for public exhibition, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required and the Plan is adopted by Council.

FOR VOTE - All Councillors voted unanimously.

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11.3 Sharpes Beach - Observation Tower

280917/25 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

1. That Council request further financial assistance from the NSW Government towards the cost to construct the proposed Sharpes Beach Observation Tower.
2. That the response from the NSW Government in respect of point one above be reported to Council.
3. That the General Manager undertake any relatively minor works necessary to ensure that the consent (DA 2012/32) remains valid.

FOR VOTE - All Councillors voted unanimously.

11.4 Kings Court Shade Structure - Funding

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

1. That due to the site constraints and costs mentioned in this report, Council approves the scope of work for the provision of shade at Kings Court Reserve to now be the installation of two shelters over the existing picnic table settings in the park and additional advanced shade tree planting to the north of the playground in lieu of providing a shade structure over the playground.
2. The cost of these works is to be funded from the \$50,000 previously allocated from the wastewater reserve.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

That Council allocates funding of \$106,500 from the wastewater reserve for installation of a shade structure with a solid roof over the playground.

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

FOR VOTE - Cr Sharon Parry and Cr Jeff Johnson

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

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

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

AGAINST VOTE - Cr Jeff Johnson

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280917/26 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That due to the site constraints and costs mentioned in this report, Council approves the scope of work for the provision of shade at Kings Court Reserve to now be the installation of two shelters over the existing picnic table settings in the park and additional advanced shade tree planting to the north of the playground in lieu of providing a shade structure over the playground.
2. The cost of these works is to be funded from the \$50,000 previously allocated from the wastewater reserve.

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

11.5 Pedestrian Access and Mobility Plan 2018-2027

280917/27 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

That Council endorses the Draft PAMP for public exhibition, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required and the Plan is adopted by Council.

FOR VOTE - All Councillors voted unanimously.

11.6 No Advertising Material Stickers

280917/28 RESOLVED

(Cr Nathan Willis/Cr Jeff Johnson)

1. That Council commence a "No Advertising Material" sticker campaign as part of its efforts to minimize waste generation with the initial purchase and distribution of 500 stickers to Shire residents. Stickers will be available for collection at the Council Customer Service Centre, Council Libraries and Waste Management Centre, and the General Manager is authorised to extend or continue the scheme if there is ongoing interest and participation by the community.
2. The campaign is to be promoted through our waste education activities along with information being included in publications such as Community Connect.

FOR VOTE - All Councillors voted unanimously.

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11.7 Single Use Plastic Bags - LGNSW Conference Motion

280917/29 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

That Council submit a motion to the 2017 Local Government NSW Conference that calls on the NSW State Government to introduce legislation to ban single use, plastic shopping bags, including reusable plastic bags and double strength plastic bags, to a level at least consistent with other Governments such as South Australia, Tasmania and ACT and NT.

FOR VOTE - All Councillors voted unanimously.

12. Public Question Time

Pat Carney – Has any feedback been received from Council’s insurer and the NSW Government’s Office of Heritage and Environment (OEH) regarding the Council decision at the May 2017 Ordinary meeting to seek feedback in respect to amending the floodplain risk management plan.

John Truman – Advised that staff have been communicating with our insurer and OEH to arrange a meeting to advance the preparation of the advice to be reported to Council. Staff have requested this meeting to be held as soon as possible.

11.8 Tender - Transport and Diposal of Biosolids

280917/30 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the tender from Compass Equipment Hire Pty Ltd for the Transport and Disposal of Biosolids from Ballina, Lennox Head and Alstonville Wastewater Treatment Plants for the period of three years.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

11.9 Swimming Pools Upgrade - Update

280917/31 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council notes the contents of this report regarding the swimming pool upgrades.

FOR VOTE - All Councillors voted unanimously.

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13. Notices of Motion

13.3 Notice of Motion - Community Donations Budget

280917/32 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

1. That Council consider as part of the 2018-2019 Budget and Long Term Financial Plan options to increase the community donations budget over the Council term.
2. That Council undertake a review of the Community Donations policy.

FOR VOTE - All Councillors voted unanimously.

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

15.1 Mayoral Meetings

280917/33 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

15.2 General Manager - Performance Review

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

1. That Council notes the contents of this report on the General Manager's performance review process.
2. That Council amend the makeup of the existing Performance Review Committee to consist of four Councillors, inclusive of the Mayor and Deputy Mayor, appointed on an annual rotation basis.
3. That Council appoint LGNSW as the external facilitator for the performance review process, based on an estimated annual cost of approximately \$6,000, with this expenditure to be funded from general revenue.

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

1. That Council notes the contents of this report on the General Manager's performance review process.

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2. That Council amend the makeup of the existing Performance Review Committee to consist of four Councillors, inclusive of the Mayor and Deputy Mayor, determined on an annual basis, giving all Councillors an opportunity to participate over the term of Council.
3. That Council appoint LGNSW as the external facilitator for the performance review process, based on an estimated annual cost of approximately \$6,000, with this expenditure to be funded from general revenue.

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

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

AGAINST VOTE - Cr David Wright, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith

The **Amendment** became the **MOTION**

280917/34 RESOLVED

(Cr Phillip Meehan/Cr Jeff Johnson)

1. That Council notes the contents of this report on the General Manager's performance review process.
2. That Council amend the makeup of the existing Performance Review Committee to consist of four Councillors, inclusive of the Mayor and Deputy Mayor, determined on an annual basis, giving all Councillors an opportunity to participate over the term of Council.
3. That Council appoint LGNSW as the external facilitator for the performance review process, based on an estimated annual cost of approximately \$6,000, with this expenditure to be funded from general revenue.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 1.11 pm

The meeting resumed at 2.00 pm

Cr Jeff Johnson left the meeting at 02:00 pm.

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15.3 General Manager's Review Panel

280917/35 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That Cr Sharon Parry and Cr Ben Smith be the two councillors on the General Manager's Review panel in addition to the Mayor and Deputy Mayor.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

16. Confidential Session

280917/36 RESOLVED

(Cr Nathan Willis/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.

10.7 Legal Matters - Update

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the discussion contains information in respect of court action currently involving Council.

16.1 Swimming Pools Upgrade - Contract

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:-

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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40 CHERRY STREET BALLINA,
ON 28/09/17 AT 9.00 AM**

- c) 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 report deals with commercial information in respect of a contract made between Council and a civil construction company.

16.2 Hardship Relief - Application (Confidential)

Reason for Confidentiality

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

- b) the personal hardship of any resident or ratepayer

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 due to the nature of the personal matter.

16.3 General Manager - Performance Review (Assessment)

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors)

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 it involves discussion relating to the employee's performance.

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

(The Council moved into Confidential Session at 2.01pm).

Cr Jeff Johnson returned to the meeting at 02:06 pm.

All staff left the meeting prior to item 16.3.

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Open Council

280917/37 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

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 3.05 pm).

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

10.7 Legal Matters – Update

280917/38 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council notes the confidential items discussed in relation to this report.

FOR VOTE - All Councillors voted unanimously.

16.1 Swimming Pools Upgrade – Contract

CF280917/39 RECOMMENDED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. The Council notes the information in this report in regards to the status of the swimming pool upgrade contract.
2. That the Group Manager Civil Services be authorised to negotiate with Wollam Constructions in respect of point one above to the limits discussed in the report.

FOR VOTE - All Councillors voted unanimously.

16.2 Hardship Relief - Application (Confidential)

CF280917/40 RECOMMENDED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves a write-off of a portion of the interest arrears, to

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the sum of \$2,000, conditionally upon receipt of the offered one off payment of \$5,500 and for a continuation of a payment plan of \$70 per week, for Mrs Peta and Mr Michael Haines, Assessment # 115619, as per the contents of this report.

2. Should receipt of the one off payment of \$5,500 not be forthcoming within two weeks of this resolution, Council approves the continuation of a repayment plan of \$70 per week.

FOR VOTE - All Councillors voted unanimously.

16.3 General Manager - Performance Review (Assessment)

CF280917/41 RECOMMENDED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council endorses the General Manager's Performance Review Committee's evaluation for the General Manager's twelve month performance review for 2016/17, as per the first attachment to this report.
2. That Council authorises the Mayor to sign the General Manager's Performance Agreement for 2017/18, as per the second attachment to this report.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendations from Confidential Session

280917/42 RESOLVED

(Cr Sharon Parry/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

3.05 pm

The Minutes of the Ordinary Meeting held on 28/09/17 were submitted for confirmation by council on 26 October 2017 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 26 October 2017.