

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/20 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan (via video link), Sharon Parry (via video link), Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis (arrived at 9.09 am), Keith Williams, Sharon Cadwallader and Ben Smith.

Paul Hickey (General Manager), John Truman (Director, Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Australian National Anthem

The National Anthem was played.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country.

3. Apologies

Cr Nathan Willis had advised that he would be late to the meeting.

4. Confirmation of Minutes

230720/ RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 June 2020.

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

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5. Declarations of Interest and Reportable Political Donations

- **Cr Sharon Cadwallader** – declared an interest in Item 8.1 – Compliance Work Plan – 30 June 2020 Review and in particular to annual fire safety inspections. (Nature of Interest: non significant, non pecuniary - her home is subject to annual fire inspections. She will be remaining in the meeting while the matter is discussed and voting on the matter.

- **Cr Nathan Willis** – later in the meeting declared an interest in Item 8.1 - Compliance Work Plan – 30 June 2020 Review and in particular to annual fire safety inspections. (Nature of Interest: non significant, non pecuniary – his business premises are subject to annual fire inspections). He will be remaining in the meeting while the matter is discussed and voting on the matter.

- **Cr Nathan Willis** – later in the meeting declared an interest in Item 9.2 – Donations – Community and Sporting Groups – 2020/21. (Nature of Interest: significant, non pecuniary – he has close friends in the groups receiving donations). He will be departing the meeting while the matter is discussed and voting on the matter.

- **Cr Keith Williams** – later in the meeting declared an interest in Item 8.1 - Compliance Work Plan – 30 June 2020 Review and in particular to annual fire safety inspections and food premises inspections. (Nature of Interest: non significant, non pecuniary – he is the owner of a business which is subject to annual fire inspections and food premises inspections). 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

Dick Wills – spoke via video link in opposition to Item 11.1 – Notice of Motion – Lease – 26 Endeavour Close, Ballina.

Cr Nathan Willis arrived at the meeting at 09:09 am.

7. Mayoral Minutes

Nil items.

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11. Notices of Motion

11.1 Notice of Motion - Lease - 26 Endeavour Close, Ballina

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Ben Smith

1. That Council advise the Australian Navy Cadets that upon the expiry of the existing lease, the rental is to revert to market value to reflect the high value of the land on which the property is located and to allow Council to allocate the funds generated to other community projects.
2. That Council also advise that we remain interested in sale of the land, to also allow the funds generated to be allocated to community projects.

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

That this matter be deferred to a Councillor briefing.

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

FOR VOTE - Cr Jeff Johnson, Cr Stephen McCarthy and Cr Sharon Cadwallader

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

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

That Council advise the Australian Navy Cadets of its intention that upon the expiry of the existing lease, the lease will move to month to month to allow Council to receive a report on the use of the land for the benefit of the entire community, such as the SES.

The **Amendment** 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

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

FOR VOTE - All Councillors voted unanimously.

230720/23 RESOLVED

(Cr Nathan Willis/Cr Jeff Johnson)

That Council advise the Australian Navy Cadets of its intention that upon the expiry of the existing lease, the lease will move to month to month to allow Council to receive a report on the use of the land for the benefit of the entire community, such as the SES.

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FOR VOTE - All Councillors voted unanimously.

- **Cr Nathan Willis** – at this point in the meeting declared an interest in Item 8.1 - Compliance Work Plan – 30 June 2020 Review and in particular to annual fire safety inspections. (Nature of Interest: non significant, non pecuniary – his business premises are subject to annual fire inspections). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Nathan Willis** – at this point in the meeting declared an interest in Item 9.2 – Donations – Community and Sporting Groups – 2020/21. (Nature of Interest: significant, non pecuniary – he has close friends in the groups receiving donations). He will be departing the meeting while the matter is discussed and voting on the matter.

8. Planning and Environmental Health Division Reports

- **Cr Keith Williams** – at this point in the meeting declared an interest in Item 8.1 - Compliance Work Plan – 30 June 2020 Review and in particular to annual fire safety inspections and food premises inspections. (Nature of Interest: non significant, non pecuniary – he is the owner of a business which is subject to annual fire inspections and food premises inspections). He will be remaining in the meeting while the matter is discussed and voting on the matter.

8.1 Compliance Work Plan - 30 June 2020 Review

230720/24 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

1. That Council notes the contents of this report on the outcomes from the Compliance Work Plan for the 2019/20 financial year.
2. That Council write to LGNSW seeking support for additional funding from the NSW Government for increased costs relating to compliance work.

FOR VOTE - All Councillors voted unanimously.

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8.2 Policy (Review) - Voluntary Planning Agreements Policy

230720/25 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Voluntary Planning Agreements 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.

8.3 Development Applications – Variation to Development Standards

230720/26 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes that there have been no applications approved under delegation for variations to development standards of 10% or less for April to June 2020.

FOR VOTE - All Councillors voted unanimously.

8.4 Development Applications - Works in Progress - July 2020

230720/27 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on the status of outstanding development applications for July 2020.

FOR VOTE - All Councillors voted unanimously.

9. Corporate and Community Division Reports

9.1 Investment Summary - June 2020

230720/28 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for June 2020.

FOR VOTE - All Councillors voted unanimously.

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Cr Nathan Willis declared an interest in Item 9.2 and left the meeting at 10.19 am.

9.2 Donations - Community and Sporting Groups - 2020/21

230720/29 RESOLVED

(Cr Sharon Parry/Cr Jeff Johnson)

1. That Council approves the following Donations – Financial Assistance Program for 2020/21.

Ref	Applicant	Project / Activity	Amount Approved (\$)
1	Women in Super Mother's Day Classic	Purchase new banners for event	800
2	Ballina Hospital Auxiliary	Venue hire and promotion of the Annual Craft Show (Ballina Jockey Club)	1,200
3	Lennox Arts Board Inc	Venue hire at Lennox Community Centre for cultural events throughout the year	1,800
4	Lennox Head Playgroup	Venue hire at Lennox Head Community Centre for playgroup meetings and incidentals	1,700
5	Cancer Council NSW	Venue hire at Kentwell Community Centre for cancer support group meetings	550
6	Ballina RSL Lighthouse Day Club	Venue hire at Richmond Room for meetings	1,200
7	Lions Club of Ballina Inc (Lioness Club Ballina Kings)	Venue hire at Richmond Room for meetings	2,915
8	Lennox Head Residents' Association Inc (Heritage Committee)	Venue hire at Lennox Head Community Centre meetings	350
9	Lismore Symphony Orchestra	Venue hire at Lennox Head Community Centre for 'Proms by the Beach' event	740
10	Lifeball	Venue hire BISC and purchase of new equipment	1,750
11	Dancing in the Dark (Rob Mackerras)	Venue hire at Lennox Head Community Centre and Alstonville Leisure and Entertainment Centre for classes	Nil
12	Alstonville Plateau Physical Culture	Venue hire at Alstonville Leisure and Entertainment Centre for classes	Nil
13	Lennox Head Residents Assoc Inc	Venue hire at CWA Lennox Head for meetings + purchase a new computer	261
14	Lennox Head Residents Assoc Inc (Boomerang Bags Cmtee)	Venue hire at CWA Hall Lennox Head + sewing machine maintenance	450
15	Lions Club of Lennox Head	Costs associated with fundraising for charity groups	900
16	Ballina Jet Boat Surf Rescue Inc	Consumables for rescue vehicles	3,000
17	Ballina Jet Boat Surf Rescue Inc	Insurance and renewals for rescue vehicles	7,000
18	Westpac Life Saver Rescue Helicopter	Purchase shipping container for storage	Nil
19	Ballina Schools Historical Society	Costs associated with launching the School's new museum	Nil
20	Cerebral Palsy Alliance – Alstonville	Purchase equipment and resources	Nil

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21	East Ballina Lions Club Inc	Provide portable toilets for the Canal Road market site	3,500
22	Tintenbar School of Arts Inc	Painting the new verandah extension at the Tintenbar Community Hall	Nil
23	Lennox Head Landcare	Provide heavy duty mower and whipper snipper	400
24	Wardell Recreation Ground Management	Purchase new zero turn mower (petrol)	Subject to report
25	Ballina Ministers Association Inc	Costs associated with running the Riverside Carols event in 2020	5,000
26	Air Force Association Ballina Branch Inc	Hire of shelter and chairs for anniversary events	Nil This event is now not going ahead
27	Our Kids	Council to provide temporary fencing for Our Kids Day Out event	500
28	Pearces Creek Public Hall Inc	Annual insurance costs for the Hall	1,000
29	Riding for the Disabled Ballina Branch	Volunteers to attend State training workshops	3,000
30	Alstonville Baptist Church	Costs associated with running the Christmas on the Plateau event	5,000
31	Lennox Head Combined Sports Assoc Carols Committee	Costs associated with running the Lennox Head Christmas Carols event	5,000
32	Ballina Shire Concert Band	Replenishing the Band's music library	950
33	Wollongbar Progress Assoc Inc	Purchase chairs and a trolley for the Wollongbar Hall	3,000
34	Mental Health Support Group	Supply of electricity to the Group's shed	5,000
35	Alstonville Plateau Historical Society	Council rates for Crawford House (2020/21)	4,784
36	TS Lismore Naval Reserve Cadets Inc	Council rates for 26 Endeavour Close (2020/21)	Nil
37	Ballina and District Historical Society Inc	Council rates (2020/21) and electricity for Ballina District Museum (Pimlico Hall) Ordinary rate and OSSM	1,210
38	Ballina Coastcare Inc	Shelving, branding and weather cover for trailer	1,800
39	Rous Mill & District Memorial Hall Inc	Building/Liability insurance for Hall and replacing door locks on 3 access doors	2,000
40	Lennox Head Residents Assoc Inc (Coastcare Committee)	Purchase tools, materials for maintaining amenities	600
41	Rous Mill Recreation Reserve	Costs associated with developing a picnic area at the Reserve	1,409
42	Lennox Head Alstonville Surf Life Saving Club	Waste disposal from the Club	Nil
43	North Coast Academy of Sport	Costs associated with education workshops for athletes and coaches	1,000
44	Community Social Group Sewing	Venue hire at Northlakes Community Centre to hold meetings	500
Total Allocated			\$70,269

2. That Council approves the following Donations – Community Sporting Groups Capital Assistance Program for 2020/21.

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Ref	Applicant	Description	Amount App rov ed (\$)
1	Northern Rivers Dirty Wheels Mountain Bike Club Inc	Improvements to mountain bike tracks	10,000
2	Ballina Croquet Inc	Costs associated to development of Club's relocation and formation of a regional croquet centre at Cawarra Park	Nil
3	Ballina Hockey Club	Installation of electricity at the Club	10,000
4	Alstonville Croquet Club Inc	Purchase of a rainwater tank for the Club	945
5	Wardell and District Tennis Club Inc	Replace lights at the Club	2,000
Total Allocated			\$22,945

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

Cr Nathan Willis returned to the meeting at 10:33 am.

Adjournment

The Mayor declared the meeting adjourned at 10.34 am

The meeting resumed at 10.59 am

9.3 Donations - Rates and Charges - 2020/21

230720/30 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council approves the donation of the 2020/21 rates and charges, as detailed within Tables One and Two of this report, which includes future estimated water consumption and wastewater usage charges, pursuant to Section 356 of the NSW Local Government Act 1993.
2. That the Donations – Rates and Charges Policy be amended to include the Alstonville Historical Society in Category B.

FOR VOTE - All Councillors voted unanimously.

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9.4 Councillor Expenses - Yearly Review

230720/31 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of this update on the Councillor expenses, as per the Councillor Expenses and Facilities Policy, for the period 1 July 2019 to 30 June 2020.

FOR VOTE - All Councillors voted unanimously.

9.5 Ballina Coast and Hinterland Destination Management Plan 2021 -2030

230720/32 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the draft Ballina Coast and Hinterland Destination Management Plan 2021-2030 (DMP), as attached to this report.
2. That Council place this DMP on exhibition for public comment, with any submissions of significance received, to be resubmitted back to Council. If no such submissions are received then no further action is required and the draft DMP will be considered adopted.

FOR VOTE - All Councillors voted unanimously.

9.6 Tender - Shaws Bay Dredging and Foreshore Improvements

230720/33 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178 (1)(b), declines to accept any tenders for the Dredging and Foreshore Management Activities as the tendered figures are above the Council funding available.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178 (3)(e) authorises the General Manager to enter into negotiations with Synergy Resource Management Pty Ltd with a view to enter into a contract to deliver the Shaws Bay dredging and associated foreshore improvements.
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is because the tender process has established a competitive market and it is more efficient to negotiate with the highest ranked tender than call for new submissions.

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4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b) the Council records it has determined to enter negotiations with Synergy Resource Management Pty Ltd as they are the preferred tenderer following assessment against the mandatory and weighted evaluation criteria established for this tender.
5. That upon the conclusion of negotiations in point two, Council authorises the General Manager to affix the Council seal to the relevant contract documents.
6. That Council write to local members of Parliament and relevant Ministers seeking an exemption to the payment of the fee for marine vegetation removal.

FOR VOTE - All Councillors voted unanimously.

9.7 Capital Expenditure - 30 June 2020 Review

230720/34 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of the 30 June 2020 Capital Expenditure Review.

FOR VOTE - All Councillors voted unanimously.

9.8 Delivery Program and Operational Plan - 30 June 2020 Review

230720/35 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report in respect to the 30 June 2020 quarterly review of the Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

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10. Civil Services Division Reports

10.1 Fishery Creek Road - Acquisition of Crown Land

230720/36 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

1. That Council resolves to compulsorily acquire Crown land for Fishery Creek Road, as shown in Attachment 1 to this report, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993.
2. That Council resolves to make an application to the Office of Local Government, the Minister and the Governor for the approval of the compulsory acquisition (by agreement) of the Crown land.
3. That Council authorises the General Manager to conduct and finalise negotiations with NSW Planning, Industry & Environment - Crown Lands to acquire the Crown land.
4. That Council approves the use of the Council seal on any documents associated with the acquisition of the Crown land.
5. That Council confirms that following acquisition the land is to be dedicated as public road.

FOR VOTE - All Councillors voted unanimously.

10.2 Policy (Review) - Liquid Trade Waste

230720/37 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Liquid Trade Waste Policy, as attached to this report.
3. 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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10.3 Policy (Review) - Community Property Leasing and Licensing

230720/38 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council adopts the new Community Property Leasing and Licensing policy, as per Attachment 2 to this report.
2. That Council place the 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.

12. Advisory Committee Minutes

12.1 Facilities Committee Minutes - 13 July 2020

230720/39 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council confirms the minutes of the Facilities Committee meeting held 13 July 2020 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

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

13.1 Mayoral Meetings

230720/40 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

13.2 General Manager - Performance Review

230720/41 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council notes the contents of the report in respect to the annual review process for the position of General Manager.

FOR VOTE - All Councillors voted unanimously.

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14. Confidential Session

230720/42 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

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.

14.1 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 the report relates to the performance of Council staff.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 12.19 pm).

All staff left the meeting at this stage.

Open Council

230720/43 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

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 1.07 pm).

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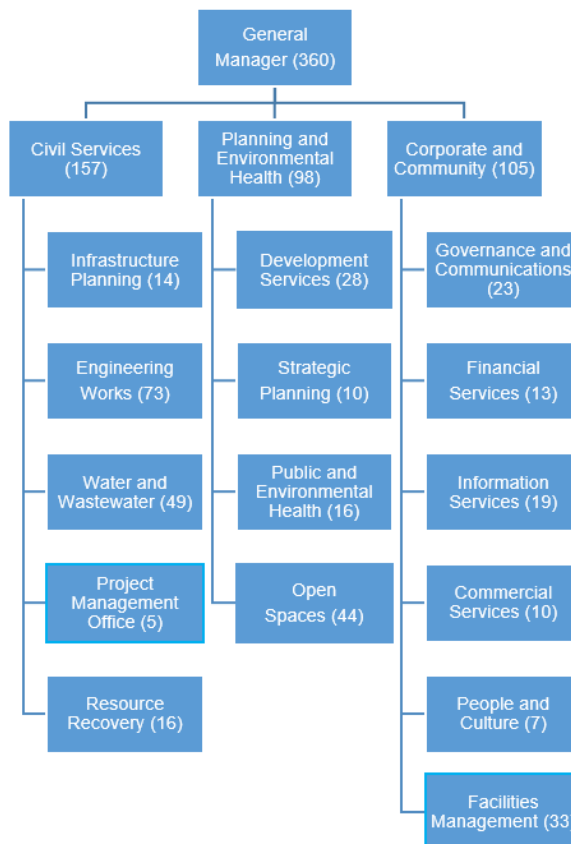
The Mayor reported to the Open Meeting the recommendations made while in Confidential Session:

14.1 General Manager - Performance Review - Assessment

CF230720/1 RECOMMENDED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council endorses the Performance Review Committee’s rating for the General Manager for 2019/20 as per the contents of this report.
2. That Council approves the inclusion of the following items as the strategic priorities in the General Manager’s performance agreement for 2020/21
 - Finalise the Innovation Precinct rezoning and confirm proposed development of the site
 - Improvements to Councillor Wi-Fi connectivity and access to technology
 - Strong financial management / performance of the Council
3. That Council adopts the following organisation structure based on the recommendations provided by the General Manager.



FOR VOTE - All Councillors voted unanimously.

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Adoption of Recommendations from Confidential Session

230720/23 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

1.11 pm

The Minutes of the Ordinary Meeting held on 23/07/20 were submitted for confirmation by council on 27 August 2020 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 August 2020.