

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/10/21 AT 9.00AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan (via Zoom), Sharon Parry, Jeff Johnson (arrived at 9.03am), Eoin Johnston, Stephen McCarthy, Keith Williams, Sharon Cadwallader and Ben Smith (arrived at 9.43am)

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 six 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

An apology was received from Cr Nathan Willis.

281021/1 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

4. Confirmation of Minutes

281021/2 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 September 2021.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

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5. Declarations of Interest and Reportable Political Donations

- **Cr Sharon Cadwallader** – declared an interest in Item 8.2 – LEP Amendments and Planning Proposals – Status. (Nature of Interest: non significant, non pecuniary, she holds investments with a parent company mentioned in the report). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Keith Williams** – later in the meeting declared an interest in Item 9.10 – Tender – Road Reconstruction Works. (Nature of Interest: (non significant, non pecuniary – this item relates to some works on Fernleigh Road where he operates a business). He departed the meeting while the matter was discussed.
- **Cr Eoin Johnston** – later in the meeting declared an interest in Item 9.14 – Capital Expenditure Program – 30 September 2021 Review and in particular to the matter relating to the Wollongbar/Alstonville Rugby Club and Wollongbar Sports Fields. (Nature of Interest: non significant, non pecuniary – he is a life member of the Wollongbar/Alstonville Rugby Club but has not been an active Committee member for many years and his son plays for the Club). He remained in the meeting while the matter was discussed and voted on the matter.

There were no reportable political donations.

6. Deputations

- **Ceirín Byrne** – spoke in opposition to Item 8.3 – Ballina Local Environmental Plan 2012 – Deferred Matters Integration.

Extension of Time for Deputation

281021/3 RESOLVED

(Cr Stephen McCarthy/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

- **Don Munro, Lennox Head National Surfing Reserve** – spoke in opposition to Item 10.1 – Pat Morton Car Park Precinct – Concept Plan.
- **Brad Pollard – via Zoom** - spoke in opposition to Item 11.1 – Notice of Motion – Pat Morton Lookout (Lennox Headland).
- **Terry Chandler, Lennox Head National Surfing Reserve** – spoke in favour of Item 11.1 – Notice of Motion – Pat Morton Lookout (Lennox Headland).
- **Steve Connelly** – spoke in favour of Item 11.2 – Notice of Motion – Commercial Development at Ballina Heights.

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- **Steve Miller, Rous Mill Ratepayers Association** – spoke in favour of Item 11.4 – Notice of Motion – Youngmans Creek Bridge, Rous Mill.
- **Pat Grier – via Zoom** – spoke in favour of Item 11.6 – Notice of Motion – Northern Rivers Rail Trail.

7. Mayoral Minutes

7.1 Mayoral Minute - Bruxner Highway and Ballina Road Intersection, Alstonville

281021/4 RESOLVED

(Cr David Wright)

1. That Council confirms that it does not support the preferred option as currently on exhibition by Transport for NSW, for the upgrade of the intersection of Ballina Road and the Bruxner Highway at Alstonville, which is based on an on ramp at Ellis Road and permanently removing the right hand turn out of Ballina Road.
2. The reasons for not supporting this option include, but are not limited to:
 - a) traffic is diverted through the Alstonville town centre and Wardell Road
 - b) drivers will still be motivated to turn left at Ballina Road, and then do a U-Turn on the Bruxner Highway to head west, to save driving time
 - c) the travelling time to the existing Kays Lane exit is similar to the Ellis Road option, which results in little benefit being gained from the on-ramp at Ellis Road; and
 - d) it still leaves the dangerous right hand turn into Ballina Road from the Bruxner Highway.
3. Council confirms its support for a roundabout at this intersection, as the preferred option, as it maximizes the functionality of the Ballina Road and Bruxner highway intersection.

Cr Ben Smith arrived at the meeting at 09:43 am.

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

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8. Planning and Environmental Health Division Reports

8.3 Ballina Local Environmental Plan 2012 - Deferred Matters Integration

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

That Council defer consideration of the proposal and write to each landholder and consult prior to commencing the planning proposal.

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

FOR VOTE - Cr Jeff Johnson and Cr Sharon Cadwallader

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

ABSENT. DID NOT VOTE - Cr Nathan Willis

281021/5 RESOLVED

(Cr Ben Smith/Cr Phillip Meehan)

1. That Council endorses, for Gateway determination, the integration of certain land identified as deferred matters in Ballina Local Environmental Plan (BLEP) 1987 into the Ballina Local Environmental Plan 2012, including the introduction of land use tables for the E2 Environmental Conservation and E3 Environmental Management into BLEP 2012 and various other consequential amendments, in accordance with the planning proposal (BSCPP 21/004) contained in Attachment 1.
2. That Council endorses for Gateway determination, amendment to Clause 41 of the Ballina Local Environmental Plan 1987 to limit the temporary use of land to a maximum of 14 days per annum.
3. That Council submits the planning proposal contained in Attachment 1 to the NSW Department of Planning, Industry and Environment for review and Gateway determination.
4. That upon an affirmative Gateway determination being received from the Department of Planning, Industry and Environment the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
5. That the Department of Planning, Industry and Environment be advised that Council does not seek to exercise its delegated plan making functions for this LEP amendment.
6. That Council receive a further report on the deferred matter integration program following the completion of the public exhibition of the planning proposal.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

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10. Civil Services Division Reports

10.1 Pat Morton Car Park Precinct - Concept Plan

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

1. That Council adopts Option 1, as presented in the 23 September 2021 Ordinary meeting report, as per Attachment 1 to this report, as the preferred concept to support the detail design and delivery of the upgrade of the Pat Morton Car Park Precinct.
2. That Council endorses the concept of Rock Salt Pitted Coloured Concrete as the preferred surface for the path to be provided in the preferred option in point 1 above, with Council to be further consulted in regard to the specific details of this option, including final colour, as the project progresses.
3. That Council further consult on the naming of Pat Morton with the local Indigenous community.
4. That Council identify funding for the shared path works in the 2021/22 budget.

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

That Council defer consideration of the Pat Morton Concept Plan until further community consultation is undertaken.

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

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

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

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

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281021/6 RESOLVED

(Cr Phillip Meehan/Cr Ben Smith)

1. That Council adopts Option 1, as presented in the 23 September 2021 Ordinary meeting report, as per Attachment 1 to this report, as the preferred concept to support the detail design and delivery of the upgrade of the Pat Morton Car Park Precinct.
2. That Council endorses the concept of Rock Salt Pitted Coloured Concrete as the preferred surface for the path to be provided in the preferred option in point 1 above, with Council to be further consulted in regard to the specific details of this option, including final colour, as the project progresses.
3. That Council further consult on the naming of Pat Morton with the local Indigenous community.
4. That Council identify funding for the shared path works in the 2021/22 budget.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Nathan Willis

Adjournment

The Mayor declared the meeting adjourned at 11.13 am

The meeting resumed at 11.34 am

Geoff Dwyer from Thomas Noble and Russell was in attendance for Item 9.11 and provided a presentation to Council. Gearoid Fitzgerald from the NSW Office joined via Zoom for this item.

9.11 Annual Financial Statements - 2020/21

281021/7 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council approves the signing of the statements that confirm the Annual Financial Statements are fair and accurate, by the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer.
2. That Council authorises the exhibition of the Annual Financial Statements and Auditor's Reports for the year ended 30 June 2021, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

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11.1 Notice of Motion - Pat Morton Lookout (Lennox Headland) Consultation

281021/8 RESOLVED

(Cr Jeff Johnson/Cr Sharon Parry)

That Council notes that this item was considered as part of Item 10.1 of this meeting.

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

11.2 Notice of Motion - Commercial Development at Ballina Heights

281021/9 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

1. That Council provide in principle support for changing the location of the commercial precinct in the Cumbalum / Ballina Heights Estate to the corner of Power Drive and Ballina Heights Drive in order to bring forward the delivery of a much needed commercial precinct.
2. This in principle support is subject to project timing providing for construction of commercial facilities up front, detailed analysis of site opportunities and constraints, the terms of any voluntary planning agreement that the developer proposes and details of overall public interest outcomes associated with the proposal.

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

11.4 Notice of Motion - Youngmans Creek Bridge, Rous Mill

281021/10 RESOLVED

(Cr Eoin Johnston/Cr Jeff Johnson)

That Council receive a report assessing the options, cost estimates and possible funding sources to rectify the intrusion of drainage infrastructure into the road pavement on the eastern approach to the Youngmans Creek Bridge on Rous Mill Road.

Cr Keith Williams left the meeting at 12:08 pm .

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

Cr Keith Williams returned to the meeting at 12:10 pm

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11.6 Notice of Motion - Northern Rivers Rail Trail

281021/11 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council receive a report on options and estimated costs to extend the shared path (cycleways) networks in Council's main population centres of Ballina, Alstonville and Lennox Head to the Northern Rivers Trail route to maximize the benefits of the rail trail to our residents and to also support our local tourism economy.
2. That staff liaise with Byron Shire Council to commence negotiations for a bikeway between Lennox Head and Byron Bay and any grant funding opportunities.

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

8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

281021/12 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the Alstonville R3 Zone Planning Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning Industry and Environment for a Gateway determination.
2. That upon an affirmative Gateway determination being received from the Department of Planning Industry and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
3. That draft amendments to the Ballina DCP 2012 be exhibited concurrently with the Planning proposal, including:
 - Special Area Controls to be included in Chapter 4 – Residential & Tourism development as contained in Attachment 2 to this report, and
 - A Dwelling Density Map to nominate a dwelling density of 1 dwelling per 300m² of site area for the area subject to the planning proposal.
4. That the Department of Planning Industry and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment.

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5. That the planning proposal and draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.
6. That Council receive a report on the review of the heritage planning framework for the Shire.

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

AGAINST VOTE - Cr Sharon Parry

ABSENT. DID NOT VOTE - Cr Nathan Willis

8.2 LEP Amendments and Planning Proposals - Status

281021/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on current LEP amendments and planning proposals.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

Adjournment for Public Question Time

The Mayor declared the meeting adjourned for Public Question Time at 12.46 pm

The meeting resumed at 1.00 pm

Adjournment

The Mayor declared the meeting adjourned at 1.01 pm

The meeting resumed at 1.34 pm

8.4 Development Applications – Variation to Development Standards

281021/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes that there have been no applications approved under delegation involving variations to development standards of 10% or less for July to September 2021.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

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8.5 Kingsford Smith Reserve Master Plan - Adoption

281021/15 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council adopts the revised Kingsford Smith Reserve Master Plan, as per Attachment 1 to this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

8.6 Playground Upgrade and Management Plan

281021/16 RESOLVED

(Cr Eoin Johnston/Cr Stephen McCarthy)

That Council endorses the draft Playground Upgrade and Management Plan 2021, as per Attachment 1 to this report, for public exhibition.

Cr Keith Williams left the meeting at 01:56 pm.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

8.7 Policy (New) - Sports Fields Management

281021/17 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council endorse the Sports Fields Management Policy, as per Attachment 1 to this report, for public exhibition.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

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8.8 Policy (Review) - Monuments and Memorials on Public Land

281021/18 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council adopts the amended Monuments and Memorials on Public Land Policy, as per Attachment 1 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.
3. That Council receive a report back on providing monuments on the North Wall similar to what Evans Head has.

Cr Keith Williams returned to the meeting at 02:09 pm.

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

8.9 Policy (Review) - Donations - Capital Works Assistance Sporting Groups

281021/19 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council adopts the amended Capital Works Assistance for Sporting Groups Policy, as per Attachment 1 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.
ABSENT. DID NOT VOTE - Cr Nathan Willis

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9. Corporate and Community Division Reports

9.1 Use of Council Seal

281021/20 RESOLVED

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

That Council affix the Common Seal to the following documents.

US/16	Assignment of Sublease – PR Sinclair & KL Sinclair to The Far East Company Pty Ltd for Lot 1/1197191 Part being the Café and Balcony, Level 2 Ballina Surf Club, 65 Lighthouse Parade, East Ballina. Assignment of Sublease – PR Sinclair & KL Sinclair to The Far East Company Pty Ltd for Lot 1/1197191 Part being the Kiosk, Level 1, Ballina Surf Club, 65 Lighthouse Parade, East Ballina. Variation of the abovementioned subleases to amend the terminating date of the final option period in line with the Head Lease being 23 June 2033.
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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

9.2 Investment Summary - September 2021

281021/21 RESOLVED

(Cr Ben Smith/Cr Jeff Johnson)

That Council notes the report of banking and investments for September 2021.

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

9.3 Disclosure of Interest Returns

281021/22 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of the report on the disclosure of interest returns for the period 1 July 2020 to 30 June 2021.

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

Cr Ben Smith left the meeting at 02:25 pm.

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9.4 Code of Conduct - Reporting

281021/23 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council notes the contents of the Code of Conduct statistics report for the 2020/21 reporting period.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

9.5 Policy (Review) - Rates and Charges - Debt Recovery Policy

281021/24 RESOLVED

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

1. That Council adopts the amended Rates and Charges – Debt Recovery Policy, as per Attachment 1 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.

Cr Phillip Meehan left the meeting at 02:27 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan, Cr Nathan Willis and Cr Ben Smith

9.6 Tender - Supply of Pavers Lennox Head Village Centre Renewal

281021/25 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to Pebblecrete Insitu Pty Ltd (ABN 67 000 545 531) for the Tender - Supply of Pavers Lennox Head Village Centre Renewal for the total amount of \$720,735 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

Cr Phillip Meehan returned to the meeting at 02:28 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

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9.7 Tender - Processing of Organic Waste Material

281021/26 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to SoilCo Pty Ltd for the Tender - Processing of Organic Waste Material at the rates as tendered.
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

9.8 Tender - Food Organics and Garden Organics Kerbside Collection

281021/27 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to Rico Family Trust, t/a Solo Resource Recovery (ABN 62 398 515 816 for the Tender - Food Organics and Garden Organics Kerbside Collection at the rates as tendered.
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

9.9 Tender - Angels Beach Drive and Bangalow Road Intersection Upgrade

281021/28 RESOLVED

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to Quickway Constructions Pty. Ltd. (ABN 80 123 146 449) for the Tender - Angels Beach Drive and Bangalow Road Intersection Upgrade for the total amount of \$2,587,002.64 (excl GST).
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

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Cr Keith Williams – at this point declared an interest in Item 9.10 (Nature of Interest: non significant, non pecuniary – this item relates to some works on Fernleigh Road where he operates a business). He left the meeting at 02:41 pm.

9.10 Tender - Road Reconstruction Works

281021/29 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the External Road Reconstruction Works as the tenders are in excess of the available budget.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with CD Civil Pty Ltd (ABN 80642 026300) and any other party (whether or not the person was a tenderer), with a view to enter into a contract for the External Road Reconstruction Works.
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 that it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with CD Civil Pty Ltd (ABN 80642 026300) and any other party (whether or not the person was a tenderer), with a view to entering into a contract in relation to the subject works as this contractor and others in the market represent an opportunity to deliver the works at a competitive price once further risk allocation and scope of work assessments are undertaken by staff to potentially reduce the cost of the works.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

Cr Keith Williams returned to the meeting at 02:43 pm.

9.12 Financial Year 2021/22 - 30 September 2021 Review

281021/30 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council notes the contents of this report for the September 2021 Quarterly Financial Review and approves the budget changes identified within the report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

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9.13 Delivery Program and Operational Plan - 30 September 2021 Review

281021/31 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council notes the contents of this report on the quarterly review of the 2021/22 to 2024/25 Delivery Program and 2021/22 Operational Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

Cr Eoin Johnston – at this point declared an interest in Item 9.14 and in particular to the matter relating to the Wollongbar/Alstonville Rugby Club and Wollongbar Sports Fields. (Nature of Interest: non significant, non pecuniary – he is a life member of the Wollongbar/Alstonville Rugby Club but has not been an active Committee member for many years and his son plays for the Club. He remained in the meeting while the matter was discussed and voted on the matter.

9.14 Capital Expenditure Program - 30 September 2021 Review

281021/32 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council notes the contents of this report on the Capital Expenditure Program for the 2010/22 financial year.
2. That Council approves the following 2021/22 budget amendments as outlined in the attachments to this report:

Item	Current Budget	Variation	Revised Budget	Comment
Commercial Services				
Airport - Car Park, Solar	2,105,000	895,000	3,000,000	Loan funding brought forward
Airport - Baggage Area	550,000	(500,000)	50,000	Defer to 2022/23
Property – Shelly Beach Café	0	40,000	40,000	Transfer Prop Dev Reserve
Total – Commercial Services	2,655,000	435,000	3,090,000	
Facilities Management (Community Facilities)				
Naval Museum Centre	46,000	(46,000)	0	Design works only 2021/22
Halls – Various	121,000	51,000	172,000	Transfer from other projects
Pimlico Hall – Maintenance	34,000	(34,000)	0	Works completed
Northlakes Hall – Maintenance	8,000	(8,000)	0	Works completed
Newrybar Hall – Maintenance	9,000	(9,000)	0	Works completed
Facilities Management (Depot and Admin Centre)				
Depot – Workshop	648,000	100,000	748,000	Increase scope
Depot – Hardstand	200,000	(100,000)	100,000	Transfer to workshop
Depot 2 – Remediation / Fencing	0	46,000	46,000	Savings from Naval Museum
Total – Facilities Management	1,066,000	0	1,066,000	

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40 CHERRY STREET BALLINA,
ON 28/10/21 AT 9.00AM**

Water Operations				
Main Renewal – Moon Street	25,000	150,000	175,000	Scope increase from savings
Main Renewal – Suvla Street	0	4,000	4,000	Transfer from savings
Reservoir – Lennox Head	50,000	(40,000)	10,000	Project saving
Reservoir – Basalt Court	305,000	26,000	331,000	Transfer from savings
Trunk Main – Bagot Street	150,000	(140,000)	10,000	Project saving
Total – Water Operations	530,000	0	530,000	
Wastewater Operations				
Pump Stns – Montwood Drive	31,000	30,000	61,000	Revised estimate
Treatment – Ballina Rectification	500,000	100,000	600,000	Transfer Gantry Crane
Treatment – Gantry Crane	100,000	(100,000)	0	Transfer to Rectification
Treatment – Lennox Membrane	400,000	(39,000)	361,000	Project saving
Recycled Water – Henderson	80,000	(80,000)	0	Project saving
Recycled Water – Meadows	80,000	(80,000)	0	Project saving
Recycled Water – Wardell S60	40,000	(40,000)	0	Project saving
Total – Wastewater Operations	1,231,000	(209,000)	1,022,000	
Engineering Works (Roads and Bridges)				
Rural Roads Heavy Patching	291,000	(21,000)	270,000	Offset budget increases
Riverbank Road	240,000	(20,000)	220,000	Offset budget increases
Kays Lane Segment 20	0	11,000	11,000	Revised estimated
Safer Roads Program - Tamarind Drive / Tintenbar Road Intersection	0	381,000	381,000	Funded 20/21 Repair Program \$136,000, 21/22 Repair Program \$185,000, Trans from Regional Road Reseals \$60,000
North Creek Road Segs 10, 50	140,000	(10,000)	130,000	Offset budget increases
Fernleigh Road Seg 80	515,000	(10,000)	505,000	Offset budget increases
Eltham Road Segment 10	185,000	40,000	225,000	Revised estimated
Engineering Works (Ancillary Services – Car Parks)				
Car Park – Missingham	50,000	(50,000)	0	Project deferred
Car Park – Rocky Point Road	0	50,000	50,000	Replaces Missingham
Engineering Works (Footpaths and Shared Paths)				
Kerr Street, Ballina	20,000	(20,000)	0	Project completed
Quays Drive, Ballina	80,000	(15,000)	65,000	Offset increase
Suvla Street, Shelly Beach Road	150,000	35,000	185,000	Funded from savings above
Engineering Works (Stormwater)				
Grant Street, Ballina	84,000	(20,000)	64,000	Reduced to offset increases
Duck Creek Mountain	0	10,000	10,000	Essential works
Tresise Place, Lennox Head	0	20,000	20,000	Urgent works
Gibbon Street, Lennox Head	0	82,000	82,000	Urgent works
Dolphin Drive, Ballina	0	28,000	28,000	Urgent works
Martin Street, Ballina	90,000	(20,000)	70,000	Reduced to offset increases
Kerr Street, Ballina	139,000	(50,000)	89,000	Reduced to offset increases
Urban Stormwater Reticulation	243,000	(50,000)	193,000	Reduced to offset increases
Wollongbar Sports Fields	26,000	10,000	36,000	Finalise project
Engineering Works (Transport for NSW)				
Regional Roads Reseals	291,000	(60,000)	231,000	Reduced to offset increases
Total – Roads and Bridges	2,544,000	321,000	2,865,000	

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3. That Council include the following road reconstruction projects in the Long Term Financial Plan for 2022/23, with the works funded from the State Government's Fixing Local Roads – Round Three Program.

Description	Amount (\$)
Friday Hut Road, Tintenbar	94,000
Dalwood Road, Dalwood segment 10	122,000
River Drive, Wardell	148,000
Dalwood Road, Dalwood segment 110	85,000
Gap Road, Alstonville	159,000
Total	608,000

4. That the \$170,000 for the Lyle Park Sports Fields lighting is to be reallocated as follows:

- *Wollongbar Sports Fields – Contribution to Wollongbar / Alstonville Rugby Union Club Clubhouse - \$100,000*
- *Chickiba Park, East Ballina – Provision of athletics facilities, supporting year round athletics, little athletics and school carnivals - \$40,000*
- *Goal Post Replacement (various) - \$15,000*
- *Skennars Head Sporting Fields – Fencing / Building Upgrade - \$15,000.*

5. The \$100,000 contribution to the Wollongbar/Alstonville Rugby Union Club Clubhouse is subject to matching or greater contributions from the State and Federal Governments to allow the Stage 1 works of the new clubhouse to be completed, with that funding be made available by 31 May 2022.

6. That Council amend the current capital works program to include \$100,000 for safety improvements to the access for the Alstonville Rural Fire Service site, with the funding sourced from the Emergency Services Reserve (\$30,000) and Community Infrastructure Reserve (\$70,000).

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

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11. Notices of Motion

11.3 Notice of Motion - Richmond-Tweed Regional Library Operations

281021/33 RESOLVED

(Cr Phillip Meehan/Cr Sharon Parry)

That Council receive a report on options to deliver library services to our Shire that will provide greater autonomy for Council in respect to the services delivered and the range of services available as compared to the current model.

Cr Ben Smith returned to the meeting at 03:23 pm.

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

11.5 Notice of Motion - Lennox Point - Surfing Culture Recognition

281021/34 RESOLVED

(Cr Stephen McCarthy/Cr Ben Smith)

That Council receive a report on options to provide improved recognition of the surfing culture associated with Lennox Point through items such as improved signage and other associated infrastructure. Factors that could be considered as part of this report include:

- Identifying and protecting important locations (from the Lake at Lennox to South Wall)
- Interpretive signage
- Preserving the walking track and breadfruit area at the end of Lennox Point
- Pathways with embedded symbols possibly recognising the surfer walking along rocks to enter Lennox Point
- Possible expansion of the surfing reserve to include South Wall
- Recognition of the social, historical and cultural significance of the surfing fraternity.

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

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12. Advisory Committee Minutes

Nil Items

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

13.1 Mayoral Meetings

281021/35 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

MEETING CLOSURE

4.03pm

The Minutes of the Ordinary Meeting held on 28/10/21 were submitted for confirmation by council on 25 November 2021 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 November 2021.