

**MINUTES OF THE EXTRAORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 30/04/13 AT 4.10 PM**

Attendance

Cr David Wright (Mayor - in the chair), Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Ben Smith and Robyn Hordern.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Steve Barnier (Strategic & Community Services Group Manager), Rod Willis (Regulatory Services Group Manager), Peter Morgan (Manager Finance & Governance) and Sandra Bailey (Secretary) were in attendance.

There were four people in the gallery at this time.

1. 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.

2. Apologies

An apology was received from Cr Jeff Johnson.

300413/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted.

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

3. Declarations of Interest

Cr Paul Worth – declared an interest in Item 5.1 – BBRC Funding – Ballina Heights Drive. (Nature of Interest: non pecuniary – he is a landowner in the Wollongbar Urban Expansion area). He will be remaining in the meeting while the matter is discussed and voting on the matter.

4. Deputations

Nil

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4.1 Committee of the Whole

300413/2 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council move into Committee of the Whole.

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

300413/3 RESOLVED

(Cr Susan Meehan/Cr Keith Johnson)

That Council move out of Committee of the Whole.

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

5. General Manager's Group Reports

5.1 BBRC Funding - Ballina Heights Drive

300413/4 RESOLVED

(Cr Keith Johnson/Cr Robyn Hordern)

1. That Council confirms its acceptance of the \$5 million grant under the Building Better Regional Cities (BBRC) program for the construction of Ballina Heights Drive.
2. That Council confirms that the rebates / refunds and eligible purchaser(s) for the BBRC program will be based on the same criterion as the Wollongbar Sports Field BBRC project (i.e. \$25,000 per lot with income levels consistent with the National Rental Affordability Scheme guidelines).
3. That Council confirms that the developer contribution amounts rebated / refunded under the Ballina Heights Drive BBRC program will be based, initially, on a pro-rata basis for the total contributions paid by the developers of the Ballina Heights Estate to date, as outlined in table two of this report, with the funding to be paid based on contributions recouped for expenditure previously incurred by Council.
4. That in respect to point three, Council authorises the General Manager to vary the distribution of the funding of the rebates, between Section 64 and Section 94 contributions, as required dependent upon future cash flows.

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5. That Council approves the inclusion of the BBRC Program in the draft 2013/14 Operational Plan to ensure that the requirements of Section 356(3) of the Local Government Act are satisfied.
6. That Council authorises the Council seal to be attached to any agreements deemed necessary to ensure that all participating parties meet their obligations in respect to the BBRC program.
7. That Council authorises a total budget of \$9.0 million for the construction of Ballina Heights Drive, financed as follows:

Section 94 Roads Contributions held - \$2.85 million
BBRC Grant - \$5 million
Ballina Heights Drive Loan Reserve - \$141,000
Ballina Heights Drive 2012/13 Loan Repayment - \$141,000
Ballina Heights Drive 2013/14 Loan Repayment - \$141,000
External Loan - \$727,000
8. That Council receives a report for discussion and consideration regarding the additional link road from Wollongbar sports fields to Pearces Creek Road.

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

AGAINST VOTE - Cr David Wright

ABSENT. DID NOT VOTE - Cr Jeff Johnson

5.2 Tender - Construction of Ballina Heights Drive

300413/5 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council accepts the tender from Gary Deane Constructions Pty Ltd, for the Recommended Tender Amount of \$7,960,594.13 for the whole of the works for Contract No. 1202586 for Ballina Heights Drive – Construction of Road and Associated Works, subject to the satisfactory completion of the contractor financial capacity check.
2. The tender submitted by Gary Deane Constructions Pty Ltd for the whole of the works in Recommendation 1 above be increased by the amount of \$79,112.30 for the provision of Noise Attenuation Fencing.
3. Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Cr Sharon Cadwallader left the meeting at 05:34 pm.

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300413/6 RESOLVED

(Cr Keith Johnson/Cr Paul Worth)

That the General Manager be authorised to initiate negotiations with the landowners of Ballina Heights with a view to obtaining additional cash contributions to improve the cost effectiveness to Council of the Ballina Heights Drive.

FOR VOTE - Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr David Wright and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Sharon Cadwallader

MEETING CLOSURE

5.40 pm

The Minutes of the Extraordinary Meeting held on 30/04/13 were submitted for confirmation by council on 23 May 2013 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 23 May 2013.