

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 25/10/18 AT 9.00 AM**

Attendance

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

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

There were 14 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Councillors and staff.

2. Acknowledgement of Country

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

3. Apologies

An apology was received from Cr Stephen McCarthy.

251018/1 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

4. Confirmation of Minutes

251018/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 September 2018 with an amendment to Item 10.2 – Deputy Mayor – Election to include the result of the voting on the election of the Deputy Mayor, as follows:

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Cr Smith – Voting for – Crs Smith, Meehan, McCarthy, Cadwallader (four)
Cr Willis – Voting for – Crs Willis, Williams, Parry, Johnson, Wright (five)

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

5. Declarations of Interest and Reportable Political Donations

Cr Nathan Willis – declared an interest in Item 8.1 – Charity Bin Management – St Vincent de Paul – Winton Lane, Ballina. (Nature of Interest: significant pecuniary – St Vincent de Paul pays legal fees for some of his clients). He will be departing the meeting while the matter is discussed.

Cr Nathan Willis – declared an interest in Item 10.8 – Policy (Review) – Fundraising for Community Groups. (Nature of Interest: significant non pecuniary – he is a member of a political party). He will be departing the meeting while the matter is discussed.

Cr Nathan Willis – declared an interest in Item 9.3 – Function Centres – Rural Areas. (Nature of Interest: significant non pecuniary – a political colleague has declared an interest in this matter). He will be departing the matter while the matter is discussed.

John Truman, Civil Services Group Manager – declared an interest in Item 11.7 – Policy (Review) – Procurement. (Nature of Interest: non significant non pecuniary – he is Chair of NSW Local Government Procurement). He will be remaining in the meeting while the matter is discussed.

Paul Hickey, General Manager – declared an interest the following items:

- Item 9.1 – Planning Proposal – Skennars Head Expansion Area B1 and R3
- Item 9.2 – Voluntary Planning Agreement – Skennars Head Expansion Area
- Item 16.1 of the Confidential Session – Voluntary Planning Agreement – Skennars Head Expansion Area.

(Nature of Interest: non pecuniary non significant – a friend is a consultant to Intrapac). He will be remaining in the meeting for the deputations and for Item 9.2 (which is for noting only) but will be departing the meeting while Items 9.1 and 16.1 are discussed.

Cr Keith Williams – declared an interest in Item 9.3 – Function Centres – rural Areas. (Nature of Interest: significant pecuniary – he and his wife have taken up an interest in a café in a rural zone). He will be departing the meeting while the matter is discussed.

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Cr Keith Williams – declared an interest in Item 10.8 – Policy (Review) – Fundraising for Community Groups. (Nature of Interest: significant pecuniary – he is the Treasurer of a community group – Seabird Rescue). He will be departing the meeting while the matter is discussed.

Cr Sharon Cadwallader – declared an interest in Item 9.3 – Function Centres – Rural Areas. (Nature of Interest: non pecuniary non significant – she is a registered marriage celebrant). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Nathan Willis declared an interest in Item 8.1 left the meeting at 09:05 am.

6. Deputations

- **Jeffrey Shearman** – spoke in opposition to Item 8.1 – Charity Bin Management – St Vincent de Paul – Winton Lane, Ballina
- **Michael Timbrell, St Vincent de Paul** – spoke in favour of Item 8.1 – Charity Bin Management – St Vincent de Paul – Winton Lane, Ballina.

Cr Nathan Willis returned to the meeting at 09:15 am.

- **Noel Holmes** – spoke in favour of Option 2 of Item 8.2 – Revegetation Works – 162 Patch Beach Road, Patches Beach.
- **Monica Wilcox, Lennox Head Residents Association** – spoke in opposition to Item 9.1 – Planning Proposal – Skennars Head Expansion Area B1 and R3.
- **Jenny Rudolph, Elton Consulting** – spoke in favour of Item 9.1 – Planning Proposal – Skennars Head Expansion Area B1 and R3.

7. Mayoral Minutes

Nil items

Cr Nathan Willis declared an interest in Item 8.1 and left the meeting at 09:30 am.

8. Development and Environmental Health Group Reports

8.1 Charity Bin Management - St Vincent de Paul - Winton Lane, Ballina

251018/3 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council acknowledges the current measures that St Vincent de Paul has implemented in response to issues of concern raised by adjoining property owners.
2. That Council work with St Vincent de Paul to minimise illegal dumping at the site through the following actions or suitable equivalents:

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- St Vincent de Paul to implement site clean ups at late afternoon and early morning times on weekends and public holidays.
 - St Vincent de Paul to engage a security surveillance company to have a regular presence at the site after the shop closes.
 - Council and St Vincent de Paul to continue to raise awareness and advertise the problems associated with illegal dumping at charity stores.
 - St Vincent de Paul to trial only accepting donations during shop business hours and only within the shop.
3. That Council supports the three month trial offered by St Vincent de Paul to remove the bins.
4. That the Local Traffic Committee consider the provision of a loading zone in front of the St Vincent de Paul premises.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Nathan Willis

Cr Nathan Willis returned to the meeting at 09:41 am.

8.2 Revegetation Works - 162 Patches Beach Road, Patches Beach

251018/4 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council invites Pazcup Pty Limited to enter into an agreement for Council to manage the revegetation of the land known as Lot 4 DP 581027, 162 Patches Beach Road Patches Beach subject to the following:
 - Receipt of payment to cover the estimated costs of work (plus 30% in line with Council's practice for bonding of development works), with this funding to be used by Council to implement the required works. Any funds not expended at the conclusion of the required works and maintenance period would be refunded.
 - Registration of a positive covenant over the land to facilitate the revegetation works on the site over a period of at least five years and ensure suitable access is in place for the duration of the works for Council and its contractor(s).
2. If an agreement is reached with Pazcup and the conditions in point 1 are met, that Council remove the Order requiring the revegetation of Lot 4 DP 581027, 162 Patches Beach Road Patches Beach.
3. If an agreement is reached with Pazcup and the conditions of point 1 are met, that Council engages Bushland Regeneration Services to undertake the required revegetation works.

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4. That Council approves the engagement of Bushland Regeneration Services as per the contents of this report, on the basis that two quotations have been received, the works are being paid for by the property owner, and further delays in tendering for this work may result in increased negative environmental impacts.
5. That Council authorises the seal to be attached to any documents associated with the engagement of Bushland Regeneration Services and the agreement with Pazcup Pty. Ltd.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

Paul Hickey, General Manager, declared an interest in Item 9.1 and left the meeting at 9.48 am

9.1 Planning Proposal - Skennars Head Expansion Area B1 and R3

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

1. That Council endorses the amendment of Ballina Local Environmental Plan 2012 as detailed in the exhibited Planning Proposal BSCPP17/010 – Skennars Head Expansion Area B1 and R3.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP17/010 – Skennars Head Expansion Area B1 and R3 under delegated authority subject to the following:
 - Confirmation of the agreement of the Secretary of the Department of Planning and Environment with respect to identified inconsistencies with s9.1 (s117) Ministerial Directions; and
 - Confirmation being received from Air Services Australia and the Civil Aviation Safety Authority that they raise no substantive objection to the planning proposal.
3. That persons who made submissions to this planning proposal be advised of the Council's decision.
4. That the commercial floor space be reduced in size to 5,000 m².

The **Motion LAPSED.**

251018/5 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That the matter be deferred to a Councillor briefing to give further consideration to a reduction in the neighbourhood commercial zone and commercial floor space ratio.

FOR VOTE - Cr Jeff Johnson, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

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AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry and Cr Eoin Johnston

ABSENT. DID NOT VOTE - Cr Stephen McCarthy

8.3 Development Applications – Variation to Development Standards

251018/6 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes that there have been no applications approved under delegation for variations to development standards of 10% or less for September 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy

8.4 Development Applications - Works in Progress - October 2018

251018/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of the report on the status of outstanding development applications for October 2018.
2. That DA 2018/597 be called in and dealt with by Council and also be the subject of a Councillor Briefing.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy

9. Strategic and Community Facilities Group Reports

9.2 Voluntary Planning Agreement - Skennars Head Expansion Area

251018/8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report providing an overview of the terms of an offer to enter a voluntary planning agreement relating to the development of the Skennars Head Expansion Area, with the confidential report later in this agenda outlining options for the agreement.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy

Cr Nathan Willis and Cr Keith Williams declared an interest in Item 9.3 and left the meeting at 10:20 am.

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9.3 Function Centres - Rural Areas

251018/9 RESOLVED

(Cr Sharon Parry/Cr Eoin Johnston)

1. That Council prepare a planning proposal to introduce a special provision to identify matters to be considered in association with the assessment of development applications for function centres on land zoned RU2 Rural Landscape under the provisions of the Ballina Local Environmental Plan 2012.
2. The planning proposal be referred to Council for endorsement prior to being forwarded to the Department of Planning and Environment for a Gateway determination.
3. That suitable draft development controls be prepared for inclusion within Ballina Shire Development Control Plan 2012 which relate to premises which are proposed to be used for the holding of wedding receptions in rural and environmental zones, such as function centres, food and drink premises, refreshment rooms and places of assembly. The proposed draft DCP controls be reported to the Council for consideration together with the planning proposal referred to in Item 2 above.

FOR VOTE - All Councillors voted unanimously.

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

Cr Nathan Willis returned to the meeting at 10:22 am.

Cr Jeff Johnson left the meeting at 10:22 am.

9.4 LEP Amendments and Planning Proposals - Status

251018/10 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council notes the contents of this report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Stephen McCarthy and Cr Keith Williams

Cr Jeff Johnson returned to the meeting at 10:24 am.

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9.5 Policy (Review) - Extractive Industry

251018/11 RESOLVED

(Cr Sharon Parry/Cr Nathan Willis)

1. That at the next scheduled housekeeping amendment of Ballina DCP 2012 amendments to *DCP Chapter 2 – General and Environmental Considerations* minimum buffer distances for bitumen and hotmix plants, as well as diagrams which detail the manner in which buffer distances should be calculated, be incorporated for exhibition purposes.
2. That a submission be forwarded to the Department of Planning and Environment which seeks to have the Department prepare best practice guidelines for the assessment of extractive industries and mines in NSW and the referencing of such guidelines within *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.
3. That Council expand the submission in point two to incorporate an amendment to the SEPP which seeks to prohibit extractive industries within the Shire, on all sites within 1,000 metres of residential areas.

Cr Keith Williams returned to the meeting at 10:29 am.

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

Adjournment

The Mayor declared the meeting adjourned at 10.43 am

The meeting resumed at 11.04 am

Cr Keith Williams left the meeting at 11:05 am.

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10. General Manager's Group Reports

10.1 Use of Council Seal

251018/12 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following document.

US 18/06	Licence Agreement for Lot 12 DP 814359, Bruxner Highway, Alstonville between Council and Northern Rivers Dirty Wheels Mountain Bike Club Inc (NRDWMBC), at a nominal licence fee for the period 1 October 2018 to 30 September 2021.
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FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Keith Williams

10.2 Investment Summary - September 2018

251018/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for September 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Keith Williams

10.3 Disclosure of Interest Returns

251018/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on the disclosure of interest returns for the period 1 July 2017 to 30 June 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Keith Williams

10.4 Ordinary Meeting Date - April 2019

251018/15 RESOLVED

(Cr Eoin Johnston/Cr Sharon Parry)

That Council's Ordinary meeting for April 2019 be held on Wednesday 24 April 2019 and that the December 2018 Ordinary meeting be held on Thursday 13 December 2018.

Cr Keith Williams returned to the meeting at 11:08 am.

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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

10.5 Code of Conduct - Reporting

251018/16 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

That Council notes the contents of this report on Code of Conduct complaints for the period 1 September 2017 to 31 August 2018.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

10.6 Debtor Write-off

251018/17 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council approves the write-off of the debt raised to the Department of Primary Industries, in the amount of \$1,053.35, as outlined in this report.

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

10.7 Building Better Regions Fund - Infrastructure Stream

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

That Council approves grant funding applications for the Building Better Regions Fund (round three) for the following projects:

- 1) Ballina Byron Gateway Airport, Airside Upgrades
- 2) Duplication of Entry Roads to Ballina

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Keith Williams

That Council approves grant funding applications for the Building Better Regions Fund (round three) for the following projects:

- 1) Ballina Byron Gateway Airport, Airside Upgrades
- 2) Inclusion of the Lennox Head Town Centre Renewal project
- 3) Duplication of Entry Roads to Ballina

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

FOR 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

AGAINST VOTE - Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Stephen McCarthy

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy

251018/18 RESOLVED

(Cr Phillip Meehan/Cr Keith Williams)

That Council approves grant funding applications for the Building Better Regions Fund (round three) for the following projects:

- 1) Ballina Byron Gateway Airport, Airside Upgrades
- 2) Inclusion of the Lennox Head Town Centre Renewal project
- 3) Duplication of Entry Roads to Ballina

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy

Cr Nathan Willis and Cr Keith Williams declared an interest in Item 1.8 and left the meeting at 11:47 am.

10.8 Policy (Review) - Fundraising for Community Groups

251018/19 RESOLVED

(Cr Ben Smith/Cr Sharon Parry)

1. That Council adopts the amended Fundraising for Community Groups 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.

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

Cr Nathan Willis and Cr Keith Williams returned to the meeting at 11:48 am.

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10.10 Delivery Program and Operational Plan - 30 September 2018 Review

251018/20 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

1. That Council notes the content of this report in respect to the 30 September 2018 review of the implementation of the 2018/19 Delivery Program and Operational Plan.
2. That Council hold a Councillor Briefing with the staff of the Richmond Tweed Regional Library to review the indicators and activities of the Library.
3. That Council tour the Airport Terminal expansion works prior to Christmas.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

10.9 Annual Financial Statements - 2017/18

251018/21 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

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 2018, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

Adjournment

The Mayor declared the meeting adjourned at 12.00 noon.

The meeting resumed at 12.03 pm

Karen Taylor from the NSW Audit Office, gave a presentation to Councillors on the Annual Financial Statements 2017/18.

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10.11 Capital Expenditure Program - 30 September 2018 Review

251018/22 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this status report on the Capital Expenditure Program for the 2018/19 financial year.
2. That Council approves the following budget amendments as outlined in the attachments to this report:

Item	Current Budget	Revised Budget	Variation	Comment
Open Spaces and Reserves				
Killen Falls – Plans of Management	20,000	0	(20,000)	Transfer from capital to open spaces operating expense as planned expenditure is not classified as capital.
Pop Denison Master Plan	134,100	386,100	252,000	Grant funding approved by State Government
Sports Fields				
Kingsford Smith – Retaining Wall	0	30,000	30,000	Grant funding approved by State Government
Skennars Head Sports Fields – Expansion	2,185,000	2,275,000	90,000	Grant funding approved by State Government
Wollongbar Sports Fields – Drainage	0	400,000	400,000	Grant funding approved by State Government
Williams Reserve Lighting	62,000	141,000	79,000	Grant funding approved by State Government
Sports and Recreation Plan	35,000	0	(35,000)	Transfer from capital to sports fields operating expense as planned expenditure is not classified as capital.
Waste Management				
Recycled Handling Covered Area	91,100	0	(91,100)	Project complete – funding transferred back to reserve
Transfer Station - Security Cameras	0	12,500	12,500	Improvement – funded by transfer from reserve
Transfer Station - Signage	0	13,400	13,400	Improvement – funded by transfer from reserve
Community Facilities				
Community Centres – Miscellaneous	24,000	0	(24,000)	Transfer to Lennox Head Community Centre
Lennox Head Community Centre - Cladding	82,300	106,300	24,000	Increase in budget as scope of works being redefined.
Swimming Pools				
Ballina and Alstonville	119,400	181,400	62,000	Transfer from LRM to finalise this project
Ballina – Disabled Facilities	0	15,000	15,000	Transfer from LRM to provide this service.
Property – Commercial				
Airport – Master Plan	100,000	0	(100,000)	Transfer from capital to airport operating expense as planned expenditure is not classified as capital.
Water				
Main Renewals	706,000	646,000	(60,000)	Budget saving – transfer back to reserve

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Water Meters – Replacement Connections	61,000	121,000	60,000	Budget saving – transfer back to reserve
Wastewater				
WWTP – Ballina – Septic Receiving	70,000	90,000	20,000	Increase in estimated cost – Funded by transfer from wastewater reserve
Trunk Mains – Gravity Main Wollongbar – Stage Two	1,138,000	0	(1,138,000)	Budget saving – transfer back to wastewater reserve – Project deferred for lengthy period of time
Gravity Main - Alstonville	340,000	700,000	360,000	Increase in scope of works - Funded by transfer from wastewater reserve
Engineering Works – Stormwater				
Asset Data Collection	60,000	0	(60,000)	Transfer from capital to operating expense as planned expenditure is not classified as capital.
Engineering Works – Roads and Bridges				
Reseals Urban	606,300	556,300	(50,000)	Transferred to sealing Camp Drewe Road
Teven Road (segments 70, 58-60)	318,000	0	(318,000)	Transfer to 2019/20
Hutley Drive – Northern Connection	4,476,000	176,000	(4,300,000)	Transfer to 2019/20
Airport Boulevard	6,946,900	1,446,900	(5,500,000)	Transfer to 2019/20
River Drive	792,000	192,000	(600,000)	Transfer to road contingency reserve
River Street Beautification	2,700,000	1,700,000	(1,000,000)	Transfer to 2019/20
Chickiba Drive (segments 10-20, part 30)	140,200	0	(140,200)	Transferred to sealing Camp Drewe Road
Pimlico Road (segments 110 and 20)	296,000	0	(296,000)	Transfer to 2019/20
Camp Drewe Road	0	190,200	190,200	Funded by transfers from reseals and Chickiba Drive
Engineering Works – Footpaths and Cycleways				
Coastal Walk	1,502,000	502,000	(1,000,000)	Transfer to 2019/20
River Street – Pedestrian Refuge	16,000	0	(16,000)	Transfer to internal reserve as works being completed by private party.
Engineering Works – Water Transport				
Brunswick Street Boat Ramp	140,000	20,000	(120,000)	Transfer to reserve until additional funding secured
Lennox Head North Creek Road Boat Ramp	90,000	20,000	(70,000)	Transfer to reserve until additional funding secured

3. That Council receive a report on whether the water transport funding can be allocated to one project i.e. North Creek Boat Ramp.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

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11. Civil Services Group Reports

11.1 Disaster Recovery Funding Arrangements (DRFA)

251018/23 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council advise the Office of Emergency Management that it agrees to the option to Opt-In now in respect to the New Co-Funding Model Disaster Recovery Funding Arrangements.
2. That, during the preparation of the 2019/20 Delivery Program and Operational Plan, Council consider the establishment of a financial reserve to fund future contributions to natural disaster claims.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

11.2 Street Lighting - LED Bulk Replacement Program

251018/24 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

1. That Council accepts Essential Energy's offer for the bulk replacement of street lighting with LED fittings, in accordance with Option 2 as detailed in the above report.
2. The capital cost for point one of approximately \$765,000 is to be funded from an internal loan through a transfer from either Water and / or Wastewater Reserves, or the Employee Entitlements Reserve, with the General Manager authorized to make this funding determination based on advice from the Office of Local Government.
3. The Council also approves a variation to the Long Term Financial Plan to have the internal loan repaid within four years.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

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11.3 Native Title Managers - Council Approval

251018/25 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council, in accordance with Section 8.8 of the Crown Lands Management Act 2016, write to the Minister for Primary Industries for the purpose of informing the Minister the names of our qualified Native Title Managers being:

- Cheyne Willebrands
- Jessica Saad
- Leanne Harding

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

11.5 Tender - Supply and Delivery of Quarry Products

251018/26 RESOLVED

(Cr Ben Smith/Cr Sharon Parry)

1. That Council accepts the Tenders of Boral Country Concrete & Quarries, Holcim (Australia) P/L, Ballina Sands P/L, Quarry Solutions P/L and Richmond Quarry as preferred contractors for the supply of quarry products for the period from 31 August 2018 to 31 August 2020, with the preferred supplier for each order determined by an assessment undertaken having regard to cost and program requirements applicable at the time of the order.
2. That in accordance with the terms of the Contract, the General Manager is authorised to extend the contract period to 31 August 2021, if that arrangement is to the best advantage of Council.
3. That Council authorises the seal to be attached to any contract documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 25/10/18 AT 9.00 AM**

11.6 Policy (Review) - Kerbside Waste Bin Entitlement

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Nathan Willis

1. That Council adopts the amended Kerbside Waste Bin Entitlement 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.
3. That Council provide public notice for a minimum period of 28 days in regard to the proposed new fee as per the policy.

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

1. That Council adopts the amended Kerbside Waste Bin Entitlement Policy, as attached to this report, with an amendment to the policy to include that 360 litre recycling bins be issued, upon request, without additional charge.
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 provide public notice for a minimum period of 28 days in regard to the proposed new fee as per the policy.

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

251018/27 RESOLVED

(Cr Jeff Johnson/Cr Eoin Johnston)

1. That Council adopts the amended Kerbside Waste Bin Entitlement Policy, as attached to this report, with an amendment to the policy to include that 360 litre recycling bins be issued, upon request, without additional charge.
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.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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3. That Council provide public notice for a minimum period of 28 days in regard to the proposed new fee as per the policy.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

11.7 Policy (Review) - Procurement

251018/28 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Procurement 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.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

12. Public Question Time

Nil

11.8 Policy (Review) - Grazing of Stock on Road Reserves

251018/29 RESOLVED

(Cr Keith Williams/Cr Sharon Parry)

1. That Council adopts the Grazing of Stock on Road Reserves 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.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

13. Notices of Motion

Nil Items

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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14. Advisory Committee Minutes

Nil Items

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

15.1 Mayoral Meetings

251018/30 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy

8.5 70 Shelly Beach Road East Ballina - The Beach House

251018/31 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That the late reports, referenced as Item 8.5 (open Council report) and Item 16.2 (Confidential Session report) be considered as a matter of urgency, because of the nature of the works and the need for urgent legal action.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy

251018/32 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

That Council notes the contents of this report which provides an introduction to a confidential report addressing works undertaken at 70 Shelly Beach Road East Ballina.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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16. Confidential Session

251018/33 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

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.

16.1 Voluntary Planning Agreement - Skennars Head Expansion Area

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:-

- 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 disclosure of the information may prejudice Council's negotiation position with respect to the voluntary planning agreement.

16.2 Legal Proceedings - 70 Shelly Beach Road East Ballina

Reason for Confidentiality

This report 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 report includes confidential legal advice that may result in legal action.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

(The Council moved into Confidential Session at 1.00 pm).

During the Confidential Session, Paul Hickey, General Manager declared an interest in Item 16.1 and left the meeting at 1.19 pm before consideration of that item. Cr Ben Smith left the meeting at 1:20 pm after consideration of Item 16.2.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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Open Council

RECOMMENDATION

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

(The Council moved into Open Council at 1.43 pm).

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

16.2 Legal Proceedings - 70 Shelly Beach Road East Ballina

CF251018/34 RECOMMENDED

(Cr Keith Williams/Cr Ben Smith)

That Council commences legal proceedings in the NSW Land and Environment Court in relation to works undertaken at 70 Shelly Beach Road East Ballina consistent with the approach outlined in this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy

16.1 Voluntary Planning Agreement - Skennars Head Expansion Area

CF251018/35 RECOMMENDED

(Cr Phillip Meehan/Cr Sharon Cadwallader)

That Council decline Intrapac's offer.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Ben Smith

Adoption of Recommendations from Confidential Session

251018/36 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Ben Smith

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11.4 Tender - Ballina Island and West Ballina Flood Study

251018/37 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

1. That Council awards the tender for Ballina Island and West Ballina Overland Flood Study and Flood Protection Feasibility Study and Plan to Jacobs Group (Australia) Pty Ltd, for a tender price of \$125,750 excluding GST.
2. That upon the conclusion of negotiations Council authorises the General Manager to affix the Council seal to the relevant contract documents and execute same.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston and Cr Sharon Cadwallader

AGAINST VOTE - Cr Nathan Willis and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Ben Smith

The above motion had been moved earlier in the day and was held over until later in the meeting to clarify a matter. The matter was clarified and a new mover and seconder were not sought. Cr Ben Smith moved the motion, but was not in attendance at the time of voting on the matter.

MEETING CLOSURE

1.45 pm

The Minutes of the Ordinary Meeting held on 25/10/18 were submitted for confirmation by council on 22 November 2018 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 22 November 2018.