

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/08/18 AT 9.00 AM**

Attendance

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

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

There were 15 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Councillors and staff.

2. Acknowledgement of Country

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

Cr Phillip Meehan arrived at the meeting at 09:02 am.

3. Apologies

Nil.

4. Confirmation of Minutes

230818/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 July 2018.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

Cr Sharon Cadwallader – declared an interest in Item 8.4 – Policy (New) – Waste Management for Multi-Unit Developments (Nature of Interest: significant, pecuniary - perceived conflict of interest as she is the owner of a multi-unit development). She will be departing the meeting while the matter is discussed.

Cr Keith Williams declared an interest in Item 10.2 – Donation – Rates and Charges 2018/19 Seabird Rescue (Nature of Interest: significant, pecuniary – he is the treasurer of the Seabird Rescue group). He will be departing the meeting while the matter is discussed.

Cr Nathan Willis – declared an interest in Item 10.2 – Donation – Rates and Charges 2018/19 Seabird Rescue (Nature of Interest: significant, non-pecuniary – he has a political colleague involved with Seabird Rescue). He will be departing the meeting while the matter is discussed

Cr Jeff Johnson – declared an interest in Item 9.1 – Lennox Head and Alstonville Surf Lifesaving Clubhouse (Nature of Interest: non-significant, non-pecuniary – he is a member of the Lennox Head Surf Club). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Eoin Johnston – declared an interest in Item 8.1 – DA 2017/554 – Wollongbar Skate Park (Nature of Interest: non-significant, non-pecuniary – he is a life member of the Wollongbar Rugby club). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Eoin Johnston – declared an interest in Item 13.7 – Ballina Rugby Union club – Letter of Support (Nature of Interest: non-significant, non-pecuniary - he is a life member of the Ballina Rugby Union Club but has not been involved since 1992). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Stephen McCarthy – later in the meeting declared an interest in item 9.2 – Ballina Indoor Sports Centre – Naming (Nature of Interest: non-significant, non-pecuniary - he coaches teams that may use the centre). He will be remaining in the meeting while the matter is discussed and voting on the matter.

6. Deputations

- **Bianca Urbina** – spoke in opposition to Item 8.1 – DA 2017/554 – Wollongbar Skate Park
- **Margaret Sheely** – spoke in opposition to Item 8.2 – DA 2016/510 – 3 Rayner Lane, Lennox Head – Modification

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- **Joanne Kay** – spoke in opposition to Item 8.3 – DA 2017/707 – 5 Rayner Lane, Lennox Head
- **Margaret Sheely** – spoke in favour of Item 8.3 – DA 2017/707 – 5 Rayner Lane, Lennox Head
- **Pip Carter** – spoke in opposition to Item 9.1 – Lennox Head and Alstonville Surf Lifesaving Clubhouse
- **Pip Carter** – spoke in opposition to Item 13.6 – Extraordinary Meeting – Lake Ainsworth Foreshore Improvements
- **Denis Magnay** – spoke in opposition to Item 13.1 – South Ballina Beach – Four Wheel Drives
- **Graham Steele** – spoke in favour of Item 13.7 – Ballina Rugby Union Club – Letter of Support

7. Mayoral Minutes

Nil items

8. Development and Environmental Health Group Reports

8.1 DA 2017/554 - Wollongbar Skate Park

A **Motion** was moved by Cr Nathan Willis and seconded by Cr Jeff Johnson

That this matter be deferred.

A **Motion** was moved by Cr Nathan Willis.

That the Motion be Put.

The **Motion was LOST**

FOR VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Keith Williams

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

The **Substantive Motion was LOST**

FOR VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Keith Williams

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

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A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Jeff Johnson

1. That DA 2017/554 for the Construction of a Skate Park facility at Lot 2 DP 1168781, Elvery Lane, Alstonville (Wollongbar Sporting Fields) be **REFUSED** as the proposed development does not provide for adequate pedestrian infrastructure to access the skate park facility.
2. That Council now further pursue an alternative location in Alstonville or Wollongbar, particularly the TAFE site at Wollongbar. If that is unsuccessful, that Council moves forward with a development application for the Plateau Drive site that can be formally assessed by staff and presented to Council.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Eoin Johnston

1. That DA 2017/554 for the Construction of a Skate Park facility at Lot 2 DP 1168781, Elvery Lane, Alstonville (Wollongbar Sporting Fields) be **REFUSED** as the proposed development does not provide for adequate pedestrian infrastructure to access the skate park facility.
2. That Council make representations to the State Government in respect to establishing a partnership on the Wollongbar TAFE site for a skate park.

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

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

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Ben Smith

The **Amendment** then became the **Motion** and 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 Sharon Cadwallader

AGAINST VOTE - Cr Stephen McCarthy and Cr Ben Smith

230818/2 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That DA 2017/554 for the Construction of a Skate Park facility at Lot 2 DP 1168781, Elvery Lane, Alstonville (Wollongbar Sporting Fields) be **REFUSED** as the proposed development does not provide for adequate pedestrian infrastructure to access the skate park facility.
2. That Council make representations to the State Government in respect to establishing a partnership on the Wollongbar TAFE site for a skatepark.

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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 Sharon Cadwallader

AGAINST VOTE - Cr Stephen McCarthy and Cr Ben Smith

8.2 DA 2016/510 - 3 Rayner Lane, Lennox Head – Modification

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

1. That Council **APPROVES** the Section 4.55 application made in relation to DA 2016/510 under the *Environmental Planning and Assessment Act* 1979 for amendments to the plans for a dwelling and pool, involving the raising of the ground/first floor deck levels, an increase in width of the ground floor north/eastern deck by 1400mm and the relocation of the approved stairs to the ground floor south/eastern deck from the eastern to the southern elevation.
2. The following conditions are to be included within the approval:
 - A privacy screen, measuring 2000mm width x 800mm depth is to be provided on top of the existing southern boundary blockwork wall adjacent the doorway opening, stair landing and stairs off the ground floor south/eastern deck.
 - The cantilevered deck extension is to remain unroofed and unsupported with columns or posts in accordance with the submitted approved plans.
3. That condition 24 of the existing development consent regarding the building line setback is modified to ensure consistency with the approved modification to the development.

The **Motion was LOST**

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

230818/3 RESOLVED

(Cr Jeff Johnson/Cr Sharon Parry)

That the Section 4.55 application made in relation to DA 2016/510 under the *Environmental Planning and Assessment Act* 1979 for amendments to the plans for a dwelling and pool, involving the raising of the ground/first floor deck levels, an increase in width of the ground floor north/eastern deck by 1400mm and the relocation of the approved stairs to the ground floor south/eastern deck from the eastern to the southern elevation be **REFUSED**

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as the encroachment of the deck extension into the foreshore building line is contrary to the objectives of DCP 2102, having an adverse impact on the amenity of the locality and the stair relocation having an unreasonable impact on the amenity of the adjoining residents.

FOR VOTE - All Councillors voted unanimously.

8.3 DA 2017/707 - 5 Rayner Lane, Lennox Head

230818/4 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

That DA 2017/707 for the demolition of an existing dwelling and ancillary development, the construction of a new dwelling consisting of two storeys above ground level with an additional basement carparking/storage level and swimming pool be **REFUSED** for the following reasons.

1. The proposed development does meet the Building Envelope objectives of Section 3.1.3 C of the Ballina Shire Development Control Plan 2012, with the scale and location of the building having significant adverse impacts on adjoining properties and the streetscape.
2. The proposed development does not meet the Coastal Hazard Protection objectives and Foreshore Building line setback requirements as contained within Chapter 2 Part 3.14 and Chapter 4 Part 4.5 of the Ballina Shire Development Control Plan 2012; and
3. Approval of the development is not in the public interest.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.34 am.

The meeting resumed at 10.57am

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

230818/5 RESOLVED

(Cr Sharon Cadwallader/Cr Phillip Meehan)

1. That Council notes the contents of this report relating to planning for a new Lennox Head and Alstonville Surf Lifesaving Club building within the coastal reserve in Lennox Head.
2. That subject to any design modifications arising from matters referred to in this report, the suite of plans attached to this report be used as a basis for obtaining relevant planning and other regulatory approvals, and to pursue external funding opportunities for the project.

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3. The General Manager is authorised to liaise with the NSW Department of Industry – Crown Lands with a view to obtaining approvals for the construction of the proposed building within the Coastal Reserve, with the same or similar tenure and management arrangements which apply to the Ballina Surf Club property;
4. That Council agrees to the allocation of the parts of the first floor area of the building, shown as Club Room and Meeting Room in the attached plans and having a combined area of 150m², to the Surf Club for use in its service delivery. This is in addition to the area of the ground floor allocated for surf club use.
5. That the ground floor kiosk and first floor café/restaurant be made available through a commercial lease, with proposed Function Rooms 1 and 2 managed by Council for community use.
6. That Council endorses a similar approach for financially supporting the Surf Club as has been applied in support of the Ballina Lighthouse and Lismore Surf Lifesaving Club, with an annual contribution from the commercial elements of the facility, with that amount dependent on the market response to areas available for commercial lease.
7. That the design include an increase in the area of the first floor covered balcony adjacent to its operational area and that the design include a minimum design life of 50 years. That the two storage spaces adjacent to the Surf Club area are provided to the Surf Club for office and storage space.
8. That the design give consideration to the use of glazed brick with flush joints as per the Marine Rescue Tower.
9. That the income generated through the commercial activities go towards the ongoing operation of the club and upkeep of the building.

FOR VOTE - All Councillors voted unanimously.

13.6 Extraordinary Meeting - Lake Ainsworth Foreshore Improvements

Motion withdrawn as the Extraordinary meeting has been called for 1 September 2018.

13.1 South Ballina Beach - Four Wheel Drives (4WDs)

230818/6 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That Council continue to lobby the State Government in respect to the implementation of a permit system/regulatory control at South Ballina to more proactively manage 4wds on the South Ballina beaches.

FOR VOTE - All Councillors voted unanimously.

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13.7 Ballina Rugby Union Club - Letter of Support

A Motion was moved by Cr Eoin Johnston and seconded by Cr Sharon Cadwallader)

1. That Council provide a letter of support for the Ballina Rugby Union Club to seek grant funding through the Office of Sport for improved fencing along Kalinga Street, at Quays Reserve, Ballina.
2. This letter of support is on the basis that the field will only be totally secured during major one-off events and that the public will continue to have unrestricted access to the grounds on a day to day basis.

An **Amendment** was moved by Cr Ben Smith

1. That Council provide a letter of support for the Ballina Rugby Union Club to seek grant funding through the Office of Sport for improved fencing along Kalinga Street, at Quays Reserve, Ballina.
2. This letter of support is on the basis that the field will only be totally secured during major one-off events and that the public will continue to have unrestricted access to the grounds on a day to day basis.
3. That the height of the fence be the minimum required to meet the objectives.

The **Amendment LAPSED**

The **Motion was CARRIED.**

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

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

230818/7 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council provide a letter of support for the Ballina Rugby Union Club to seek grant funding through the Office of Sport for improved fencing along Kalinga Street, at Quays Reserve, Ballina.
2. This letter of support is on the basis that the field will only be totally secured during major one-off events and that the public will continue to have unrestricted access to the grounds on a day to day basis.

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

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

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Cr Sharon Cadwallader left the meeting at 11:57 am.

8.4 Policy (New) - Waste Management for Multi-Unit Developments

230818/8 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

1. That Council adopts the Waste Management for Multi-Unit Developments Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any significant submissions received to be resubmitted back to Council. If no significant submissions are received then no further action is required.
3. That Council receive a further report on the option of including non-strata properties in the policy.

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

Cr Sharon Cadwallader returned to the meeting at 12:04 pm.

Adjournment

The Mayor declared the meeting adjourned at 12.04 pm.

The meeting resumed at 12.05 pm.

8.5 Development Applications – Variation to Development Standards

230818/9 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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8.6 Development Applications - Works in Progress - August 2018

230818/10 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of the report on the status of outstanding development applications for August 2018.
2. That Council hold a briefing on the zoning for the Reservoir Hill site at Lennox Head.

FOR VOTE - All Councillors voted unanimously.

9. Strategic and Community Facilities Group Reports

Cr Stephen McCarthy – declared an interest in item 9.2 – Ballina Indoor Sports Centre – Naming (Nature of Interest: non-significant, non-pecuniary - he coaches teams that may use the centre). He will be remaining in the meeting while the matter is discussed and voting on the matter.

9.2 Ballina Indoor Sports Centre - Naming

230818/11 RESOLVED

(Cr Phillip Meehan/Cr Sharon Parry)

1. That Council notes the contents of this report relating to the potential naming of the proposed Ballina Indoor Sports Centre.
2. That Mr Jim Pike be thanked for his interest in raising the matter with Council.
3. That Council confirms the proposed new facility is to be named the Ballina Indoor Sports Centre, abbreviated to BISC, for the purpose of marketing and general promotion.
4. That Council extend the currently named Kerry Saxby (or Kerry Saxby-Junna) pathway in Ballina from Captain Cook Park to the eastern end of the North Wall. Further, in the event this naming is approved following liaison with Ms Saxby-Junna and the NSW Geographical Names Board, the General Manager is authorized to allocate resources to refresh and upgrade interpretive signage along the path to highlight Ms Saxby-Junna's competitive walking prowess.

FOR VOTE - All Councillors voted unanimously.

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9.3 Land Classification - Murrogun and Quandong Place, Wollongbar

230818/12 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council classifies the land identified as Lot 185 DP 1232965, being land located between Murrogun and Quandong Place, Wollongbar, as operational land under the provisions of the Local Government Act 1993 and that this classification takes effect immediately.

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Investment Summary - July 2018

230818/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

Cr Keith Williams and Cr Nathan Willis left the meeting at 12:15 pm.

10.2 Donation - Rates and Charges 2018/19 - Seabird Rescue

230818/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the donation of the remaining balance of the backlog sewer debt of \$4,531 for the Australian Seabird Rescue pursuant to Section 356 of the NSW Local Government Act 1993.
2. That Council approves an amendment to the Donations – Rates and Charges policy to remove all references to the Backlog Sewer Program with all donations and debts having now been donated in full.

FOR VOTE - All Councillors voted unanimously.

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

Cr Nathan Willis returned to the meeting at 12:16 pm.

Cr Keith Williams returned to the meeting at 12:17 pm.

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10.3 Budgets Carried Forward and Reserve Movements

230818/15 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council notes the contents of this report in respect to the forecast operating results for 2017/18.
2. That Council approves the works and services carried forward and reserve movements, as outlined in Tables Six and Seven of this report, for inclusion in the Long Term Financial Plan.
3. That Council replace in the 2018/19 budget the \$950,000 in proceeds from the sale of a commercial asset with a \$950,000 transfer from the Community Infrastructure Reserve to part finance the Ballina Indoor Sports Centre, due to the increased level of developer contribution recoupments to that reserve during 2017/18.

FOR VOTE - All Councillors voted unanimously.

10.4 Rates and Charges Write Offs - 2017/18

230818/16 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes that rates, charges, and interest totalling \$3,247.78 (as per Tables Three, Four and Five of this report) were written off under delegation of the General Manager for the 2017/18 rating year pursuant to clause 131 of the Local Government (General) Regulation 2005.

FOR VOTE - All Councillors voted unanimously.

10.5 Policy (Review) - Complaints Management

230818/17 RESOLVED

(Cr Nathan Willis/Cr Ben Smith)

1. That Council adopts the amended Complaints Management Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

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11. Civil Services Group Reports

11.1 Street Lighting - LED Bulk Replacement Program

A **Motion** was moved by Cr Eoin Johnston and seconded by Cr Sharon Cadwallader

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 three years.
4. That Council also authorises the General Manager to accept an alternate fitting technology, if proposed and supported by Essential Energy, subject to the environmental and economic performance of the alternate achieving similar outcomes to the fitting described in Option 2.

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

That Council receive a report to consider Council's future investment in street lighting infrastructure and power sources.

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

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

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

230818/18 RESOLVED

(Cr Nathan Willis/Cr Sharon Parry)

That Council receive a report to consider Council's future investment in street lighting infrastructure and power sources.

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

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11.2 Policy (Review) - Local Directional Signage within Road Reserves

230818/19 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

1. That Council adopts the amended Local Directional Signage with 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.

11.3 Policy (Review) - Road Maintenance and Renewal

230818/20 RESOLVED

(Cr Sharon Parry/Cr Nathan Willis)

1. That based on the contents of this report Council rescinds the Road Maintenance and Renewal Policy, as attached to this report.
2. That Council endorses the draft Road Maintenance and Renewal for roads on the Road Network Register policy, as attached to this report, for inclusion in the Roads and Transport Asset Management Plan.
3. That Council, subject to any reporting requirements from the current exhibition of the Roads and Transport Asset Management Plan, confirms the adoption of the plan without further public exhibition in respect of the decision in point two above.

FOR VOTE - All Councillors voted unanimously.

11.4 Policy (Review) - Banner Poles

230818/21 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

1. That Council adopts the Banner Pole Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

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11.5 Tender - Wastewater Pipeline Renewals

230818/22 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the quotation from Interflow Pty Ltd for the relining of 1,060 metres of sewer main in the amount of \$205,496.12.00 (ex GST).
2. The project is to be funded from the 2018/19 Wastewater Renewals Program.
3. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

11.6 Tender - Provision of Surf Life Saving Services

230818/23 RESOLVED

(Cr Eoin Johnston/Cr Keith Williams)

1. That Council accepts the tender for the provision of surf life saving services for a four year period from Australian Lifeguard Services for the amount of \$327,664 ex GST (Year 1) with an annual 2.6% increase in accordance with the provided schedules.
2. That Council authorises the Council seal to be attached to the contract documents.
3. That Council confirms that due to its limited resources it is not able to fund the preferred increase in service levels.
4. That Council notes a budget adjustment of \$15,000 within the Open Spaces and Reserves budget will be required in the next quarterly financial review to finance the estimated cost of the contract price in point one above.
5. That Council seek a further report on options to fund on a recurrent basis the preferred service level identified.
6. That Council implement the roaming guard at Flat Rock for 2018/19 with this additional expenditure funded from the Flat Rock Tent Park operating surplus.

FOR VOTE - All Councillors voted unanimously.

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12. Public Question Time

Nil items.

Adjournment

The Mayor declared the meeting adjourned at 1.15 pm.

The meeting resumed at 1.54 pm.

13. Notices of Motion

13.2 IPART Recommendations

230818/24 RESOLVED

(Cr Nathan Willis/Cr Ben Smith)

That Council seek clarification from the State Government as to how they intend to proceed with the review and possible implementation, including a timeframe, of the recommendations that arose from the IPART reviews into:

1. Local Government Rating system
2. Local Government Compliance and Enforcement

FOR VOTE - All Councillors voted unanimously.

13.3 Drought Relief

230818/25 RESOLVED

(Cr Nathan Willis/Cr Phillip Meehan)

That Council authorises the General Manager to provide assistance of up to \$5,000 to drought affected farmers in the central west region of NSW through the provision of a cash contribution to be funded from budget savings as identified by the General Manager with the nomination and reallocation of the Councillor allowances budget as a possible funding option.

FOR VOTE - All Councillors voted unanimously.

13.4 Shark Mitigation

230818/26 RESOLVED

(Cr Phillip Meehan/Cr Ben Smith)

1. That Council states to the NSW Government its ongoing support for the NSW Shark Management Strategy.

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2. That Council states its support for the inclusion of the following initiatives in the strategy:
 - SMART drumlines
 - Shark tagging program
 - Shark listening stations (VR4G)
 - Sonar technology (satellite detection)
 - Shark SMART App
 - Aerial surveillance
 - Drone or UAV surveillance
 - Partnerships with Surf Life Saving NSW and local communities/Councils
 - Emerging technologies and the Competitive Grants Program
 - Community education

3. That Council asks the NSW Government to consider increasing the number of SMART drumlines and drone services off Ballina Shire beaches to replace any positive safety benefit that the Shark Meshing Program may have been providing to ocean users.

FOR VOTE - All Councillors voted unanimously.

13.5 Swimming Pools - Reciprocal Arrangements

230818/27 RESOLVED

(Cr Phillip Meehan/Cr Eoin Johnston)

1. That holders of bulk tickets, three monthly and full season passes to the Ballina and Alstonville swimming pools receive entry rights into both pools for the full season; 28 July 2018 – 31 May 2019, and ongoing future seasons.

2. This is to include adults, child, family and concession season passes.

FOR VOTE - All Councillors voted unanimously.

14. Advisory Committee Minutes

Nil Items

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/08/18 AT 9.00 AM**

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

15.1 Mayoral Meetings

230818/28 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

15.2 General Manager - Performance Review

230818/29 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council notes the contents of this report in respect to the annual performance review process for the position of General Manager.
2. That Council approves a budget variation of \$5,000, funded from working capital, for the involvement of LGNSW in the annual performance review for the General Manager.

FOR VOTE - All Councillors voted unanimously.

16. Confidential Session

230818/30 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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 General Manager - Performance Review (Confidential)

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it involves discussions in respect to the employee's performance.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/08/18 AT 9.00 AM**

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 2.15 pm).

All Staff left the meeting at 2.15 pm.

Open Council

230818/31 RESOLVED

(Cr Keith Williams/Cr Sharon Parry)

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 2.46 pm).

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

16.1 General Manager - Performance Review (Confidential)

CF230818/32 RECOMMENDED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council adopts the recommendations from the General Manager's Performance Review Committee, as prepared by LGNSW, as per attachment one to this report.
2. That LGNSW be only used at the beginning of each term of Council or if the template changes.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendations from Confidential Session

230818/33 RESOLVED

(Cr Keith Williams/Cr Sharon Parry)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

2.46 pm

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/08/18 AT 9.00 AM**

The Minutes of the Ordinary Meeting held on 23/08/18 were submitted for confirmation by council on 27 September 2018 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 September 2018.