

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 26/04/18 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, 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) and Sandra Bailey (Secretary) were in attendance.

There were 11 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Sing Australia.

2. Acknowledgement of Country

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

3. Apologies

An apology was received from Cr Sharon Parry.

260418/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted and leave of absence granted.

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

4. Confirmation of Minutes

260418/2 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 March 2018.

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

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5. Declarations of Interest and Reportable Political Donations

- **Cr Phillip Meehan** – declared an interest in Item 11.3 – Tender – Surf School Licences. (Nature of Interest: non significant, non pecuniary – one of the tenderers is a brother-in-law of his daughter). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Ben Smith** – declared an interest in Item 13.1 – Rescission Motion - DA 2017/679 – 77 Teven Road, Alstonville. (Nature of Interest: non significant, non pecuniary – one the proponents is a former Councillor colleague). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** – declared an interest in Item 8.1 – DA 2017/662 – Temporary Land Use (Function Centre) – Newrybar. (Nature of Interest: non significant, non pecuniary – she is a civil celebrant, however has not performed any ceremonies at the property). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** –declared an interest in Item 13.3 – Notice of Motion – Amendment to Ballina LEP – function/Event Venues. (Nature of Interest: non significant, non pecuniary – she is a civil celebrant). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Eoin Johnston** – declared an interest in Item 11.5 – Tender – Expansion of Airport Terminal Building. (Nature of Interest: non significant, non pecuniary – Greg Clark Builders is one of the tenderers and his son-in-law works for Greg Clark Builders). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr David Wright** – declared an interest in Item 13.1 – Rescission Motion - DA 2017/679 – 77 Teven Road, Alstonville. (Nature of Interest: non significant, non pecuniary – one of the proponents was a former student of his). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** later in the meeting – declared an interest in Item 8.5 - DA 2017/557 - Place of Assembly and Tourist Facility North Teven Road and Item 16.2 – DA 2017/557 – Legal Proceedings. (Nature of Interest: non significant, non pecuniary – she is a civil celebrant). She will be remaining in the meeting while the matters are discussed and voting on the matters.

There were no reportable political donations.

6. Deputations

- **Peter Blackwood** – spoke in favour of Item 13.3 – Notice of Motion – Amendment to Ballina LEP – Function/Event Venues.
- **Rebekah Drummond** – spoke in opposition to Item 13.1 – Rescission Motion – DA 2017/679 – 77 Teven Road, Alstonville.
- **Karina Vikstrom** – spoke in favour of Item 8.1 – DA 2017/662 – Temporary Land Use (Function Centre) – Newrybar.

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7. Mayoral Minutes

Nil items.

**13.3 Notice of Motion - Amendment to Ballina LEP - Function/Event Venues
260418/3 **RESOLVED****

(Cr Phillip Meehan/Cr Ben Smith)

That Council receive an options report to amend current Local Environmental Plans and Development Control Plans to prohibit function/event venues that cater for weddings and other similar events in both rural zoned and environmental protection zoned areas within Ballina Shire.

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

13.1 Rescission Motion - DA 2017/679 - 77 Teven Road, Alstonville

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

That Resolution 220318/5, as follows, be rescinded:

*That Development Application 2017/679 for a Torrens title subdivision to create 10 residential allotments, construction of one road, installation of public infrastructure services, demolition of existing dwelling house and vegetation management works for the removal of one Lilly Pilly tree at Lot 83 DP 239781, 77 Teven Road, Alstonville be **APPROVED** subject to the application of standard planning, building and engineering conditions and specific conditions identified within this report.*

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

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

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8. Development and Environmental Health Group Reports

8.1 DA 2017/662 - Temporary Land Use (Function Centre) - Newrybar

260418/4 RESOLVED

(Cr Phillip Meehan/Cr Ben Smith)

That DA 2017/662 for the Temporary Use of Land as a Function Centre for the Purpose of Hosting Wedding Ceremonies at Lot 5 DP 606566, No. 1 Johnston Road, Newrybar, be granted **consent for a period of five years**, subject to the conditions contained in Attachment 4 (inclusive of the requirements of the NSW Rural Fire Service).

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Parry

Deputation - Nathan Luke

260418/5 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

That Nathan Luke be allowed to make a deputation to Council on Item 13.5 – Notice of Motion – Festivals and Events Taskforce.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

Deputation

Nathan Luke – spoke in support of Item 13.5 – Notice of Motion – Festivals and Events Taskforce.

13.5 Notice of Motion - Festivals and Events Taskforce

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

That Council establish a Festivals and Events Taskforce, following an expression of interest process, to explore opportunities to support organisers in the community with funding and organisation of their events.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Phillip Meehan

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That Council refer this matter to a Councillor Briefing, together with the Festivals and Events (Community) – Sponsorship (Financial Support) Program Policy and Festivals and Events (Commercial) - Sponsorship (Financial Support) Program Policy.

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

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

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

ABSENT. DID NOT VOTE - Cr Sharon Parry

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

260418/6 RESOLVED

(Cr Ben Smith/Cr Phillip Meehan)

That Council refer this matter to a Councillor Briefing, together with the Festivals and Events (Community) – Sponsorship (Financial Support) Program Policy and Festivals and Events (Commercial) - Sponsorship (Financial Support) Program Policy.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

Adjournment

The Mayor declared the meeting adjourned at 10.43 am

The meeting resumed at 11.02 am

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8.2 Failure to Comply with Order to Clean Up - Sale of Property

260418/7 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

That Council authorises the General Manager to undertake the sale of the subject land at:

- (a) Lot 224, DP 755741, North Teven Road Teven; and
- (b) Lot 129, DP 755741, North Teven Road Teven; and
- (c) Lot 21, DP 728269, North Teven Road, Teven; and
- (d) Lot 153, DP 755741, North Teven Road, Teven

for unpaid rates and to give effect to Council's Order dated 19 November 2015.

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

8.3 Development Applications – Variation to Development Standards

260418/8 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes that there have been NIL applications approved under delegation for variations to development standards less than 10% for March 2018.

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

8.4 Development Applications - Works in Progress - April 2018

260418/9 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on the status of outstanding development applications for April 2018.

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

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9. Strategic and Community Facilities Group Reports

9.1 Land Classification - Lot 2 DP 620838, 9 Byron Bay Road Lennox Head

260418/10 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council classify the land identified as Lot 2 DP 620838, 9 Byron Bay Road, Lennox Head 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.
ABSENT. DID NOT VOTE - Cr Sharon Parry

9.2 Land Classification - Lots 1 to 4 DP 1222030, Rifle Range Road Alstonville

260418/11 RESOLVED

(Cr Eoin Johnston/Cr Nathan Willis)

That Council classify the land identified as Lots 1 to 4 DP 1222030, Rifle Range Road, Alstonville 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.
ABSENT. DID NOT VOTE - Cr Sharon Parry

9.3 Policy (Review) - Commercial Use of Footpaths

260418/12 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the Commercial Use of Footpaths Policy, as attached to this report, for public exhibition.
2. That Council approves the public notice of the new fees associated with the policy in accordance with Section 610F of the *Local Government Act* and inclusion of the fees in Council's Fees and Charges document.
3. If no submissions are received in response to the public exhibition, Council adopts the Commercial Use of Footpaths Policy, as exhibited, and where submissions are received, that Council receive a further report on the policy and the outcomes of the public exhibition process.

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

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9.4 Community Halls - Demand

260418/13 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the overall demand for community halls across the Shire.
2. That Council follow up on the commercial interest in Pimlico Hall.
3. That the General Manager provide a usage comparison of its meeting spaces and community halls.

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

10. General Manager's Group Reports

10.1 Investment Summary - March 2018

260418/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

10.2 Policy (Review) - Related Party Disclosures

260418/15 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the Related Party Disclosure 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 Sharon Parry

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10.3 Arts Northern Rivers - Election of Alternate Delegate

260418/16 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

That Council nominates the Gallery Coordinator, Lee Mathers, as its alternate delegate to Arts Northern Rivers.

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

10.4 Delivery Program and Operational Plan - 31 March 2018 Review

260418/17 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council notes the content of this report in respect to the 31 March 2018 review of the implementation of the 2017/18 Delivery Program and Operational Plan.
2. That Council write a letter of thanks to the person collecting rubbish throughout the Shire, if contactable.

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

10.5 Capital Expenditure Program - 31 March 2018 Review

260418/18 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council notes the contents of this status report on the Capital Expenditure Program for the 2017/18 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				
Wollongbar Skate Park	500,000	50,000	(450,000)	Transfer to 2018/19
Sharpes Beach Observation Tower	39,800	80,000	40,200	Increase from various funding sources approved at the March Ordinary meeting
Waste Management				
Conveyor System and Shed	0	150,000	150,000	Transfer from LRM reserve and Waste Levy Reserve (50% each)
Environment and Public Health				
Shaws Bay	816,000	856,000	40,000	Transfer from Section 94 Open Spaces

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Operations Support				
Administration Centre	196,600	178,600	(18,000)	Saving transferred to Gallery expansion
LHCC – Roof	67,000	84,000	17,000	Actual cost – funded by savings in painting (\$13,500) and \$3,500 from cladding budget
LHCC – Cladding	102,000	0	(102,000)	Transfer \$98,500 to 2018/19 and \$3,500 to roof
LHCC – Painting	25,000	11,500	(13,500)	Transfer saving to roof
Ballina Indoor Sports	1,000,000	300,000	(700,000)	Transfer to 2018/19
Plant Purchases	2,064,100	1,964,100	(100,000)	Saving transferred back to reserve
Community Facilities				
Community Centres	23,000	6,000	(17,000)	Transfer savings to allow essential works to be undertaken at ALEC
ALEC	0	37,800	37,800	
Public Halls	20,800	0	(20,800)	
Gallery Expansion	36,300	54,300	18,000	Transfer from savings in Administration Centre
Commercial Services				
Airport – Miscellaneous	93,000	153,000	60,000	Transfer from Airport Reserve
Airport – Terminal	2,400,000	500,000	(1,900,000)	Transfer to 2018/19
Flat Rock	120,000	0	(120,000)	Transfer to 2018/19
Shelly Beach Café	47,000	3,900	(43,100)	Transfer to Property Development Reserve
Skennars Hd Easement	0	66,000	66,000	Transfer from Property Development Reserve
54 North Creek Road	1,781,000	831,000	(950,000)	Transfer to 2018/19
WUEA	1,913,000	2,163,000	250,000	Transfer from Property Development Reserve
Water				
Main Renewals	100,000	50,000	(50,000)	Saving
Reservoir – Grays Lane	50,000	10,000	(40,000)	Saving
Reservoirs – Access	200,000	70,000	(130,000)	Transfer to 2018/19
Telemetry Ethernet	283,100	10,100	(273,000)	Transfer to 2018/19
Basalt Court – Booster	181,500	51,500	(130,000)	Transfer to 2018/19
East Ballina – Booster	87,500	57,500	(30,000)	Transfer to 2018/19
PRV – Water Wheels	20,000	0	(20,000)	Transfer to 2018/19
Wastewater				
Emergency Storage Program	66,700	171,000	104,300	Transfer from reserve based on expenditure
Pumping Station - Ballina Airport	195,000	162,000	(33,000)	Transfer to 2018/19
Pumping Station – Control Upgrade	100,000	0	(100,000)	Saving
Ballina Treatment Plant – Portable Press	20,000	0	(20,000)	Transfer to 2018/19
Trunk Mains – Gravity Main – Alstonville	1,137,000	797,000	(340,000)	Transfer to 2018/19
Network Servers Pine Avenue	30,000	67,000	37,000	Transfer from reserve based on expenditure
Recycled Water - Communications	10,000	5,000	(5,000)	Saving
Recycled Water Hydrant – Standpipes	40,000	120,000	80,000	Transfer from reserve based on expenditure
Engineering Works – Stormwater				
Coogee Street	5,500	2,500	(3,000)	Transfer as per below
Grant Street	63,300	66,300	3000	Transfer as per above
Engineering Works – Urban and Rural Roads				
Grant Street	593,500	603,500	10,000	Transfer from Bagotville Road
Hutley Drive – North	50,600	2,550,600	2,500,000	Funded from Section 94 and Property Reserve
Hutley Drive – Middle	5,000	15,000	10,000	Funded from Section 94
Ballina Bypass	200,000	50,000	(150,000)	Transfer back to reserve
Simmons Street	116,000	16,000	(100,000)	Transfer to 2018/19

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Bagotville Road	301,000	16,000	(285,000)	Transfer to 2018/19 and \$10,000 to Grant Street
T to E Reseals	120,000	130,000	10,000	Transfer from reserve
T to E Patching	150,000	50,000	(100,000)	Transfer back to reserve
Pimlico Road	181,000	205,000	24,000	Transfer from roads reserve
Ferleigh Road (Seg 10)	200,000	153,000	(47,000)	Transfer as per below
Ferleigh Road (Seg 70)	180,000	227,000	47,000	Transfer as per above
Ellis Road	100,000	140,000	40,000	Transfer from roads reserve
Engineering Works – Ancillary				
Coastal Shared Path	850,000	50,000	(800,000)	Transfer to 2018/19

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

11. Civil Services Group Reports

11.1 Killen Falls - Toilet Sewage Management Evaluation

260418/19 RESOLVED

(Cr Eoin Johnston/Cr Nathan Willis)

1. That Council authorises the planning and construction of a public toilet at Killen Falls, installing an Aerated Wastewater Treatment System and Irrigation Field, subject to the General Manager advising local residents of Council's preference, with a report to be prepared for Council's determination if the community feedback includes any major concerns that cannot be dealt with during detail design.
2. That Council notes the approval in point one will result in changes to the overflow parking capacity at the site as proposed in the Killen Falls Plan of Management.

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

11.2 B-Double Access - 3 Paperbark Close, West Ballina

260418/20 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council approve the application for B-double access via Teven Road and Paperbark Close to 3 Paperbark Close, West Ballina.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Parry

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11.3 Tender - Surf School Licences

260418/21 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council award the following Surf School licences for a three year period commencing 1 May 2018;

Surf School Licences

- Stoked Surf School
- Kool Katz Learn Tosurf
- Mojosurf
- Lets Go Surfing
- Soul Surf School

Elite Surf Coaching

- Jenny Boggis Surf Coaching & Personal Training
- Ability Surf
- Mojosurf
- Rubber Soul Board Riding

Stand Up Paddle Boarding

- Mojosurf
- Lets Go Surfing

2. That delegated authority be given to the General Manager to approve future compliant submissions for the remaining vacant licences.

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

Adjournment

The Mayor declared the meeting adjourned at 1200 pm

The meeting resumed at 12.44 pm

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12. Public Question Time

12.1 John Sparks - Castle Drive Fig Tree

John Sparks - can the indemnity from liability for damage caused by nature to other properties as per the Local Government Act 1993, Section 733 for the coastal zone be applied as a precedent to the Castle Drive fig tree?

Paul Hickey advised that based on advice from our insurers, we have no future public liability insurance for any damage caused by the tree to the adjoining properties.

John Sparks – given that both the independent Arborist’s reports raise significant professional doubt that the fig tree roots at 7 Castle Drive Lennox Head are actually the cause of the property damage, will Council now map the root system of the tree, the composition of the soil, and the building structure itself, as these experts advise, so that appropriate action that will not further damage the property, can be implemented?

John Truman advised the arborist’s reports noted they were not able to comment on the damage to the adjacent properties, however assessments by certified structural engineers had been undertaken and these confirm the damage was caused by the tree roots. Tree root mapping was considered as part of the final assessment and, as per our published information, the experts have not been able to identify a viable method which would provide a solution to this issue.

Motion of Urgency - Castle Drive Fig Tree

260418/22 RESOLVED

(Cr Phillip Meehan)

That the matter of the Castle Drive Fig Tree be dealt with as a matter of urgency, as the tree is scheduled to be removed on Monday 30 April 2018.

FOR VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Eoin Johnston, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Stephen McCarthy and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Sharon Parry

Castle Drive Fig Tree

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

That the removal of the Castle Drive Fig Tree is stopped until Council is able to obtain physical evidence that the tree is causing the structural damage to the driveway slab and brick wall/s of the house at 7 Castle Drive.

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

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

11.4 Tender - Consulting Services for Wollongbar Residential Estate

260418/23 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to accept the tender from Newton Denny Chapelle to provide professional consulting services for the development of Wollongbar Residential Estate Stage 3, as per the information outlined in this report.
2. That Council authorises the Council seal to be attached to the contract documents.

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

Adjournment

The Mayor declared the meeting adjourned at 1.22 pm

The meeting resumed at 2.01 pm

11.5 Tender - Expansion of Airport Terminal Building

It was agreed that this item be discussed in Committee of the Whole in the confidential session and determined in open Council later in the meeting.

13. Notices of Motion

13.2 Notice of Motion - Councillor Expenses

260418/24 RESOLVED

(Cr Phillip Meehan/Cr Keith Williams)

That Council approves the late expense claims for Cr Jeff Johnson for the following periods and amount:

July – November 2017 - \$716.80

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

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- 13.4** **Notice of Motion - Community Engagement Transparency Policy**
A **Motion** was moved by Cr Ben Smith and seconded by Cr Phillip Meehan

That Council modify its community engagement policies so that any community group wishing to participate in any formal community stakeholder engagement, for example such as Workshops, Community Forums, Ward Committees etc must publicly provide a list of the current board/executive (with positions) and a copy of the community group's constitution.

This does not preclude groups of individuals from providing input, it simply sets an open standard that to participate in formal community consultation as a group (as opposed to an individual or group of individuals) that this basic level of transparency must be provided.

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

That this matter be referred to a Councillor briefing.

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

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

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

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

260418/25 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That this matter be referred to a Councillor briefing.

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

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14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 17 April 2018

260418/26 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That Council confirms the minutes of the Finance Committee meeting held 17 April 2018 and that the recommendations contained within the minutes be adopted, with Item 4.2 [Policy (Review) – Investment Policy and Item 4.8 – Fees and Charges – 2018/19 being dealt with separately.

FOR VOTE - Cr David Wright, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Sharon Parry

Finance Committee Minutes 17 April 2018 - Item 4.2 - Policy (Review) - Investment Policy

A **Motion** was moved by Cr Nathan Willis and seconded by Cr Keith Williams

1. That Council adopts the Investment Policy, as attached to this report, amending Credit Risk Parameters as per Table B of this report, and with a further amendment to Clause 13 as follows:

13. REPUTATIONAL AND ENVIRONMENTAL CONSIDERATIONS

Where possible (and subject to obtaining a comparable return and compliance with other investment policy parameters), the investing officer will place the investment with an institution which has been classified as non-fossil fuel aligned.

This classification shall be determined based on publicly available information, such as from Market Forces (www.marketforces.org.au).

In placing the investment the investing officer will:

- *Take every reasonable effort to maximise the percentage of the total portfolio held with non-fossil fuel aligned institutions*
- *Be mindful of maximising the credit rating parameter that is aligned with non-fossil fuel aligned institutions (typically the B category)*
- *Also consider the reputation of the institution with respect to ethical behaviour, with Council's preference being for investments to be held with institutions that display the highest standards of ethical behaviour.*

2. That in the event that the Ministerial Investment Order or the Investment Policy Guidelines be revised by the Office of Local Government, a further report be provided to Council within three months of that revision.

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3. That Council place the policy on exhibition for public comment, with any submissions received to be resubmitted back to Council.

An **Amendment** was moved by Cr Phillip Meehan

1. That Council adopts the Investment Policy, as attached to this report, amending Credit Risk Parameters as per Table B of this report, and with a further amendment to Clause 13 as follows:

13. REPUTATIONAL AND ENVIRONMENTAL CONSIDERATIONS

Where possible (and subject to obtaining a comparable return and compliance with other investment policy parameters), the investing officer will place the investment with an institution which has been classified as non-fossil fuel aligned.

This classification shall be determined based on publicly available information, such as from Market Forces (www.marketforces.org.au).

In placing the investment the investing officer will:

- *Take every reasonable effort to maximise the percentage of the total portfolio held with non-fossil fuel aligned institutions*
 - *Be mindful of maximising the credit rating parameter that is aligned with non-fossil fuel aligned institutions (typically the B category)*
2. That in the event that the Ministerial Investment Order or the Investment Policy Guidelines be revised by the Office of Local Government, a further report be provided to Council within three months of that revision.
3. That Council place the policy on exhibition for public comment, with any submissions received to be resubmitted back to Council.

The **Amendment LAPSED.**

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Sharon Parry

260418/27 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

1. That Council adopts the Investment Policy, as attached to this report, amending Credit Risk Parameters as per Table B of this report, and with a further amendment to Clause 13 as follows:

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13. REPUTATIONAL AND ENVIRONMENTAL CONSIDERATIONS

Where possible (and subject to obtaining a comparable return and compliance with other investment policy parameters), the investing officer will place the investment with an institution which has been classified as non-fossil fuel aligned.

This classification shall be determined based on publicly available information, such as from Market Forces (www.marketforces.org.au).

In placing the investment the investing officer will:

- *Take every reasonable effort to maximise the percentage of the total portfolio held with non-fossil fuel aligned institutions*
- *Be mindful of maximising the credit rating parameter that is aligned with non-fossil fuel aligned institutions (typically the B category)*
- *Also consider the reputation of the institution with respect to ethical behaviour, with Council's preference being for investments to be held with institutions that display the highest standards of ethical behaviour.*

2. That in the event that the Ministerial Investment Order or the Investment Policy Guidelines be revised by the Office of Local Government, a further report be provided to Council within three months of that revision.

3. That Council place the policy on exhibition for public comment, with any submissions received to be resubmitted back to Council.

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

Finance Committee Minutes 17 April 2018 - Item 4.8 - Fees and Charges - 2018/19

260418/28 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

That Council approves the exhibition of the draft schedule of fees and charges for 2018/19, including

- The pensioner concession for annual and quarterly tickets be based on 50% (from 30%) for the ferry fees.

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

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

Cr Phillip Meehan left the meeting at 02:34 pm.

15.1 Mayoral Meetings

260418/29 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Sharon Parry

Cr Phillip Meehan returned to the meeting at 02:35 pm.

Motion of Urgency

260418/30 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Items 8.5 – DA 2017/557 – Place of Assembly and Tourist Facility North Teven Road and the Confidential Item 16.2 – DA 2017/557 – Legal Proceedings be dealt with as a matter of urgency at this meeting, due to a Direction Hearing being on 7 May 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

8.5 DA 2017/557 - Place of Assembly and Tourist Facility North Teven Road

260418/31 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report which provides an introduction to a confidential report on the appeal to the Land and Environment Court against Council's decision to refuse DA 2017/557 relating to a place of assembly and tourist facility at Lot 1 DP 204760 North Teven Road, Teven.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

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16. Confidential Session

260418/32 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

16.1 Swimming Pool Redevelopment - Contract

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) (g) 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
- 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 release of this information would place Council at a commercial disadvantage in respect to the negotiations taking place.

16.2 DA 2017/557 - Legal Proceedings

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 release of this information may impact the outcomes of the legal proceedings.

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

(The Council moved into Confidential Session at 2.38 pm).

(Cr Jeff Johnson left the meeting at 3:10 pm during the debate on Item 16.1 in the Confidential session.)

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Open Council

260418/33 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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

(The Council moved into Open Council at 3.22 pm).

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

16.1 Swimming Pool Redevelopment – Contract

A **Motion** was moved by Cr Nathan Willis and seconded by Cr Phillip Meehan

That Council authorises the General Manager to finalise this matter for an amount of \$350,000 (excluding GST).

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

That Council authorises the General Manager to finalise this matter for an amount of \$330,000 (excluding GST).

The **Amendment LAPSED.**

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

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

AGAINST VOTE - Cr Ben Smith

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

CF260418/1 RECOMMENDED

(Cr Nathan Willis/Cr Phillip Meehan)

That Council authorises the General Manager to finalise this matter for an amount of \$350,000 (excluding GST).

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

AGAINST VOTE - Cr Ben Smith

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

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Cr Sharon Cadwallader, at this stage, declared an interest in Item 16.2.
(Nature of Interest: non significant, non pecuniary – she is a civil celebrant).

16.2 DA 2017/557 - Legal Proceedings

CF260418/2 RECOMMENDED

(Cr Eoin Johnston/Cr Ben Smith)

That the General Manager be authorised to facilitate action in relation to the Land and Environment Court proceedings relating to DA 2017/557 consistent with the approach outlined in this report Including consideration of road sealing and glass removal.

FOR VOTE - All Councillors voted unanimously.

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

Adoption of Recommendations from Confidential Session

260418/34 RESOLVED

(Cr Nathan Willis/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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

11.5 Tender - Expansion of Airport Terminal Building

260418/35 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

1. That Council authorises the General Manager to accept the tender from Woollam Constructions for construction works to expand the Ballina Byron Gateway Airport terminal building, as per the information outlined in this report.

2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

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

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MEETING CLOSURE

3.24 pm

The Minutes of the Ordinary Meeting held on 26/04/18 were submitted for confirmation by council on 24 May 2018 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 May 2018.