

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 27/09/18 AT 9.00 AM**

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**Attendance**

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

Paul Hickey (General Manager), Cheyne Willebrands (Acting 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 12 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 returned to the meeting at 09:02 am.

**3. Apologies**

An apology was received from Cr Eoin Johnston

**270918/1        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 Jeff Johnson and Cr Eoin Johnston

**4. Confirmation of Minutes**

**270918/2        RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 August 2018.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Eoin Johnston

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**270918/3        RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Saturday 1 September 2018.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**5.        Declarations of Interest and Reportable Political Donations**

- **Steve Barnier** - declared an interest in Item 9.2 – Planning Proposal – Veranda Lifestyle Estate, Wollongbar (Nature of Interest: non-significant, non-pecuniary - a relative works for the consultancy firm preparing the proposal). He will be departing the meeting while the matter is discussed.
- **Paul Hickey** – declared an interest in Item 8.2 – Legal Proceedings – 404 Old Byron Bay Road, Newrybar (Nature of Interest: non-significant, non-pecuniary – his daughter is in a relationship with the son of one of the objectors to the development application for the property). He will be departing the meeting while the matter is discussed.
- **Cr Sharon Parry** – declared an interest in Item 8.1 – DA 2016/510.2 (Nature of Interest: non-significant, non-pecuniary – she is acquainted with the applicant). She will be departing the meeting while the matter is discussed.
- **Cr Steve McCarthy** – declared an interest in Item 16.1 – Tender – Ballina Indoor Sports Centre (Nature of Interest: non-significant, non-pecuniary - he is the coach of a club that may lease the centre on a casual basis). He will be remaining in the meeting and voting on the matter.

Cr Jeff Johnson arrived at the meeting at 09:06 am.

**6.        Deputations**

- **Don Priest** – spoke in favour of item 8.1 – DA 2016.510.2 – Review of Determination
- **Jason White** spoke in opposition to Item 8.2 – Legal Proceedings – 404 Old Byron Bay Road, Newrybar
- **Luke Blandford, Planit Consulting** - spoke in opposition to Item 9.2 - Planning Proposal – Verandah Lifestyle Estate, Wollongbar

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- **Brad Pollard, Lennox Head Chamber of Commerce** – spoke in favour of Item 9.3 – Lennox Head Village Centre Renewal – Community Engagement
- **William Goode** – spoke in relation to Item 13.1 – Bruxner Highway – Alstonville Exit
- **Malcolm Johnson, Bulwinkel Landcare** – spoke in favour of Item 13.3 – Bulwinkel Park Upgrades

Cr Sharon Parry left the meeting at 9:30 am.

**8.1 DA 2016/510.2 - Review of Determination**

**270918/4            RESOLVED**

(Cr Phillip Meehan/Cr Sharon Cadwallader)

1. That following its review of determination, 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 (as shown in the plans associated with Figure 2) and the relocation of the approved stairs to the ground floor south/eastern deck from the eastern to the southern elevation.
2. The following condition is 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.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Eoin Johnston

Cr Sharon Parry returned to the meeting at 9:33 am.

Paul Hickey left the meeting at 9.33 am.

**8.2 Legal Proceedings - 404 Old Byron Bay Road, Newrybar**

**270918/5            RESOLVED**

(Cr Keith Williams/Cr Nathan Willis)

1. That with respect to the unauthorised works and pollution incident within the escarpment zone of the subject premises, Council endorses option three as outlined in this report regarding the commencement of criminal proceedings in the Local Court.

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2. That with respect to the unauthorised works and pollution incident within the escarpment zone of the subject premises, Council endorses option five as outlined in this report regarding the seeking of an Order for the remediation of the escarpment zone in the area where the unauthorised works and pollution incident occurred. Option five is to be actioned based on the outcomes associated with the determination of the development application (DA 2018/381).

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

Steve Barnier left the meeting at 9.40 am

Paul Hickey returned to the meeting at 9.46 am.

**9.2 Planning Proposal - Verandah Lifestyle Estate, Wollongbar  
270918/6      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council declines the planning proposal request relating to the Verandah Lifestyle Estate on lot 10 DP 1059499 Wollongbar on the basis that the residential use of the land would be inconsistent with the established local and regional strategic land use planning framework.

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

Steve Barnier returned to the meeting at 9.55 am.

**9.3 Lennox Head Village Centre Renewal - Community Engagement  
270918/7      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council endorses the commencement of Phase 2 of the *Lennox Village Vision: The Future of the Lennox Head Village Centre* project as follows:

1. Implement a trial one way traffic management arrangement in accordance with streetscape design concepts contained within the attached community engagement package, with other associated or consequential changes within the local road network
2. The one way temporary arrangement is to operate for a minimum period of three months, with the operational period to be determined by the General Manager so as to optimise the gathering of traffic data for further assessment.

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3. The temporary one way traffic arrangement is to be based on the lesser cost option as described in this report.
4. The General Manager is authorised to arrange for SIDRA traffic modelling to be undertaken to further inform the selection of future traffic management options within the centre.
5. The information gathered from the trial one way traffic management arrangement and the modelling is to be reported back for the Council's further consideration.
6. The trial for 2018/19 is to be funded as follows:

<b>Item</b>	<b>Amount (\$)</b>
Existing Budget	3,100
Internal Reserve – Lennox Head Village Renewal	26,600
Internal Reserve – Strategic Planning Studies	12,300
<b>Total Budget for 2018/19</b>	<b>42,000</b>

7. Council is to receive a further report on how the latest estimated cost of \$6.6m can be funded in the Long Term Financial Plan.
8. That Council receive a report on the Lennox Foreshore Master Plan.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**13.1 Bruxner Highway - Alstonville Exit**

**270918/8          RESOLVED**

(Cr Nathan Willis/Cr Jeff Johnson)

That Council thank the State representatives for the actions undertaken to date and continue to express the urgent need to address the safety issues with the existing intersection at the eastern exit from Alstonville onto the Bruxner Highway.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**13.3 Bulwinkel Park Upgrades**

**270918/9          RESOLVED**

(Cr Ben Smith/Cr Jeff Johnson)

1. That Council assist the Landcare group with their own application to Essential Energy to ask for the money through their community donations program, if the timeframe is suitable.
2. That Council, as a follow up to point one, and if needed, write to Essential

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Energy requesting the Bulwinkel Park maintenance works be completed as a priority and ideally within their maintenance schedule.

3. That, if necessary, Council fund the cost of the Essential Energy works required to remove the Camphor trees from Bulwinkel Park, with the \$6,643.47 sourced from the parks and reserves budget.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**7. Mayoral Minutes**

**7.1 Mayoral Minute - Ballina Memorial Swimming Pool - Shade Structure**

**270918/10 RESOLVED**

(Cr David Wright)

That Council reallocate funding of \$120,000 from the Landfill and Resource Management Reserve for 2018/19, that was previously allocated to the Ballina Indoor Sports Centre, to the installation of shade structures at the Ballina Memorial Swimming Pool.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**Adjournment**

The Mayor declared the meeting adjourned at 10.32 am

The meeting resumed at 10.56 am

**8. Development and Environmental Health Group Reports**

**8.3 Healthy Waterways Program - 2017/18 Review and Planned Actions**

**270918/11 RESOLVED**

(Cr Keith Williams/Cr Ben Smith)

That Council notes the contents of this report on the delivery of the Ballina Shire Healthy Waterways Program.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**8.4 Development Applications – Variation to Development Standards**

**270918/12 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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That Council notes that there have been two applications approved under delegation for variations to development standards of 10% or less during July and August 2018.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**8.5 Development Applications - Works in Progress - September 2018**

**270918/13      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**9. Strategic and Community Facilities Group Reports**

**9.1 Residential Development - B3 Commercial Core Zone**

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

1. That Council endorses the planning proposal, as per Attachment 2 to this report, which proposes to permit Residential Flat Buildings (a building containing 3 or more dwellings) on certain sites within the B3 zone and require these sites to maintain at least two active frontages.
2. That the planning proposal not include the Ramada site for the reasons outlined within this report.
3. That the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination.
4. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
5. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
6. That following the completion of the public exhibition of the planning proposal, Council receive a briefing prior to the matter being reported back to Council.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

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An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Jeff Johnson

1. That Council endorses the planning proposal, as per Attachment 2 to this report, which proposes to permit Residential Flat Buildings (a building containing 3 or more dwellings) on certain sites within the B3 zone and require these sites to maintain at least two active frontages, subject to point seven.
2. That the planning proposal not include the Ramada site for the reasons outlined within this report.
3. That the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination.
4. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
5. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
6. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.
7. That the properties on the southern side of River Street adjacent to Captain Cook Park, which have only a singular road frontage, be excluded from the planning proposal.

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

FOR VOTE - Cr Phillip Meehan

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

ABSENT. DID NOT VOTE - Cr Eoin Johnston

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston



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**270918/14      RESOLVED**

(Cr Ben Smith/Cr Phillip Meehan)

1. That Council endorses the planning proposal, as per Attachment 2 to this report, which proposes to permit Residential Flat Buildings (a building containing 3 or more dwellings) on certain sites within the B3 zone and require these sites to maintain at least two active frontages.
2. That the planning proposal not include the Ramada site for the reasons outlined within this report.
3. That the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination.
4. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
5. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
6. That following the completion of the public exhibition of the planning proposal, Council receive a briefing prior to the matter being reported back to Council.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**9.4      Lennox Head Community Preschool (New) - Site Options**

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

1. That Council notes the contents of this report which has examined site options in Lennox Head and Skennars Head for the potential establishment of a new community based preschool.
2. That based on the contents of this report Council agrees to offer the Lennox Head Community Preschool Inc a site for the establishment of a new preschool, being part of Allotment 32 DP846639, Redford Drive Skennars Head.
3. The General Manager is authorised to endorse the lodgement of a development application, prepared by or on behalf of the Lennox Head Community Preschool, for the establishment and operation of a preschool on the selected site, with extensive consultation to be undertaken with the adjoining property owners.
4. That the General Manager is authorised to take steps to amend Council's

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Principal Generic Plan of Management for Community Land to provide for the erection, operation and lease of a community preschool on the subject land.

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

FOR VOTE - Nil

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

ABSENT. DID NOT VOTE - Cr Eoin Johnston

**270918/15      RESOLVED**

(Cr Phillip Meehan/Cr Jeff Johnson)

1. That based on the contents of this report Council agrees to offer the Lennox Head Community Preschool Inc a site for the establishment of a new preschool, being part of Allotment 2 DP 620838 at 9 Byron Bay Road, Lennox Head.
2. That Council undertake further investigation into how the proposal will be located on the site.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson and Cr Ben Smith

AGAINST VOTE - Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Eoin Johnston

**9.5      Policy (Draft) - Developer Contributions Investment Incentive**

**270918/16      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the draft Developer Contributions Investment Incentives Policy, as attached to this report, for the purpose of presenting it for community feedback.
2. That Council place this policy on exhibition for public comment, with any submissions received which raise issues of concern to be resubmitted to Council for its further consideration. If no such submissions are received then the policy is taken to be adopted and no further action is required.
3. For the purpose of monitoring implementation and effectiveness, the adopted policy be reviewed annually for a period of two years, with outcomes provided for the information of Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston

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**10. General Manager's Group Reports**

**10.1 Investment Summary - August 2018**

**270918/17 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston

**10.2 Deputy Mayor - Election**

**270918/18 RESOLVED**

(Cr Ben Smith/Cr Phillip Meehan)

1. That Council elect a Deputy Mayor for the period to September 2019.

2. That the method of voting for the election of Deputy Mayor be by way of open ballot.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston

Nominations were received for Crs Nathan Willis and Ben Smith. After a ballot process by a show of hands, Cr Nathan Willis was declared the Deputy Mayor.

**10.3 Donations – Community**

**270918/19 RESOLVED**

(Cr Ben Smith/Cr Jeff Johnson)

That Council approves the donation of \$5,000 to the Westpac Life Saver Rescue Helicopter, as per the attached request, funded from the Community Donations Capital Works Sporting Groups budget.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston

**10.4 Financial Assistance - Legal Costs**

**270918/20 RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

That Council approves the request from LGNSW, as attached, for a contribution towards City of Sydney Council, North Sydney Council and Bayside City Council's legal costs of \$3,353.60

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FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**10.5 Policy (Review) - Donations - Australian Representation**

**270918/21      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Donations – Australian Representation Policy, as attached to this report.
2. That Council places 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 Eoin Johnston

**10.6 Policy (Review) - Donations - Assistance with Council Fees**

**270918/22      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Donations – Assistance with Council Fees for Community Groups Policy, as attached to this report.
2. That Council places 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 Eoin Johnston

**11. Civil Services Group Reports**

**11.1 Elizabeth Ann Brown Park - Name Change**

**270918/23      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council confirms its support to change the name of 'Elizabeth Ann Brown Park' to 'Elizabeth Ann Brown War Memorial Park', subject to the proposal being placed on public exhibition.
2. If no submissions are received opposed to the proposal, Council authorises a submission be made to the NSW Geographical Names Board. If opposing submissions are received, the community feedback is to be reported back to Council.

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FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**11.2 Elizabeth Ann Brown Park - Concept and Management Plan**

**270918/24      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Elizabeth Ann Brown Park – Memorial Upgrading Works Plan, as per Attachment 2 to this report.
2. That Council continue to work with the Alstonville RSL Sub Branch to implement the works outlined in the plan.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**11.3 Tender - Ballina Indoor Sports Centre**

**270918/25      RESOLVED**

(Cr Stephen McCarthy/Cr Sharon Cadwallader)

That Council notes the contents of this report providing an overview of the tender assessment for the construction of the Ballina Indoor Sports Centre, with the confidential report later in this agenda outlining options for the project.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**11.4 Tender - 54 North Creek Road, Ballina - Civil Construction Works**

**270918/26      RESOLVED**

(Cr Keith Williams/Cr Nathan Willis)

1. That Council awards the tender for the Civil Construction Works at 54 North Creek Road to CD Excavations, inclusive of filling the site, for a tender price of \$842,960.
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 - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

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**13. Notices of Motion**

**13.2 Alstonville/Wollongbar Skate Park Options**

A **Motion** was moved by Cr Ben Smith and seconded by Cr Keith Williams

That Councillors receive a briefing on options for a plateau skate park site, including breakdowns of any site restrictions and approximate time to approval/construction as a priority with the objective of commencing construction this council term.

Cr Sharon Parry moved that the Motion be put to the vote.

The Motion was ruled out of order by the chair.

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

1. That Council continue to liaise with TAFE regarding a suitable site on the TAFE land at Sneaths Road.
2. If the TAFE site is not successful, that Council move to lodge a development application for a skate park at the Plateau Drive site.

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

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

Cr Keith Williams left the meeting at 12:06 pm.  
Cr Keith Williams returned to the meeting at 12:07 pm.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Phillip Meehan

1. That Council continue to liaise with TAFE regarding a suitable site on the TAFE land at Sneaths Road.

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

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

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

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

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AGAINST VOTE - Cr Stephen McCarthy  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**270918/27      RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That Councillors receive a briefing on options for a plateau skate park site, including breakdowns of any site restrictions and approximate time to approval/construction as a priority with the objective of commencing construction this council term.

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

AGAINST VOTE - Cr Stephen McCarthy  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**Adjournment**

The Mayor declared the meeting adjourned at 12.16 pm

The meeting resumed at 1.01 pm

**14.      Advisory Committee Minutes**

**14.1      Commercial Services Committee Minutes - 18 September 2018**

**270918/28      RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That Council confirms the minutes of the Commercial Services Committee meeting held 18 September 2018 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

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

**15.1      Mayoral Meetings**

**270918/29      RESOLVED**

(Cr Sharon Cadwallader/Cr Sharon Parry)

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

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**12. Public Question Time**

**12.1 Marelle Lee – Sound in the Council Chambers**

Marelle Lee expressed concerns about the ability to hear people speaking and whether Council was taking any action to improve this.

The General Manager advised that this was actually raised by Council staff this morning and the next Quarterly Financial Review, to be reported to the November 2018 Ordinary meeting, will include information on options to replace the existing system.

**16. Confidential Session**

**270918/30 RESOLVED**

(Cr Nathan Willis/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 Tender - Ballina Indoor Sports Centre**

**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 the reporting reviews confidential budget and tender submission information.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

(The Council moved into Confidential Session at 1.03 pm).



**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 27/09/18 AT 9.00 AM**

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**Open Council**

**270918/31      RESOLVED**

(Cr Sharon Cadwallader/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

(The Council moved into Open Council at 1.12 pm).

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

**16.1    Tender - Ballina Indoor Sports Centre**

**CF270918/1      RECOMMENDED**

(Cr Stephen McCarthy/Cr Keith Williams)

1. That Council accepts the tender from Bennett Constructions Pty. Ltd. for the construction of the Ballina Indoor Sports Centre.
2. This acceptance is based on the two lowest tenders being within 0.3% of each other confirming a competitive market price has been obtained.
3. Council's acceptance of Bennett Constructions is based on their competitive market price, along with their recent experience in constructing the adjoining Ballina Coast High School, which includes a two court indoor sports centre. The awarding of this contract to Bennett Constructions will ensure that the four indoor sports courts being provided on the site have significant synergies as they are to operate as one complex under Council management, with Council also benefiting from the experience Bennett Constructions has obtained in constructing the adjoining facility.
4. The General Manager is authorised to finalise the contract and associated documents and attach the Council seal. In finalizing and implementing this contract the General Manager is to identify and implement savings in the contract subject to ensuring that Council's objective of constructing a two court indoor sports stadium with a sprung floor is achieved.
5. With Council now having received a State Government grant of \$3.5m for this project, Council confirms the 2018/19 budget is to be updated as per the following summary, with any surplus Council funds previously allocated to the project to be returned to the Community Infrastructure Reserve, with the allocation of those funds subject to a further report to Council as part of the preparation of the 2019/20 Delivery Program and Operational Plan.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 27/09/18 AT 9.00 AM**

<b>Estimate</b>	<b>Budget</b>
Tender (incl 5% contingency)	7,900,000
Furniture and other fittings	150,000
Project Management	150,000
Architectural Fees	80,000
Council Fees and Charges	100,000
Solar	60,000
Private Certifier	20,000
Other incidentals	180,000
<b>Budget for 2018/19</b>	<b>8,640,000</b>
<b>Funded as follows:</b>	
Department of Education	140,000 (contribution to car park)
State Government	3,500,000 (grant)
Council Reserves	5,000,000

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**Adoption of Recommendations from Confidential Session**

**270918/32 RESOLVED**

(Cr Ben Smith/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eoin Johnston

**MEETING CLOSURE**

1.12 pm

The Minutes of the Ordinary Meeting held on 27/09/18 were submitted for confirmation by council on 25 October 2018 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 October 2018.