

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/04/20 AT 9.00 AM**

Attendance

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

Paul Hickey (General Manager), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division) and Sarah Carden (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Councillors and staff.

2. Acknowledgement of Country

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

3. Apologies

Nil

4. Confirmation of Minutes

230420/1/ RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 March 2020, with an amendment to Item 11.4 - Notice of Motion - 4WD Permit System - South Ballina – the mover and seconder of the original motion (and subsequent resolution) were Cr Eoin Johnston and Cr Keith Williams.

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

There were no reportable political donations.

- **Cr Eoin Johnston** - declared an interest in Item 8.2 – Voluntary Planning Agreement – Epiq Estate, Lennox Head (Nature of Interest: non-significant, pecuniary – he owns shares in Clarence Property Investments). He will be leaving the meeting while the matter is discussed.
- **Cr Eoin Johnston** - declared an interest in Item 9.3 – Tender – Management – Alstonville Aquatic Centre (Nature of Interest: non-significant, non-pecuniary – he knows the owners of Alstonville Pool on a professional basis). 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 8.2 – Voluntary Planning Agreement – Epiq Estate, Lennox Head (Nature of Interest: non-significant, pecuniary – her superannuation has investments in Clarence Property Investments). She will be leaving the meeting while the matter is discussed.
- **Cr Jeff Johnson** - declared an interest in Item 8.1 – DA 2019/723 - 10 Tidepool Street Lennox Head - Review of Determination (Nature of Interest: non-significant, non-pecuniary – he owns a block of land in the Epiq land release.) He will be leaving the meeting while the matter is discussed.
- **Cr Jeff Johnson** - declared an interest in Item 8.2 – Voluntary Planning Agreement – Epiq Estate, Lennox Head (Nature of Interest: non-significant, pecuniary – he owns a block of land in the Epiq land release). He will be leaving the meeting while the matter is discussed.
- **Paul Hickey** - declared an interest in Item 8.2 – Voluntary Planning Agreement – Epiq Estate, Lennox Head (Nature of Interest: non-significant, non-pecuniary – he has a contract to purchase property with Clarence Property). He will be leaving the meeting while the matter is discussed.

6. Deputations

Nil

7. Mayoral Minutes

7.1 Mayoral Minute - Financial Assistance

230420/2 A Motion was moved by **Cr David Wright**

1. That Council calls on the Federal Government and NSW State Government to deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to

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continue to operate effectively and provide essential services during the COVID-19 pandemic.

2. That Council calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees, especially in early education and care.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. That Council commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. That Council write to the local Federal and State Members, the Prime Minister, the NSW Premier, the Federal Treasurer, the NSW Treasurer and the NSW Local Government Minister to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. That Council endorses LGNSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

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

Cr Jeff Johnson left the meeting at 9:08 am.

8. Planning and Environmental Health Division Reports

8.1 DA 2019/723 - 10 Tidepool Street Lennox Head - Review of Determination

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230420/3 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Development Application 2019/723 for Dual Occupancy and Retaining Walls at Lot 61 DP 1007380, 10 Tidepool Street, Lennox Head be **APPROVED** subject to the application of standard planning, building and environmental health conditions.

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

Cr Sharon Cadwallader, Cr Eoin Johnston and Paul Hickey left the meeting at 9:10 am.

8.2 Voluntary Planning Agreement - Epiq Estate, Lennox Head

230420/4 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council resolves to publicly notify Council's intention to enter into the voluntary planning agreement relating to sporting and community infrastructure at Epiq Lennox Head as set out in Attachment 2 to this report, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.
2. That this matter be reported back to Council following the conclusion of the public exhibition period.
3. That in the event the VPA is executed by both parties Council amend the Open Spaces and Community Facilities Contributions Plan 2016 to remove the additional community facility identified for Lennox Head, with funds collected under the plan to be applied to other items of community infrastructure identified in the plan for Lennox Head.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston and Cr Sharon Cadwallader

Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Eoin Johnston and Paul Hickey returned to the meeting at 09:12 am.

8.3 Policy (Review) - Markets on Public Land

230420/5 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Markets Policy, as attached to this report.

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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 and the amended policy will be considered adopted.

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

8.4 Development Applications - Works in Progress - April 2020

230420/6 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council notes the contents of the report on the status of outstanding development applications for April 2020.

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

8.5 Development Applications – Variation to Development Standards

230420/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes that there has been one application approved under delegation for variations to development standards of 10% or less for the period of January to March 2020.

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

9. Corporate and Community Division Reports

9.1 Investment Summary - March 2020

230420/8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for March 2020.

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

Cr Sharon Parry arrived at the meeting via video link at 9:17 am.

Cr Jeff Johnson left the meeting at 9:18 am.

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9.2 Tender - Management - Ballina War Memorial Swimming Pool

230420/9 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council accepts the tender from Good Hydration Pty Limited for the management of the Ballina War Memorial Pool at the tendered rates.
2. That Council authorises the Council seal to be applied to the contract documents.

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

9.3 Tender - Management - Alstonville Aquatic Centre

230420/10 RESOLVED

(Cr Eoin Johnston/Cr Nathan Willis)

1. That Council accepts the tender from G & K Fettell Pty Ltd for the management of the Alstonville Aquatic Centre at the tendered rates.
2. That Council authorises the Council seal to be applied to the contract documents.

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

Cr Jeff Johnson returned to the meeting via video link at 9:21 am.

9.4 Tender - Wildlife Management Services - Ballina Byron Gateway Airport

230420/11 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council accepts the tender from Avisure Pty Ltd for Wildlife Hazard Management Services for the Ballina Byron Gateway Airport for a five year period at the tendered rate.
2. That Council authorises the Council seal to be applied to the contract documents.

FOR VOTE - All Councillors voted unanimously.

9.5 Special Purpose Financial Statements - Business Activities

230420/12 RESOLVED

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(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council resolves that Wigmore Arcade, Quarry Operations and Private Works are no longer “declared” business activities in respect to the preparation of Council’s Special Purpose Financial Statements.

FOR VOTE - All Councillors voted unanimously.

9.6 Capital Expenditure - 31 March 2020 Review

230420/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this status report on the implementation of the Capital Expenditure Program for the 2019/20 financial year.
2. That Council approves the following 2019/20 budget amendments as outlined in the attachments to this report:

Item	Current Budget	Revised Budget	Variation	Comment
Resource Recovery				
Recovery Centre	180,000	0	(180,000)	Defer to 2020/21
Solar Panels	75,000	0	(75,000)	Defer to 2020/21
Total Resource Recovery	255,000	0	(255,000)	
Support Operations				
Depot – Welders Bay	462,000	50,000	(412,000)	Defer to 2020/21
Depot – Open Spaces	169,000	49,000	(120,000)	Defer to 2020/21
Admin Centre - Solar	90,000	0	(90,000)	Defer to 2020/21
Plant	3,144,400	2,826,300	(318,100)	Defer to 2020/21
Total Support Operations	3,865,400	2,925,300	(940,100)	
Community Facilities				
LHCC	2,114,600	1,764,600	(350,000)	Defer to 2020/21
Environmental and Public Health				
Shaws Bay - Dredging	150,000	0	(150,000)	Defer to 2020/21
Water Operations				
Reservoirs – Pacific Pines	150,000	0	(150,000)	Defer to 2020/21
Treatment Plan – Marom Ck	500,000	110,000	(390,000)	Defer to 2020/21
Total Water Operations	650,000	110,000	(540,000)	
Wastewater Operations				
Main Renewals	100,000	40,000	(60,000)	Savings
Mains – Karalauran	30,000	50,000	20,000	Revised estimate
Mains – Seamist	650,000	350,000	(300,000)	Defer to 2020/21
Pumping Stns – Renewals	338,000	238,000	(100,000)	Savings
Pumping Stns – Skennars	350,000	640,000	290,000	Tender price
Pumping Stns – Wet Well	369,200	39,200	(330,000)	Defer to 2020/21
Pumping Stns - Capacity	374,000	50,000	(324,000)	Defer to 2020/21
Plant	339,500	243,000	(96,500)	Defer to 2020/21

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Treatment Plant - Security	75,000	0	(75,000)	Defer to 2020/21
Treat – Ballina – Post	400,000	0	(400,000)	Defer to 2020/21
Treat – Ballina – Gantry	90,000	0	(90,000)	Defer to 2020/21
Treat – Ballina – Membrane	500,000	0	(500,000)	Defer to 2020/21
Treat – Lennox – Master	30,000	0	(30,000)	Defer to 2020/21
Treat – Lennox – Belt Press	150,000	0	(150,000)	Defer to 2020/21
Wardell – Sec 60 - Approval	140,000	0	(140,000)	Defer to 2020/21
Total Wastewater Ops	3,935,700	1,650,200	(2,285,500)	
Engineering Works – Stormwater				
Moon Street	80,000	10,000	(70,000)	Defer to 2020/21
Asset Data Collection	68,200	33,200	(35,000)	Transfer to Shelly Beach
Bangalow Road	47,000	1,000	(46,000)	Defer to 2020/21
Urban Stormwater Mgmt	24,000	14,000	(10,000)	Transfer to Shelly Beach
Kerr Street	120,000	60,000	(60,000)	Defer to 2020/21
Tanamera Drive	61,500	25,500	(36,000)	Defer to 2020/21
Shelly Beach	0	45,000	45,000	Revised budget
Engineering Works – Roads and Bridges				
Teven Road (seg 70, 58-60)	420,500	395,500	(25,000)	Trans to Perry / Byron Sts
Airport Boulevard	6,565,300	3,565,300	(3,000,000)	Defer to 2020/21
Perry Street	59,000	109,000	50,000	Revised budget
Gibbon Street	88,000	0	(88,000)	\$43,000 to 2020/21 - \$45,000 to Perry / Byron
Chickiba Drive	344,000	285,000	(59,000)	Trans to Perry / Byron Sts
Winton Lane	138,000	2,000	(136,000)	Defer to 2020/21
Gibbon Street	104,000	4,000	(100,000)	Defer to 2020/21
Byron Street	131,000	271,000	140,000	Revised budget
Corks Lane	125,000	64,000	(61,000)	Trans to Perry / Byron Sts
Carrs Bridge	483,800	583,800	100,000	Revised budget
Bridges - Other	110,000	10,000	(100,000)	Transfer to Carrs Bridge
Engineering Works – Footpaths and Shared Paths				
Freeborn Place, Alstonville	4,000	23,000	19,000	Transfer from Footpaths Internal Reserve
River Street, Ballina	0	23,000	23,000	Transfer funds from gravel roads operations
Total Engineering Works	8,973,300	5,524,300	(3,449,000)	

FOR VOTE - All Councillors voted unanimously.

9.7 Delivery Program and Operational Plan - 31 March 2020 Review

230420/14 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

1. That Council notes the contents of this report in respect to the 31 March 2020 quarterly of the Delivery Program and Operational Plan.
2. That Cr Nathan Willis resigns his role as RTRL committee member and nominates Cr Sharon Parry for the role.

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FOR VOTE - All Councillors voted unanimously.

Fuel Pricing

230420/15 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

1. That Council include in our weekly community advertising in the Ballina Shire Advocate as well as our social media updates, information on the availability of websites to check fuel prices.
2. That Council undertake this advertising for calendar year 2020 to assist our residents in obtaining information on the cheapest petrol available, recognising that the COVID-19 pandemic has significantly impacted the livelihoods of many people.
3. That Council again write to the ACCC regarding the Shire's fuel prices.

FOR VOTE - All Councillors voted unanimously.

10. Civil Services Division Reports

10.1 Policy (Review) - Naming of Roads Bridges and Places

230420/16 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council adopts the amended Naming of Roads, Bridges and Places 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. Notices of Motion

11.1 Notice of Motion - 4WD Permit System - 7 Mile Beach Lennox Head

230420/17 RESOLVED

(Cr Jeff Johnson/Cr Sharon Parry)

1. That as part of the review of the Plan of Management for the Coastal Reserve, Council examines ways to limit beach 4 wheel drive permits.

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2. That Council also receives a report that investigates moving the vehicle access point further to the north to where the current horse access is.

FOR VOTE - All Councillors voted unanimously.

12. Advisory Committee Minutes

12.1 Finance Committee Minutes - 8 April 2020

230420/18 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council confirms the minutes of the Finance Committee meeting held 08 April 2020 and that the recommendations contained within the minutes be adopted, with an amendment to the draft Workforce Plan, as per item 4.7, to include the revised Key Actions and Measures, as per Attachment 1 and an amendment to Item 4.5 – Fees and Charges 2020/21 – to include that Council introduce a car and trailer annual fee for the ferry at a price of an additional \$60 on the annual car fee.

FOR VOTE - Cr Phillip Meehan, 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 David Wright and Cr Ben Smith

12.2 Commercial Services Committee Minutes - 8 April 2020

230420/19 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the minutes of the Commercial Services Committee meeting held 08 April 2020 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

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

13.1 Mayoral Meetings

230420/20 RESOLVED

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

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

FOR VOTE - All Councillors voted unanimously.

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14. Confidential Session

Nil items.

MEETING CLOSURE

10.52 am

The Minutes of the Ordinary Meeting held on 23/04/20 were submitted for confirmation by council on 28 May 2020 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 May 2020.