

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/02/20 AT 9.00 AM**

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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 (Director, Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division) and Sandra Bailey (Secretary) were in attendance.

There were 35 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

270220/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 January 2020.

FOR VOTE - All Councillors voted unanimously.

5. Declarations of Interest and Reportable Political Donations

- **Cr Sharon Cadwallader** – declared an interest in Item 10.7 – Policy (Review) Weddings on Public Land. (Nature of Interest: non-significant, non pecuniary – she is a marriage celebrant). She will be remaining in the meeting while the matter is discussed and voting on the matter.

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There were no reportable political donations.

6. Deputations

- **John Wise** – spoke in opposition to Item 11.1 – Notice of Motion – Discontinuation of Ocean Pool Proposal.
- **Cathy Byrne, Ballina Coastcare** – spoke in favour of Item 11.1 – Notice of Motion – Discontinuation of Ocean Pool Proposal.

Deputation - Extension of Time

270220/2 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Ms Byrne be granted an extension of time for her deputation.

FOR VOTE - 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 David Wright, Cr Sharon Parry and Cr Jeff Johnson

- **Peter Felsch** – spoke in opposition to Item 8.1 – DA 2019/519 – Depot and Storage – 23 Northcott Crescent, Alstonville.
- **Karina Vikstrom** – spoke in favour of Item 8.1 – DA 2019/519 – Depot and Storage – 23 Northcott Crescent, Alstonville.
- **Richard Crandon** – spoke in opposition to Item 8.2 – Building Information Certificate – 135 Riverside Drive, West Ballina.

Deputation - Extension of Time

270220/3 RESOLVED

(Cr Eoin Johnston/Cr Keith Williams)

That Mr Crandon be granted an extension of time for his deputation.

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

- **Maria Matthes** – spoke in support of Item 8.4 – Richmond River – Governance and Funding Project.
- **Denis Magnay** – spoke in opposition to Item 10.1 – Tender – Coastal Recreational Walk Construction.
- **Maria Matthes** – spoke in support of Item 11.2 – Notice of Motion – Federal and State Government Bushfire Funding.

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Deputation - Extension of Time

270220/4 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That Ms Matthes be granted an extension of time for her deputation.

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

AGAINST VOTE - Cr David Wright and Cr Jeff Johnson

7. Mayoral Minutes

Nil items.

11.1 Notice of Motion - Discontinuation of Ocean Pool Proposal

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

1. That Council acknowledge the significant issues raised around the ocean pool proposal from across the community.
2. In acknowledging the various issues raised by the community, Council discontinue its support for the ocean pool proposal.

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

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

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

That as part of the forthcoming Finance Committees for the preparation of the draft 2020/21 Operational Plan, in considering the future capital works program, that Council also examine the likely financial commitment required to construct and then maintain an ocean pool.

This report is to also examine the merits of disbanding the Ocean Pool Committee as a Committee of Council to ensure there is a clear demarcation between the management and governance processes of Council in respect to this project, recognising that disbanding the Ocean Pool Committee as a Committee of Council does not impede the members of the Ocean Pool Committee Inc from continuing to progress their preferred concept for an ocean pool.

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An **Amendment** was moved by Cr Keith Williams and seconded by Cr Sharon Cadwallader

That while the Ballina Ocean Pool Committee remains a Committee of Council:

- a) That prior to any submission for State or Federal funding for the capital costs of the proposal, or the lodgement of a DA, Council requires that the Committee furnish sufficient engineering specifications and drawings to enable a rigorous community consultation process (equivalent to a Precinct Masterplan) to be conducted in accordance with Council's established Community Consultation Policy.
- (b) That as a Committee of Council, the Ballina Ocean Pool Committee be advised of Council's Social Media Policy and that Cr Jeff Johnson be removed as an authorised spokesperson for the Committee.

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

FOR VOTE - Cr Keith Williams

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

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

FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Eoin Johnston

270220/5 RESOLVED

(Cr Nathan Willis/Cr Keith Williams)

That as part of the forthcoming Finance Committees for the preparation of the draft 2020/21 Operational Plan, in considering the future capital works program, that Council also examine the likely financial commitment required to construct and then maintain an ocean pool.

This report is to also examine the merits of disbanding the Ocean Pool Committee as a Committee of Council to ensure there is a clear demarcation between the management and governance processes of Council in respect to this project, recognising that disbanding the Ocean Pool Committee as a Committee of Council does not impede the members of the Ocean Pool Committee Inc from continuing to progress their preferred concept for an ocean pool.

FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Eoin Johnston

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Adjournment

The Mayor declared the meeting adjourned at 11.20 am.

The meeting resumed at 11.35 am.

8. Planning and Environmental Health Division Reports

8.1 DA 2019/519 - Depot and Storage - 23 Northcott Crescent, Alstonville

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

That Development Application 2019/519 be deferred to a Councillor briefing.

The **Motion** was **LOST** on the casting vote of the Mayor.

FOR VOTE - Cr Sharon Parry, 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 and the casting vote of the Mayor

270220/6 RESOLVED

(Cr Phillip Meehan/Cr Ben Smith)

That Development Application 2019/519 to establish a depot and storage premises and to undertake earthworks and retaining of the site at Lot 2 DP 1237064, No. 23 Northcott Crescent, Alstonville be **APPROVED** subject to standard planning, civil and environmental health conditions.

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

AGAINST VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Nathan Willis

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8.2 Building Information Certificate - 135 Riverside Drive, West Ballina

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

That Council issue a Building Information Certificate as applied for and take no compliance action in relation to the existing retaining wall and that no Penalty Infringement Notice (PIN) be issued.

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

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

270220/7 RESOLVED

(Cr Jeff Johnson/Cr Nathan Willis)

That Council delay the decision on the application and receive a Councillor briefing.

FOR VOTE - All Councillors voted unanimously.

8.4 Richmond River - Governance and Funding Project

270220/8 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

That Council confirms a Richmond River Coordinator auspiced by Rous County Council as the preferred governance and funding model for the Richmond River Governance and Funding Project Report.

FOR VOTE - All Councillors voted unanimously.

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10.1 Tender - Coastal Recreational Walk Construction

A **Motion** was moved by Cr Stephen McCarthy and seconded by Cr Sharon Cadwallader

1. That Council, in accordance with the Local Government (General) Regulation 2005 Section 178 (1)(b), declines to accept any tenders for the RFT1204 Construction of Coastal Recreational Walk.
2. That Council, in accordance with the Local Government (General) Regulation 2005 Section 178 (3)(e) authorises the General Manager to enter into negotiations with 'B&S Landscaping and Earthworks' with a view to entering into a contract.
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the Council records the following reasons for declining to invite fresh tenders:
 - the tenders received exceed the available funding
 - retendering exposes Council and the market to unnecessary cost and inconvenience
 - pricing and other terms are expected to remain in accordance with the tender schedule costs
 - it is expected Council will be able to execute a contract on terms generally consistent with the original tenders
 - it is unlikely retendering would result in a better advantage for Council.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b) the Council records it has determined to enter negotiations with 'B&S Landscaping and Earthworks' as they are the preferred tenderer following assessment against the mandatory and weighted evaluation criteria established for this tender.
5. That, upon the conclusion of any successful negotiations, Council authorises the Council seal to be applied to the contract documents.
6. That as part of the scheduled March and April 2020 Finance Committee meetings Council receive a report identifying the options available to fund the current budget shortfall of \$298,000, with that funding required during 2020/21 based on forecast cash flows for this project.
7. That as part of the negotiations in point two above, that Council replace the proposed sand path (from chainage 4207.226 to chainage 4660.00 and chainage 4880.00 to 5039.776) with compacted gravel path consistent with the development application plan consent (approved 26 June 2014). This then provides improved accessibility for the section from the southern end of Boulder Beach to the new boardwalk around the back of Boulder Beach and continues to the base of the southern side of Lennox Headland.

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

1. That Council, in accordance with the Local Government (General) Regulation 2005 Section 178 (1)(b), declines to accept any tenders for the RFT1204 Construction of Coastal Recreational Walk.
2. That Council, in accordance with the Local Government (General) Regulation 2005 Section 178 (3)(e) authorises the General Manager to enter into negotiations with 'B&S Landscaping and Earthworks' with a view to entering into a contract.
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the Council records the following reasons for declining to invite fresh tenders:
 - the tenders received exceed the available funding
 - retendering exposes Council and the market to unnecessary cost and inconvenience
 - pricing and other terms are expected to remain in accordance with the tender schedule costs
 - it is expected Council will be able to execute a contract on terms generally consistent with the original tenders
 - it is unlikely retendering would result in a better advantage for Council.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b) the Council records it has determined to enter negotiations with 'B&S Landscaping and Earthworks' as they are the preferred tenderer following assessment against the mandatory and weighted evaluation criteria established for this tender.
5. That, upon the conclusion of any successful negotiations, Council authorises the Council seal to be applied to the contract documents.
6. That as part of the scheduled March and April 2020 Finance Committee meetings Council receive a report identifying the options available to fund the current budget shortfall of \$298,000, with that funding required during 2020/21 based on forecast cash flows for this project.
7. That as part of the negotiations in point two above, that Council replace the proposed sand path (from chainage 4420.00 to chainage 4660.00 and chainage 4880.00 to 5039.776) with compacted gravel path consistent with the development application plan consent (approved 26 June 2014). This then provides improved accessibility for the section from the southern end of Boulder Beach to the new boardwalk around the back of Boulder Beach and continues to the base of the southern side of Lennox Headland.

Cr Nathan Willis moved that the Amendment be put to the vote.

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That the **Motion** to put the Amendment to the vote was **CARRIED**.

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

AGAINST VOTE - Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy and Cr Sharon Cadwallader

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Nathan Willis and Cr Keith Williams

AGAINST VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

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

FOR VOTE - Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

270220/9 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council, in accordance with the Local Government (General) Regulation 2005 Section 178 (1)(b), declines to accept any tenders for the RFT1204 Construction of Coastal Recreational Walk.
2. That Council, in accordance with the Local Government (General) Regulation 2005 Section 178 (3)(e) authorises the General Manager to enter into negotiations with 'B&S Landscaping and Earthworks' with a view to entering into a contract.
3. That in in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the Council records the following reasons for declining to invite fresh tenders:
 - the tenders received exceed the available funding
 - retendering exposes Council and the market to unnecessary cost and inconvenience
 - pricing and other terms are expected to remain in accordance with the tender schedule costs
 - it is expected Council will be able to execute a contract on terms generally consistent with the original tenders
 - it is unlikely retendering would result in a better advantage for Council.

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4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b) the Council records it has determined to enter negotiations with 'B&S Landscaping and Earthworks' as they are the preferred tenderer following assessment against the mandatory and weighted evaluation criteria established for this tender.
5. That, upon the conclusion of any successful negotiations, Council authorises the Council seal to be applied to the contract documents.
6. That as part of the scheduled March and April 2020 Finance Committee meetings Council receive a report identifying the options available to fund the current budget shortfall of \$298,000, with that funding required during 2020/21 based on forecast cash flows for this project.

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

Adjournment for Public Question Time

The Mayor declared the meeting adjourned at 1.24 pm for Public Question Time, followed by lunch.

The meeting resumed at 2.01 pm.

Cr Sharon Parry, Jeff Johnson, Cr Keith Williams and Cr Sharon Cadwallader were not in attendance at this stage).

14. Confidential Session

270220/10 RESOLVED

(Cr Nathan Willis/Cr Stephen McCarthy)

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.

14.1 Ballina Wastewater Treatment Plant Upgrade - Contract Update

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 this report provides advice concerning litigation.

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14.2 The Beach House - 70 Shelly Beach Road, East Ballina

Reason for Confidentiality

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

- e) information that would, if disclosed, prejudice the maintenance of law; 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 legal advice contained in the report is subject to legal privilege and its open discussion may prejudice enforcement action.

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

(The Council moved into Confidential Session at 2.02 pm).

Maddocks Solicitors were in attendance at this stage for Item 14.1.

Cr Sharon Parry, Cr Jeff Johnson, Cr Keith Williams and Cr Sharon Cadwallader returned to the meeting during the Confidential Session.

Cr Nathan Willis left the meeting at 2:45 pm during the Confidential Session before Item 14.1 was considered.

Cr Ben Smith left the meeting at 2:52 pm during the Confidential Session before Item 14.2 was considered.

Cr Eoin Johnston left the meeting at 2:57 pm during the Confidential Session before Item 14.2 was voted on.

Open Council

270220/11 RESOLVED

(Cr Sharon Cadwallader/Cr Phillip Meehan)

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 3.05 pm).

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

14.1 Ballina Wastewater Treatment Plant Upgrade - Contract Update

CF270220/1 RECOMMENDED

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council notes the confidential information in respect to the West Ballina Wastewater Treatment Plant contract dispute.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

14.2 The Beach House - 70 Shelly Beach Road, East Ballina

CF270220/2 RECOMMENDED

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

1. That Council proceed to issue penalty infringement notices (including cautionary notices as appropriate) in relation to building activity and works carried out at 70 Shelly Beach Road, East Ballina in line with the principles set out in this report.
2. Where the principles outlined in this report regarding penalty infringement notices cannot be achieved, the General Manager is authorised to commence enforcement action in the Local Court.
3. That Council monitor the use of the site having regard for the approved land uses and development consent history associated with the land.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

Adoption of Recommendations from Confidential Session

270220/12 RESOLVED

(Cr Sharon Parry/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

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11.2 Notice of Motion - Federal and State Government Bushfire Funding

270220/13 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

1. That Council write to the Federal and State Governments thanking them for their assistance in providing \$1.225 million and \$100,000 respectively for local councils impacted by the bush fires.
2. That Council receive a report on what other environmental actions can be taken in the area either directly impacted by the Wardell Fire and the adjoining Ngunya Jargoan Indigenous Protected Area.
3. That Council complete as many actions as practical as outlined in the Koala Management Plan.
4. That Council allocates part of the grant funding to improve the facilities and infrastructure for our rural fire stations and services.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

8.3 The Beach House - 70 Shelly Beach Road, East Ballina

270220/14 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council notes the contents of this report in respect to enforcement action associated with 70 Shelly Beach Road, East Ballina.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

8.5 Planning Proposal - Attached Dual Occupancy Development, Wardell

270220/15 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council approves re-exhibition of the Wardell Attached Dual Occupancy Planning Proposal (BSCPP 18/003 – Attached Dual Occupancy Wardell) as amended and as per Attachment 6 to this report.
2. That the amended planning proposal be reported to the Council for further consideration following its re-exhibition.

FOR VOTE - All Councillors voted unanimously.

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ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

8.6 Planning Proposal - 26 Boeing Avenue, Ballina

270220/16 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council exercise its delegated plan-making functions in accordance with section 3.36(2) of the *Environmental Planning and Assessment Act* 1979, with respect to the Planning Proposal for 26 Boeing Avenue, Ballina.
2. That Council authorises the General Manager to finalise and implement Planning Proposal BSCPP19/001, providing for additional permitted uses on land 26 Boeing Avenue as detailed in Attachment 1 to this report, under delegated authority.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

8.7 Planning Proposal - Farm Gate Retail Activity on Rural Land

270220/17 RESOLVED

(Cr Jeff Johnson/Cr Sharon Parry)

1. That Council authorises the General Manager to finalise and implement Planning Proposal BSCPP 19/004 Farm Gate Retail Activity on Rural Land as generally detailed in Attachment 1 to this report, under delegated authority, with the following adjustment:
 - Apply a maximum floor space control for industrial retail outlets in association with rural industries such that the gross floor area must not exceed 25% of the gross floor area of the rural industry located on the same land as the retail outlet or 100m², whichever is the lesser.
2. That Council adopts the publicly exhibited amendments to the Ballina Development Control Plan 2012, as detailed in Appendix 1 of the Planning Proposal contained in Attachment 1 to this report.
3. That those persons who made submissions be thanked for their contribution and provided with advice as to Council's decision with respect to this planning proposal and associated DCP amendments.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

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8.8 LEP Amendments and Planning Proposals - Status

270220/18 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council notes the contents of this report on current LEP amendments and planning proposals.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

8.9 Policy (Review) - Liquor Licence Application

270220/19 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council adopts the amended Liquor Licence Application Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment. Should any submission raising an issue of significance be received, then the matter will be reported back to Council. If no such submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

8.10 Policy (Review) - Management of Contaminated Land

270220/20 RESOLVED

(Cr Sharon Parry/Cr Sharon Cadwallader)

1. That Council endorses the existing Management of Contaminated Land Policy with no changes at this time.
2. That Council's Management of Contaminated Land Policy be next reviewed having regard for the model regional contaminated land policy that is being prepared through the Northern Rivers Contaminated Land Program.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

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8.11 Development Applications - Works in Progress - February 2020

270220/21 RESOLVED

(Cr Sharon Parry/Cr Jeff Johnson)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

9. Corporate and Community Division Reports

9.1 Use of Council Seal

270220/22 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following documents.

| | |
|----------|--|
| US 20/01 | Licence Agreement for part of 4 in DP1130300 (Shed 1 at 486 Gap Road Alstonville) between Council and Lions Club of Alstonville Inc, for a three year period at a nominal licence fee. |
| US 20/02 | Licence Agreement for part of 4 in DP1130300 (Shed 2 at 486 Gap Road Alstonville) between Council and Quota International of Alstonville-Wollongbar Incorporated, for a three year period at a nominal licence fee. |
| US 20/03 | Licence Agreement for part of 4 in DP1130300 (Shed 4 at 486 Gap Road Alstonville) between Council and Rotary Club of Alstonville Inc, for a three year period at a nominal licence fee. |
| US 20/04 | Licence Agreement for part of 4 in DP1130300 (Shed 5 at 486 Gap Road Alstonville) between Council and Alstonville Croquet Club Incorporated, for a one year period at a nominal licence fee. |
| US 20/05 | The following documents for the River Street Children's Centre (Lots 5 and 6 DP758047, 12 River Street, Ballina): 1. Crown Sublease to Ballina River Street Children's Centre Inc (Three year period, \$1 per annum rent) 2. Crown Sublease to Ballina Toy Library Inc (Three year period, \$1 per annum rent) 3. Crown Sublease to Playgroup NSW (Three year period, \$1 per annum rent) |
| US 20/06 | Ballina Shire Council Sublease to Paradise FM for term of five years with a five year option for premises being part of the Old Ballina Library at Part Lot 2 DP 1153927, 42 Cherry Street Ballina with a commencing rent of \$17,000 p.a. + GST + outgoings. |
| US 20/07 | Ballina Shire Council Lease to C Reid for Shop 11 Wigmore Arcade Ballina for a term of three years with a three plus three year option at current market rent + outgoings + GST. |
| US 20/08 | Deed of Agreement for Transfer of Pump Station Site between Intrapac Skennars Head Pty Ltd and Ballina Shire Council to transfer Lot 163 to Council for the purposes of a sewer pump station. |

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/02/20 AT 9.00 AM**

9.2 Investment Summary - January 2020

270220/23 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

9.3 Councillor Expenses - Six Monthly Review

270220/24 RESOLVED

(Cr Sharon Parry/Cr Keith Williams)

That Council notes the contents of this update on the Councillor expenses, as per the Councillor Expenses and Facilities Policy, for the six month period 1 July to 31 December 2019.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

9.4 Australia Day 2020 - Review

270220/25 RESOLVED

(Cr Sharon Parry/Cr Stephen McCarthy)

1. That Council confirms that the categories for the 2021 Ballina Shire Australia Day Awards are to remain unchanged, with citizen of the year selected from one of the categories; i.e.

- Young Citizen of the Year (30 years or under)
- Senior Citizen of the Year (60 years or over)
- Sports Award
- Volunteer Award
- Community Event of the Year
- Arts and Cultural Award
- Environmental Award

2. That Council host the 2021 Australia Day event at the Lennox Head Community Centre due to the availability of air-conditioning.

3. That Council provide a courtesy bus service for the 2021 Australia Day event.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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ON 27/02/20 AT 9.00 AM**

9.5 Council Fees - Reimbursement

270220/26 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council approves the reimbursement of Council development application fees amounting to \$2,025.76 to the Ballina Community Men's Shed.
2. That Council approves the reimbursement of Council development application fees amounting to \$1,192.63 to the Mental Health Support Group.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

9.6 Policy (Review) - Investments

270220/27 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council adopts the Investment policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions to be reported 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, Cr Nathan Willis and Cr Ben Smith

9.7 Policy (Review) - Social Media

270220/28 RESOLVED

(Cr Sharon Parry/Cr Keith Williams)

1. That Council adopts the amended Social Media 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 Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

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9.8 Legal Matters - Update

270220/29 RESOLVED

(Cr Sharon Parry/Cr Jeff Johnson)

That Council notes the contents of this report on legal matters.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

9.9 Financial Review - 31 December 2019

270220/30 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council notes the contents of the December 2019 Quarterly Budget Review and approves the changes identified within this report;
2. That Council approves an increase of one additional Building Surveyor, and vehicle, to the Workforce Plan to recognise the high level of building activity for the shire, with a corresponding increase to the 2019/20 expenditure budgets of \$30,000, already included within this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

9.10 Tender - Kerbside Collection of FOGO

270220/31 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council accepts the tender from The Trustee for Rico Family Trust T/a Solo Resource Recovery for the kerbside collection and disposal of Food and Garden Organics (FOGO) 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 Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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10. Civil Services Division Reports

10.2 Pedestrian Crossing - Crane Street, Ballina

270220/32 RESOLVED

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

1. That based on the technical assessment outlined in this report, Council authorises community consultation to be undertaken for the proposed removal of the marked pedestrian crossing located on Crane Street, east of Martin Street.
2. The results of the community consultation in point one are to be referred to the Ballina Local Traffic Committee for advice and reported to Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

10.3 Ballina Wastewater Treatment Plant Upgrade - Contract Update

270220/33 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council notes the contents of this report in respect to the Ballina Wastewater Treatment Plant Upgrade Contract Dispute.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

10.4 Community Land - Leases and Licences

270220/34 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council, in accordance with the relevant provisions of the Local Government Act 1993 and associated Regulation, including public notification, enters into the leases/licences outlined in Table One of this report.
2. Council authorises the General Manager to affix the seal to the lease/licence documents and any other documents required to allow tenure to be granted in accordance with Table One.

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3. That prior to points one and two being actioned, statutory public notification relating to the proposed leases/licences be undertaken, with a further report to be presented to Council in the event that an objection is received on a particular lease/licence.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

10.5 Policy (Review) - Fire Asset Protection Zones - Private Use of Public Land

270220/35 RESOLVED

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

1. That Council adopts the amended Fire Asset Protection Zones – Private Use of Public Land 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 Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

10.6 Policy (Review) - Road Closing Applications for Public Roads

270220/36 RESOLVED

(Cr Sharon Parry/Cr Sharon Cadwallader)

1. That Council adopts the amended Road Closing Applications for Public Roads 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 Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

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10.7 Policy (Review) - Weddings on Public Land

270220/37 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council adopts the amended Weddings on Public Land 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 Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

11. Notices of Motion

11.3 Notice of Motion - Waste Management Centre Vouchers

270220/38 RESOLVED

(Cr Phillip Meehan/Cr Jeff Johnson)

That Council receive a report on implementing a targeted system for a tip voucher for ratepayers who are pensioners and health care card holders.

FOR VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr David Wright and Cr Stephen McCarthy

ABSENT. DID NOT VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith

12. Advisory Committee Minutes

Nil Items

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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13. Reports from Councillors on Attendance on Council's behalf

13.1 Mayoral Meetings

270220/39 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, Cr Nathan Willis and Cr Ben Smith

MEETING CLOSURE

4.05 pm

The Minutes of the Ordinary Meeting held on 27/02/20 were submitted for confirmation by council on 26 March 2020 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 26 March 2020.