

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/07/21 AT 9.00AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams (arrived at 9.07am), Sharon Cadwallader and Ben Smith (arrived at 9.24am).

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 Sarah Carden (Secretary) were in attendance.

There were 11 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was played.

2. Acknowledgement of Country

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

3. Apologies

Nil

4. Confirmation of Minutes

220721/1 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 June 2021.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Ben Smith, Cr Keith Williams.

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5. Declarations of Interest and Reportable Political Donations

- **Cr Phillip Meehan** - declared an interest in Item 8.2 – Affordable Housing (Nature of Interest: significant, pecuniary – he owns short term rental accommodation). He requested that Item 4 be debated separately and he will leave the meeting while Item 4 is discussed.
- **Cr Sharon Cadwallader** - declared an interest in Item 8.2 – Affordable Housing (Nature of Interest – significant, pecuniary – she owns short term rental accommodation). She will leave the meeting while Item 4 is discussed.
- **Paul Hickey** – declared an interest in Item 9.9 – Shelly Beach Café – Alterations. (Nature of Interest: significant, non pecuniary – a good friend of his has an interest in the entity holding the lease). He will leave the meeting while the matter is discussed.
- **Cr Keith Williams** – later in the meeting declared an interest in Item 8.1-DA 2020/450 – 36 Rous Mill Road, Rous Mill (Nature of Interest: non-significant, non-pecuniary – he operates a business from a converted church). He remained in the meeting while the matter was discussed and voted on the matter.

There were no reportable political donations.

Cr Keith Williams arrived at the meeting at 9.07am.

6. Deputations

- **Scott Leslie** – spoke in opposition to Item 8.1 – DA 2020/450 – 36 Rous Mill Road, Rous Mill.
- **Ray Cavill** – spoke in favour of Item 8.1 – DA 2020/450 – 36 Rous Mill Road, Rous Mill.
- **Sam Henderson** – spoke in favour of Item 8.2 – Affordable Housing
- **Will Gammon** – spoke in favour of Item 9.8 – Tuckombil Quarry Site – Byron Studios.

Cr Ben Smith arrived at the meeting at 09:24am.

Extension of Time for Deputation

220721/2 RESOLVED

(Cr Sharon Cadwallader/Cr Phillip Meehan)

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

FOR VOTE - All Councillors voted unanimously.

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- **Denis Magnay, Ballina Ratepayers Association** – spoke in favour of Item 10.3 – Roads Contribution Plan – Barlows Road Amendment.
- **Julie O’Brien, President, Ballina Croquet Club** (via Zoom) – spoke in favour of Item 11.2 – Notice of Motion - Support for Croquet Facility at Cawarra Park.

7. Mayoral Minutes

Nil items.

8. Planning and Environmental Health Division Reports

At this point Cr Keith Williams declared an interest in Item 8.1- DA 2020/450 – 36 Rous Mill Road, Rous Mill (Nature of Interest: non-significant, non-pecuniary – he operates a business from a converted church) He will remain in the meeting while the matter is discussed and be voting on the matter.

**8.1 DA 2020/450 - 36 Rous Mill Road, Rous Mill
220721/3 RESOLVED**

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Development Application 2020/450 for the establishment of an Information and Education Facility (art gallery and studio) comprising conversion of existing church building to gallery space, erection of pottery studio and kiln shed for classes, and ancillary amenities and associated infrastructure works at Lot 23 DP 805799 be **APPROVED** subject to applicable planning, engineering, environmental health and building conditions for this type of development.

FOR VOTE - All Councillors voted unanimously.

Cr Phillip Meehan and Cr Sharon Cadwallader declared an interest in Item 8.2 (Item 4) and left the meeting at 09:56am.

**8.2 Affordable Housing
220721/4 RESOLVED**

(Cr Sharon Parry/Cr Jeff Johnson)

That Council write to the Minister for Planning seeking a robust evidence base for STRA policy reforms and that the impacts of short term rental accommodation on coastal tourist regions are considered in relation to this policy.

FOR VOTE - All Councillors voted unanimously.

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

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Cr Phillip Meehan and Cr Sharon Cadwallader returned to the meeting at 09:59am.

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

1. That Council provides in principle support for a submission by the NRJO to the NSW Housing Taskforce seeking the Government's urgent action on the delivery of affordable and social housing in the region.
2. That Council make a submission to the NSW Parliamentary Inquiry into Crisis Accommodation encouraging the Government to increase the supply of emergency housing in Ballina Shire based on the sentiments of this report.
3. That Council write to the Minister for Housing to encourage the redevelopment of areas of existing Department of Housing dwelling stock in Ballina Shire to increase the supply of affordable housing.
4. That Council receive a further report identifying a preferred model for the delivery of affordable housing on Council owned land, with this report examining options for Council's land holdings at Wollongbar and Lennox Head.
5. That Council declines the request for the donation of land to the Wollongbar Affordable Housing Project, as Council's preference is outlined in point five above, however Council will continue to support the proponents to find State and / or Federal Government land that may be suitable for the project.

An **Amendment** was moved by Cr Eoin Johnston and seconded by Cr Ben Smith

1. That Council provides in principle support for a submission by the NRJO to the NSW Housing Taskforce seeking the Government's urgent action on the delivery of affordable and social housing in the region.
2. That Council make a submission to the NSW Parliamentary Inquiry into Crisis Accommodation encouraging the Government to increase the supply of emergency housing in Ballina Shire based on the sentiments of this report.
3. That Council write to the Minister for Housing to encourage the redevelopment of areas of existing Department of Housing dwelling stock in Ballina Shire to increase the supply of affordable housing.
4. That Council undertakes an open tender process for one Council owned residential block on land at Wollongbar to be used for a pilot social housing project, to house single, older homeless women. Advice on tender selection and the assessment of submissions will be sought from the Manager of Partnerships and Strategy, Northern NSW Local Health District.

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5. That Council receive a further report to identify a preferred model and examining options for the delivery of affordable housing on Council owned land.

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

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

AGAINST VOTE - Cr Phillip Meehan and Cr Stephen McCarthy

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

220721/5 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

1. That Council provides in principle support for a submission by the NRJO to the NSW Housing Taskforce seeking the Government's urgent action on the delivery of affordable and social housing in the region.
2. That Council make a submission to the NSW Parliamentary Inquiry into Crisis Accommodation encouraging the Government to increase the supply of emergency housing in Ballina Shire based on the sentiments of this report.
3. That Council write to the Minister for Housing to encourage the redevelopment of areas of existing Department of Housing dwelling stock in Ballina Shire to increase the supply of affordable housing.
4. That Council undertakes an open tender process for one Council owned residential block on land at Wollongbar to be used for a pilot social housing project, to house single, older homeless women. Advice on tender selection and the assessment of submissions will be sought from the Manager of Partnerships and Strategy, Northern NSW Local Health District.
5. That Council receive a further report to identify a preferred model and examining options for the delivery of affordable housing on Council owned land.

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

AGAINST VOTE - Cr Phillip Meehan and Cr Stephen McCarthy

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Adjournment

The Mayor declared the meeting adjourned at 10.53am.
The meeting resumed at 11.18am

9.8 Tuckombil Quarry Site - Byron Studios

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

1. That Council authorises the General Manager to proceed with the preparation of a Memorandum of Understanding, with terms to be agreed upon between Byron Studios and Council, based upon the contents of this report.
2. That Council authorises the General Manager to establish an interim use agreement, for part use of the front section of Tuckombil Quarry site, not currently under lease for the purposes of Byron Studios to park vehicles.
3. That a further update report be presented to Council in November / December 2021 at the conclusion of the consultancy and master planning process for the Tuckombil Quarry site.

An **Amendment** was moved by Cr Nathan Willis.

1. That Council authorises the General Manager to proceed with the preparation of a Memorandum of Understanding, with terms to be agreed upon between Byron Studios and Council, based upon the contents of this report.
2. That Council authorises the General Manager to establish an interim use agreement, for part use of the front section of Tuckombil Quarry site, not currently under lease for the purposes of Byron Studios to park vehicles.
3. That a further update report be presented to Council in November / December 2021 at the conclusion of the consultancy and master planning process for the Tuckombil Quarry site.
4. That Council receive a report on the strategy to return the Alstonville Cultural Centre to its original use prior to December 2022.

The **Amendment LAPSED**.

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

FOR VOTE - All Councillors voted unanimously.

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220721/6 RESOLVED

(Cr Keith Williams/Cr Sharon Parry)

1. That Council authorises the General Manager to proceed with the preparation of a Memorandum of Understanding, with terms to be agreed upon between Byron Studios and Council, based upon the contents of this report.
2. That Council authorises the General Manager to establish an interim use agreement, for part use of the front section of Tuckombil Quarry site, not currently under lease for the purposes of Byron Studios to park vehicles.
3. That a further update report be presented to Council in November / December 2021 at the conclusion of the consultancy and master planning process for the Tuckombil Quarry site.

FOR VOTE - All Councillors voted unanimously.

10.3 Roads Contribution Plan - Barlows Road Amendment

220721/7 RESOLVED

(Cr Stephen McCarthy/Cr Eoin Johnston)

1. That Council adopts the Draft Ballina Shire Roads Contribution Plan Version 4.2, as exhibited, to repeal and replace Ballina Shire Roads Contribution Plan Version 4.1.
2. The Horizon Drive / Barlows Road intersection is to be designed and constructed generally in accordance with Horizon Drive Traffic Management Option (d), as outlined in this report, to prevent through traffic accessing the Barlows Road Link via Horizon Drive.
3. That a notice is published of the decision for item one on Council's website within 28 days.
4. That Council amend the adopted Long Term Financial Plan as follows to reflect the latest estimates for the Barlows Road Link Project.

Year	Budget \$	Sec 7.11	Loan	Reserves
2021/22	200,000	129,000	0	71,000
2022/23	3,000,000	1,935,000	1,000,000	65,000
2023/24	4,556,000	2,938,000	1,500,000	118,000

FOR VOTE - All Councillors voted unanimously.

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11.2 Notice of Motion - Support for Croquet Facility at Cawarra Park

220721/8 RESOLVED

(Cr Jeff Johnson/Cr Sharon Parry)

That Council provide a letter of support for the Ballina Croquet Club's grant submission for the Club Grants Category 3 Infrastructure Grants - Sport and Recreation.

FOR VOTE - All Councillors voted unanimously.

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

Cr Nathan Willis returned to the meeting at 12:27 pm.

8.3 Kingsford Smith Reserve Master Plan

220721/9 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council endorses the Draft Master Plan for public exhibition, as per Attachment 1, to this report.
2. That Council endorses the progression of Stage 1 works in line with the grant funding obligations prior to the adoption of the Master Plan. This is on the basis that some works can be undertaken using the grant funds, without prejudicing the Master Plan and acknowledging that tenders will be reported to Council for determination.
3. That Council continue to lobby Crown Lands and State Ministers for access to Boomerang Park for sporting facilities such as additional netball courts.

FOR VOTE - All Councillors voted unanimously.

9.10 Land Sale - Compton Drive

220721/10 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to proceed with an Expression of Interest process for the sale of Part 1 DP 781542 as detailed within this report.
2. That a further report be provided to Council on the outcomes of the Expression of Interest Process.

FOR VOTE - All Councillors voted unanimously.

Cr Jeff Johnson left the meeting at 12:34 pm.

Cr Jeff Johnson returned to the meeting at 12:36 pm.

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8.4 Policy (New) - Climate Change

220721/11 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council adopts the draft Climate Change Policy, as exhibited, as per Attachment 1 to this report.
2. That Council commence implementation of the policy through the 'Method 3 approach' indicated in Table 2 of this report.
3. That Council seek grant funding for the preparation of a community wide emission target and associated emissions reduction plan.

FOR VOTE - All Councillors voted unanimously.

8.5 Policy (New) - Biodiversity Compensatory Habitat and Offsets

220721/12 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the Biodiversity Compensatory Habitat and Offsets Policy, as per Attachment 1, to this report.
2. That Council place this policy on exhibition for public comment for a minimum period of 28 days, with any significant submissions received to be resubmitted back to Council. If no significant submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

8.6 Development Applications - Works in Progress - July 2021

220721/13 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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8.7 Development Applications – Variation to Development Standards

220721/14 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council notes that there have been three applications approved under delegation for variations to development standards of 10% or less for April to June 2021.

FOR VOTE - All Councillors voted unanimously.

9. Corporate and Community Division Reports

9.1 Use of Council Seal

220721/15 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following documents.

US/12	Lease to Katrina Beohm Pty Ltd for 149 River Street Ballina for a period of three years and three months with a three year option at market rent plus GST.
US/13	Variation to Sublease to Charmonne Pty Ltd for Part Lots 321 DP 755745 & Lot 7003, DP 92641, being that part of the building known as the “Old Council Chambers” Alstonville and called “Area 2” to increase the term to five years so as to expire on 30 June 2024.

FOR VOTE - All Councillors voted unanimously.

9.2 Investment Summary - June 2021

220721/16 RESOLVED

(Cr Nathan Willis/Cr Jeff Johnson)

That Council notes the record of banking and investments for June 2021.

FOR VOTE - All Councillors voted unanimously.

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9.3 Councillor Expenses - 30 June 2021 Review

220721/17 RESOLVED

(Cr Sharon Cadwallader/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 period 1 July 2020 to 30 June 2021.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 1.06pm.
The meeting resumed at 1.36pm.
Cr Jeff Johnson was not in attendance at this stage.

9.4 Donations - Rates and Charges - 2021/22

220721/18 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council approves the donation of the 2021/22 rates and charges, as detailed within Tables One and Two of this report, which includes future estimated water consumption and wastewater usage charges, pursuant to Section 356 of the NSW Local Government Act 1993.

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

9.5 Donations - Community and Sporting Groups - 2021/22

220721/19 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council approves the following Donations – Financial Assistance for Community Groups 2021/22.

Ref	Applicant	Description	Amount Approved (\$)
1	Community Sewing Group	Venue hire at the Northlakes Community Centre	450
2	Lennox Head Combined Sports Carols Committee	Lennox Head Carols in the Park event	5,000
3	St Andrews Village Ballina Ltd	Purchase of Christmas displays for the St Andrews Village Ballina	500
4	Lennox Head Playgroup	Purchase of portable shade for outdoor activities and children's tables and chairs	2,000

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5	Ballina Lighthouse RSL Day Club	Venue hire at the Richmond Room	1,200
6	Lions Club of Lennox Head Inc.	Costs associated with fundraising for various charities	1,000
7	Ballina Breast Cancer Support Group (Bosom Buddies)	Venue hire at Kentwell Community Centre for monthly meetings	506
8	Police and Community Youth Club (PCYC) (Lismore)	Costs associated with running the Ballina Fit for Life Outreach Program	1,000
9	Ballina & District Historical Society	DA fees for proposed shipping container for storage at Pimlico Hall, shelving and internet provider for 12 months	500
10	Alstonville Orchid Society Inc.	Venue hire at the Alstonville Uniting Church Hall for meetings	150
11	Lennox Head View Club	Venue hire at the Lennox Head Cultural Centre for meetings	600
12	Shark Attack Response Inc.	Costs associated with running the organisation	Funded
13	Rotary Club of Ballina on Richmond Inc.	Venue hire at the Ballina Indoor Sports Centre for the Walk Against Domestic Violence event	813
14	Ballina Ministers Association Inc.	Costs associated with holding the Ballina Riverside Carols event	5,000
15	Ballina Jet Boat Surf Rescue Inc.	Costs associated with purchasing consumables for the rescue vehicles	3,000
16	Ballina Jet Boat Surf Rescue Inc.	Costs for insurances and renewals for emergency vehicles	6,500
17	Ballina Hot Meal Centre Inc.	Cost of staples to provide meals	1,000
18	Tweed Byron and Ballina Community Transport Inc.	Venue hire at the Lennox Head Cultural Centre for bi-monthly meetings for two committees	0
19	East Ballina Lions Club Inc.	Cost of hiring portable toilets for use at the Ballina Community Markets	1,500
20	Ballina Coastcare Inc.	Costs associated with raising awareness and attracting new members to Ballina Coastcare and trailer cover	1,600
21	Ballina Senior Citizens Inc.	Purchase and installation of a defibrillator for the Senior Citizens at the Wigmore Hall	2,399
22	CWA Ballina Branch	Venue hire and banners for fundraising events	500
23	Lennox Arts Board Inc.	Venue hire at the Lennox Head Cultural Centre and other locations to host shows for fundraising for charities	2,000
24	Lennox Head Residents' Assoc Inc. (Heritage Committee)	Venue hire at the Lennox Head Cultural Centre and costs associated with the Lennox Head Centenary celebrations	500

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25	Ballina Community Gardens Inc.	Purchase of soil to top up garden beds	972
26	Rainbow Region Dragon Boat Club Inc.	Purchase of additional paddles for regattas and training sessions	1,000
27	Sprung!! Integrated Dance Theatre Inc.	Costs associated with the collaboration of 'Awakenings – The Making of Things Impossible' project	1,000
28	Rous Mill and District Memorial Hall Inc.	Building an outside deck for the use of patrons	6,000
29	Dementia Inclusive Ballina	Setting a website to promote Dementia Inclusive Ballina	500
30	Pearces Creek Hall Inc.	Annual insurance costs	1,000
31	Riding for the Disabled Association	Costs associated with travel and accommodation for coaches for ongoing training	3,000
32	Lennox Head Residents' Association Inc. Coast Care Committee	Purchase of materials, tools and equipment, ongoing plant replacement and insurance renewals	700
33	Lennox Head Residents' Association	Venue hire at the CWA for meetings and insurance	800
34	Lennox Head Residents' Association (Boomerang Bags)	Venue hire at the CWA for manufacture of reusable shopping bags	450
35	Ballina Hospital Auxiliary	Venue hire at the Jockey Club for annual craft show	1,200
36	Our Kids	Erection of temporary fencing for the 'Our Kids Day Out' event held annually in May	500
37	Ballina Seagulls Football Club Inc.	Maintenance/cleaning of the grounds	0
38	North Coast Academy of Sport	Costs associated with holding an event for North Coast Academy of Sport coaches and local community coaches development.	1,000
39	Wardell Recreation Ground Management	Second hand mower	11,000
40	Ballina Coast High School	Wood chips for agriculture class activities	0
Total			66,840

2. The Ballina District Historical Society request for \$500 in point one (ref 9) is to be donated through the Donations – Assistance with Council Fees for Community Groups Policy and associated budget.
3. That Council write to Shark Attack Response Inc. to advise the program will be funded from the Open Spaces operational budget.
4. That Council approves the following Donations – Community Sporting Groups Capital Works Assistance Program 2021/22.

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Ref	Applicant	Description	Amount Approved (\$)
1	Ballina Croquet Club	Relocation and establishment of the club at Cawarra Park	0
2	Ballina Tennis Club	Reconfiguring fence to allow internal access to the toilet block	1,350
3	Ballina Rugby Union Club	Construction of a steel framed covered grandstand to include disabled access and viewing facilities	10,000
4	Ballina Little Athletics Club	Redeveloping the current long jump pit and runways at the Cumbalum Sports Fields	0
5	Ballina Sharks Baseball and Softball Club	Improve base pathways, install fencing and reimbursement of electricity costs for Cawarra Park	0
6	Ballina Hockey Club	Providing an outdoor shaded area for players, spectators and other patrons	6,000
7	Riding for the Disabled (Ballina District)	Costs towards connecting power to the 'Green Room' for lighting, computers and digital presentations during training and installation of solar panels to reduce power costs.	0
Total			17,350

5. That Council write to the Ballina Tennis Club and Ballina Hockey Club to advise the donation is subject to matching funds from the respective Clubs.

6. That Council receive a further report on the potential co-location of sporting associations at Cawarra Park and Chickiba Sports Fields.

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

9.6 Policy (Review) - Councillor Expenses and Facilities - Adoption

220721/20 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

That Council adopts the Councillor Expenses and Facilities Policy, as exhibited, per Attachment 1, to this report.

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

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9.7 Lennox Rise - Variation to Adjoining Owners' Deed of Agreement

220721/21 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council authorises the amendment to the Deed of Agreement to reflect the revised contribution rates payable by Council and Lennox Rise Pty Ltd in regards to the access road, sewer pump station, rising main and stormwater channel, as per Tables Two and Three of this report.
2. The General Manager is authorised to finalise negotiations with the Lennox Rise Pty Ltd and execute a deed of amendment to the Adjoining Land Owners' Deed.
3. The General Manager is authorised to grant landowner's consent to lodge an application to modify DA 2014/31.
4. The Council seal is authorised to be attached to the documents, as required, in point two.

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

Paul Hickey declared an interest in Item 9.9 and left the meeting at 1.39pm.
Cr Ben Smith left the meeting at 01.40 pm.

9.9 Shelly Beach Cafe - Alterations

220721/22 RESOLVED

(Cr Eoin Johnston/Cr Nathan Willis)

1. That Council notes the proposed changes to the Shelly Beach Café building at No. 1 Shelly Beach Road, East Ballina.
2. That Council grants landowner's consent for the lodgment of a development application at Shelly Beach Café Ballina Pty Ltd to undertake alterations and additions to the café at Lot 3 DP 1205999, No. 1 Shelly Beach Road, East Ballina.
3. The General Manager is authorised to sign all relevant documentation required for the lodgment of a development application.

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

Paul Hickey returned to the meeting at 1:41 pm.

Cr Jeff Johnson returned to the meeting at 1:41 pm.

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9.11 Land Sale - Lots 2 and 3 Boeing Avenue, Ballina - EOI Update

220721/23 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council notes the contents of this report in respect to sale options for land at Boeing Avenue Ballina.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Ben Smith

9.12 Tender - Collection and Disposal of Waste and Recycling

220721/24 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to Eljo Pty Ltd & The Trustee for Rico Family Trust t/a Richmond Resource Recovery (ABN 83 493 775 096) for the Tender - Collection and Disposal of Waste and Recycling for the total amount of \$330,000 (excluding GST) for a three year period.
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Ben Smith

9.13 Tender - Ross Park Landscape Works

220721/25 RESOLVED

(Cr Nathan Willis/Cr Sharon Parry)

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Tender - Ross Park Landscape Works as the tenders are in excess of the available budget.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with The Landscape Construction Company Pty Ltd and any other party (whether or not the person was a tenderer), with a view to enter into a contract for the Tender - Ross Park Landscape Works.

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3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with The Landscape Construction Company Pty Ltd and any other party (whether or not the person was a tenderer), with a view to entering into a contract in relation to the subject matter as the market indicated a strong initial interest, however only one formal response was received. Further cost savings and competitive pricing could be obtained by returning to the interested parties that did and did not submit a tender response.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Ben Smith

9.14 Tender - North Creek Hydrological and Water Quality Study

220721/26 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Tender - North Creek Hydrological and Water Quality Study as the tender submissions provided several inconsistencies in the pricing of the various stages of the works to enable a clear determination of the preferred tender.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with the preferred tenderer, as determined following a third party peer review, with a view to entering into a contract for the Tender - North Creek Hydrological and Water Quality Study .
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest and it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with the preferred tenderer, as determined following a third party peer review with a view to entering into a contract in relation to the subject matter.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Ben Smith

Cr Jeff Johnson left the meeting at 01:45pm.

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9.15 Tender - Design Services Alstonville Cultural Centre

220721/27 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council, in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to The Trustee for KO & Co Architecture Trust t/a KO&Co Architecture Pty Ltd for the Tender - Design Services Alstonville Cultural Centre for the total amount of \$294,074 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.
3. That Council approves an amendment to the Long Term Financial Plan, with the allocation for the capital expenditure for the Alstonville Cultural Centre for 2021/22 being increased from \$100,000 to \$300,000, by reducing the transfer to reserve for the Centre from \$324,000 to \$124,000. This also results in the capital expenditure being available in 2022/23 for the refurbishment of the Alstonville Cultural Centre reducing from \$813,000 to \$613,000.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Ben Smith

Cr Ben Smith returned to the meeting at 01:46pm.

9.16 Tender - Airport Car Park Reconstruction

220721/28 RESOLVED

(Cr Sharon Parry/Cr Sharon Cadwallader)

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(a), accepts the tender and awards the contract to Hazell Bros (QLD) Pty Ltd (ABN 46 145 228 986) for the Tender - Airport Car Park Reconstruction for the total amount of \$2,582,339 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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9.17 Tender - Airport Car Park Access Control System

220721/29 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Tender - Airport Car Park Access Control System in order to finalise the scope of works and any outstanding contract terms and conditions.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with CDS Worldwide Pty Ltd (ABN 60 087 107 499), with a view to enter into a contract for the Tender - Airport Car Park Access Control System.
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest and it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with CDS Worldwide Pty Ltd (ABN 60 087 107 499) with a view to entering into a contract in relation to the subject matter as they are the preferred tender following assessment against the mandatory and weighted evaluation criteria established for the tender.

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

Cr Jeff Johnson returned to the meeting at 01:49 pm.

9.18 Tender - Airport Design of Runway Overlay and Parking Bay

220721/30 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(a), accepts the tender and awards the contract to Pitt & Sherry (Operations) Pty Ltd for the Tender - Airport Design of Runway Overlay and Parking Bay for the total amount of \$422,010.00 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

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9.19 Delivery Program and Operational Plan - 30 June 2021 Review

220721/31 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report on the quarterly and final review of the implementation of the 2020/21 to 2023/24 Delivery Program and 2020/21 Operational Plan.

FOR VOTE - All Councillors voted unanimously.

9.20 Capital Expenditure Program - 30 June 2021 Review

220721/32 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the implementation of the Capital Expenditure Program for 2020/21.
2. That Council approves additional loan funding of \$1,260,000 for Airport Boulevard in 2021/22, based on the variations required, as per the information section of this report.

FOR VOTE - All Councillors voted unanimously.

10. Civil Services Division Reports

10.1 Pat Morton Precinct - Car Park and Shared Path Concept Design

220721/33 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council endorse the draft Pat Morton Precinct - Draft Car Park and Shared Path Concept Design for the purposes of public exhibition and community comment.
2. That following the exhibition period, a further report is presented to Council which assesses the response to the exhibition.

FOR VOTE - All Councillors voted unanimously.

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10.2 Lennox Head Village Renewal - Works on Private Land

220721/34 RESOLVED

(Cr Keith Williams/Cr Sharon Parry)

1. In accordance with Section 67 (Private Works) of the Local Government Act, Council approves the undertaking of Level 2 electrical underground and paving works on private land associated with the Lennox Head Village Renewal project, at no charge to the landowner, as detailed within this report.
2. That Council record the cost of the private work from point one is estimated to be \$100,000 and the reasons for not charging the property owners is to achieve long term benefits to the community as the work is part of the overall design to achieve the objective of improving the visual amenity of the area from the infrastructure upgrade.

FOR VOTE - All Councillors voted unanimously.

10.4 Policy (Review) - Water Metering

220721/35 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the Water and Wastewater Connections Policy, as per Attachment 2 to this report, with this policy superseding the Water Metering Policy.
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 - Support for Aboriginal Cultural Centre

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

That Council consider the construction of an Aboriginal Cultural Centre in the updated Ballina Shire Open Space and Community Facilities Contributions Plan.

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

That Council commence liaison with JALI LALC regarding the concept of an Aboriginal Cultural Centre in Ballina.

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

FOR VOTE - All Councillors voted unanimously.

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

220721/36 RESOLVED

(Cr Phillip Meehan/Cr Sharon Cadwallader)

That Council commence liaison with JALI LALC regarding the concept of an Aboriginal Cultural Centre in Ballina.

FOR VOTE - All Councillors voted unanimously.

11.3 Notice of Motion - Royal Commission into Housing Affordability

220721/37 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council write to the State and Federal Governments, ALGA and LGNSW seeking their support for the establishment of a Royal Commission into the affordability and future of housing in Australia as outlined in the report titled Housing: Taming the Elephant in the Economy, from the University of NSW (June 2021).

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

AGAINST VOTE - Cr Phillip Meehan

11.4 Notice of Motion - Crown Land Management Act

A **Motion** was moved by Cr Sharon Cadwallader

1. That Council work in partnership with the Minister for Water, Property and Housing (including Crown Lands), the Hon Melinda Pavey and Surf Life Saving Far North Coast Branch to escalate the urgent establishment of a Lease for the Surf Life Saving Far North Coast Branch over the Shelly Beach Surf Club building at 11 Shelly Beach Road, East Ballina NSW 2478.
2. That Council make representations to the Minister for Water, Property and Housing (including Crown Lands), the Hon Melinda Pavey, in respect to the on-going difficulties that Council is facing in providing leases and licences under the Crown Land Management Act, that is stopping organisations such as the Surf Life Saving Far North Coast Branch being able to secure tenure over the Shelly Beach Surf Club building.

The **Motion LAPSED**.

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12. Advisory Committee Minutes

Nil Items

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

13.1 General Manager - Performance Review and Contract

220721/38 RESOLVED

(Cr Jeff Johnson/Cr Sharon Parry)

That Council notes the contents of this report providing an overview of the General Manager performance appraisal process and contract renewal negotiations.

FOR VOTE - All Councillors voted unanimously.

13.2 Mayoral Meetings

220721/39 RESOLVED

(Cr Ben Smith/Cr Stephen McCarthy)

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

FOR VOTE - All Councillors voted unanimously.

14. Confidential Session

220721/40 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

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 Land Sale – Lots 2 and 3 Boeing Avenue, Ballina – EOI Update

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret

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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 due to ongoing discussions and negotiations and the inclusion of commercial in confidence information relating to the proponents.

**14.2 General Manager - Performance Review and Contract (Confidential)
Reason for Confidentiality**

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it will relate to personal matters regarding the employee's performance and contract conditions.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 2.28pm).

Open Council

RECOMMENDATION

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

(The Council moved into Open Council at 3.07pm).

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

14.1 Land Sale - Lots 2 and 3 Boeing Avenue, Ballina EOI Update

CF220721/1 RECOMMENDED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council authorise the General Manager to finalise negotiations with Harvey Norman for the sale of Lot 2 Boeing Avenue, Ballina, attach the Council seal to, and execute all relevant sale documents.
2. That Council proceed to undertake a subdivision of Lot 3 (12 lots) as per pending development application 2020/591.

FOR VOTE - All Councillors voted unanimously.

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14.2 General Manager - Performance Review and Contract (Confidential)

CF220721/2 RECOMMENDED

(Cr Keith Williams/Cr Sharon Parry)

1. That Council adopts the General Manager's Performance Review Committee's evaluation for the General Manager's twelve month performance review for 2020/21 as attached to this report, with ongoing financial performance and staff morale as the two key objectives for 2021/22.
2. That Council authorises the Mayor to sign the renewal of the General Manager's contract, based on the current terms and conditions, with the total remuneration package to be equivalent to the median figure for General Managers for regional centre councils, as per the LGNSW General Managers' Remuneration Report for 2019/20.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendations from Confidential Session

220721/41 RESOLVED

(Cr Eoin Johnston/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

3.10pm

The Minutes of the Ordinary Meeting held on 22/07/21 were submitted for confirmation by council on 26 August 2021 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 26 August 2021.