

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson (arrived at 9.12 am), Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Robyn Hordern and Ben Smith.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Andrew Smith (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 21 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Holy Family School.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

3. Apologies

Nil

4. Confirmation of Minutes

280814/1 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 July 2014.
2. That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 6 August 2014.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
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5. Declarations of Interest and Reportable Political Donations

- **Cr Jeff Johnson** - later in the meeting declared an interest in Item 8.2 – DA 2014/265 – Tree Removal – Grandview Street, East Ballina when the debate discussed solar panels. (Nature of Interest: non significant non pecuniary - he works in the solar panel industry). He left the meeting while the matter was discussed.

- **Cr Jeff Johnson** – later in the meeting declared an interest in Item 11.7 – Solar Power System – Ballina Wastewater Treatment Plant. (Nature of Interest: significant non pecuniary – he does work for one of the tenderers). He left the meeting while the matter was discussed.

There were no reportable political donations.

6. Deputations

- **Denis Perkins** – spoke in opposition to Item 8.1 – DA 2014/19 – Telecommunications Tower 55 Beacon Road, Teven.
- **Cathy Heaton** – spoke in opposition to Item 11.3 – Policy (New) – Road Maintenance and Renewal.
- **Tony Gibbs, NBN Co** – spoke in favour of Item 8.1 – DA 2014/19 – Telecommunications Tower 55 Beacon Road, Teven.

Cr Jeff Johnson arrived at the meeting at 9:12 am.

- **Tony Hart** – spoke in opposition to Item 8.3 – DA 2014/63 – Subdivision and Home Industry – Newrybar.
- **Denis Magnay** – spoke in opposition to Item 10.5 – Port Ballina Taskforce and Marina Infrastructure.
- **Denis Magnay/Kellie Hall** – spoke in favour of Item 13.2 – Notice of Motion – Coastal Recreational Path.
- **Ralph Moss** – spoke in favour of Item 10.5 – Port Ballina Taskforce and Marina Infrastructure.

7. Mayoral Minutes

Nil

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
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8. Development and Environmental Health Group Reports

8.1 DA 2014/19 - Telecommunications Tower 55 Beacon Road Teven

280814/2 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Development Application 2014/19 be deferred, subject to further consultation between the applicant and the objectors and or landowners.

FOR VOTE - All Councillors voted unanimously.

11.3 Policy (New) - Road Maintenance and Renewal

280814/3 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

1. That Council adopts the Roads Maintenance and Renewal 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.
3. That Council provide a one-off road maintenance to Danns Lane due to the current exceptional circumstances as per correspondence received from Ms Cathy Heaton.

FOR VOTE - All Councillors voted unanimously.

8.3 DA 2014/63 - Subdivision and Home Industry – Newrybar

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Susan Meehan

That Development Application 2014/63 for a special purpose subdivision, involving the creation of a one hectare allotment and the erection of a shed for the purposes of a “home industry” (macadamia nut processing) at Lot 8 DP 1011671, No. 61 Jorgensens Lane, Brooklet and Lot 2 DP 1099980, No. 145 Brooklet Road, Newrybar be **REFUSED** for the following reasons:

1. The proposed development does not comply with the provisions of the Ballina Local Environmental Plan 1987, specifically:
 - (i) The proposed development does not comply with the definition of home industry and therefore is not a permissible use in the 7(c) – Environmental Protection (Water Catchment) zone.
 - (ii) The proposed development is inconsistent with the secondary objectives of the 7(c) – Environmental Protection (Water

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

- (iii) Catchment) zone.
The proposed development is not able to be considered via Clause 11(5) as the proposed development is not a lawful use and the land may not be excised for the proposed purpose.

2. The proposed development has the potential to sterilise normal agricultural activities in the rural locality due to landuse conflict issues and noise impacts from agricultural activities upon Proposed Lot 201.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Keith Williams

That the matter be deferred for further consultation with the applicant.

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

FOR VOTE - Cr Jeff Johnson and Cr Keith Williams

AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

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

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson and Cr Keith Williams

280814/4 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Development Application 2014/63 for a special purpose subdivision, involving the creation of a one hectare allotment and the erection of a shed for the purposes of a "home industry" (macadamia nut processing) at Lot 8 DP 1011671, No. 61 Jorgensens Lane, Brooklet and Lot 2 DP 1099980, No. 145 Brooklet Road, Newrybar be **REFUSED** for the following reasons:

1. The proposed development does not comply with the provisions of the Ballina Local Environmental Plan 1987, specifically:
 - (i) The proposed development does not comply with the definition of home industry and therefore is not a permissible use in the 7(c) – Environmental Protection (Water Catchment) zone.
 - (ii) The proposed development is inconsistent with the secondary objectives of the 7(c) – Environmental Protection (Water Catchment) zone.
 - (iii) The proposed development is not able to be considered via Clause 11(5) as the proposed development is not a lawful use and the land may not be excised for the proposed purpose.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

2. The proposed development has the potential to sterilise normal agricultural activities in the rural locality due to landuse conflict issues and noise impacts from agricultural activities upon Proposed Lot 201.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson and Cr Keith Williams

280814/5 RESOLVED

(Cr Keith Johnson/Cr Jeff Johnson)

That the General Manager pursue the zoning difficulties or inconsistencies identified in this report, with the Department of Planning.

FOR VOTE - All Councillors voted unanimously.

10.5 Port Ballina Taskforce and Marina Infrastructure

A **Motion** was moved by Cr Keith Williams and seconded by Cr Keith Johnson

1. That Council notes the contents of this report in respect to marina options for Ballina.
2. That Council approves a representative from NSW Maritime to join the Port Ballina Taskforce.
3. That Council approves an allocation of \$40,000 from the quarry reserve to assist with the formation and delivery of a project plan for the redevelopment of the Ballina Boat Harbour site.
4. That Council allow the Port Ballina Taskforce to continue discussions with respect to Marina Concept Plans in the Kingsford Smith Drive area, subject to the incorporation of the following design concepts:
 - No loss of existing public access to the river foreshore, except where necessary to create entrances to the Harbour
 - Provide an increase in the total amount/length of publicly accessible foreshore
 - Ensure pedestrian and cycle way connectivity between Missingham Bridge and the CBD is maintained at or close to the foreshore through the development, except where unsafe or impractical to do so (eg. Marine services area 26)
 - That all additional retail areas be located adjacent to, and become an extension of, the CBD

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

- All building controls conform to existing DCP provisions relating to the CDB (eg. maximum building heights)
- The north-eastern end of the River Beach (9) be declared a habitat area for Shorebirds and Migratory Waders and appropriate controls be placed on land in the area to ensure their protection
- The development be undertaken by an appropriate public entity and delivers at no cost to Council
- Replacement, to an equivalent or higher standard, of any relocated community infrastructure (eg. Skate Park, amphitheatre, picnic areas and open space, sporting fields, Sailing Club, Maritime Museum)
- A new multi-purpose Indoor Sport (4 Court) Centre
- A new (heated) Ballina Pool Complex open year round
- A marina of sufficient size to meet existing unmet demand and provide for growth in visitors to Ballina travelling via boat or small ship
- A permanent engineering solution to provide safe, all-tide access through the Ballina Bar.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Robyn Hordern and the casting vote of the Mayor

280814/6 RESOLVED

(Cr Jeff Johnson/Cr Susan Meehan)

1. That Council notes the contents of this report in respect to marina options for Ballina.
2. That Council approves a representative from NSW Maritime to join the Port Ballina Taskforce.
3. That Council approves an allocation of \$40,000 from the quarry reserve to assist with the formation and delivery of a project plan for the redevelopment of the Ballina Boat Harbour site.
4. That Council confirms that it does not provide in principle support for the Port Ballina Taskforce to continue consideration of the marina concept, as per attachments eight and nine, as it is inconsistent with Council's long term planning for this location, it results in an excessive loss of open space and its on-going consideration can result in unnecessary angst amongst the local community.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

5. That in respect to the redevelopment of the Ballina Swimming Pool, Council confirms that at this preliminary stage, the current site remains the preferred location, however it is acknowledged that other options may arise as the planning phase for the redevelopment advances.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Robyn Hordern and the casting vote of the Mayor
AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Paul Worth and Cr Ben Smith

Adjournment

The Mayor declared the meeting adjourned at 11.27 am

The Meeting resumed at 11.50 am

13.2 Notice of Motion - Coastal Recreational Path

280814/7 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That amendments be made to the drawings that specify that part of the Coastal Recreational Path which passes around the Flat Rock Tent Park by changing that path's location, as follows:
 - a) Delete that section that intrudes/follows the eastern boundary of the tent park from chainage 1250 (approx.) to 1670 (approx.) and
 - b) Replace that alignment with one that starts at 1250 and proceeds to 1670 in two sections. The first is an arc that passes east of the tent park east boundary to a point near and east of 1550 and with a clearance of about 15 to 20 metres, on average, from that boundary fence. The second is fairly straight and follows the existing cleared path. The revised alignment is to be located in a manner that takes maximum advantage of areas that have minimal ethnic vegetation.
2. That the General Manager be authorised to initiate all actions including ongoing dialogue with stakeholders necessary to obtain all required consents and approvals to allow construction.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr David Wright and Cr Jeff Johnson

Adjournment

The mayor declared the meeting adjourned at 12.03 pm

The meeting resumed at 12.04 pm

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

Cr Jeff Johnson declared an interest in Item 8.2. (Nature of Interest: non significant non pecuniary - he works in the solar panel industry). He left the meeting at 12.32 pm

**8.2 DA 2014/265 - Tree Removal - Grandview Street, East Ballina
280814/8 **RESOLVED****

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Development Application No. 2014/265, for the removal of two Norfolk Island Pine trees from No. 1 Grandview Street (Bayview Apartments), East Ballina be **APPROVED** subject to Council's standard tree removal conditions, along with the following additional conditions:

1. That the applicant provide offset plantings on Council owned or controlled land, with comparative species of trees, at the rate of 10 to one.
2. That the solar panels (as per the applicant's correspondence) be installed prior to the trees being removed.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Cr Jeff Johnson returned to the meeting at 12:34 pm.

**8.4 Swimming Pools- Pool Barrier Inspection Program
280814/9 **RESOLVED****

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council implement a local pool barrier inspection program in accordance with the minimum requirements of the NSW Government's legislation, being the Swimming Pools Amendment Act 2012, with this program to include the following:

- a) Inspection of all high risk pools by 29 April 2015 and at three year intervals thereafter and
- b) Inspect all pools subject to Pool Compliance Certificate applications as required, including those residential premises leased or sold after 29 April 2015.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

8.5 Seabreeze Holiday Park - Direction to Take Preventative Action

280814/10 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council notes the contents of this summary report in respect to the actions being taken to achieve compliance at the Seabreeze Holiday Park.

FOR VOTE - All Councillors voted unanimously.

8.6 Coastal Zone Management Plan (CZMP) - Shaws Bay Ballina

280814/11 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That the draft Coastal Zone Management Plan for Shaws Bay, as attached to this report, be placed on public exhibition. Should there be no significant comment from the community during the exhibition period then the Plan will be finalised for Ministerial Certification under the Coastal Protection Act 1979. Should the Minister choose not to certify the Plan that it be adopted by Council.
2. In the event that there are issues of significance raised during the exhibition period then a further report addressing the submissions be submitted to Council for consideration prior to submitting the Plan for certification and/or adoption.
3. That Council amend our Long Term Financial Plan to include the forecasts outlined in the cashflow forecast outlined within this report (table one). These forecasts are to be reviewed if changes are made to the draft Plan and it is acknowledged that these forecasts will be reviewed annually as part of Council's budget deliberations.

FOR VOTE - All Councillors voted unanimously.

8.7 Development Applications - Works in Progress - August 2014

280814/12 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of the report on the status of outstanding development applications for August 2014.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

8.8 Development Consent Statistics - July 2014

280814/13 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of the report on development consent statistics for 1 July 2014 to 31 July 2014.

FOR VOTE - All Councillors voted unanimously.

9. Strategic and Community Facilities Group Reports

9.1 Rural Settlement Character Statements

280814/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That the Rural Settlement Character Statements for Newrybar, Tintenbar, Fernleigh, Meerschaum Vale, Rous, Rous Mill, Patches Beach, Empire Vale/Keith Hall and South Ballina be placed on exhibition for public comment.
2. That Council's Community Connect newsletter be utilised as a feedback mechanism for issues raised that were outside the scope of the Rural Settlement Character Statements.

Cr Jeff Johnson left the meeting at 12:48 pm.

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

12. Public Question Time

12.1 Ralph Moss - Barlows Road

Ralph Moss – enquired about work being carried out at the end of Barlows Road and whether a DA was submitted for this work.

Andrew Smith advised, that from memory, a DA was submitted in excess of twelve months ago.

12.2 Ralph Moss – Flooding

Ralph Moss – spoke in relation to flooding which happened overnight. When are floodgates going to be installed on the western side of the canal, or is Council not going to do anything?

John Truman advised that Council is installing floodgates on the stormwater network at the time that pipes are being renewed.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

9.2 Policy (Review)- Local Directional Signage within Road Reserves

280814/15 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That the Council acknowledges the submission from the Ballina RSL Club in response to the draft policy recently exhibited for community comment.
2. That the Council adopts the draft Local Directional Signage Within Road Reserves Policy, as attached to this report.
3. That the Council adopts the associated fee of \$450 (including GST) per sign to accompany the policy.

Cr Jeff Johnson returned to the meeting at 12:51 pm.

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Use of Council Seal

280814/16 RESOLVED

(Cr Ken Johnston/Cr Paul Worth)

That Council affix the Common Seal to the following documents.

US13/31	Discharge of Charge - Stubberfield. Lot 4 DP 240895 4-8 Hogan Street, Ballina.
US13/32	Essential Energy - Deed as to Transfer of Easement <ul style="list-style-type: none"> • Transfer granting easement for Lot 1 DP 856703 Hutley Drive Lennox Head • Transfer granting easement for Lot 215 DP 1017615 Montwood Drive Lennox Head
US13/33	Community Group Licence agreement between Council and the Lennox Head Football Club Inc. for occupation of the clubhouse and a portion of the storage shed at 54 Skennars Head Road, Skennars Head for a 12 month period. The rental is the standard \$1.00 for sporting groups on Council owned land.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

10.2 Investment Summary - July 2014

280814/17 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the record of banking and investments for July 2014.

Cr Jeff Johnson left the meeting at 12:57 pm.

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

10.3 Community Donations

280814/18 RESOLVED

(Cr Keith Williams/Cr Robyn Hordern)

1. That Council approves the donation request from Rainbow Region Dragon Boat Club, subject to the event proceeding.
2. That Council refuses the request from Lesley Ryan as the room hire is already significantly subsidised.
3. That Council approves the donation request from Namatjira Haven Ltd.

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

Cr Jeff Johnson returned to the meeting at 01:04 pm.

10.4 Rates and Charges Write Offs - 2013/14

A Motion was moved by Cr Ken Johnston and seconded by Cr Paul Worth

That Council notes the \$10,413.16 rates, charges, and interest written off under delegation of the General Manager for the 2013/14 rating year, pursuant to clause 131 of the Local Government (General) Regulation 2005, as outlined within this report.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Keith Williams

1. That Council notes the \$10,413.16 rates, charges, and interest written off under delegation of the General Manager for the 2013/14 rating year, pursuant to clause 131 of the Local Government (General) Regulation 2005, as outlined within this report.
2. That due to the specific circumstances of the claim, Council authorises the write-off of Ms C Wood's excess water charges (Byron Street, Lennox Head) to the value of \$250, as detailed in Ms Wood's correspondence to Council.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Ben Smith

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Ben Smith

280814/19 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

1. That Council notes the \$10,413.16 rates, charges, and interest written off under delegation of the General Manager for the 2013/14 rating year, pursuant to clause 131 of the Local Government (General) Regulation 2005, as outlined within this report.
2. That due to the specific circumstances of the claim, Council authorises the write-off of Ms C Wood's excess water charges (Byron Street, Lennox Head) to the value of \$250, as detailed in Ms Wood's correspondence to Council.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Ben Smith

Adjournment

The Mayor declared the meeting adjourned at 1.14 pm

The meeting resumed at 2.06 pm

10.6 Policy (Review) - Complaints Management

280814/20 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That Council adopts the amended Complaints Management 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.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

10.7 Policy (Review) - Banner Poles

280814/21 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Banner Poles 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.

10.8 Budgets Carried Forward and Reserve Movements

280814/22 RESOLVED

(Cr Paul Worth/Cr Keith Williams)

That Council approves the works and services carried forward and reserve movements as outlined in tables one and two of this report, for inclusion in Council's Long Term Financial Plan.

FOR VOTE - All Councillors voted unanimously.

10.9 Water and Wastewater Capital Budget Review

280814/23 RESOLVED

(Cr Paul Worth/Cr Robyn Hordern)

That Council approves the revised Water and Wastewater programs for inclusion in the Long Term Financial Plan, as outlined in the attachment to this report.

FOR VOTE - All Councillors voted unanimously.

10.10 Property Reserves - Review

280814/24 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council adopts the amended Cash Flows for the Property Reserves as per attachments one and two, with this information to be included in Council's Long Term Financial Plan.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

11. Civil Services Group Reports

11.1 Local Traffic Committee Report - August 2014

280814/25 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That in relation to the Ballina Prawn Festival, Council approves the closure of Kingsford Smith Drive from 6 am until 10 pm on Saturday 15 November 2014 as per the attached traffic control plan.
2. That in relation to the Ross Lane Road Safety Review, Council notes the content of the review, including the advice that Council will provide a response to the NSW Roads and Maritime Services and that Council will continue to seek Government funding assistance to implement the Ross Lane Road Safety Review's recommendations.

Cr Susan Meehan left the meeting at 02:41 pm.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Susan Meehan

Cr Susan Meehan returned to the meeting at 2:42 pm.

11.2 Porter Park Embellishment Project

280814/26 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

1. Council adopts the Porter Park Concept Plan Option Two, as attached to this report, subject to the following amendments.
 - The reference to remove the toilet facility is deleted.
 - The proposed fruit trees are changed to an alternative tree species to be selected that is consistent with the landscape plan.
2. Council consider the options and priority to upgrade the toilet facility at the time it next undertakes a review of the Council's Toilet Facility Upgrade Program.
3. Council proceed to implement Option Two, except for the playground, to the extent possible having regard to the available funds.
4. Council give further consideration to the playground component of Option Two as part of the process to review the Playground Improvement Program.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

11.4 Better Waste and Recycling Fund

280814/27 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

1. That Council notes the contents of this report in respect to the Better Waste and Recycling Fund grant arrangements, including the condition that Council transition from its current interstate waste disposal arrangements.
2. That Council endorses the acceptance of this grant, subject to further reviews of our involvement in this program being undertaken in the future and updated advice being communicated to the EPA as appropriate.
3. That Council receive a further report regarding the future of its landfilling arrangements, including the presentation of a revised long term financial plan, recognising the impact of the State Government waste levy from 1 July 2015.

FOR VOTE - All Councillors voted unanimously.

11.5 Land Acquisition - Road Widening of Rifle Range Road, Wollongbar

280814/28 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council approves, for the purposes of proposed roadworks, to proceed with the process for land acquisitions affecting 155 and 184 Rifle Range Road, Wollongbar.
2. That Council authorises the Council seal to be attached to any documents associated with this acquisition.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

11.6 Road Closing Proposal - Rifle Range Road Wollongbar

280814/29 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council endorses the proposal to close and sell a section of unused Council public road adjacent to Lots 2 and 3 DP 858419 at Wollongbar, as per the contents of this report.
2. That Council authorises the Council seal to be attached to the road closing application and associated documents.

FOR VOTE - All Councillors voted unanimously.

Cr Jeff Johnson declared an interest in Item 11.7 and left the meeting at 3.02 pm

11.7 Tender - Solar Power System - Ballina Wastewater Treatment Plant

280814/30 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council accepts the tender for the design, supply, construction, install and commissioning of a ground mounted 300kW solar power generation system at the Ballina wastewater treatment plant from Jarcon Pty Ltd.
2. That Council authorises the Council seal to be attached to the contract documents.
3. That Council approves an adjustment to the Wastewater Long Term Financial Plan for this contract, with this expenditure to be funded from Reserves.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Cr Jeff Johnson returned to the meeting at 03:14 pm.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

11.8 Tender - Provision of Surf Life Saving Services

280814/31 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council accepts the tender for the provision of surf life saving services for a four year period from Australian Lifeguard Services for the amount of \$249,764.64 ex GST (Year 1) with an annual 3% increase.
2. That Council authorises the Council seal to be attached to the contract documents.
3. That Council record that due to its limited resources it is not able to fund the recommended increase in service levels.
4. That Council approves a budget adjustment of \$10,000 to finance the estimated cost of this contract based on existing service levels.

FOR VOTE - All Councillors voted unanimously.

13. Notices of Motion

13.1 Rescission Motion - Kings Park Embellishment Project

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

That Resolution 240714/3, as follows, be rescinded.

1. *That Council approves, for public exhibition, the concept plan for the Kings Park Recycled Water Embellishment Project, as per attachment three to this report, excluding the water park.*
2. *That the property for this project be referred to as Kings Court Reserve.*
3. *That Council approves an allocation of \$310,000 for this project, with this funding to be sourced from savings elsewhere in the wastewater program capital budget.*

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston

AGAINST VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith and the casting vote of the Mayor

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

13.3 Notice of Motion - Provision of Toilet/Shower Facilities

280814/32 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

1. That Council trial, for a period of six months, the free provision of the Council's shower / toilet facilities at the Kentwell Centre and Lennox Head Cultural and Community Centre, to disadvantaged persons, with these arrangements to be co-ordinated in conjunction with recognised service providers for the disadvantaged.
2. The facilities are only to be available while the centres are staffed to ensure that adequate supervision is available.
3. That the General Manager report back to Council after this trial period outlining whether this proposal should be continued and then supported by a Council policy.

FOR VOTE - All Councillors voted unanimously.

14. Advisory Committee Minutes

14.1 Environmental and Sustainability Committee Minutes - 21 August 2014

A **Motion** was moved by Cr Paul Worth and seconded by Cr Sharon Cadwallader

That Council confirms the minutes of the Environmental & Sustainability Committee meeting held 21 August 2014 and that Council accept the proposal from Planners North to defer this matter for a further briefing with the proponents, subject to the extension period being extended to a period of four months.

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

That Council confirms the minutes of the Environmental & Sustainability Committee meeting held 21 August 2014 and that the recommendations contained within the minutes be adopted.

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson and Cr Ken Johnston
AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
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ON 28/08/14 AT 9.00 AM**

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Ken Johnston

280814/33 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council confirms the minutes of the Environmental & Sustainability Committee meeting held 21 August 2014 and that Council accept the proposal from Planners North to defer this matter for a further briefing with the proponents, subject to the extension period being extended to a period of four months.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Ken Johnston

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

15.1 Mayoral Meetings

280814/34 RESOLVED

(Cr David Wright/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

16. Questions Without Notice

16.1 Cr Susan Meehan - Cultural Plan

Cr Susan Meehan – congratulated staff on the preparation of the Ballina Shire Cultural Plan – a wonderful document.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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17. Confidential Session

280814/35 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

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

17.1 Seabreeze Holiday Park - Non-compliance With Direction

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(e) 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 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 given the potential for legal proceedings to be initiated.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 4.12 pm).

Open Council

280814/36 RESOLVED

(Cr Robyn Hordern/Cr Keith Williams)

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 4.25 pm).

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/08/14 AT 9.00 AM**

17.1 Seabreeze Holiday Park - Non-compliance With Direction

CF280814/1 RECOMMENDED

(Cr Ben Smith/Cr Paul Worth)

That Council endorses the actions taken in respect to the Seabreeze Holiday Park, as per the Council correspondence dated 15 August 2014, as attached to this report.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendation from Confidential Session

280814/37 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

4.26 pm

The Minutes of the Ordinary Meeting held on 28/08/14 were submitted for confirmation by council on 25 September 2014 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 September 2014.