

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 25/09/14 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, 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 (Acting Development and Environmental Health Group Manager), Matthew Wood (Acting Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were four people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Red Inc Signing Choir.

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

250914/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 August 2014.

FOR VOTE - All Councillors voted unanimously.

5. Declarations of Interest and Reportable Political Donations

Nil

There were no reportable political donations.

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6. Deputations

- **Steve Cooke** – spoke in favour of Item 9.4 – Alstonville Farmers’ Market – Operation and Licensing.
- **Ian Duncan** – spoke in favour of Item 11.1 – Newrybar Village – Provision of Additional Parking.
- **Ralph Moss** – spoke in opposition to Item 13.3 – Notice of Motion – Forced Amalgamations.

7. Mayoral Minutes

Nil items.

9.4 Alstonville Farmers' Market - Operation and Licensing

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Ben Smith

1. That Council endorses the ongoing operation of a farmers’ market on the Bugden Lane car park in Alstonville.
2. That Council authorises the appointment of Mr Steve Cooke to continue the operation of the Alstonville Farmers’ Market as manager for a period of three years following the conclusion of the 12 month market trial period on 4 October 2014.
3. That Council applies a fee for the operation of the Alstonville Farmers’ Market on the Bugden Lane car park in the amount of \$500 (ex GST) per annum, with the first year exempt.

An **Amendment** was moved by Cr Robyn Hordern and seconded by Cr Susan Meehan

1. That Council endorses the ongoing operation of a farmers’ market on the Bugden Lane car park in Alstonville.
2. That Council authorises the appointment of Mr Steve Cooke to continue the operation of the Alstonville Farmers’ Market as manager for a period of three years following the conclusion of the 12 month market trial period on 4 October 2014.
3. That Council applies a fee for the operation of the Alstonville Farmers’ Market on the Bugden Lane car park in the amount of \$500 (ex GST) per annum, with the first year’s fee being used by Council to promote the market.

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

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FOR VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston and Cr Ben Smith

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

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

AGAINST VOTE - Cr Paul Worth

250914/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the ongoing operation of a farmers' market on the Bugden Lane car park in Alstonville.
2. That Council authorises the appointment of Mr Steve Cooke to continue the operation of the Alstonville Farmers' Market as manager for a period of three years following the conclusion of the 12 month market trial period on 4 October 2014.
3. That Council applies a fee for the operation of the Alstonville Farmers' Market on the Bugden Lane car park in the amount of \$500 (ex GST) per annum, with the first year exempt.

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

AGAINST VOTE - Cr Paul Worth

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11.1 Newrybar Village - Provision of Additional Parking

250914/3 RESOLVED

(Cr Keith Williams/Cr Susan Meehan)

1. That Council selects the Brooklet Road Option, as per attachment two to this report, as the site for the provision of additional car parking in the village of Newrybar.
2. That Council approves an increase of \$25,000 in the Council capital budget for this project to be funded from the following reductions to existing maintenance budget programs:
 - Rural Roads Reseals \$ 5,000
 - Rural Roads Heavy Patching \$15,000
 - Urban Lanes Drainage \$ 5,000
3. That Council approves a further increase of \$10,000 to the project budget with this funding to be sourced from a capital contribution to the project from the Newrybar community (i.e. Harvest Café).

FOR VOTE - All Councillors voted unanimously.

13.3 Notice of Motion - Forced Amalgamations

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

1. That Council notes with concern the NSW Government's response to the Independent Review of Local Government - 'Fit for the Future' which provides limited funding for Council's who choose to amalgamate.
2. That Council write to our local member and former Minister for Local Government, Mr Don Page, the current Minister for Local Government, Mr Paul Toole, and the Premier, Mr Mike Baird asking them to confirm in writing that Ballina Council will not be forced to amalgamate with a neighbouring Council (or part thereof)
3. That in the event of a forced amalgamation, that Ballina Shire ratepayers assets (commercial property valued at over \$30 million) will not be sold and used to fund projects outside the current Ballina LGA boundary.

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

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

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8. Development and Environmental Health Group Reports

8.1 DA 2013/473 - Notice of Appeal to Land and Environment Court

250914/4 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report advising of the appeal to the NSW Land and Environment Court in respect to Council's refusal of DA 2013/473.

FOR VOTE - All Councillors voted unanimously.

8.2 Development Applications - Works in Progress - September 2014

250914/5 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

8.3 Development Consent Statistics - August 2014

250914/6 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

9. Strategic and Community Facilities Group Reports

9.1 Ballina Shire Growth Management Strategy - Update

250914/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report concerning the status of the Ballina Shire Growth Management Strategy and the associated strategic actions.

FOR VOTE - All Councillors voted unanimously.

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9.2 Pacific Pines Development Lennox Head

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Ben Smith

1. That Council notes the contents of this report providing an update on the Pacific Pines development in relation to the conservation zone area, the playing fields, the western access road, financial contributions and the status of the various approval processes and the proponent.
2. That in relation to the Traffic and Transportation Statement prepared by Cardno Eppell Olsen November 2011 (as modified by their letter dated 10 July 2014), Council:
 - a. Acknowledges the aspects of the traffic management reporting presented in this report and the overall assessment of the suitability of the report for the purpose of meeting the condition of approval relating to provision of a traffic management plan.
 - b. Recognises that on balance, the projected exceedance of the environmental capacity of Montwood Drive associated with the Pacific Pines development is reasonable having regard for the particular circumstances of the situation.
 - c. Recognises that the delivery of the Hutley Drive north and south connections provides for a potential solution to the projected exceedance of environmental capacity on Montwood Drive.
3. That on the basis of the items set out in point two and the matters identified in this report, the Council provides its in principle support for the approval of the Traffic and Transportation Statement, with respect to meeting the requirements of the development consent for Pacific Pines Estate relating to the provision of a traffic management plan.
4. That Council receive a report on the funding and delivery of Hutley Drive, both north and south, along with information on mitigating the impacts on Montwood Drive.

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

1. That Council notes the contents of this report providing an update on the Pacific Pines development in relation to the conservation zone area, the playing fields, the western access road, financial contributions and the status of the various approval processes and the proponent.
2. With respect to traffic management Council notes the exceedance of the environmental capacity of Montwood Drive and requires further investigations or management measures to be considered before proceeding further.

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3. That Council receive a report on the funding and delivery of Hutley Drive, both north and south, along with information on mitigating the impacts on Montwood Drive.

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

FOR VOTE - All Councillors voted unanimously.

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

FOR VOTE - All Councillors voted unanimously.

250914/8 RESOLVED

(Cr Susan Meehan/Cr Jeff Johnson)

1. That Council notes the contents of this report providing an update on the Pacific Pines development in relation to the conservation zone area, the playing fields, the western access road, financial contributions and the status of the various approval processes and the proponent.
2. With respect to traffic management Council notes the exceedance of the environmental capacity of Montwood Drive and require further investigations or management measures to be considered before proceeding further.
3. That Council receive a report on the funding and delivery of Hutley Drive, both north and south, along with information on mitigating the impacts on Montwood Drive.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.50 am

The meeting resumed at 11.07 am

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9.3 Cumbalum Precinct B - Locality Naming

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

1. That Council notes the contents of this report and the community engagement action which has been taken in relation to the proposed adjustment of the Tintenbar and Cumbalum locality boundaries and the proposed establishment of a new locality.
2. That Council confirms its desire to proceed with the locality alterations as illustrated on the plan, which was exhibited for public comment, and which accompanies this report (the plan titled "Proposed new locality showing impact on existing localities of Cumbalum and Tintenbar").
3. That in relation to the naming of the proposed new locality, the Council's preference is Kinvara.
4. That Council's decisions in relation to points two and three above be communicated to the NSW Geographical Names Board with a view to that authority being requested to initiate the actions necessary to effect these changes.
5. That a letter is forwarded to the community members who participated in the recent engagement process conveying the Council's appreciation for their input.

The **Motion LAPSED**.

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Ken Johnston

1. That Council notes the contents of this report and the community engagement action which has been taken in relation to the proposed adjustment of the Tintenbar and Cumbalum locality boundaries and the proposed establishment of a new locality.
2. That Council confirms its desire to proceed with the locality alterations as illustrated on the plan, which was exhibited for public comment, and which accompanies this report (the plan titled "Proposed new locality showing impact on existing localities of Cumbalum and Tintenbar").
3. That in relation to the naming of the proposed new locality, the Council's preference is Lennox Ridge.
4. That Council's decisions in relation to points two and three above be communicated to the NSW Geographical Names Board with a view to that authority being requested to initiate the actions necessary to effect these changes.

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5. That a letter is forwarded to the community members who participated in the recent engagement process conveying the Council's appreciation for their input.

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

That Council defer this decision until further information on the Aboriginal names in the area is received.

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

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

An **Amendment** was moved by Cr Robyn Hordern and seconded by Cr Jeff Johnson

That this matter be deferred to a Councillor briefing/workshop.

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

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

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

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

250914/9 RESOLVED

(Cr Robyn Hordern/Cr Jeff Johnson)

That this matter be deferred to a Councillor briefing/workshop.

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

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10. General Manager's Group Reports

10.1 Use of Council Seal

250914/10 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council affix the Common Seal to the following document.

US13/34	Ballina Shire Council - Licence to State of New South Wales (Minister for Police) for folio identifier 1/632176, Water Reservoir, Suvla Street, East Ballina for a period of five years at a rental of \$3,200 p.a. + GST with a fixed 3% annual increase + GST for a telecommunications tower and equipment shelter.
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FOR VOTE - All Councillors voted unanimously.

10.2 Investment Summary - August 2014

250914/11 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

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

FOR VOTE - All Councillors voted unanimously.

10.3 Code of Conduct - Reporting

250914/12 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of this report on Code of Conduct complaints for the period 1 September 2013 to 31 August 2014.

FOR VOTE - All Councillors voted unanimously.

10.4 Policy (Review) - Donations - Fees and Australian Representation

250914/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Donations – Assistance with Council Fees for Community Groups Policy and Donations – Australian Representation, as attached to this report.
2. That Council place these policies 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.

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10.5 Policy (Review) - Councillor Expenses and Facilities

250914/14 RESOLVED

(Cr Paul Worth/Cr Robyn Hordern)

That Council adopts the existing Councillor Expenses and Facilities Policy, as attached to this report.

FOR VOTE - All Councillors voted unanimously.

10.6 Deputy Mayor - Election

250914/15 RESOLVED

(Cr Susan Meehan/Cr Keith Johnson)

1. That Council elect a Deputy Mayor for the period to September 2015.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

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

The General Manager advised that two nominations had been received for Cr Hordern and Cr Cadwallader.

After undertaking an Ordinary ballot, the General Manager declared Cr Hordern elected as Deputy Mayor by seven votes to three.

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11. Civil Services Group Reports

11.2 Tender - Construction of Pressure Management Zones

250914/16 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. Council accept the tender from Ledonne Constructions Pty Ltd, RFT769 for the Provision for the Construction for the Implementation of Pressure Management Zones and Demand Management Areas, in the amount of \$1,103,800 (gst exclusive).
2. Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

11.3 Plant Replacement Program

250914/17 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council endorses, for strategic planning purposes, the Plant Replacement Program, as attached to this report, along with the Financial Plan.
2. The Council approves the replacement program for 2014/15 as listed in the attached Plant Replacement Program.
3. That Council approves the capital budget for the 2014/15 year to be adjusted to \$1,566,000 with funds sourced from the General Plant Reserve.

FOR VOTE - All Councillors voted unanimously.

11.4 North East Waste Regional Waste Strategy

250914/18 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council endorses the North East Waste Regional Waste Management Strategy for 2013-21 as attached to this report.

FOR VOTE - All Councillors voted unanimously.

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13. Notices of Motion

13.1 Notice of Motion - Gateway Entry Treatments

250914/19 RESOLVED

(Cr Susan Meehan/Cr Ken Johnston)

1. That in conjunction with the 'gateway entry treatment program' of tree planting for Ballina township, Council supports the dedication of those avenues, into and out of town, to the Australian Waler Horse, in recognition of the 160,000 mounts who supported our troops in World War One, only one of which ever returned.
2. In addition Council supports the application through the Federal Government's ANZAC Centenary Local Grants Program for a modest memorial to those animals.

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

13.2 Notice of Motion - Opposition to Proposed Medicare Co-Payment

250914/20 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council writes to the Federal Minister for Health, the Federal Leader of the Opposition, the Federal Leader of the Greens, the Federal Leader of the Palmer United Party and all cross-bench senators to express our opposition to the introduction of the proposed Medicare GP co-payment.

FOR VOTE – Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

14. Advisory Committee Minutes

Nil Items

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

15.1 Mayoral Meetings

250914/21 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

16. Questions Without Notice

16.1 Cr Jeff Johnson - Coastal Recreational Pathway Realignment

Cr Jeff Johnson - What additional costs, including staff time, are likely to be incurred as part of the revised coastal recreational pathway alignment around Flat Rock?

John Truman advised that from a construction point of view, not very much. However from a consultancy point of view, a revised Review of Environmental Factors needs to be submitted, along with additional environmental studies. The additional Aboriginal community consultation needed will form part of an existing contract.

16.2 Cr Jeff Johnson - Property Investments

Cr Jeff Johnson - What is the total value of the write downs of our property investments as at the last valuation?

Paul Hickey will take that question on notice.

16.3 Cr Sharon Cadwallader - Productivity Commission - Natural Disaster Funding

Cr Sharon Cadwallader – The draft report on natural disaster funding has been released by the Productivity Commission today with submissions closing on 21 October. Will we be making a submission?

John Truman advised that we can look at making a submission if there are any particulars items to be raised. John Truman will follow up.

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- 16.4 Cr Keith Williams - Blue Seas Parade - LEP Amendment Request**
Cr Keith Williams - Is there potential for a challenge of Council's decision in this matter?

Matt Wood advised that Council's decision was communicated to the DOP. Through the normal process the proponent has chosen to ask the DOP to review Council's decision.

- 16.5 Cr Keith Johnson - Footnotes to Financial Reports**
Cr Keith Johnson - Can we add footnotes to our financial reports that funds from commercial activities go to community facilities reserve are ultimately directed to the General Fund.

Paul Hickey will take that question on notice.

- 16.6 Cr Paul Worth - Pontoon and Wharf at West Ballina**
Cr Paul Worth – noticed that a pontoon and wharf has been installed in Emigrant Creek at West Ballina Creek. Has funding for this come from the RMS?

Paul Hickey advised that he believed this may be an item remaining from the Better Boating program funding received by Council. (This was confirmed with Council contributing 50% of the cost).

- 16.7 Cr Paul Worth - Wiggins Scaffold Development Application**
Cr Paul Worth – The applicants for this DA are still not complying with consent conditions. When will they be forced to comply with the consent condition that says all plant and materials are to be stored wholly within the shed or building?

Andrew Smith advised that a number of matters have been followed up since the recent Court matters. Compliance staff have attended the site and on those particular visits there weren't any issue of non-compliance. If there are any issues these need to be reported to staff.

- 16.8 Cr Robyn Hordern - Organic Bins and Bags**
Cr Robyn Hordern – Does Council supply the small bins for kitchen benchtops for organic waste and also the bin liners?

The bins can be purchased at hardware stores and the bags are available at the retailer "Nourish All of You" and IGA.

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- 16.9 Cr Robyn Hordern - Works on Tamarind Drive by Essential Energy**
Cr Robyn Hordern - On Tuesday of this week Essential Energy contractors were carrying out tree trimming works in Tamarind Drive near the Kerr Street intersection. A lane was closed to traffic causing major traffic disruption.

Can we ask if contractors are able to reschedule these types of works outside of school holidays.

John Truman advised that we can write a letter advising of these issues and asking them to avoid times such as school holidays.

- 16.1 Cr Ben Smith - Item from C Ward Committee - Rocks Encroaching on Road Reserve**
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Cr Ben Smith – Asked if John Truman could follow up an item from the last C Ward Committee raised by Eoin Johnson in relation to a pile of rocks encroaching on the road, approximately 500 metres west of the Hall on Rous Mill Road.

John Truman advised that he was aware of this matter and would follow the matter up.

12. Public Question Time

- 12.1 Ralph Moss - Recent Rain Event**

Ralph Moss – Spoke in relation to the recent rain event four weeks ago. Is Council as an organisation prepared to accept a letter from the Ratepayers organisation asking for it to go before the monthly meeting and for the West Ballina floodplain (lower parts) to be registered as a public drainage reserve under Section 323 and 333 of the Local Government Act 1919 or similar sections of the 1993 Act?

Paul Hickey advised that he believed that all of Council landholdings were already appropriately classified as operational or community land under the Local Government Act 1993.

John Truman advised that we would accept a letter and staff will respond.

- 12.2 Ralph Moss - Recent Rain Event - Water Supply**

Ralph Moss – Referred to the “Mythbusters” item in the September edition of Community Connect in relation to the boiling of water during the recent rain event.

John Truman advised that there was no contamination of the water supply. That message did not come from Council.

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12.3 Dr Lyn Walker - Coastal Recreational Pathway Realignment

Dr Lyn Walker – Asked Cr Worth what were the reasons given by the consultants for recommending the coastal recreational pathway going through the Flat Rock Tent Park even though they have walked carefully through the same area as others.

Paul Hickey advised that Council relied on consultants for expert advice and Councillors were not expected to have that expert knowledge.

17. Confidential Session

250914/22 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

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.

17.1 DA 2013/473 - Court Appeal - Preferred Course of Action

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 it may prejudice Council's legal privilege in this matter.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 12.54 pm).

Open Council

250914/23 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

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 1.11 pm).

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

17.1 DA 2013/473 - Court Appeal - Preferred Course of Action

CF250914/1 RECOMMENDED

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council engage in without prejudice discussions with the applicant in an attempt to reach a mutually acceptable outcome. The General Manager is authorised to resolve this matter subject to the without prejudice discussions being to Council's satisfaction.

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

Adoption of Recommendation from Confidential Session

250914/24 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

MEETING CLOSURE

1.12 pm

The Minutes of the Ordinary Meeting held on 25/09/14 were submitted for confirmation by council on 23 October 2014 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 23 October 2014.