

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/05/15 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), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Sarah Carden (Secretary) and Jo Cordery (Secretary) were in attendance.

There were 65 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Richmond Christian College students.

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 apologies.

4. Confirmation of Minutes

280515/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 April 2015. FOR VOTE - All Councillors voted unanimously.

5. Declarations of Interest and Reportable Political Donations

There were no declarations of interest or reportable political donations.

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6. Deputations

- **Nic De Marco** - spoke in favour of Item 8.3 – DA 2014/387 – 11 Dees Lane, Lynwood – Telecommunications Tower.
- **Stephen Spinks, Lynwood Residents Group Inc** - spoke in opposition to Item 8.3 – DA 2014/387 – 11 Dees Lane, Lynwood – Telecommunications Tower.
- **Jacqueline Crompton, Ericsson representing NBN** - spoke in favour of Item 8.3 - DA 2014/387 – 11 Dees Lane, Lynwood – Telecommunications Tower.
- **Neil Weatherson, Ballina-Byron Gateway Airport Manager** - spoke in opposition to Item 8.3 – DA 2014/387 – 11 Dees Lane, Lynwood – Telecommunications Tower.
- **Jacqui McCoach, Kyla Plummer and Sarah Baldwin** - spoke in favour of Item 8.2 – DA 2015/27 – 12 Shelly Beach Road – Change of Operational Use.
- **Greg & Catherine Unwin** - spoke in relation to Item 11.3 – Deadmans Creek Road - Future.
- **Ralph Moss** - spoke in opposition to Item 11.1 and 11.2 – Floodplain Risk Management Plan.
- **Ralph Moss** - spoke in relation to Item 9.1 - Planning Proposal – Teven Road Transport and Logistics Precinct.
- **Karina Vikstrom, Newton Denny Chapelle** – spoke in favour of Item 9.1 - Planning Proposal – Teven Road Transport and Logistics Precinct.
- **Bill Payne, Ardill Payne** – spoke in relation to Item 11.4 – Ballina Heights Drive – Noise Wall.
- **Julie Casey** – spoke in opposition to Item 8.2 – DA 2015/27 – 12 Shelly Beach Road – Change of Operational Use.

7. Mayoral Minutes

Nil

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8. Development and Environmental Health Group Reports

**8.3 DA 2014/387 -11 Dees Lane Lynwood - Telecommunications Tower
280515/2 **RESOLVED****

(Cr Keith Johnson/Cr Paul Worth)

That Council gives approval to DA 2014/387 subject to appropriate conditions including that the proponent and the NBN be responsible for all maintenance and liabilities associated with the tower and indemnifies Ballina Shire Council and the Ballina Byron Gateway Airport from any liabilities concerning the tower's intrusion above the airport's obstacle limitation surface (OLS).

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

Adjournment

The Mayor declared the meeting adjourned at 10.50 am.

The meeting resumed at 11.10am.

**8.2 DA 2015/27 - 12 Shelly Beach Road - Change of Operational Use
280515/3 **RESOLVED****

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council advise the applicants that it will issue development consent to the application on the basis that the development is suitable for the site subject to the application being amended in the following ways:

1. That the opening time be amended from 7am to 7.30am
2. That the total number of seats be reduced by 8 to make a total of 49 seats by removing 1 internal table of 4 and 4 seats from the footpath area
3. That the disabled toilet be redesigned to provide for internal access and to remove the need for an access ramp to be constructed in the driveway
4. That the waste facility be relocated to the rear of the building
5. That the applicant work with the Council to take all reasonable steps to direct customers of the business to utilize the 94 public car parks

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available within 100 metres of the business which do not have residential frontage

6. That Council investigate the possible introduction of resident only parking restrictions/loading zone
7. That Council investigate a suitable site on the opposite side of the road to Belle General with a view to installing a bicycle rack.

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

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Paul Worth and Cr Ben Smith

11.3 Deadmans Creek Road - Future

280515/4 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That based on the contents of this report Council take no further action to seek approval for one way exit only traffic on Deadmans Creek Road.
2. That Council request the Local Traffic Committee to consider the establishment of a heavy vehicle load limit on Deadmans Creek Road.
3. That based on the contents of this report Council take no action to commence a Local Area Traffic Management scheme at Ballina Heights.
4. That Council notes the contents of this report in respect to the drainage maintenance actions around Deadmans Creek Road.
5. That Council notes that matters relevant to the future of Deadmans Creek Road are to be determined elsewhere in this agenda as per the information in this report.

FOR VOTE - All Councillors voted unanimously.

11.1 Floodplain Risk Management Plan - Adoption

280515/5 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council adopt the Ballina Floodplain Risk Management Plan, as previously exhibited, subject to the following amendments:

1. The addition of the following further flood modification measure.

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F8 Investigate the feasibility of alternate systems of flood structural measures that may include a combination of levee, pump and floodgates to provide protection for the Ballina Island precinct.

2. Amend F2 (Consider Lowering of Deadmans Creek Road) to the following:

F2 Lower Deadmans Creek Road

The Council has considered a report and determined its preference is to lower the surface of Deadmans Creek Road to a level of 0.9 m AHD. This level represents the preferred optimum balance between providing a level of flood immunity for the road and achieving a reduction in the impact of flooding for upstream property owners.

The Council records its decision not to implement this decision until satisfactory access service levels are provided at Tamarind Drive, immediately to the north of Deadmans Creek Road.

3. Add the following further property modification measure in relation to the Ballina Major Retail Centre Strategy

P4 Monitor the outcomes of the Ballina Major Retail Centre Strategy and integrate these outcomes within the Floodplain Risk Management Plan and the Development Control Plan as appropriate.

That Council receive a further report on the priorities for the investigation of alternate systems (as per F8) of fill as Council's preference is to minimise the use of fill.

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

AGAINST VOTE - Cr Keith Williams and Cr Paul Worth

11.2 Floodplain Management Development Control Plan - Update

280515/6 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council adopts the draft Ballina Shire Development Control Plan Chapter 2b – Floodplain Management, subject to the document being amended to retain the minimum fill levels as per the current Development Control Plan for land where the 2050 climate change conditions apply.
2. That Council investigate producing a more user friendly version of this document.

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

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AGAINST VOTE - Cr Keith Williams, Cr Ken Johnston and Cr Paul Worth

12. Public Question Time

12.1 Kim Churchill - Floodplain Management Plan

Kim Churchill enquired as a resident of Ballina Island, how would she be impacted by fill decisions in the Floodplain Management Plan?

John Truman provided an overview of how the current policy impacts on local residents and the greater impact that would occur if the fill policy was not in place.

12.2 Graham Shaw - Ross Park

Graham Shaw enquired where Council is up to with improvements to Ross Park and can finance be allocated in the Delivery Program to ensure Ross Park is developed?

John Truman advised Mr Shaw to make a submission to the Delivery Program which is currently on public exhibition.

12.3 Ralph Moss - NSW Flood Development Document

Ralph Moss enquired if the NSW Flood Development 2005 document is on public display.

John Truman advised this is a State Government document, but he would let Mr Moss know where it is available.

12.4 Denis Magnay - Recreational Path

Denis Magnay enquired how long it would take to build a recreational path on the full length of Sharpes Beach from Skennars Head to Flat Rock?

John Truman advised the construction of the path would take approximately six months from approval to commence.

Denis Magnay asked why can't the path be built all along that section and then make a decision as to how the tent park section be dealt with?

John Truman advised the Heritage application to Office of Environment and Heritage is being made for both sections. Council's intention is to construct the path in different sections if the approval for the tent park section is not available at the time of construction.

Denis Magnay enquired how much of the southern section of the path along Angels Beach is being held up.

John Truman advised the Aboriginal Heritage permit application is almost completed, awaiting on final feedback from a registered party, and then it will be lodged with the Office of Environment and Heritage.

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9.1 Planning Proposal - Teven Road Transport and Logistics Precinct

280515/7 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That Council advise the proponents that the 5 year ARI flood level for car parking and vehicle access areas may be used for the purpose of further documenting the merit approach to assessing the suitability of flood planning levels as outlined in the NSW Floodplain Development Manual, for the purpose of progressing the planning proposal.
2. That Council accept the increase in flood levels modelled as a consequence of Scenario 4 in the flood advice provided by BMT WBM.
3. That the proponents be required to advise Council how it is proposed to secure the Scenario 4 modelling parameters as detailed in this report. In the event that a voluntary planning agreement is proposed, such an agreement shall be prepared in draft form and be exhibited with the planning proposal.
4. That a further report be provided for the Council's consideration when the planning proposal has been fully documented and prior to it being publically exhibited.

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

Adjournment

The Mayor declared the meeting adjourned at 1.00pm.

The meeting resumed at 1.45 pm.

8.1 DA 2014/553 - 12 Shelly Beach Road - Strata Title Subdivision

A Motion was moved by Cr Susan Meehan and seconded by Cr Robyn Hordern.

That this item be **REFUSED** on public interest grounds due to long-term non-compliance with conditions and poor condition of the building.

Cr Paul Worth left the meeting at 02:13 pm.

Cr Paul Worth returned to the meeting at 02:14 pm.

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

FOR VOTE - Cr Susan Meehan and Cr Ken Johnston

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

280515/8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That DA 2014/553 to undertake the Strata Title subdivision of an existing two storey residential building containing four residential units and a ground floor General Store/Takeaway/Café be **APPROVED** subject to standard planning, building, environmental and engineering conditions of consent, including conditions to rectify the asbestos concerns, improved fire protection, poor condition of the building along with recognizing the need for refurbishment.

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

AGAINST VOTE - Cr Susan Meehan

8.4 DA 2014/585 - Friday Hut Road, Brooklet - Two Lot Subdivision

280515/9 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That DA 2014/585 to undertake a two lot subdivision of Lot 2 DP 594774 Friday Hut Road, Brooklet be **REFUSED** for the following reasons:

1. The proposed subdivision is inconsistent with the relevant provisions of the SEPP (Rural Lands) 2008 including that the 7(c) Environmental Protection (Water Catchment) Zone applying to the subject land is not an equivalent rural zone for the purpose of the SEPP (Rural Lands) 2008.
2. The proposed subdivision is inconsistent with the relevant provisions of the Ballina Shire Development Control Plan 2012 and does not warrant the granting of development consent on merit grounds.

FOR VOTE - All Councillors voted unanimously.

8.5 DA 2014/586 - Jorgensens Lane, Brooklet - Two Lot Subdivision

280515/10 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

That DA 2014/586 to undertake a two lot subdivision of Lot 3 DP 613633 and

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Lot 1 DP 1127878, Jorgensens Lane Brooklet be **REFUSED** for the following reasons:

1. The proposed subdivision is inconsistent with the relevant provisions of the SEPP (Rural Lands) 2008 including that the 7(c) Environmental Protection (Water Catchment) Zone applying to the subject land is not an equivalent rural zone for the purpose of the SEPP (Rural Lands) 2008.
2. The proposed subdivision is inconsistent with the relevant provisions of the Ballina Shire Development Control Plan 2012 and does not warrant the grant of development consent on merit grounds.

FOR VOTE - All Councillors voted unanimously.

**8.6 McGeary Brothers Pty. Ltd. Quarries - Section 94 Contributions
280515/11 RESOLVED**

(Cr Paul Worth/Cr Keith Johnson)

That Council notes the contents of this report in respect to the update on the outstanding Section 94 contributions relating to the McGeary Brothers Pty. Ltd. quarries.

FOR VOTE - All Councillors voted unanimously.

**8.7 Development Consent Statistics - April 2015
280515/12 RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

That Council notes the contents of the report on development consent statistics for 1 April 2015 to 30 April 2015.

FOR VOTE - All Councillors voted unanimously.

**8.8 Development Applications - Works in Progress - May 2015
280515/13 RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

That Council notes the contents of the report on the status of outstanding development applications for May 2015.

FOR VOTE - All Councillors voted unanimously.

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9. Strategic and Community Facilities Group Reports

9.2 LEP Amendment - Private Native Forestry Consent Provisions

280515/14 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council note this report regarding the decision by the Department of Planning and Environment not to allow Council's planning proposal relating to the introduction of development consent requirements for private native forestry to proceed.
2. That Council endorses the submission of the Gateway Determination Review Application contained in Attachment Five to the Department of Planning and Environment.
3. That the State Member for Ballina, Local Government NSW and Northern Rivers councils be advised of Council's action with respect to this matter.

FOR VOTE - All Councillors voted unanimously.

9.3 Lennox Head CWA Meeting Rooms

280515/15 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council agrees to the CWA's request to incorporate the CWA Rooms into the footprint of the Lennox Head Cultural and Community Centre and waive the booking fees for the CWA's weekly use of the facility for the duration of the group's existence in Lennox Head.
2. That Council authorises up to \$5,000 of expenditure for the construction of an internal storage area for the CWA members' property and community spaces equipment, with these funds sourced from within existing budgets.
3. The General Manager is authorised to sign and affix the Seal of the Council to any documents prepared to give effect to this agreement.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, 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

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9.4 Wardell Recreation Ground - Management

280515/16 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council inform NSW Crown Lands that it does not wish to be appointed as Reserve Trust Manager for the Wardell Recreation Ground or otherwise be responsible for the reserve's management.

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Use of Council Seal

280515/17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following documents.

US15/06	<p>Ballina Shire Council to release the following 'Restrictions as to User' created by Section 88B from the following plans of subdivision for the Prospect Estate at East Ballina which restricted the lots to a single dwelling house only and/or restricted any dwelling house floor space to be not less 80m2:</p> <ul style="list-style-type: none">• DP 259120 – Restriction fourthly referred to in the plan - items (c) & (e)• DP 259864 – Restriction thirdly referred to in the plan – items (c) & (e)• DP 263627 - Restriction fourthly referred to in the plan - items (c) & (e)• DP 262288 - Restriction thirdly referred to in the plan – items (c) & (e)• DP 709484 - Restriction secondly referred to in the plan – item (d)• DP 707808 - Restriction firstly referred to in the plan – item (d)• DP 776658 - Restriction secondly referred to in the plan – item (d) <p>The seal would be applied to the relevant documents including a release, request or deed of agreement prepared by the landowner's legal representative to release any of the abovementioned restrictions as to user.</p>
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US15/07	<p>Ballina Shire Council to release the following 'Restrictions as to User' created by Section 88B for Lot 90 DP 259864 at 58 Antrim Street, East Ballina which relates to the following items:</p> <ul style="list-style-type: none"> • DP 259864 – Restrictions thirdly referred to in the plan – items (a), (d) & (f) <p>The seal would be applied to the relevant documents including a release, request or deed of agreement prepared by the landowner's legal representative to release any of the abovementioned restrictions as to user.</p>
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FOR VOTE - All Councillors voted unanimously.

10.2 Investment Summary - April 2015

280515/18 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for April 2015.

FOR VOTE - All Councillors voted unanimously.

10.3 Borrowing Requirements - 2014/15

280515/19 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. The General Manager is authorised to select the best rate quoted for a borrowing of \$725,000 for the airport capital works program for 2014/15.
2. That in respect to the supplementary information provided in respect to this report that Council authorises the General Manager to negotiate a restructured loan for the current ANZ loan originally taken out for \$50 million for wastewater infrastructure that provides the best advantage to Council.
3. The use of the Council seal is authorised on all loan documentation associated with this report.

FOR VOTE - All Councillors voted unanimously.

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10.4 Community Donations

280515/20 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the request from Grant Smith for a donation under the Australian Representation Policy.
2. That Council approves the request from Michelle Anderson for a donation under the Australian Representation Policy.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, 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 Ken Johnston

280515/21 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the request from the Celebration Committee for Alstonville's Sesqui Centenary.

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

280515/22 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the request from Yogawise to pay the invoice from Community Spaces for room hire.

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

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

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10.5 Policy (Review) - Investments

280515/23 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Investments 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.

10.6 Policy (Review) - Child Protection

280515/24 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

1. That Council adopts the amended Child Protection 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. That Council investigate whether the term 'serious' can be removed from the definition of a prohibited person.

FOR VOTE - All Councillors voted unanimously.

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10.7 Leasing - Fishheads@Shellys

280515/25 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council approves a variation to the Fisheads' lease to provide a maximum term of twenty years as per option one of this report.
2. That Council does not approve the sourcing of funds from the Property Development Reserve to finance the cost of meeting Condition 9 from DA 2012/348 as outlined in option two of this report, as Council has previously determined that this is not a reasonable proposal to be funded by Council as lessor for this site.
3. That Council approves the use of Council's Common Seal to be attached to the lease and associated documentation and execute same.

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

10.8 Delivery Program and Operational Plan Review - 31 March 2015

280515/26 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of the 31 March 2015 review of the 2014/15 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

10.9 Financial Review - 31 March 2015

280515/27 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council notes the contents of the March 2015 Quarterly Budget Review and approves the changes identified within this report.

FOR VOTE - All Councillors voted unanimously.

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11. Civil Services Group Reports

11.4 Ballina Heights Drive - Noise Wall

280515/28 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

Ballina Heights Drive – Noise Wall

1. That Council lodge a Section 96 application in respect to DA 2011/1045 to determine whether the requirement to provide a noise wall as detailed in this report can be offset by alternative more cost effective measures.

Integrated Assessment of Road Noise Impacts

2. That Council prepare a policy via a draft Development Control Plan amendment to guide integration of road noise assessment/control in the mix of all other residential amenity and urban design issues being considered in strategic planning and development approval of urban areas and associated public infrastructure.

FOR VOTE - All Councillors voted unanimously.

11.5 Land Acquisition - Shared Path

280515/29 RESOLVED

(Cr Keith Williams/Cr Susan Meehan)

1. That Council approves the land acquisition of an area of approximately 57m² being portion of Lot 1 DP 791644, Lennox Head for road reserve widening, as identified within this report.
2. That Council approves a budget of up to \$35,000 (\$17,500 by Council) for this acquisition with those funds to be sourced from the shared path budget.
3. That Council authorises the General Manager to negotiate the agreed compensation amount with the land owner of Lot 1 DP 791644.
4. That Council authorises the Council seal to be attached to any documents associated with the land acquisition.

FOR VOTE - All Councillors voted unanimously.

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11.6 Tender - Hire of Truck, Plant and Traffic Control

280515/30 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That in relation to RFT788 – Tender for the Hire of Truck, Plant and Traffic Control, Council confirms that all submissions received as conforming tenders are to be accepted on the basis of the unit rates supplied in the tender, and the tender be implemented on a “best advantage to Council” basis in accordance with the specification and other related tender documents.
2. That Council seal is authorised to be attached to any contract documentation associated with this tender.

FOR VOTE - All Councillors voted unanimously.

13. Notices of Motion

13.1 Notice of Motion - Ballina Heights Access

280515/31 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council seek an urgent commitment from the NSW Roads Minister for the Government to modify the Ballina Bypass for the purpose of rectifying the negative impact it has caused in reducing the level of access for Ballina Heights and the adjoining residential precincts during major storm events.
2. That Council take no further action in respect of its decision to lower Deadman's Creek Road until the upgrade to Tamarind Drive proposed in point one above is implemented.

FOR VOTE - All Councillors voted unanimously.

13.2 Notice of Motion - Application of Step Two Water Charges

280515/32 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council receive a report to the June 2015 Ordinary meeting, as part of the adoption of the 2015/16 fees and charges, on the merits of only charging the step one for water consumption, where a concealed water leak has been confirmed for properties.

FOR VOTE - All Councillors voted unanimously.

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14. Advisory Committee Minutes

14.1 Commercial Services Committee - Minutes 19 May 2015

280515/33 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council confirms the minutes of the Commercial Services Committee meeting held 19 May 2015 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

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

15.1 Mayoral Meetings

280515/34 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

16. Questions Without Notice

16.1 Cr Robyn Hordern - Retaining Wall Inspection

Cr Robyn Hordern – Enquired if councillors will be making an inspection of the retaining wall at North Creek as part of the development application.

Rod Willis advised that there have been objections to this application and the matter will be reported to Council for determination.

17. Confidential Session

280515/35 RESOLVED

(Cr Ben Smith/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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/05/15 AT 9.00 AM**

(2) of the Local Government Act 1993.

(The Council moved into Confidential Session at 3.56pm).

Open Council

280515/36 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

(The Council moved into Open Council at 4.08pm).

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

17.1 McGeary Brothers Pty. Ltd. Quarries - Legal Advice

CF280515/37 RECOMMENDED

(Cr Keith Johnson/Cr Robyn Hordern)

That Council authorises the General Manager to take appropriate actions to recover the outstanding monies.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendations from Confidential Session

280515/38 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That the recommendations made whilst in Confidential Session be adopted.

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

The meeting closed at 4.08pm

The Minutes of the Ordinary Meeting held on 28/05/15 were submitted for confirmation by council on 25 June 2015 and amendments (if any) are

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contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 June 2015.