

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Johnson, Susan Meehan, 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) and Joanne Cordery (Secretary) were in attendance.

There were 11 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Emmanuel Anglican College.

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

An apology was received from Cr Ken Johnston and Cr Keith Williams.

230715/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

4. Confirmation of Minutes

230715/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 June 2015.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

5. Declarations of Interest and Reportable Political Donations

Nil

6. Deputations

Steve Connelly – spoke in opposition of Item 13.1 – Rescission Motion – Development Application 2014/609

Ron Birch (Wollongbar Progress Association) – spoke in relation to Item 11.3 – Wollongbar Skatepark Masterplan

Tony Chavez – spoke in favour of Item 11.3 – Wollongbar Skatepark Masterplan

Ralph Moss – spoke against item 9.1 – Planning Proposal Bruxner Highway / Pacific Highway, West Ballina

7. Mayoral Minutes

Nil

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

13.1 Rescission Motion - Development Application 2014/609

230715/3 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Resolution 250615/5, as follows, be rescinded:

1. *That Council authorises the General Manager to approve DA 2014/609 as a mixed residential and commercial use, subject to standard conditions, including and subject to the following amendments/conditions.*
2. *That the proposed dwelling houses be independent free-standing buildings contained within their individual strata titled allotments.*
3. *That the design be amended so that it does not facilitate the conversion of the dwelling house to dual key.*

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

230715/4 RESOLVED

(Cr Jeff Johnson / Cr Sue Meehan)

1. That Council authorises the General Manager to approve DA 2014/609 as a mixed residential and commercial use, subject to standard conditions, including and subject to the following amendments/conditions.
2. That the proposed dwelling houses be independent free-standing buildings contained within their individual strata titled allotments
3. That the design be amended so that it does not facilitate the conversion of the dwelling house to dual key.
4. That Council accept the proponent's offer to explore the potential of 2 way access to the site entailing a left hand turn from Rutherford Street into Raynor Lane up to the driveway of the site.
5. Prior to the submission of a Construction Certificate the proponent's civil engineer shall submit to Council's Civil Services Group a plan for 2 way access.
6. The Civil Services Group shall assess that plan and approve the access (with or without conditions) or refuse the plan within 30 days of receipt.
7. In the event that the access is approved the proponent shall be responsible for the implementation of the plan within the Raynor Lane road reserve.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

8. In the event the plan is refused, the proponent shall lodge Construction Certificate documentation on the basis of one way only access to the site from Raynors Lane.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

11.3 Wollongbar Skate Park - Masterplan

230715/5 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That Council endorses the draft Masterplan, attached to this report, for the purpose of seeking community feedback for the provision of a skate park facility at Wollongbar.
2. The draft Masterplan be exhibited for a minimum period of 40 days and a further report be prepared for Council following the exhibition period.
3. That as part of the exhibition period Council hold a community consultation day at the site and at the Wollongbar shopping centre.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

9.1 Planning Proposal - Bruxner Highway / Pacific Highway, West Ballina

230715/6 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to reconfigure the boundaries of the Additional Permitted Use area as it affects the RMS highway service centre site as detailed in Planning Proposal BSCPP 15/003.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 15/003 directly in liaison with Parliamentary Counsel.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

8. Development and Environmental Health Group Reports

8.1 Low Pressure Sewerage System - Cooper Close, Lennox Head

A **Motion** was moved by Cr Keith Johnson and seconded by Cr Paul Worth

1. That based on the contents of this report, Council supports the installation of a Low Pressure Sewer System to connect properties in Cooper Close, Lennox Head to Council's reticulated sewerage system in accordance with Council's Pressure Sewer Policy.
2. The provision of this Low Pressure Sewerage System is only to proceed subject to Council reaching agreement with a minimum of six of the seven property owners benefiting from the system and signing an agreement with Council based on the following minimum terms and conditions:
 - a) Council providing upfront funding for the cost of installation of the sewerage system up to and including the pump well on each property and recovering 100% of those costs from each property owner over a five year timeframe
 - b) Council will not charge interest on the five year instalments, subject to the repayments being made in accordance with the terms of the agreement
 - c) Any late repayments will be charged Council's overdue rates and charges interest rate
 - d) Council approving the waiver of application and inspection fees for the subject connections
 - e) The debt is to be shown on the subject property to guarantee the collection of the debt as per Council's standard rates and charges recovery procedures.
 - f) The owners are to pay Council the required headworks contribution charges.
3. That Council authorises the allocation of funding from the Wastewater Fund reserves to finance these works, if they proceed.
4. Council is to place a notification on the 19 Cooper Close Lennox Head property in Council's property management system requiring that:
 - a) The owner must connect into the Council low pressure sewerage system in accordance with Council's Pressure Sewer Policy when the property is sold or within five years from the date the low pressure sewerage system is installed and commissioned, whichever comes first

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

- b) The owner is to pay Council for their portion of the public infrastructure costs, in a lump sum when the property is sold or before the five year period to connect expires, whichever comes first
- c) The owner is responsible for arranging and paying the costs of connecting the dwelling's wastewater into Council's infrastructure; and
- d) The owner is to pay Council the required headworks contribution charges, in a lump sum, at the applicable rate when the property is sold or before the five year period to connect expires, whichever comes first.

An **Amendment** was moved by Cr Jeff Johnson

1. That based on the contents of this report, Council supports the installation of a Low Pressure Sewer System to connect properties in Cooper Close, Lennox Head to Council's reticulated sewerage system in accordance with Council's Pressure Sewer Policy.
2. The provision of this Low Pressure Sewerage System is only to proceed subject to Council reaching agreement with a minimum of six of the seven property owners benefiting from the system and signing an agreement with Council based on the following minimum terms and conditions:
 - a) Council providing upfront funding for the cost of installation of the sewerage system up to and including the pump well on each property and recovering 100% of those costs from each property owner over a five year timeframe
 - b) Council will not charge interest on the five year instalments, subject to the repayments being made in accordance with the terms of the agreement
 - c) Any late repayments will be charged Council's overdue rates and charges interest rate
 - d) Council approving the waiver of application and inspection fees for the subject connections
 - e) The debt is to be shown on the subject property to guarantee the collection of the debt as per Council's standard rates and charges recovery procedures.
 - f) The owners are not required to pay Council the required headworks contribution charges.
3. That Council authorises the allocation of funding from the Wastewater Fund reserves to finance these works, if they proceed.
4. Council is to place a notification on the 19 Cooper Close Lennox Head

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

property in Council's property management system requiring that:

- a) The owner must connect into the Council low pressure sewerage system in accordance with Council's Pressure Sewer Policy when the property is sold or within five years from the date the low pressure sewerage system is installed and commissioned, whichever comes first
- b) The owner is to pay Council for their portion of the public infrastructure costs, in a lump sum when the property is sold or before the five year period to connect expires, whichever comes first
- c) The owner is responsible for arranging and paying the costs of connecting the dwelling's wastewater into Council's infrastructure; and
- d) The owner is not required to pay Council the required headworks contribution charges.

The Amendment **LAPSED**.

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

230715/7 RESOLVED

(Cr Keith Johnson/Cr Paul Worth)

- 1. That based on the contents of this report, Council supports the installation of a Low Pressure Sewer System to connect properties in Cooper Close, Lennox Head to Council's reticulated sewerage system in accordance with Council's Pressure Sewer Policy.
- 2. The provision of this Low Pressure Sewerage System is only to proceed subject to Council reaching agreement with a minimum of six of the seven property owners benefiting from the system and signing an agreement with Council based on the following minimum terms and conditions:
 - a) Council providing upfront funding for the cost of installation of the sewerage system up to and including the pump well on each property and recovering 100% of those costs from each property owner over a five year timeframe
 - b) Council will not charge interest on the five year instalments, subject to the repayments being made in accordance with the terms of the agreement
 - c) Any late repayments will be charged Council's overdue rates and charges interest rate
 - d) Council approving the waiver of application and inspection fees for the subject connections

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

- e) The debt is to be shown on the subject property to guarantee the collection of the debt as per Council's standard rates and charges recovery procedures.
 - f) The owners are to pay Council the required headworks contribution charges.
3. That Council authorises the allocation of funding from the Wastewater Fund reserves to finance these works, if they proceed.
4. Council is to place a notification on the 19 Cooper Close Lennox Head property in Council's property management system requiring that:
- a) The owner must connect into the Council low pressure sewerage system in accordance with Council's Pressure Sewer Policy when the property is sold or within five years from the date the low pressure sewerage system is installed and commissioned, whichever comes first
 - b)The owner is to pay Council for their portion of the public infrastructure costs, in a lump sum when the property is sold or before the five year period to connect expires, whichever comes first
 - c)The owner is responsible for arranging and paying the costs of connecting the dwelling's wastewater into Council's infrastructure; and
 - d) The owner is to pay Council the required headworks contribution charges, in a lump sum, at the applicable rate when the property is sold or before the five year period to connect expires, whichever comes first.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

8.2 Wood Heater Installation - Additional Controls

230715/8 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council not nominate to be listed in Part Two of the new Schedule for the installation of wood heaters for the entire Ballina Shire area as per option four of this report.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr Jeff Johnson
ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

8.3 Development Consent Statistics - June 2015

230715/9 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

8.4 Development Applications - Works in Progress - July 2015

230715/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

9. Strategic and Community Facilities Group Reports

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

230715/11 RESOLVED

(Cr Paul Worth/Cr Susan Meehan)

1. That Council submits the planning proposal involving the reclassification of various land parcels from community land to operational land and adjustments to the zoning and associated planning controls to the Department of Planning and Environment for review and Gateway determination.
2. That Council advises the Department that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal, including public exhibition and the holding of a public hearing, be undertaken.
4. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

10. General Manager's Group Reports

10.1 Investment Summary - June 2015

230715/12 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

10.2 Donations - Rates and Charges

230715/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the donation of the 2015/16 rates and charges, as detailed within tables one and two of this report, which includes future estimated water consumption and wastewater usage charges, pursuant to Section 356 of the NSW Local Government Act 1993.
2. That Council amend the current "Donations – Rates and Charges" policy to remove the reference to the Lennox Head CWA Hall as this property no longer meets the donation eligibility criteria.
3. That Council review our management of the donation policies (i.e. Donations – Rates and Charges, Donations – Financial Assistance, Donations – Community Halls – Capital Works Assistance) along with other in-kind donations such as rentals foregone.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

10.3 Donations - Financial Assistance and Community Halls

230715/14 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the community financial assistance donations for 2015/16, as outlined in table one of this report.
2. That Council approves the community public hall donations for 2015/16, as outlined in table two of this report.
3. That Council approves a donation of \$2,100 to the North Coast Academy of Sport from the community financial assistance donations budget based on the late submission from this organisation.
4. That Council approves the reallocation of the unallocated balance of the community halls capital works assistance budget to a halls maintenance budget.
5. That the General Manager investigate whether funds are required for the maintenance of Wigmore Hall and approves the expenditure of any reasonable monies from within the Council maintenance budgets on any identified works.
6. That Council advise the Ballina Senior Citizens that the donation of monies towards their Christmas Party will no longer be supported as it is

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

considered inequitable from a Shire wide perspective to only allocate funds to one specific group for an activity of this nature.

7. That Council approves an amendment to the Community Halls Capital Works Assistance Policy to confirm that 'in-kind' contributions can only include work on the actual project (excludes attendance at meetings to organise the project) and labour must be to a tradesman level.
8. That the General Manager advise any applicants requesting donations for the remainder of the 2015/16 financial year that the donations budget has been exhausted and that they will need to apply again in the following financial year, if the donation is still relevant that year.
9. Council notes that the only exception to point eight will be applications in respect to assistance provided for Council fees and charges, as per the "Assistance with Council Fees for Community Groups" Policy. Council also notes that this resolution does not stop any Councillor from submitting a notice of motion to support a donation request.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

Adjournment

The Mayor declared the meeting adjourned at 10.31am.

The meeting resumed at 10.51am.

10.4 Delivery Program and Operational Program Review - 30 June 2015

230715/15 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

1. That Council notes the contents of the 30 June review of 2014/15 Delivery Program and Operational Plan including the capital expenditure update as per the attachments to this report.
2. That Council receive a report on the airport to identify a strategy to remove the current reserve deficit.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

10.5 NOROC - Joint Organisations

A **MOTION** was moved by Cr Keith Johnson and seconded by Cr Paul Worth

That Council advise NOROC that the JO proposal as outlined in the NOROC discussion paper is not supported.

FOR VOTE - Cr Jeff Johnson, Cr Keith Johnson, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE – Cr David Wright, Cr Sharon Cadwallader, Cr Susan Meehan and Cr Robyn Hordern

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

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

230715/16 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

Cr Cadwallader/Cr Meehan

1. That Council provides its in principle support for the Northern Rivers Joint Organisation model as outlined in the NOROC Discussion Paper, as attached to this report.
2. That Council also expresses it has some concerns regarding any significant increase in membership fees, with any increase only to be approved once all member councils have been provided and endorsed a report that outlines the regional benefits and efficiencies to be gained from such an increase.

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

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Johnson and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

11. Civil Services Group Reports

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Car Parking

230715/17 RESOLVED

(Cr Robyn Hordern/Cr Jeff Johnson)

That Council confirm its preference for the design of the Lake Ainsworth Car Park Extension is Option Three (Combination of Permeable Paving & Rain Garden) as detailed within this report, including concrete parking for the two disabled parks.

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

AGAINST VOTE - Cr Paul Worth and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

11.6 Tender - Provision of Group Training Services

230715/18 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council accepts the tender for the provision of group training services from NovaSkill Pty Ltd for a three year period as Council is of the opinion that due to the closeness of the Tender Panel evaluation for this tender, that once impacts on the local economy are considered, NovaSkill represents the best overall value to the community of the Ballina Shire.

2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

11.2 Alstonville Community Preschool - Funding Support

230715/19 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That the Council agree to the request from the Alstonville Community Preschool to increase Council's contribution for the construction costs of the new facility by an amount of \$44,000 (rounded) resulting in an increase in the forecast deficit of approximately \$9,000.
2. Council provides its approval for the realignment of the existing pool fence to ensure it aligns with the property boundary.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

11.4 Playground Upgrade Plan

230715/20 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of the submissions with the response to the submissions to address the matters raised in those submissions.
2. That based on the limited response to the exhibition process and acknowledging the work that has gone into preparing the Plan, Council adopts the Playground Upgrade Plan as exhibited.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

11.5 Section 94 Roads Contribution Plan - Review

230715/21 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That the *Draft Ballina Shire Roads Contribution Plan Version 4.0*, included as an attachment to this report, be placed on public exhibition, in accordance with Clause 28 of the Environmental Planning and Assessment Regulation 2000 for a period of not less than 28 days.
2. That Council receive a report on the potential benefits of using the service road beside the Ballina Bypass.
3. That Council write to the Minister, the RMS and our local members regarding the need for two directional ramps at Cumbalum.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

11.7 Policy (Review) - Pesticide Use and Notification Plan

A **Motion** was moved by Cr Ben Smith and Cr Robyn Hordern

1. That the amended Pesticide Use Policy and Pesticide Use Notification Plan with fact sheet, as attached to this report, be placed on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr S Cadwallader.

1. That the amended Pesticide Use Policy and Pesticide Use Notification Plan with fact sheet, as attached to this report, be placed on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.
3. That Council receive a report on how successful chemical free trials have been for weed control.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

The Amendment was **LOST**.

FOR VOTE - Cr David Wright, Cr Jeff Johnson and Cr Sharon Cadwallader
AGAINST VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr
Robyn Hordern and Cr Ben Smith
ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

The Motion was **CARRIED**.

230715/22 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That the amended Pesticide Use Policy and Pesticide Use Notification Plan with fact sheet, as attached to this report, be placed on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

11.8 Policy (Review) - Unused Public Roads - Short Term Leases

230715/23 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That the amended Unused Public Roads – Short Term Leases Policy, as attached to this report, be placed on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

11.9 Policy (Review) - Contributions For Dust Sealing of Roads

230715/24 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That the draft update of the Contributions for Dust Sealing of Roads Policy, as attached to this report, be placed on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

11.10 Policy (Review) - Backlog Sewer Program

230715/25 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council place the draft update of the Backlog Sewer Program Policy, as attached to this report, on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

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

AGAINST VOTE - Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

13. Notices of Motion

13.2 Three Storey Buildings and Over Shadowing - Review

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Susan Meehan

That Council as part of its current review of the Ballina Development Control Plan (DCP) 2012:

1. Include a provision that discourages three storey buildings in residential areas
2. Looks at the 'over shadowing and privacy' provisions with a view to minimising the impacts that new developments have on the surrounding residential area.

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

FOR VOTE - Cr Jeff Johnson and Cr Susan Meehan

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

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

13.3 Financial Assistance Grants - Restoration

230715/26 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. Council acknowledges the importance of federal funding through the Financial Assistance Grants Program for the continued delivery of council services and infrastructure
2. Acknowledges that Council received \$3.7m in 2014/15; and
3. Council will ensure that this Federal Funding, and other funding provided by the Federal Government under relevant programs, is appropriately identified as Commonwealth funding in Council publications, including Annual Reports.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 15 July 2015

230715/27 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council confirms the minutes of the Commercial Services Committee meeting held 15 July 2015 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

12. Public Question Time

12.1 Ralph Moss - NBN Tower at Lynwood

Ralph Moss enquired about the NBN Tower at Lynwood and asked whether it will be coming back to Council?

Cr David Wright advised that it would only come back to Council if NBN Co cannot provide an indemnity to Council's satisfaction.

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

15.1 Mayoral Meetings

230715/28 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

15.2 General Manager - Performance Appraisal Process

230715/29 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of this report providing an overview of the General Manager Performance Appraisal process.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

16. Questions Without Notice

16.1 Cr Susan Meehan - Signage at Lake Ainsworth

Cr Susan Meehan - Are there signs to prevent fishing in Lake Ainsworth?

Rod Willis – Confirmed there is no signage for fishing.

16.2 Cr Paul Worth - Surveillance Costs at Skullcandy Event

Cr Paul Worth - Asked whether there would be a report on the cost of the surveillance of the sharks during the Skullcandy Event?

Paul Hickey – Advised that an invoice for \$10,000 for the aerial plane surveillance had been received. A further update would be provided when all costs were received. The expenditure is being funded from the open spaces budget.

16.3 Cr Paul Worth - Smith Drive

Cr Paul Worth - Asked if there was an option for a right turn into Smith Drive?

Cr David Wright - Advised that it was too dangerous.

Rod Willis – Advised that the planning consent for the highway service centre had impact on this intersection.

16.4 Cr Ben Smith - Development Application For Trev's Recycling

Cr Ben Smith - Requested an update on the development application for Trev's Recycling?

Rod Willis - Provided an overview of the development approval and actions being taken.

17. Confidential Session

RECOMMENDATION (Cr Keith Johnson/Cr Robyn Hordern)

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.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

(The Council moved into Confidential Session at 1.02pm).

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/07/15 AT 9.00 AM**

Open Council

230715/30 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

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

(The Council moved into Open Council at 1.09pm).

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

17.1 General Manager - Performance Appraisal

CF230715/31 RECOMMENDED

(Cr Ben Smith/Cr Robyn Hordern)

That Council adopts the General Manager's Performance Review Committee's evaluation for the General Manager's twelve month performance review for 2014/15 as attached to this report.

Adoption of Recommendations from Confidential Session

230715/32 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

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

MEETING CLOSURE

1.10pm

The Minutes of the Ordinary Meeting held on 23/07/15 were submitted for confirmation by council on 27 August 2015 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 August 2015.