

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/10/15 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth 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 Sandra Bailey (Secretary) were in attendance.

There were 11 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by St Joseph's School, Alstonville.

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

Apologies were received from Crs Sharon Cadwallader and Robyn Hordern.

221015/1 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

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4. Confirmation of Minutes

221015/2 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 September 2015.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

5. Declarations of Interest and Reportable Political Donations

Nil

There were no reportable political donations.

6. Deputations

- **Anna Rolfes** – spoke in opposition to Item 8.1 – DA 2015/300 – Dwelling House and Facilities, 1 Johnston Road, Newrybar.
- **Damien Chapelle, Newton Denny Chapelle** – spoke in favour of Item 8.1 – DA 2015/300 – Dwelling House and Facilities, 1 Johnston Road, Newrybar.
- **Tania van Dyk, Complex Field Pty Limited** – spoke in favour of Item 8.2 – DA 2015/377 – Four Lot Residential Subdivision, Blue Seas Parade, Lennox Head.
- **Shaun Eastment, Lennox Head Residents Association** – spoke in relation to Item 11.1 – Lake Ainsworth Precinct – Eastern Road Closing.

7. Mayoral Minutes

Nil

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8. Development and Environmental Health Group Reports

8.1 DA 2015/300 - Dwelling House and Facilities, 1 Johnston Road

221015/3 RESOLVED

(Cr Keith Williams/Cr Jeff Johnson)

1. That DA 2015/300 for the conversion of an approved dual occupancy development to a dwelling house, the use of the dwelling house for Tourist and Visitor Accommodation and the establishment of a temporary use for a Function Centre at Lot 5 DP 606566, No. 1 Johnston Road, Newrybar be given **PARTIAL APPROVAL** for the conversion of an approved dual occupancy development to a dwelling house, and the use of the dwelling house for Tourist and Visitor Accommodation, subject to the imposition of standard development consent conditions (building, planning, environmental and engineering) for this type of development and the non-standard conditions as referenced in the report.
2. That the temporary use for a function centre is **REFUSED**.

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

AGAINST VOTE - Cr Keith Johnson and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

8.2 DA 2015/377 - Four Lot Residential Subdivision, Blue Seas Parade

221015/4 RESOLVED

(Cr Jeff Johnson/Cr Ben Smith)

1. That DA 2015/377 to undertake a four lot residential subdivision at Lots 32 and 33 DP 1168665, being Nos. 51 and 53 Blue Seas Parade, Lennox Head, be **REFUSED** for the following reasons:
 - a. Lots 32 and 33 have steep slopes that do not allow sufficient scope for good hillside building practices if the subdivision were approved
 - b. Approval of the application will set a precedent that will lead to other similar subdivisions on steep allotments in the immediate locality
 - c. The subdivisions would adversely impact the design and planned amenity of the residential estate
 - d. Future dwelling houses constructed on the subdivided allotments will have an adverse impact on the setting of the prominent ridgeline
 - e. The construction of additional houses on the subject land will have a substantial adverse impact on the amenity of the downslope allotments and
 - f. Approval of the application is not in the public interest.
2. That the Lot Size Maps of the Ballina Local Environment Plan 2012 as they apply to Lots 26 – 33 in D.P. 1168665, be amended from a 600m² minimum area to 1,200m² minimum area.

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

11.1 Lake Ainsworth Precinct - Eastern Road Closing

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

1. That Council staff complete the necessary design works for the removal of the eastern road and the rehabilitation, stormwater, emergency access etc.
2. That these designs be presented to the December Council meeting and possibly a Councillor workshop prior to that meeting.
3. That the eastern road be closed and the removal and rehabilitation works commence during the first week of the school year in 2016.

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

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

221015/5 RESOLVED

(Cr Susan Meehan/Cr Paul Worth)

In regard to the closure of the Eastern Access road at Lake Ainsworth, based on the contents of this report, Council's preference is Option 4 (i.e. defer the closure until the formal rehabilitation and other works are completed for the Eastern Road precinct in the first quarter of 2016), with the General Manager authorised to proceed as per that option.

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

Adjournment

The Mayor declared the meeting adjourned at 10.37 am

The meeting resumed at 10.59 am

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8.3 Development and Public Infrastructure Consents - September 2015

221015/6 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 September 2015 to 30 September 2015.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

8.4 Development Applications - Works in Progress - October 2015

221015/7 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

9. Strategic and Community Facilities Group Reports

9.1 Pop Denison Park - Master Plan

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Ben Smith

1. That Council (including Council as Reserve Trust Manager) endorses the draft Pop Denison Park Master Plan, attached to this report, for the purpose of seeking community feedback.
2. That the draft Master Plan be exhibited for public comment for a minimum period of 28 days and that a further report be prepared for the Council (and Reserve Trust) following the exhibition period.

An **Amendment** was moved by Jeff Johnson and seconded by Cr Ken Johnston

That the draft Master Plan be exhibited for public comment for a minimum period of 28 days and that a further report be prepared for the Council (and Reserve Trust) following the exhibition period.

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

FOR VOTE - Cr Jeff Johnson and Cr Ken Johnston

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

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

221015/8 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council (including Council as Reserve Trust Manager) endorses the draft Pop Denison Park Master Plan, attached to this report, for the purpose of seeking community feedback.
2. That the draft Master Plan be exhibited for public comment for a minimum period of 28 days and that a further report be prepared for the Council (and Reserve Trust) following the exhibition period.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

9.2 Cumalum Precinct B Locality Naming

A **Motion** was moved by Cr Ben Smith and seconded by Cr Paul Worth

1. That Council notes the contents of this report concerning the proposal to adjust the boundaries of the existing localities of Tintenbar and Cumalum and to establish a new locality.
2. That the Geographical Names Board be advised that the Council has determined on balance that it wishes to proceed with the proposal as previously submitted, including that the proposed new locality be named Kinvara. Further, that part of the western boundary of the proposed new locality be slightly adjusted to include Kinvara Ridge Road.

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

That Council defer the proposed name change for a further six months to allow the community, and in particular our Aboriginal community, to explore alternative names for this area.

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson and Cr Keith Williams

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

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

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

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FOR VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

221015/9 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

1. That Council notes the contents of this report concerning the proposal to adjust the boundaries of the existing localities of Tintenbar and Cumbalum and to establish a new locality.
2. That the Geographical Names Board be advised that the Council has determined on balance that it wishes to proceed with the proposal as previously submitted, including that the proposed new locality be named Kinvara. Further, that part of the western boundary of the proposed new locality be slightly adjusted to include Kinvara Ridge Road.

FOR VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

9.3 Classification of Land - Avalon Avenue Wollongbar

221015/10 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council classify the land identified as lot 48, DP 1210625, Avalon Avenue, Wollongbar as operational land under the provisions of the *Local Government Act 1993* and that this classification takes effect immediately.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

9.4 LEP Amendments and Planning Proposals - Status

221015/11 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of this report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

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10. General Manager's Group Reports

10.1 Use of Council Seal

221015/12 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council affix the Common Seal to the following documents.

US15/14	Northern Rivers Dirty Wheels Mountain Bike Club Inc (NRDWMBC) – Licence for use of part of Gap Road Quarry located at Bruxner Highway, Alstonville – Peppercorn rent – Term of three years.
US15/15	Ballina Little Athletics Club Incorporated and Tintenbar East Ballina Football Club – lease for the clubhouse at the Ballina Heights sporting fields, Power Drive, Cumbalum – peppercorn rent – term of three years.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

10.2 Investment Summary - September 2015

221015/13 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

10.3 Disclosure of Interest Returns

221015/14 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of the report on the disclosure of interest returns for the period 1 July 2014 to 30 June 2015.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

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10.4 Code of Conduct - Reporting

221015/15 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council notes the contents of this report on Code of Conduct complaints for the period 1 September 2014 to 31 August 2015.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

10.6 Delivery Program and Operational Plan - 30 September Review

221015/16 RESOLVED

(Cr Keith Williams/Cr Keith Johnson)

That Council notes the contents of this report in respect to the review of the Delivery Program and Operational Plan for the first quarter of the 2015/16 financial year.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

10.7 Capital Expenditure Review - 30 September 2015

221015/17 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council notes the contents of this capital expenditure review for the period ended 30 September 2015.
2. That Council approves the following budget adjustments as per the attachments to this report.

Description	Current 2015/16	Revised 2015/16	Variation	Comments
Operations Support				
Admin Centre - Lighting	15,200	22,900	7,700	
Ballina Surf Club Building A	0	25,000	25,000	
Lennox Head Surf Club	1,251,300	100,000	(1,151,300)	
Ballina Library – Improvements	56,900	31,900	(25,000)	
Ballina Library - Lighting	8,400	700	(7,700)	
Net Change	1,331,800	180,500	(1,151,300)	
Commercial Services				
89 Tamar Street Air-conditioning	15,000	0	(15,000)	
Wigmore Arcade – Shop Fit Outs	7,000	22,000	15,000	
Net Change	22,000	22,000	0	
Water				
Main Renewals – Smith Drive	500,000	620,000	120,000	Funds sourced

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Water Refurbishment Reserve	(500,000)	(620,000)	(120,000)	from reserve
Trunk Mains – Lennox Head	100,000	0	(100,000)	Defer for ten years in financial plan
Section 64 Contributions	(100,000)	0	100,000	
Net Change	0	0	0	
Wastewater				
Treatment Plant – Ballina DAF Removal	0	10,000	10,000	
Treatment Plant – Alstonville – Maturation Pond Study	0	5,000	5,000	
Trunk Mains – Ballina Heights Drive	0	85,000	85,000	
Reverse Osmosis	1,600,000	200,000	(1,400,000)	Defer for one year
Wastewater Refurb Reserve	(1,600,000)	(300,000)	(1,300,000)	
Net Change	0	0	0	
Engineering Works				
Alstonville Bypass	130,000	0	(130,000)	Funds returned to Alstonville bypass reserve
Transfer from Bypass Reserve	(130,000)	0	130,000	
Ballina Bypass	51,000	181,000	130,000	Sourced from Ballina bypass reserve
Transfer from Bypass Reserve	(51,000)	(181,000)	(130,000)	
Angels Beach Drive / Links Avenue Roundabout	0	1,000,000	1,000,000	Black Spot project
Black Spot Grant Funds	0	(1,000,000)	(1,000,000)	
Lake Ainsworth - Eastern Road Closure	0	865,300	865,300	Transferred from Operations Support
Lake Ainsworth - Ross Street	0	286,000	286,000	
Pimlico Road	297,000	2,000	295,000	Funds transferred back to reserve as works completed in 2014/15
Uralba Road	300,000	5,000	295,000	
Roads to Recovery Transfer	(597,000)	(7,000)	(590,000)	
Shared Path – Pat Morton	1,700,000	0	(1,700,000)	Transfer project and funding from 2015/16 to 2016/17
Community Infrastructure Reserve	(850,000)	0	850,000	
RMS Grant Funding	(850,000)	0	850,000	
Net Change	0	1,151,300	1,151,300	

3. That Council authorises the General Manager to call tenders for the construction of the Marine Rescue Tower.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

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11. Civil Services Group Reports

11.2 Main Street Proposed Footpath Construction

221015/18 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That the footpath construction project proposed for Main Street, Alstonville, be deleted from Council's works program and the General Manager make a request to the RMS proposing to reallocate the grant contribution to other footpath projects within the Council's 2015/16 Delivery Program.

Cr Susan Meehan left the meeting at 12:06 pm.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Susan Meehan and Cr Robyn Hordern

11.3 Ballina Heights Drive - Contract Variation Claim

221015/19 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council notes the contents of this report regarding the Ballina Heights Drive contract variation claim.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Susan Meehan and Cr Robyn Hordern

Cr Susan Meehan returned to the meeting at 12:07 pm.

11.4 Tender - Provision for Internal Audit Services

221015/20 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

1. That Council accepts the tender for the provision of internal audit services from Grant Thornton Australia Ltd for a three year period.
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 Sharon Cadwallader and Cr Robyn Hordern

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11.5 Policy (Review) - Dust Sealing of Roads

221015/21 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That the exhibited policy for the Contribution to Dust Sealing of Roads be adopted, subject to an amendment that includes advice that the sealing of isolated segments is not supported, however exceptions to this provision will be referred to Council for review in cases where it is considered by the General Manager that such an exception is reasonable in the circumstances.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

11.6 Policy (Review) - Urban Water Quality

221015/22 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

- 1) That Council place the draft Urban Water Quality Policy, as attached to this report, on public exhibition.
- 2) If no responses are received to the public exhibition:
 - a) the Urban Water Quality Policy will be considered to be adopted by Council, and
 - b) the existing Drinking Water Quality Policy will be considered rescinded by Council.
- 3) A further report be presented to Council if submissions are received in response to the public exhibition in point one above.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

13. Notices of Motion

13.1 Notice of Motion - Surf Jet Ski Patrols

221015/23 RESOLVED

(Cr Susan Meehan/Cr Jeff Johnson)

1. That Council provide in principle support to the introduction of a roving jet ski patrol based on the proposal from Mr Neil Kennedy, Club Captain, Lennox Head Surf Club.
2. The principles of this proposal are as follows:

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- Two shifts – first from 9am to 12 midday, second from 12:30pm to 3:30pm
 - Each shift would rove from north from Seven Mile Beach to South Wall Ballina and back, as a minimum
 - Constant communication should be kept between the ski, surf clubs, life guards on duty and any helicopters or fixed wing aircraft supporting from above.
3. This service is to continue until the end of the 2016 Easter School Holidays, however it may terminate earlier if the State Government introduces other shark deterrents.
4. The actual introduction of this service is to be subject to a further report to Council (i.e. the November Ordinary meeting prior to school holidays) confirming the viability and effectiveness of the service, estimated cost and funding options.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 15 October 2015

221015/24 RESOLVED

(Cr Paul Worth/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

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

15.1 Mayoral Meetings

221015/25 RESOLVED

(Cr Susan Meehan/Cr Keith Johnson)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

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16. Questions Without Notice

16.1 Unnamed Laneway in Wardell

Cr Ben Smith – there is an unnamed lane off Cedar Street in Wardell which needs work and the Ratepayers Association have also suggested that it be named.

John Truman to investigate.

16.2 Cr Ben Smith - Wardell Hotel

Cr Ben Smith – the matter of dogs in the Wardell Hotel was raised at a recent Ratepayers Association meeting.

Rod Willis advised that the Publican has been advised of his obligations with regards to the keeping of dogs. If Council receives any complaints they will be investigated. Council food inspectors have also visited the hotel.

16.3 Cr Paul Worth - Coastal Recreational Pathway

Cr Paul Worth – noticed that a starting date is mentioned of February 2016 for the coastal recreational pathway. Why do we have to wait three months to commence?

John Truman advised that the tender for the boardwalk and that part of the construction should be issued next week with a tender assessment proposed to be submitted to the December Ordinary meeting.

Concurrent to that Council have been working with Wagners, suppliers of the boardwalk materials.

The program is looking at a June 2016 completion date. John will provide details to Councillors via the Councillor bulletin.

16.4 Cr Susan Meehan - Dumped Waste

Cr Susan Meehan – has noticed that opposite Aldi (Ferngrove) Council has mown and we have exposed a set of four dumped tyres. Can someone collect those tyres and dispose of them?

John Truman to investigate.

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16.5 Cr Keith Williams - E-zones

Cr Keith Williams - how do we respond to the recent news on E-zones?

Steve Barnier advised of the information from the Minister and the Department of Planning. The intention is to look more closely at the guidelines issued, workshop those with Councillors and present a report to Council.

16.6 Cr Jeff Johnson - Planting of Grass on Roundabouts

Cr Jeff Johnson – spoke in relation to planting of grass on roundabouts and in particular to the poor state of the Lennox interchange roundabouts. Do we have a position for future roundabouts for not planting grass on them?

John Truman advised that RMS planted the Lennox interchange roundabouts and normally Council does not plant grass on roundabouts.

John Truman to follow up whether we can de-grass roundabouts.

12. Public Question Time

12.1 Burns Point Ferry

David Felsch – the answer he received to his question at the last meeting didn't fit his question, so that question is still on the table.

Could we have an audit of the ferry expenses by an external ferry operator?

Paul Hickey advised that we could but it was a matter for Council to resolve if it wished to fund such an audit, and an indicative cost could be from \$5,000 to \$10,000.

12.2 Coastal Recreational Pathway

Denis Magnay – in relation to the coastal recreational path from Headlands Drive and Pat Morton Lookout there seems to be \$850,000 which now won't be needed because of the refusal of the Government to fund the other half. Can council allocate that money to the eastern side of the Coast Road so that the complete coastal recreational path can be completed right through to Pat Morton Lookout?

Paul Hickey advised that the earlier resolution today Council resolved to transfer the \$850,000 from 2015/16 to 2016/17 for the same project (i.e. refer to Capital Expenditure Review). Council could allocate that to that section of path from Sharpes Beach to Pat Morton, and that was a matter for the Council to determine.

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12.3 Angels Beach - 4wd Access

Denis Magnay – are you going to ban amateur fishers from using the 4wd access onto Angels Beach for night fishing by applying a locked gate or bollards?

John Truman advised yes, that fishers will need to enter from the northern side. The coastal recreational pathway will cross across that access way.

17. Confidential Session

221015/26 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

17.1 Ballina Heights Drive - Contract Variation Claim

Reason for Confidentiality

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

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

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 this matter involves legal claims against the Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

(The Council moved into Confidential Session at 12.55 pm).

Open Council

221015/27 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/10/15 AT 9.00 AM**

(The Council moved into Open Council at 1.00 pm).

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

17.1 Ballina Heights Drive - Contract Variation Claim

CF221015/28 RECOMMENDED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of this confidential report regarding the contract variation claim for the Ballina Heights Drive project.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

Adoption of Recommendation from Confidential Session

221015/29 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

10.5 Annual Financial Statements - 2014/15

Kevin Franey from Thomas Noble & Russell gave a presentation to Council on the Annual Financial Statements.

221015/30 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council approves the signing of the statements that confirm the Annual Financial Statements are fair and accurate, by the Mayor, one Councillor, the General Manager and the Responsible Accounting Officer.
2. That Council authorises the exhibition of the Annual Financial Statements and Auditor's Reports for the year ended 30 June 2015, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/10/15 AT 9.00 AM**

MEETING CLOSURE

1.01 pm

The Minutes of the Ordinary Meeting held on 22/10/15 were submitted for confirmation by council on 26 November 2015 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 26 November 2015.