

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 26/11/15 AT 9.00 AM**

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**Attendance**

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, 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) and Sandra Bailey (Secretary) were in attendance.

There were 23 people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by Councillors and staff.

**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 Keith Johnson.

**261115/1 RESOLVED**

(Cr Ben Smith/Cr Paul Worth)

That such apology be accepted.

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

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**4. Confirmation of Minutes**

**261115/2      RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 October 2015.

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

**5. Declarations of Interest and Reportable Political Donations**

- **Cr Sharon Cadwallader** – declared an interest in Item 11.4 – Asbestos Removal – Pine Avenue and Brighton Street, East Ballina. (Nature of Interest: pecuniary – she lives and owns property in the vicinity). She will be departing the meeting while the matter is discussed.

- **Cr Jeff Johnson** – declared an interest in Item 11.9 – Shark Mitigation Strategy. (Nature of Interest: non pecuniary – he is an active volunteer lifesaver at Lennox Head.) He will be remaining in the meeting while the matter is discussed and voting on the matter.

- **Cr Robyn Hordern** later in the meeting declared an interest in:

Item 13.4 (Notice of Motion – Alstonville Pre-school – Additional Funding)

Item 14.2 (Facilities Committee Minutes – 23 November 2015 – and in particular Item 4.1 of those Minutes – Swimming Pools – Redevelopment Projects – Stage One) and

Item 13.3 (Notice of Motion – Apex Park Playground Equipment).

(Nature of Interest: non pecuniary – her daughter lives in the vicinity of the Alstonville Pre-school, Alstonville Swimming Pool and Apex Park at Alstonville). She will be remaining in the meeting while the matters are discussed and voting on the matters.

There were no reportable political donations.

**6. Deputations**

- **Katherine Buckley – Alstonville Community Pre-school** – spoke in favour of Item 13.4 – Notice of Motion – Alstonville Pre-school – Additional Funding.

- **Bert Carter** – spoke in opposition to Item 8.1 – Shaws Bay – Coastal Zone Management Plan – Final Review.

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- **Donella Kinnish** – Ballina on Richmond Rotary Club – spoke in favour of Item 10.3 – Community Donations – Financial Assistance.
- **Kerry Russell** – spoke in favour of Item 13.3 – Notice of Motion – Apex Park Playground Equipment.
- **Jennie Thompson** – spoke in opposition to Item 11.8 – Drainage – Ballina Nature Reserve and Adjacent Land.
- **Greg Fettell** – spoke in relation to Item 14.2 – Facilities Committee Minutes – 23 November 2015, and in particular Item 4.1 of those Minutes – Swimming Pools – Redevelopment Project – Stage One.
- **Steve Connelly** – spoke in favour of Item 11.8 - Drainage – Ballina Nature Reserve and Adjacent Land.
- **Jesse Amos** – spoke in favour of Item 13.2 - Notice of Motion - Establishing a Disc Golf Course at Bicentennial Gardens

**7. Mayoral Minutes**

Nil items.

Cr Robyn Hordern at this point declared an interest in Items 13.4, 14.2, and 13.3.

**13.4 Notice of Motion - Alstonville Pre-school – Additional Funding**

**261115/3        RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That in respect to the correspondence from the Alstonville Pre-school dated 11 November 2015 Council contribute the additional costs incurred (\$20,500) funded from general revenue.

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

**8. Development and Environmental Health Group Reports**

**8.1 Shaws Bay - Coastal Zone Management Plan - Final Review**

**261115/4        RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

1. That Council approves the CZMP as attached to this report.
2. That Council submits the CZMP to the Minister for approval and certification as required under the Coastal Protection Act 1979.
3. That Council give consideration to amending the Section 94 Contribution Plan to incorporate all open space and reserves adjacent Shaws Bay and that these areas be integrated and include Pop Denison Park.

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4. That Council hold a briefing to further review the issues raised by Mr Carter in his deputation earlier today.

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

**10.3 Community Donations - Financial Assistance**

**261115/5      RESOLVED**

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That the request from the Rotary Club of Ballina-on-Richmond for the waiving of Council fees associated with the Club's hire of the Richmond Room for two hours per fortnight for the purpose of conducting an evening meal service for homeless persons is noted.
2. That such request is approved for an initial period of up to twelve months from the date of the initial service, with the Council to review its support for the initiative at the expiry of that period.
3. That Council supports the donation of the waste fees for the Under 13 Junior Cricket Carnival as per the request from the Ballina Bears Cricket Club.

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

**13.3 Notice of Motion - Apex Park Playground Equipment**

**261115/6      RESOLVED**

(Cr Ben Smith/Cr Paul Worth)

That Council modify the Playground Upgrade Plan to remove Apex Park, Alstonville from the playground removal list.

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

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**11.8 Drainage - Ballina Nature Reserve and Adjacent Land**

**261115/7        RESOLVED**

(Cr Keith Williams/Cr Ben Smith)

That Council move into Committee of the Whole to discuss this matter.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**261115/8        RESOLVED**

(Cr Robyn Hordern/Cr Ben Smith)

That Council move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**261115/9        RESOLVED**

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council continue to request the National Parks and Wildlife Service and Richmond River County Council to coordinate and advance the next stage of review of the recommendations in the attachment to the above report prepared by Stephen N Webb and Associates, including making representations to the local State Member, Ms Tamara Smith MP if a reasonable response is not forthcoming from NPWS.

2. That Council amend the resolution made at the February 2015 Council meeting by deleting clause xiii and replacing it with;

Development proposals are to demonstrate that stormwater associated with the development will not unreasonably adversely affect drainage behaviour resulting in detrimental increases in volume or peak discharge to other development or properties.

3. That the General Manager make arrangements for the continued consultation with the affected landowners (as per the details in this report) to ensure they are consulted and informed in regards to the proposed stormwater management arrangements for the CURA subdivision, and the assessment of these so that feedback from landowners can be received progressively throughout the assessment, giving those landowners sufficient time to review and respond to information, proposals and data, prior to the preparation of the assessment report to Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

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**14.2 Facilities Committee Minutes - 23 November 2015**

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

That Council confirms the minutes of the Facilities Committee meeting held 23 November 2015 and that the recommendations contained within the minutes be adopted, subject to recommendation 4.1 (Swimming Pools – Redevelopment Project – Stage One) being amended as follows:

1. That Council notes the contents of this report relating to the community engagement and preliminary design options associated with the proposed redevelopment of the Ballina and Alstonville Swimming Pools.
2. That Council endorses the attached report from Ridgemill Pty Ltd and approves the continuation of the redevelopment project to detailed design and tender, based on the recommended Option Two (As per revised Option One as distributed to Councillors on 26 November 2015 – document number 15/83991) for the Ballina Swimming Pool and Option One (Revised) for the Alstonville Swimming Pool.
3. That Council retain the services of Ridgemill Pty Ltd as the Project Managers for Stage Two for both of the respective projects, being detailed design and contract supervision, subject to review by the General Manager.
4. That Council submit an application to NSW Treasury Corporation (TCorp) to confirm whether the loan funding required (\$11.6m) is available from TCorp.
5. That a further report is presented to the Council to clarify funding options for both the pool redevelopment projects following the closing of the construction tenders.

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

That this matter be discussed at a Councillor workshop.

The **Amendment LAPSED.**

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

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

AGAINST VOTE - Cr Jeff Johnson, Cr Susan Meehan and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Keith Johnson

**261115/10      RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

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That Council confirms the minutes of the Facilities Committee meeting held 23 November 2015 and that the recommendations contained within the minutes be adopted, subject to recommendation 4.1 (Swimming Pools – Redevelopment Project – Stage One) being amended as follows:

1. That Council notes the contents of this report relating to the community engagement and preliminary design options associated with the proposed redevelopment of the Ballina and Alstonville Swimming Pools.
2. That Council endorses the attached report from Ridgemill Pty Ltd and approves the continuation of the redevelopment project to detailed design and tender, based on the recommended Option Two (As per revised Option One as distributed to Councillors on 26 November 2015 – document number 15/83991) for the Ballina Swimming Pool and Option One (Revised) for the Alstonville Swimming Pool.
3. That Council retain the services of Ridgemill Pty Ltd as the Project Managers for Stage Two for both of the respective projects, being detailed design and contract supervision, subject to review by the General Manager.
4. That Council submit an application to NSW Treasury Corporation (TCorp) to confirm whether the loan funding required (\$11.6m) is available from TCorp.
5. That a further report is presented to the Council to clarify funding options for both the pool redevelopment projects following the closing of the construction tenders.

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

**Adjournment**

The Mayor declared the meeting adjourned at 10.49 am

The meeting resumed at 11.15 am  
Cr Susan Meehan left the meeting during the adjournment break.

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**8.2 Exemption - Approval for a Domestic Oil or Solid Fuel Heating Appliance**

**261115/11      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council proceed with the proposal to exempt domestic oil and solid fuel heaters from the need for approval under the provisions of Section 68 of The Local Government Act to assist in streamlining the approval process and reducing what is currently considered unnecessary bureaucracy.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**8.3 Development Consent and Infrastructure Approvals - October 2015**

**261115/12      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 October 2015 to 31 October 2015.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**8.4 Development Applications - Works in Progress - November 2015**

**261115/13      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**9. Strategic and Community Facilities Group Reports**

Nil Items



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**10. General Manager's Group Reports**

**10.1 Use of Council Seal**

**261115/14 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following document.

US15/16	Community Group lease renewal between Council and the Lennox Head Soccer Club Inc for occupation of the clubhouse and a portion of the storage shed at 54 Skennars Head Road, Skennars Head for a three year period.
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FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**10.2 Investment Summary - October 2015**

**261115/15 RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**10.4 Festival and Event Support Program - 2016/17**

**261115/16 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council move into Committee of the Whole to discuss this matter.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**261115/17 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

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

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That the Council allocates funds for the Festival and Event Support Program to applicants that have met the eligibility criteria and within the current forecast budget allocation of \$120,000, as per option four of this report: (with one amendment to increase the Lennox Head Chamber of Commerce to \$10,000) i.e.

Name of organisation	Name of event	Request (\$)	Amount (\$)	Eligible
Rotary Club of Ballina on Richmond	Ballina Fine Wine and Food Festival 2016	10,000	10,000	Yes
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair	5,000	5,000	Yes
Rotary Club of Ballina	Ballina Coastal Country Music Festival 2017	25,000	25,000	Yes
VIEW Club	International Woman's Day Breakfast 2017	1,200	0	No
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	15,000	Yes
Lennox Head Chamber of Commerce	Love Lennox Festival 2017	10,000	10,000	Yes
Le-Ba Boardriders	Skullcandy Oz Grom Open 2016	25,000	20,000	Yes
Alstonville Baptist Church	Alstonville Christmas in the Park 2016	2,000	0	No
Australasian Society for Lifestyle Medicine	Bust ya Gut Ballina	33,000	0	No
Ballina Chamber of Commerce	The Ballina Prawn Festival 2016	35,000	35,000	Yes
Ballina and District Ministers Association	Riverside Carols 2016	14,000	5,000	Yes
<b>Totals</b>		<b>180,200</b>	<b>125,000</b>	

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Robyn Hordern

That the Council allocates funds for the Festival and Event Support Program to applicants that have met the eligibility criteria and within the current forecast budget allocation of \$120,000, as per option four of this report: (with two amendments – to decrease the Ballina Chamber of Commerce to \$30,000 and increase the Lennox Head Chamber of Commerce to \$10,000) i.e.

Name of organisation	Name of event	Request (\$)	Amount (\$)	Eligible
Rotary Club of Ballina on Richmond	Ballina Fine Wine and Food Festival 2016	10,000	10,000	Yes
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair	5,000	5,000	Yes
Rotary Club of Ballina	Ballina Coastal Country Music Festival 2017	25,000	25,000	Yes
VIEW Club	International Woman's Day Breakfast 2017	1,200	0	No
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	15,000	Yes

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Lennox Head Chamber of Commerce	Love Lennox Festival 2017	10,000	10,000	Yes
Le-Ba Boardriders	Skullcandy Oz Grom Open 2016	25,000	20,000	Yes
Alstonville Baptist Church	Alstonville Christmas in the Park 2016	2,000	0	No
Australasian Society for Lifestyle Medicine	Bust ya Gut Ballina	33,000	0	No
Ballina Chamber of Commerce	The Ballina Prawn Festival 2016	35,000	35,000	Yes
Ballina and District Ministers Association	Riverside Carols 2016	14,000	5,000	Yes
<b>Totals</b>		<b>180,200</b>	<b>120,000</b>	

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

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

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

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

**261115/18 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That the Council allocates funds for the Festival and Event Support Program to applicants that have met the eligibility criteria and within the current forecast budget allocation of \$120,000, as per option four of this report: (with two amendments – to decrease the Ballina Chamber of Commerce to \$30,000 and increase the Lennox Head Chamber of Commerce to \$10,000) i.e.

Name of organisation	Name of event	Request (\$)	Amount (\$)	Eligible
Rotary Club of Ballina on Richmond	Ballina Fine Wine and Food Festival 2016	10,000	10,000	Yes
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair	5,000	5,000	Yes
Rotary Club of Ballina	Ballina Coastal Country Music Festival 2017	25,000	25,000	Yes
VIEW Club	International Woman's Day Breakfast 2017	1,200	0	No
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	15,000	Yes
Lennox Head Chamber of Commerce	Love Lennox Festival 2017	10,000	10,000	Yes
Le-Ba Boardriders	Skullcandy Oz Grom Open 2016	25,000	20,000	Yes

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Alstonville Baptist Church	Alstonville Christmas in the Park 2016	2,000	0	No
Australasian Society for Lifestyle Medicine	Bust ya Gut Ballina	33,000	0	No
Ballina Chamber of Commerce	The Ballina Prawn Festival 2016	35,000	35,000	Yes
Ballina and District Ministers Association	Riverside Carols 2016	14,000	5,000	Yes
<b>Totals</b>		<b>180,200</b>	<b>120,000</b>	

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

**10.5 Ballina Cup - Holiday Arrangements**

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

That Council confirms its support for the declaration of a quarter day public holiday between the hours of noon and 6 pm throughout the Ballina Shire for Thursday 8 September 2016 and Thursday 14 September 2017 for the Ballina Cup, with the General Manager authorised to make an application to the NSW State Government for these holidays.

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

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

**261115/19 RESOLVED**

(Cr Keith Williams/Cr Jeff Johnson)

1. That Council confirms its support for the declaration of a local event day throughout the Ballina Shire for Thursday 8 September 2016 and Thursday 14 September 2017 for the Ballina Cup, with the General Manager authorised to make an application to the NSW State Government.
2. That Council investigate alternative opportunities for a public holiday for the Shire.

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

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**10.6 Policy (Review) - Financial Assistance - Rates, Annual Charges and Fees**

**261115/20      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council place the amended Financial Assistance – Rates, Annual Charges and Fees 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 - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**10.7 Financial Statements - 2014/15**

**261115/21      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council adopts the annual financial reports and auditor's reports for the financial year ended 30 June 2015, as publicly exhibited.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**10.8 Financial Review - 30 September 2015**

**261115/22      RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

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**11. Civil Services Group Reports**

**11.1 Landfill Resource Management - Long Term Options Assessment**

**261115/23 RESOLVED**

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That Council continue its landfill operations as per the current arrangements and defers, for the immediate foreseeable future, any further investment in investigations or works to create additional landfill capacity within Ballina Shire. In doing so the Council notes the need to be mindful that technology and statutory changes may result in the need for Council to quickly respond and adjust its strategic direction.
2. In response to the strategic direction determined by this report and point two, Council receive a further report updating the long term financial plan for Landfill Resource Management including consideration of future site development and rehabilitation needs and whether a recurrent dividend is a sustainable option to support other Council activities.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**11.2 Resource Recovery Operations**

**261115/24 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1. That option two, as outlined in this report, is endorsed as the Council's preferred direction to achieve improvements in the management of Council's Resource Recovery Operations; i.e.
  - Engage a suitable qualified company or person to install a conveyor system and roof over area at a cost of \$315,000. Funding of \$65,000 is available from the State Government Grants with the residual \$250,000 to be funded from the waste reserve (LRM).
  - Engage a suitable qualified contractor or person for the transport of materials to a suitable disposal facility.
2. The General Manager is authorised to take the required system design and procurement tasks to implement point one.
3. That Council hold a Councillor briefing in respect to this proposal and that no expenditure be undertaken prior to that briefing.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

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**11.3 Megan Crescent Sports Fields - Request for Funding**

**261115/25      RESOLVED**

(Cr Keith Williams/Cr Sharon Cadwallader)

1. At the February 2016 Council meeting, Council reconsider the request from the Lennox Head Cricket Club for funding assistance towards the Megan Crescent Sporting Fields Amenities Upgrade.
2. Further to point one above, the General Manager is requested to submit a report to the February 2016 Council meeting reviewing the financial position of the Open Spaces and Reserves operating expense budget.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

Cr Sharon Cadwallader declared an interest in Item 11.4 and left the meeting at 12:27 pm.

**11.4 Asbestos Removal - Pine Avenue and Brighton Street, East Ballina**

**261115/26      RESOLVED**

(Cr Robyn Hordern/Cr Ben Smith)

That Council proceed with the asbestos removal works from the public road reserve at the corner of Pine Avenue and Brighton Street, East Ballina and that this expenditure be allocated from internal reserves, as determined by the General Manager.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Johnson and Cr Susan Meehan

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**11.5 Tree Removal**

**261115/27      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council notes the information provided and authorises the General Manager to proceed with the proposed tree removal works at Killarney Crescent, Skennars Head and William Street, Alstonville.
2. That Council receive a report on the implementation of a policy to assist with the decision making process for the removal of trees. This policy is to give consideration to recognising the balance between decisions being made at an operational level and the occasional situation where a tree removal may need to be reported to Council due to community or other concerns.

Cr Sharon Cadwallader returned to the meeting at 12:32 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**11.6 BMX Track Project - Lennox Head**

**261115/28      RESOLVED**

(Cr Jeff Johnson/Cr Keith Williams)

1. That Council seek feedback from adjoining landowners in regards to the proposal to construct a children's BMX track on the Ocean Breeze Public Reserve.
2. If no objections are raised from adjoining landowners, the Ocean Breeze Public Reserve site is confirmed as the preferred site. If objections are received, a further report is to be presented to Council for assessment of the feedback.
3. If the Ocean Breeze Public Reserve site is confirmed as the preferred site following point two above, the General Manager is authorised to facilitate the construction of the BMX track, subject to the establishment of suitable design and construction arrangements by community volunteers and any required approvals from an environmental planning and open space management perspective are achieved.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan



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HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
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ON 26/11/15 AT 9.00 AM**

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**11.7 River Street Ballina - 2015/16 Black Spot Program**

**261115/29      RESOLVED**

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That in respect to the 2015/16 Safer Roads Program works in River Street. Ballina, Council notes and accepts the concerns from the businesses impacted by this work, as outlined in this report however the safety benefits generated to the broader community justify the works and therefore the works are authorised to proceed as per the engineering plan attached to this report.
2. That Council also notes the modifications made to the design and other actions taken to reduce the impact on the businesses, as outlined in this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**11.9 Shark Mitigation Strategy**

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

1. That Council notes the contents of this report regarding the Shark Mitigation Strategy.
2. That Council continue to advocate to the State Government to provide funds in relation to the Shark Alarm Warning System and other technologies.
3. That Council take no further action at this point in time regarding the proposal for Council to fund a Jet Ski Patrol for shark mitigation purposes.
4. That in relation to the request for more life guards at Shelly Beach, consideration of this request is deferred to the annual review process which monitors the outcomes of the patrol season. The purpose of this deferral is to ensure the allocation of resources, based on risk, is considered on a holistic priority basis for all of the beaches in the Shire.

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

1. That Council notes the contents of this report regarding the Shark Mitigation Strategy.
2. That Council continue to advocate to the State Government to provide funds in relation to the Shark Alarm Warning System and other technologies.

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3. That Council take no further action at this point in time regarding the proposal for Council to fund a Jet Ski Patrol for shark mitigation purposes.
4. That in relation to the request for more life guards at Shelly Beach, that Council support this request and that the recommended funding strategy be presented to the December 2015 Ordinary meeting.

The **Amendment** was **CARRIED** on the casting vote of the Mayor.

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

The **Amendment** then became the **Motion** and was **CARRIED** on the casting vote of the Mayor.

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

**261115/30      RESOLVED**

(Cr Keith Williams/Cr Jeff Johnson)

1. That Council notes the contents of this report regarding the Shark Mitigation Strategy.
2. That Council continue to advocate to the State Government to provide funds in relation to the Shark Alarm Warning System and other technologies.
3. That Council take no further action at this point in time regarding the proposal for Council to fund a Jet Ski Patrol for shark mitigation purposes.
4. That in relation to the request for more life guards at Shelly Beach, that Council support this request and that the recommended funding strategy be presented to the December 2015 Ordinary meeting.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams and Cr Robyn Hordern and the casting vote of the Mayor  
AGAINST VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith  
ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan  
A **Motion** was moved by Cr Jeff Johnson

That Council provide an additional life guard based in Lennox Head and that the jetski be used to carry out two shifts on a roving patrol.

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The **Motion LAPSED.**

**12. Public Question Time**

**12.1 Terry Prendergast - Excess Water Bill and Malicious Damage**

Terry Prendergast – when is Council going to address or accept responsibility for the trespass onto their land that has caused malicious damage and two excess water bills in excess of \$5,400?

Rod Willis advised that in relation to the damage to trees and tree removal, a letter was signed by him yesterday to be sent to Mr Prendergast.

Paul Hickey advised that Council's Property Officer – Community had been in contact with Mr Prendergast concerning the access issues. These discussions were still ongoing.

In relation to the excess water bill - Council has resolved not to waive excess consumption charges due to leaks or vandalism. That is the position of Council.

**12.2 David Felsch - Burns Point Ferry Road**

David Felsch – he had to drive through salt water on Burns Point Ferry Road today.

John Truman will talk to David about a time to meet with him.

**12.3 David Felsch - Burns Point Ferry**

David Felsch – at the last meeting he asked a question about having an audit undertaken on the ferry and the answer was that the cost for this audit was \$5,000. He also asked whether the operation could be tendered out.

He placed \$5,000 in cash on the table advising that “well here’s your \$5,000” and left the meeting. The General Manager will be returning this cash directly to Mr Felsch.

**11.10 Policy (Review) - Monuments and Memorials on Public Land**

**261115/31 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council place the amended Monuments and Memorials on Public Land 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 - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

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**11.11 Tender - Wigmore Arcade - Roof and Awning Replacement**

**261115/32      RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

1. That in accordance with the provisions contained in Clause 178 of the Local Government (General) Regulations 2005, as no complying tenders were received for the Wigmore Arcade – Roof & Awning Replacement, Council resolves, to enter into direct negotiations with Sidney and Richardson Plumbing and Goldsmith Building Services in relation to a proposed contract.
2. Subject to a satisfactory outcome being achieved through the negotiation process in point one above, and the cost estimate remaining within the available budget, Council authorises the General Manager to execute a contract with Sidney and Richardson Plumbing and Goldsmith Building Services to undertake the replacement of the roof and repairs to the awning of the Wigmore Arcade, along with attaching the Council seal.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**13.      Notices of Motion**

**13.1      Notice of Motion - Divestment from Fossil Fuel Aligned Financial Institutions**

**261115/33      RESOLVED**

(Cr Jeff Johnson/Cr Keith Williams)

That Council

1.      Divest its term investment portfolio from all fossil fuel aligned financial institutions.
2.      That as Council's current term investments expire with fossil fuel aligned financial institutions that these funds are re-invested only with non-fossil fuel aligned financial institutions with the following conditions.
  - a)      the investment is compliant with Council's investment policy
  - b)      the investment rate of interest is comparable or better than those offered by Fossil Fuel aligned financial institutions
3.      Include in our monthly investment report the state of our divestment from fossil fuel aligned financial institutions.

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

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AGAINST VOTE - Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith  
ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**13.2 Notice of Motion - Establishing a Disc Golf Course at Bicentennial Gardens**

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

That Council investigate establishing a Disc Golf Course at Bicentennial Gardens.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Robyn Hordern

That Council investigate establishing a Disc Golf Course at Bicentennial Gardens or other potential sites for implementation in the 2016/17 Delivery Program.

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

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

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

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

**261115/34      RESOLVED**

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council investigate establishing a Disc Golf Course at Bicentennial Gardens.

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

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**14. Advisory Committee Minutes**

**14.1 Commercial Services Committee Minutes - 17 November 2015**

**261115/35 RESOLVED**

(Cr Ben Smith/Cr Paul Worth)

That Council confirms the minutes of the Commercial Services Committee meeting held 17 November 2015 and that the recommendations contained within the minutes be adopted, with an apology to be noted from Cr Keith Williams.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

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

**15.1 Mayoral Meetings**

**261115/36 RESOLVED**

(Cr Sharon Cadwallader/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**16. Questions Without Notice**

**16.1 Cr Ken Johnston - Waste Management Centre - Collection of Chemicals, Paints etc**

**Cr Ken Johnston** – last year we held a collection day at the Waste Management Centre for of chemicals, paints etc. Are we going to have another?

John Truman advised that the last collection day was organised and funded by the EPA. He would investigate if there were any grants available for this.

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**16.2 Cr Paul Worth - Ballina Twilight Markets**

**Cr Paul Worth** – how are the Ballina Twilight Markets going?

Steve Barnier advised that staff have been monitoring the markets. He believed numbers were low. The venue had been rained out on a few occasions.

**16.3 Cr Robyn Hordern - Condition of Shark Attack Victim - Sam Morgan**

**Cr Robyn Hordern** – how is Sam Morgan, the last shark attack victim?

Paul Hickey advised that Sam is out of hospital after surgery and believed to be doing well.

**16.4 Cr Robyn Hordern - Public Holidays**

**Cr Robyn Hordern** – she believed that Ballina may have had a public holiday for the former Kingsford Smith Festival in the past. Is there any way of finding this out?

Steve Barnier to provide response.

**16.5 Cr Robyn Hordern - Traffic Management - Accidents on Pacific Highway**

**Cr Robyn Hordern** – there was an accident on the Pacific Highway yesterday which closed the highway and diverted traffic through the Bruxner Highway. At the time that she was in the vicinity of the detour it was being manned by one Police officer diverting traffic. There was no signage or flashing lights and believed that more was needed.

John Truman advised that normally the RMS have signs and information available to the public on detours. At the time Cr Hordern was in the vicinity, the closure may have only just occurred and the timeframe had prevented any signage to be put in place.

**16.6 Cr Ben Smith - Traffic Management - Accidents on Pacific Highway**

**Cr Ben Smith** – with incidents as described by Cr Hordern with accidents on the Pacific Highway and detours being made available, does MyRoadInfo capture those road closures.

John Truman advised that MyRoadInfo was limited to specific sites, however the RMS website has information on closures/detours.

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**16.7 Cr Sharon Cadwallader - Thanks to Staff**

**Cr Sharon Cadwallader** – would like to acknowledge and thank Council's field staff for the great work they do, and in particular in this hot holiday season.

**MEETING CLOSURE**

1.55 pm

The Minutes of the Ordinary Meeting held on 26/11/15 were submitted for confirmation by council on 17 December 2015 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 17 December 2015.