

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/06/16 AT 9.00 AM**

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), Andrew Smith (Acting Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 25 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.

230616/1 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

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

230616/2 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 May 2016.

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

5. Declarations of Interest and Reportable Political Donations

Cr Jeff Johnson – declared an interest in Item 9.2 – Planning Proposal (BSCPP 14/005) – Blue Seas Parade, Lennox Head. (Nature of Interest: non significant, non pecuniary – a company he worked for has worked on that property). He will be departing the meeting while the matter is discussed..

Cr Sharon Cadwallader – declared an interest in Item 8.2 – Down Convery’s Lane – Compliance Update. (Nature of Interest: non significant, non pecuniary – she is a marriage celebrant, but has never been to the property). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Sharon Cadwallader – declared an interest in Item 10.3 – Delivery Program and Operational Plan – Adoption – and in particular to the matter on the sealing of Brighton Street. (Nature of Interest: non significant, non pecuniary - she owns a property at the other end of Brighton Street). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Keith Williams – declared an interest in Item 10.3 – Delivery Program and Operational Plan – Adoption – and in particular to the donation request from the Australian Seabird Rescue. (Nature of Interest: non significant, non pecuniary - he is Vice President of the Association). .He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

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6. Deputations

- **Graham Antonelli/Pat Carney** – spoke in favour of Item 11.1 – Design Floor Levels Variation – 35 Richmond Street, Wardell.
- **Denis Magnay** – spoke in favour of Item 11.4 – Public Access – North Creek River Bank.
- **Ralph Moss** – spoke in favour of Item 13.7 – Notice of Motion – Tamarind Drive Flooding.
- **Ralph Moss** – spoke in favour of Item 11.5 – North Creek Dredging – Planning and Approvals.
- **Robert Orr** – spoke in opposition to Item 8.2 – Down Convery’s Lane – Compliance Update.
- **Tony Kratz** – spoke in favour of Item 8.2 – Down Convery’s Lane – Compliance Update.
- **Terry Prendergast** – spoke in favour of Item 13.1 – Notice of Motion – Debt Reduction, Mr Prendergast, Teven Road.
- **Paul Snellgrove** – spoke in favour of Item 9.2 – Planning Proposal (BSCPP 14/005) – Blue Seas Parade, Lennox Head.
- **Russell Pilgrim** – spoke in opposition to Item 8.1 – DA 2015/599 – Industrial Subdivision, North Creek Road, Ballina.
- **John Stead** – spoke in opposition to Item 10.3 – Delivery Program and Operational Plan – Adoption and in particular to the reconstruction of Riverbank Road, Pimlico.
- **Peter Small** – spoke in opposition to Item 9.2 – Planning Proposal (BSCPP 14/005) – Blue Seas Parade, Lennox Head.

7. Mayoral Minutes

Nil items.

11.1 Design Floor Levels Variation - 35 Richmond Street, Wardell

230616/3 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council varies the design floor level of DA 2016/151 to 3.7 m AHD below the current DCP level of 4.1 m AHD due to the timing of the issue of the Construction Certificate and the change in Council’s policy.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Keith Johnson

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11.4 Public Access - North Creek River Bank

230616/4 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council notes the contents of this report, including confirmation of the strategic benefits and potential connectivity of public access along the North Creek foreshore.
2. That Council also notes the contents of this report in regards to the expected significant expenditure to investigate and implement engineering or land acquisition proposals.
3. Based on point two above, Council defers any further consideration of public access to the North Creek foreshore until future updates of the *Bike Plan* and *Pedestrian Access and Mobility Plan* are undertaken to enable this project to be considered within the broader context of a Shire-wide assessment of shared/pedestrian access needs and is prioritized accordingly.
4. That Council receive information on options to manage private encroachments into foreshore areas and waterways.

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

13.7 Notice of Motion - Tamarind Drive Flooding

230616/5 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That the Mayor urgently write and potentially meet with the Pacific Highway Project Manager, Mr Higgins, as well as the NSW Minister for Roads, Duncan Gay, to ensure that the RMS and State Government rectify the flooding issues that are now occurring in Tamarind Drive and at the Cumbalum interchange, as residents are being isolated at Ballina Heights and vehicles are driving the wrong way up the south facing ramps onto the Pacific Highway, when flooding occurs.

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

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11.5 North Creek Dredging - Planning and Approvals

230616/6 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council notes the contents of this report regarding the project risks and funding options for the North Creek Dredging project.
2. That Council hold a briefing to examine the risks and funding options prior to making the next decision on this project.
3. That Council invite members of the Port Ballina Taskforce to that briefing.

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

Adjournment

The Mayor declared the meeting adjourned at 10.34 am

The meeting resumed at 10.55 am

8.2 Down Convery's Lane - Compliance Update

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Ken Johnston

1. That Council provide a thirty day extension from 23 June 2016 to the landowners to achieve compliance with the requirements of development consents DA 2002/149 and DA 2008/808.
2. That should compliance with the development consents DA 2002/149 and DA 2008/808 not be forthcoming, that Council commence legal proceedings in the NSW Land and Environment Court against Mr and Mrs Kratz for the offences of operating a wedding function venue without the requisite development consent and for the failure to operate in accordance with either development consent DA 2002/149 or development consent DA 2008/808.

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Robyn Hordern

That Council provide a ninety day extension (option eight as detailed within this report) from 23 June 2016 to the landowners to achieve compliance with the requirements of development consents DA 2002/149 and DA 2008/808, provided time and guest numbers are adhered to, based on existing consent 2002/149.

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

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

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Keith Johnson

The **Amendment** then became the **Motion**.

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

That the applicants be required to comply with the existing consent 2002/149 and if there are any non compliance matters that Council issue a Penalty Infringement Notice.

The **Amendment LAPSED**.

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

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

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Keith Johnson

230616/7 RESOLVED

(Cr Keith Williams/Cr Robyn Hordern)

That Council provide a ninety day extension (option eight as detailed within this report) from 23 June 2016 to the landowners to achieve compliance with the requirements of development consents DA 2002/149 and DA 2008/808, provided time and guest numbers are adhered to, based on existing consent 2002/149.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Keith Johnson

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13.1 Notice of Motion - Debt Reduction, Mr Prendergast, Teven Road

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

1. That Council authorises the General Manager to reduce the excess water charges levied for Mr Terry Prendergast at 1336 Teven Road, Alstonville, for the 2015/16 financial year and for those charges to be based on the step one rate. This is to be a once-off reduction only, which is consistent with Council's rescinded Concealed Water Leaks Policy.
2. The reason for this reduction is due to the charges arising from vandalism and also that unauthorised persons are able to access Mr Prendergast's property from Council owned land.

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

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

AGAINST VOTE - Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

ABSENT. DID NOT VOTE - Cr Keith Johnson

Adjournment

The Mayor declared the meeting adjourned at 11.51 am

The Meeting resumed at 12.06 pm

Cr Jeff Johnson declared an interest in Item 9.2 and left the meeting at 12:06 pm.

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9.2 Planning Proposal (BSCPP 14/005) - Blue Seas Parade, Lennox Head

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

1. That the planning proposal relating to land comprising part Lot 1 and part Lot 2 DP 1165957, Blue Seas Parade, Lennox Head be amended to make provision for the altered zoning and minimum lot size regime as shown in Diagram 3 within this report.
2. The existing maximum building height of 8.5 metres applicable to the site be retained.
3. The amended planning proposal be submitted to the NSW Department of Planning and Environment for an altered Gateway determination.
4. A draft amendment to Ballina DCP 2012 be prepared which incorporates the rear setback provisions applied by the Codes SEPP to lots having an area of 1,200m² as detailed in this report, as well as appropriate slope sensitive design principles as recommended in the Mike Sviki's Planning report.
5. Upon an altered Gateway determination being received, Council authorise the public exhibition of the planning proposal and draft amendments to Ballina DCP 2012 for a minimum period of 28 days.
6. That the matter be reported for further consideration by Council following the mandatory public exhibition period.

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Sharon Cadwallader

1. That the planning proposal relating to land comprising part Lot 1 and part Lot 2 DP 1165957, Blue Seas Parade, Lennox Head be amended to make provision for the altered zoning and minimum lot size regime as shown in Diagram 3 within this report, with the proposed residential zone being no closer than 50 metres from the common property boundary to the south (Mr and Mrs Small's property).
2. The existing maximum building height of 8.5 metres applicable to the site be retained.
3. The amended planning proposal be submitted to the NSW Department of Planning and Environment for an altered Gateway determination.
4. A draft amendment to Ballina DCP 2012 be prepared which incorporates the rear setback provisions applied by the Codes SEPP to lots having an area of 1,200m² as detailed in this report, as well as appropriate slope sensitive design principles as recommended in the Mike Sviki's Planning report.

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5. Upon an altered Gateway determination being received, Council authorise the public exhibition of the planning proposal and draft amendments to Ballina DCP 2012 for a minimum period of 28 days.
6. That the matter be reported for further consideration by Council following the mandatory public exhibition period.

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

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston and Robyn Hordern

AGAINST VOTE - Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

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

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

AGAINST VOTE - Cr Susan Meehan and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

230616/8 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That the planning proposal relating to land comprising part Lot 1 and part Lot 2 DP 1165957, Blue Seas Parade, Lennox Head be amended to make provision for the altered zoning and minimum lot size regime as shown in Diagram 3 within this report, with the proposed residential zone being no closer than 50 metres from the common property boundary to the south (Mr and Mrs Small's property).
2. The existing maximum building height of 8.5 metres applicable to the site be retained.
3. The amended planning proposal be submitted to the NSW Department of Planning and Environment for an altered Gateway determination.
4. A draft amendment to Ballina DCP 2012 be prepared which incorporates the rear setback provisions applied by the Codes SEPP to lots having an area of 1,200m² as detailed in this report, as well as appropriate slope sensitive design principles as recommended in the Mike Svikis Planning report.
5. Upon an altered Gateway determination being received, Council authorise the public exhibition of the planning proposal and draft amendments to Ballina DCP 2012 for a minimum period of 28 days.
6. That the matter be reported for further consideration by Council following the mandatory public exhibition period.

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

Cr Jeff Johnson returned to the meeting at 12:34 pm.

8. Development and Environmental Health Group Reports

8.1 DA 2015/599 - Industrial Subdivision, North Creek Road, Ballina

230616/9 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That DA 2015/599 to undertake an eight lot Torrens Title industrial subdivision, removal of vegetation, associated civil and landscaping works at Lot 3 DP 1218886, No. 54 North Creek Road, Ballina be **APPROVED** subject to the **attached** conditions, including amendments to Schedule 1 for the developer contributions.

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

12. Public Question Time

12.1 Malcolm Lowe - Lake Ainsworth Eastern Road

Malcolm Lowe – has the Council decided the close the eastern road at Lake Ainsworth yet?

The Mayor answered yes.

12.2 Malcolm Lowe - Dredging of the Ballina Bar

Malcolm Lowe - where is dredging of the Ballina Bar up to? He believed that he was informed that it would be undertaken this year.

Paul Hickey advised that this is a State Government responsibility. He cannot guarantee when the bar will be dredged. He will provide Mr Lowe with a copy of a letter received from the State Government.

12.3 Lyn Walker - Submissions Received by Council

Lyn Walker – asked if all submissions received by Council via email be required to state a residential address in addition to an email address?

Paul Hickey advised that at this stage Council did not believe it was a big enough issue to require a residential address on all emails received.

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12.4 Marelle Lee - Matter with Neighbours

Marelle Lee – can Council assist with damage to her property by children living next door to her? Her window and screen have been broken by her neighbour's soccer balls. Is there any way Council can step in? Is there anything Council can do?

Paul Hickey advised that this was a private matter between neighbours and there was little Council could do to assist.

12.5 Terry Prendergast - Tosha Falls

Terry Prendergast – when will Council be developing a management plan for Tosha Falls and will the parties involved be included in the management procedures?

Paul Hickey advised that Council staff inspect the falls and risk assessments have been carried out. In the past we have looked at tourism options and from a staff perspective this was too cost prohibitive. There is a report in today's business paper dealing with Killen Falls which may also address Tosha Falls.

12.6 Denis Magnay - Four Wheel Drive Beach Access

Denis Magnay – he is not happy with the information he has received that the four wheel drive access on Angels Beach is to be closed. He believes this is not consistent with the plan of management. He would like to see the Council include this matter on the agenda with a report so that it can be voted on as Trust Managers.

Paul Hickey advised that this is not a matter which staff intended to be reported to Council.

John Truman advised that we have made Councillors aware of Mr Magnay's position but no Councillor has been forthcoming with a notice of motion to have the matter included on an meeting agenda for discussion.

Adjournment

The Mayor declared the meeting adjourned at 1.15 pm

The meeting resumed at 1.53 pm

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10.3 Delivery Program and Operational Plan - Adoption

230616/10 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council adopts the 2016/17 to 2019/20 Draft Delivery Program and 2016/17 Operational Plan which includes the Long Term Financial Plan (budget) and Fees and Charges, as exhibited, inclusive of any amendments determined at this meeting.
2. That Council approves the formation of a Committee of three Councillors, representing each Ward, plus the Mayor, to consider the applications for the General and Public Hall Donations for 2016/17.
3. That Council endorses the following actions in respect to the various submissions for works and services:
 - a) Ballina Tennis Club - that the roads maintenance program not be adjusted to include sealing of the verges in Burnet Street adjacent to the tennis courts due to higher priority works for this funding.
 - b) Bulwinkel Land Care Group - that the Group be advised that there are no funds in the budget for improvement works however Council will pursue grant funding opportunities as they arise.
 - c) Lennox Head Football Club - that Council receive a report on options to fund the expansion of the Skennars Head Sports Fields through the deferral of other works, to meet the current deficiency for sports fields in Lennox Head.
 - d) Mr Stanger, Brighton Street Sealing - that Mr Stanger be advised that Council will not seal that section of Brighton Street as requested as other roads works are considered to be a higher priority, however, in principle, support is provided should the residents agree to fund the works and make application under Section 138 of the Roads Act.
 - e) Wardell Recreation Ground Trust – that Council agrees to provide a second hand zero turn mower to the Wardell Recreation Ground Trust on the condition that members of the Trust mow the reserve and keep it neat and tidy for, a minimum, of at least five years.
 - f) Wardell Progress Association - that the 2016/17 budget be adjusted to include a budget of \$50,000 for the Carlisle Street footpath from developer contributions, with any savings from the Wardell Boardwalk Project to be added to this budget, if required.

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- g) Ms Rickard Wardell Strategic Plan – that the issues raised in the submission are noted with Council confirming that the implementation of the Wardell Strategic Plan is now listed as a recurrent item in the adopted Delivery Program.
4. That Council endorses the following amendments to the Long Term Financial Plan:
- a) Regional Library Contribution - draft budget reduced by \$44,000
 - b) Federal Blackspot funding - capital income and expenditure budgets increased by \$1,958,000 to construct a roundabout at the intersection of Ross Lane and Byron Bay Road
 - c) Building Better Regional Cities - draft budget adjusted to include income and expenditure to relating to the Ballina Heights rebate
 - d) The General Manager is authorised to recruit :
 - (i) new three day per week position for asset management, as detailed in this report
 - (ii) new part time building services compliance officer, for a 12 month period, as detailed in this report, with the expense fully offset by additional revenue
 - (iii) new full time water and wastewater administration officer, as detailed in this report.
 - (iv) new part time communications officer of 2.5 days for water and wastewater, as detailed in this report, with this position able to be increased to four days, subject to the additional 1.5 days being totally offset by savings in existing communication / marketing / advertising etc budgets.
 - (v) Two new field staff positions to operate the two additional water carts, with this expenditure offset by reducing plant hire.
 - e) Rural Fire Services – draft budget increased from \$120,000 to \$160,000 based on the new calculation methodology.
5. That Council endorses the following amendments to the draft Fees and Charges:
- a) Maximum fee of \$6,000 for the Development Application Compliance Levy is to be removed and the fee charged is simply 0.1% of the estimated cost of the development.

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b) Ferry fees are to make provision that the following organisations are exempt from paying a crossing fee: Police, Ambulance, State Emergency Services, NSW Fire and Rescue, Ballina High School and Australian Seabird Rescue.

6. That Council resolves to make a base rating structure applicable to all rateable land in the Shire for the levy of the 2016/17 Ordinary Rates as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	\$0.19025	470	49.8
Business	\$0.75792	470	14.6
Farmland	\$0.15099	470	32.5
Mining	\$0.75792	470	0

The rate in the dollar for 2016/17 applies to the land value of all rateable land in the Shire within the relevant category.

7. That Council resolves to make the annual charges for 2016/17 as detailed in the Fees and Charges document that forms part of the Delivery Program and Operational Plan for Domestic Waste Management, Stormwater, Waste Management Operations, Water Services and Wastewater Services.

8. That Council notes the information in respect to Christmas decorations with no change proposed to the existing level of service.

9. That Council notes the information in respect to the waste fees for the disposal of bike tyres.

10. That Council notes the submissions in respect to the 2016/17 charge for recycled water to urban open space users, with the charge to remain as advertised, being nil. Council will undertake further consultation with the urban open space users to better understand their concerns and the results of this consultation will be considered by Council prior to exhibiting the proposed charges for the 2017/18 year.

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

230616/11 RESOLVED

(Cr Ken Johnston/Cr Susan Meehan)

That Council not amend the exhibited roads reconstruction program, but that a further report be submitted to the July Ordinary meeting after the Federal election based on possible announcements for increased road funding.

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

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230616/12 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That the \$40,000 for Ross Street footpath works remain allocated to the Gibbon Street precinct and that the source of the \$40,000 funding to match the RMS be the subject of a further report to Council, along with the works program for Gibbon Street.

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

8.3 Policy (Draft) - Asbestos Management

230616/13 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council place the draft Asbestos Management Policy on public exhibition for comment.
2. If no significant submissions are received, then the Policy is adopted.

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

8.4 Compliance Work Plan 2015/16

230616/14 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the outcomes from the Compliance Work Plan for the 2015/16 financial year.

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

8.5 Compliance Work Plan 2016/17

230616/15 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council endorses the proposed annual Compliance Work Plan for 2016/17, as detailed within this report.

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

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8.6 Development Consent and Infrastructure Approvals - May 2016

230616/16 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 May 2016 to 31 May 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

8.7 Development Applications - Works in Progress - June 2016

230616/17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on the status of outstanding development applications for June 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

9. Strategic and Community Facilities Group Reports

9.1 Planning Proposal (BSCPP 14/004) - 16 Tara Downs, Lennox Head

230616/18 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to rezone part of Lot 12 DP 813210, No 16 Tara Downs Lennox Head, to facilitate future residential development, as detailed in Planning Proposal BSCPP 14/004.
2. That amendments to Ballina Shire DCP 2012, which provide for the vegetation buffer, bushfire asset protection zones and building envelopes as detailed in Diagrams 3 and 4 to this report, be prepared and placed on public exhibition.
3. That the proponent's offer to fund a Vegetation Management Plan and associated works be accepted as per the strategy detailed in this report.

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4. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 14/004 under delegated authority upon payment of funds sufficient to undertake the works detailed in the proposed Vegetation Management Plan, and amendments to Ballina Shire DCP 2012, relating to vegetation, bushfire asset protection zones and building envelopes proposed for Lot 12, being placed on public exhibition.

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

9.3 LEP Amendment Request and Planning Proposals - Status

230616/19 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 Keith Johnson

10. General Manager's Group Reports

10.1 Use of Council Seal

230616/20 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following documents.

US16/05	Variation of Lease Document – Ballina Shire Council to JE's Supermarkets Pty Ltd – Shop 7 Wigmore Arcade Ballina
US16/06	Site Share Licence Agreement between Aircservices Australia and Ballina Shire Council for the installation and maintenance of Certified Air Ground Radio Services (CAGRS) at Ballina Byron Gateway Airport Fire Station for a period of 5 plus 5 years at a Licence Fee of \$1.00 if required.

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

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40 CHERRY STREET BALLINA,
ON 23/06/16 AT 9.00 AM**

10.2 Investment Summary - May 2016

230616/21 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the record of banking and investments for May 2016.

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

10.4 Senior Staff - Contract Conditions

230616/22 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council notes the contents of the annual report in respect to the employment conditions of senior staff as required by Section 339 of the Local Government Act.

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

11. Civil Services Group Reports

11.2 Killen Falls - Improvements to Visitor Facilities

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

1. That Council notes the contents of this report regarding the current management situation and facilities at the Council owned property referred to as Killen Falls, with Council confirming that no capital works are allocated for the site within the 2016/17 Delivery Program and Operational Plan as other works listed in that document are considered to be of a higher priority.
2. That Council authorises the General Manager to prepare a management plan for the Killen Falls and Tosha Falls sites to assist with long term planning for the sites.
3. That Council investigate providing a portable toilet on site for the summer season, procedures for declaring the last section of Killen Falls Drive as a shared zone and the cost etc.
4. That Council request Rous Water to carry out drainage works on the eastern side of its driveway to enable car parking.

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

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

230616/23 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council notes the contents of this report regarding the current management situation and facilities at the Council owned property referred to as Killen Falls, with Council confirming that no capital works are allocated for the site within the 2016/17 Delivery Program and Operational Plan as other works listed in that document are considered to be of a higher priority.
2. That Council authorises the General Manager to prepare a management plan for the Killen Falls site to assist with long term planning for the site.

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

11.3 Bike Plan (Draft) - Public Exhibition

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

That Council endorses the Draft Ballina Bike Plan for public exhibition, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required and the Plan is adopted by Council.

An **Amendment** was moved by Cr Paul Worth and seconded by Cr Ken Johnston

That Council endorses the Draft Ballina Bike Plan for public exhibition, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required and the Plan is adopted by Council, with an amendment to remove the bike track along Beachfront Parade

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

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

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

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

230616/24 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council endorses the Draft Ballina Bike Plan for public exhibition, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required and the Plan is adopted by Council.

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

11.6 Road Closing - Broken Head

230616/25 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council approves the request for a road closing application to proceed for the unformed road through Lots 12, 13 & 14 DP 1213684 at Broken Head.
2. That Council authorises the Council seal to be attached to the road closing application and associated documents for the road closing.

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

11.7 Plant Replacement Program

230616/26 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses, for strategic planning purposes, the Plant Replacement Program, as attached to this report, along with the Financial Plan.
2. That the adopted 2016/17 Delivery and Operational Plan include a fleet procurement program in accordance with the Plant Replacement Program endorsed in point one above.

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

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11.8 Tender - Cleaning Services for Council Buildings

230616/27 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report regarding the tender for the provision for cleaning services.

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

11.9 Operating Lease - Tuckombil and Stokers Quarries

230616/28 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of this report regarding the operating lease with Lismore City Council, in respect to the Tuckombil and Stokers Quarries, including the reasons for the urgent consideration of this matter, with the confidential matters relating to this lease to be considered as part of the confidential session of this meeting.

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

13. Notices of Motion

13.2 Notice of Motion - Lennox Head Markets

230616/29 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council receive a report on options for the location of the Lennox Head Market to improve the overall viability and atmosphere of the markets.

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

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13.3 Notice of Motion - East Ballina Cemetery - Improvements

230616/30 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council receive a report on the status of the implementation of the East Ballina Cemetery Master Plan that was adopted on 26 August 2013 to improve the overall look and operation of the cemetery.

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

AGAINST VOTE - Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Keith Johnson

13.4 Notice of Motion - Painting of the Town Entrances Bridges

230616/31 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council receive a report on options to undertake cleaning / painting works of the Town Entrance Bridges, being The Canal and Fishery Creek Bridges.

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

AGAINST VOTE - Cr Paul Worth and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Keith Johnson

13.5 Notice of Motion - Improved Access to Sharpes Beach

230616/32 RESOLVED

(Cr Jeff Johnson/Cr Paul Worth)

That Council receives a report that looks at options to improve the access to Sharpes Beach from the existing carpark.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

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13.6 Notice of Motion - LEP Amendment - Restrict New Residential Buildings to Two Storeys

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

That Council prepare a Planning Proposal to provide an additional clause in the Ballina LEP 2012 that ensures that new residential developments within the Shire are limited to two storeys.

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

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

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 14 June 2016

230616/33 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the minutes of the Commercial Services Committee meeting held 14 June 2016 and that the recommendations contained within the minutes be adopted.

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

14.2 Facilities Committee Minutes - 15 June 2016

230616/34 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council confirms the minutes of the Facilities Committee meeting held 15 June 2016 and that the recommendations contained within the minutes be adopted with the exception of Item 4.1 – Ballina Indoor Sporting and Recreation Facility – Joint Venture and Item 4.2 – Community Facilities – Use by Disadvantaged Persons

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

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Item 4.1 of Facilities Committee Minutes 15 June 2016 - Ballina Indoor Sporting and Recreation Facility - Joint Venture

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Sharon Cadwallader

That this matter be deferred.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Susan Meehan, Cr Paul Worth and Cr Robyn Hordern

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

ABSENT. DID NOT VOTE - Cr Keith Johnson

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

1. That Council commits to provision of an indoor sporting facility in Ballina on the site of the Ballina High School through a joint venture with the NSW Department of Education.
2. That Council's commitment to the joint venture is based on:
 - provision of a sporting facility generally in accordance with the plans contained in Attachment 1 (comprising of the equivalent of two indoor sporting courts provided by Council and two by the Department of Education).
 - a capital cost for the facility of approximately \$9.35 million to be paid in instalments.
 - a long term lease arrangement of 50 years.
 - the inclusion of a clause where any non-renewal of the lease results in a payout to Council of the asset value.
 - consideration of a commercial kitchen.
 - inclusion of a mezzanine seating level.
3. The Council acknowledges that in committing to this joint venture it is accepting the following risks / conditions:
 - The funding for this project is being sourced, in part, from the Landfill and Resource Management Reserve, which significantly restricts the ability of our waste operations to respond to any changes in legislative and operational arrangements for the next three to four years
 - The funding is based on a grant of \$4 million, with no guarantee that this source of funding will be provided during the construction of the project
 - If the grant funding is not secured, Council accepts that other revenue raising measures such as above the rate pegging limit rate increases may be needed to ensure the long term financial viability of Council
 - The construction of this facility, as a new asset, will place increased pressure on our ability to achieve compliance with the State Government's Fit for the Future Program, as the facility is likely to operate at a significant cost to the community, particularly once the depreciation expense is included

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- That all efforts need to be made to ensure our contribution is limited to the agreed figure to limit any further deterioration in our overall financial position.
- 4. The General Manager is authorised to complete negotiations with the Department of Education to formalise the joint venture arrangement as well as operational and maintenance agreements to enable delivery of the project. The General Manager is also to report back to Council any matters that are considered to be of such significance by the General Manager, that they require a Council determination.
- 5. That Council affix the common seal to the joint venture agreement and associated documentation.
- 6. That the detailed design phase include community consultation.
- 7. That Council receive a report on options for financing the inclusion of the mezzanine level.

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

1. That Council commits to provision of an indoor sporting facility in Ballina on the site of the Ballina High School through a joint venture with the NSW Department of Education.
2. That Council's commitment to the joint venture is based on:
 - provision of a sporting facility generally in accordance with the plans contained in Attachment 1 (comprising of the equivalent of two indoor sporting courts provided by Council and two by the Department of Education).
 - a capital cost for the facility of approximately \$8.35 million to be paid in instalments.
 - a long term lease arrangement of 50 years.
 - the inclusion of a clause where any non-renewal of the lease results in a payout to Council of the asset value.
 - consideration of a commercial kitchen.
3. The Council acknowledges that in committing to this joint venture it is accepting the following risks / conditions:
 - The funding for this project is being sourced, in part, from the Landfill and Resource Management Reserve, which significantly restricts the ability of our waste operations to respond to any changes in legislative and operational arrangements for the next three to four years
 - The funding is based on a grant of \$3 million, with no guarantee that this source of funding will be provided during the construction of the project

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- If the grant funding is not secured, Council accepts that other revenue raising measures such as above the rate pegging limit rate increases may be needed to ensure the long term financial viability of Council
 - The construction of this facility, as a new asset, will place increased pressure on our ability to achieve compliance with the State Government's Fit for the Future Program, as the facility is likely to operate at a significant cost to the community, particularly once the depreciation expense is included
 - That all efforts need to be made to ensure our contribution is limited to the agreed figure to limit any further deterioration in our overall financial position.
4. The General Manager is authorised to complete negotiations with the Department of Education to formalise the joint venture arrangement as well as operational and maintenance agreements to enable delivery of the project. The General Manager is also to report back to Council any matters that are considered to be of such significance by the General Manager, that they require a Council determination.
5. That Council affix the common seal to the joint venture agreement and associated documentation.
6. That the detailed design phase include community consultation.

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

FOR VOTE - Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

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

ABSENT. DID NOT VOTE - Cr Keith Johnson

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 Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

ABSENT. DID NOT VOTE - Cr Keith Johnson

230616/35 RESOLVED

(Cr Keith Williams/Cr Jeff Johnson)

1. That Council commits to provision of an indoor sporting facility in Ballina on the site of the Ballina High School through a joint venture with the NSW Department of Education.
2. That Council's commitment to the joint venture is based on:

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- provision of a sporting facility generally in accordance with the plans contained in Attachment 1 (comprising of the equivalent of two indoor sporting courts provided by Council and two by the Department of Education).
 - a capital cost for the facility of approximately \$9.35 million to be paid in instalments.
 - a long term lease arrangement of 50 years.
 - the inclusion of a clause where any non-renewal of the lease results in a payout to Council of the asset value.
 - consideration of a commercial kitchen.
 - inclusion of a mezzanine seating level.
3. The Council acknowledges that in committing to this joint venture it is accepting the following risks / conditions:
- The funding for this project is being sourced, in part, from the Landfill and Resource Management Reserve, which significantly restricts the ability of our waste operations to respond to any changes in legislative and operational arrangements for the next three to four years
 - The funding is based on a grant of \$4 million, with no guarantee that this source of funding will be provided during the construction of the project
 - If the grant funding is not secured, Council accepts that other revenue raising measures such as above the rate pegging limit rate increases may be needed to ensure the long term financial viability of Council
 - The construction of this facility, as a new asset, will place increased pressure on our ability to achieve compliance with the State Government's Fit for the Future Program, as the facility is likely to operate at a significant cost to the community, particularly once the depreciation expense is included
 - That all efforts need to be made to ensure our contribution is limited to the agreed figure to limit any further deterioration in our overall financial position.
4. The General Manager is authorised to complete negotiations with the Department of Education to formalise the joint venture arrangement as well as operational and maintenance agreements to enable delivery of the project. The General Manager is also to report back to Council any matters that are considered to be of such significance by the General Manager, that they require a Council determination.
5. That Council affix the common seal to the joint venture agreement and associated documentation.
6. That the detailed design phase include community consultation.
7. That Council receive a report on options for financing the inclusion of the mezzanine level.

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

Item 4.2 of Facilities Committee Minutes 15 June 2016 - Community Facilities - Use by Disadvantaged Persons

230616/36 RESOLVED

(Cr Robyn Hordern/Cr Paul Worth)

1. That Council notes the contents of this report concerning a review of the trial period for the provision of showering facilities for disadvantaged persons within the Kentwell Community Centre in Ballina and the Lennox Community Centre.
2. That in respect of the Lennox Community Centre, the service be maintained for the time being subject to on-going monitoring.
3. That in respect of the Kentwell Community Centre, the service be maintained for the time being, but discontinued immediately following an alternative facility becoming available in Ballina.
4. That Council provide services for disadvantaged persons, including shower facilities at the rear of the Visitor Information Centre with funding to be sourced from savings in the 2015/16 legal budget.

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

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

15.1 Mayoral Meetings

230616/37 RESOLVED

(Cr Ben Smith/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

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15.2 General Manager - Performance Review and Contract

230616/38 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

That Council notes the contents of this report providing an overview of the General Manager performance appraisal process and contract renewal negotiations.

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

17. Confidential Session

230616/39 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

17.1 Tender - Cleaning Services for Council Buildings (Confidential)

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 the tendered rates and indicative hours are deemed to be commercial in confidence.

17.2 Senior Staff - Contract Conditions (Confidential)

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors)

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 the report provides details of the personal affairs of staff.

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17.3 General Manager - Performance Review and Contract (Confidential)

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors)

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 the discussion may relate to personal matters regarding the employee's performance and contract conditions..

17.4 Tuckombil and Stokers Quarries - Lease to Lismore City Council - Terms

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 report discusses commercial and legal information that is confidential.

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

(The Council moved into Confidential Session at 3.46 pm).

Open Council

230616/40 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

(The Council moved into Open Council at 4.05 pm).

(All staff left the meeting at 3.49 pm during the Confidential Session and were not present for consideration of Items 17.2 and 17.3).

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

17.4 Tuckombil and Stokers Quarries - Lease to Lismore City Council – Terms

CF230616/1 RECOMMENDED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council authorises the General Manager to execute an agreement with Lismore City Council in respect of the lease of Tuckombil and Stokers Quarries, as per the information in this confidential report, with the Council seal to be attached, if required.
2. That Council receive a further report regarding the future management options for the operation of Tuckombil and Stokers Quarries.

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

17.1 Tender - Cleaning Services for Council Buildings (Confidential)

CF230616/2 RECOMMENDED

(Cr Ben Smith/Cr Keith Williams)

1. That Council accepts the tender for the cleaning services of various council buildings from Advanced National Services for a five 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 Keith Johnson

17.2 Senior Staff - Contract Conditions (Confidential)

CF230616/3 RECOMMENDED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council notes the contents of the annual report in respect to the confidential employment conditions of senior staff as required by Section 339 of the Local Government Act.

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

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17.3 General Manager - Performance Review and Contract (Confidential)

CF230616/4 RECOMMENDED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council adopts the General Manager's Performance Review Committee's evaluation for the General Manager's twelve month performance review for 2015/16 as attached to this report.
2. That Council authorises the Mayor to sign the renewal of the General Manager's contract based on the existing terms and conditions, subject to the agreement requiring the General Manager to pay a weekly lease fee, in pre-tax or after tax dollars, for the private use of a Council vehicle.

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

Adoption of Recommendations from Confidential Session

230616/41 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

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

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

16. Questions Without Notice

Nil

MEETING CLOSURE

4.08 pm

The Minutes of the Ordinary Meeting held on 23/06/16 were submitted for confirmation by council on 28 June 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 June 2016.