

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
26/05/11 AT 9.00 AM**

Attendance

Cr P W Silver (Mayor - in the chair), S L Cadwallader, B C Smith, P J Moore, R A Hordern, D E Wright, J L Johnson, A J Brown and S M Meehan.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Regulatory Services Group Manager), Steve Barnier (Strategic & Community Services Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 17 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by the RSL Lifecare Choir.

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

Cr Keith Johnson had been granted leave of absence.

Absent at this Point: Cr Jeff Johnson

4. Confirmation of Minutes

260511/ 1 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 April 2011.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson

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5. Declarations of Interest and Reportable Political Donations

- **Cr Meehan** – declared an interest in Item 14.1 and in particular items 4.3, 4.8 and 4.9 of those minutes - Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report B – Summerhill Crescent, Cumbalum, Report G – Oakland Avenue, West Ballina and Report H – Camoola Avenue, Ballina. (Nature of Interest: pecuniary – she own property in each of these vicinities). She will be departing the meeting while these matters are discussed.
- **Cr Meehan** – declared an interest in Item 13.1 – Notice of Motion – Economic Development and Tourism Funding. (Nature of Interest: non significant, non pecuniary – she is an accommodation owner in Ballina). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Cadwallader** – declared an interest in Item 13.1 – Notice of Motion – Economic Development and Tourism Funding. (Nature of Interest: non pecuniary non significant – she is the owner of holiday accommodation in Ballina). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Cadwallader** – declared an interest in Item 13.2 – Notice of Motion – Lake Ainsworth and Shaws Bay. (Nature of Interest: non pecuniary non significant – she lives in the vicinity of Shaws Bay). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Cadwallader** – declared an interest in Item 10.6 – Tourist Drive – Hinterland Way. . (Nature of Interest: non pecuniary non significant – she is the owner of holiday accommodation in Ballina). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Cadwallader** – declared an interest in Item 10.11 – Operational Plan 2010/11 – Updates. (Nature of Interest: non pecuniary non significant – she is the owner of holiday accommodation Ballina). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Cadwallader** – declared an interest in Item 10.12 – Quarterly Financial Review – March 2011. (Nature of Interest: non pecuniary non significant – she is the owner of holiday accommodation Ballina). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Cadwallader** – declared an interest in Item 14.1 and in particular item 4.7 of those minutes - Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report F – Brighton Street and Easton Place, East Ballina. (Nature of Interest: pecuniary – she owns property in the vicinity). She will be departing the meeting while the matter is discussed.

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- **Cr Silver** – declared an interest in Item 14.1 and in particular items 4.2, 4.4 and 4.6 of those minutes – Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report A – Duck Creek/Gum Creek Catchment Area, Report C – Fawcett Street, Ballina and Report E – Alstonville Village Centre. (Nature of Interest: pecuniary – he is a property owner in each of these vicinities). He will be departing the meeting while these matters are discussed.

- **Cr Hordern** – declared an interest in Item 13.1 – Notice of Motion – Economic Development and Tourism Funding. (Nature of Interest: non pecuniary – she is an owner of holiday accommodation in Ballina). She will be remaining in the meeting while the matter is discussed and voting on the matter.

- **Cr Brown** – declared an interest in Item 14.1 and in particular item 4.5 – Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report D – North Creek Road, North Ballina. (Nature of Interest: non pecuniary – his immediate family own property in North Creek Road). He will be remaining in meeting while the matter is discussed.

There were no reportable political donations.

Cr Jeff Johnson arrived at 9.08 am

6. Deputations

- **Brian Smith/Bert Carter** - spoke in relation to Item 13.2 - Notice of Motion - Lake Ainsworth and Shaws Bay.
- **Sue Hetherington** - spoke in relation to Item 11.4 - Proposed Telecommunication Facility - Basalt court.
- **Tony Gilding** - spoke in opposition to the recommendation in Item 10.6 - Tourist Drive - Hinterland Way.
- **Fred Goodman** - spoke in opposition to recommendations 2 and 3 of Item 10.9 - Lennox Head Community Centre - Public Artwork.
- **Karen Wiggins** - spoke in opposition to the recommendation in Item 8.1 - DA 2011/105 - Bulk Store - Scaffold Business.
- **Richard Lutze** - spoke in relation to Item 10.10 - Entry Treatments - Alstonville and Wollongbar.

7. Mayoral Minutes

Nil items

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11.4 Proposed Telecommunication Facility - Basalt Court

260511/ 2 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to pursue an objection to the proposed Optus Tower with the Telecommunications Ombudsman, with the objection to be based on the wide range of concerns previously expressed by community representatives and that a representative of WHAAT be invited to meet with the General Manager to include the points being raised by the local community in this regard.
2. That the submission include an invitation to pay the travelling costs for the Telecommunications Ombudsman to inspect the site.

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

8. Regulatory Services Group Reports

8.1 DA 2011/105 - Bulk Store - Scaffold Business

File Reference	DA 2011/105
Applicant	Newton Denny Chapelle
Property	Lot 20 DP 1051208 No. 1188 Teven Road, Alstonville
Proposal	The establishment of a bulk store for a scaffold business involving the construction of a shed and vehicular access for the bulk store of trucks and scaffold equipment.
Effect of Planning Instrument	The land is zoned 1(a1) – Rural (Plateau Lands Agriculture) Zone under the provisions of the Ballina LEP

260511/ 3 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

That DA 2010/216 for the establishment of a bulk store for a scaffold business involving the construction of a shed and vehicular access for the bulk store of trucks and scaffold equipment on Lot 20 DP 1051208, No. 1188 Teven Road, Alstonville be **APPROVED**, subject to appropriate conditions of consent.

FOR VOTE - Cr Cadwallader, Cr Smith, Cr Moore, Cr Hordern, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Silver, Cr Wright, Cr J Johnson

ABSENT. DID NOT VOTE - Cr K Johnson

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8.2 Policy (Review) - Backyard Burning

260511/ 4 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

1. That Council adopts the amended Backyard Burning Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

8.3 Development Applications - Work in Progress - May 2011

260511/ 5 RESOLVED

(Cr Susan Meehan/Cr Alan Brown)

That Council notes the contents of the report on the status of outstanding development applications for May 2011.

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

8.4 Development Consent Statistics - April 2011

260511/ 6 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council notes the contents of the report on development consent statistics for 1 April 2011 to 30 April 2011.

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

9. Strategic & Community Services Group Reports

Nil reports

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10. General Manager's Group Reports

10.1 Use of Council Seal

260511/ 7 RESOLVED

(Cr Sharon Cadwallader /Cr Jeff Johnson)

That Council affix the Common Seal to the following document.

US11/14	Use of Seal: 5 + 5 year land component lease commencing 20 July 2011, Council to Rainbow Children's Centre Inc. Lot 210 DP 735156 located at 4 John Sharpe Street, East Ballina. Explanation: The Rainbow Children's Centre Inc. has occupied the Council land at 4 John Sharpe Street, East Ballina, site since July 1990 and the current peppercorn rental lease expires on 19 July 2011. As per the soon to expire lease, in recognition of Council providing the land at peppercorn rental, the tenant is responsible for maintenance costs (building + outdoor) + building insurance costs (on a recoup basis) + Council rates and charges and other outgoings. Staff have instructed Council's solicitor to include within the new lease a 'break' clause such that if, for whatever reason, the not-for-profit status of the lessee ceases, the lease shall terminate and Council may, at its sole discretion, re-negotiate a new lease with the tenant, or other interested party, on a commercial basis at market value, or otherwise offer the property for sale at market value.
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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr K Johnson

10.2 Investments Summary - April 2011

260511/ 8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for April 2011.

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

10.3 GST Compliance Certificate

260511/ 9 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council authorises the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer to sign the GST compliance certificate for the period 1 May 2010 to 30 April 2011.

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

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10.4 Sundry Debtors - Write-Offs

260511/9A RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council approves the write off of the following debts, totalling \$36,501.54, (including legal expenses) as the further pursuit of these debts is considered uneconomical.

Debtor Name	Outstanding (\$)
Hype Surf - Wigmore Arcade	20,460.64
BDM Wagga Pty Ltd T/as The Ballina Hotel	1,975.60
Australian Discount Retail	1,185.80
Bullenah Community Development Pty Ltd	13,879.50

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

Adjournment

The Mayor declared the meeting adjourned at 10.37 am.

The meeting resumed at 11.00 am

10.9 Lennox Head Community Centre - Public Artwork

A **Motion** was moved by Cr Jeff Johnson

That Council call for expressions of interest to provide the public art required for the Lennox Head Community Centre.

The **Motion LAPSED.**

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

That Council call for expressions of interest to provide the public art required for the Lennox Head Community Centre, with \$15,000 available as payment for this work.

An **Amendment** was moved by Cr Alan Brown and seconded by Cr Peter Moore

1. That Council call for expressions of interest to provide the public art required for the Lennox Head Community Centre, with \$15,000 available as payment for this work.

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2. That Council seek to obtain by consultation with the community for this public art on the eastern skate park wall with all expressions of interest to be considered.

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

FOR VOTE - Cr Moore, Cr Wright, Cr Brown

AGAINST VOTE - Cr Silver, Cr Cadwallader, Cr Smith, Cr Hordern, Cr J Johnson, Cr Meehan

ABSENT. DID NOT VOTE - Cr K Johnson

An **Amendment** was moved by Cr Susan Meehan and seconded by Cr Alan Brown

1. That Council call for expressions of interest to provide the public art required for the Lennox Head Community Centre, with \$15,000 available as payment for this work.
2. That Council delegates to the Mayor and Deputy Mayor the authority to determine the preferred application from the expression of interest process, with all Councillors and the community invited to review and provide their view and expression opinion on the submissions made to the Mayor and Deputy Mayor, prior to a final decision being made.

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

FOR VOTE - Cr Meehan

AGAINST VOTE - Cr Silver, Cr Cadwallader, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr J Johnson, Cr Brown

ABSENT. DID NOT VOTE - Cr K Johnson

An **Amendment** was moved by Cr Peter Moore and seconded by Cr Robyn Hordern

1. That Council call for expressions of interest to provide the public art required for the Lennox Head Community Centre, with \$15,000 available as payment for this work.
2. That Council confirms that one of the preferences for this public art is a suitably themed mural for the eastern skate park wall, however all expressions of interest will be considered.
3. That Council delegates to the Mayor and Deputy Mayor the authority to determine the preferred application from the expression of interest process, with all Councillors invited to review and provide their recommendation on the submissions to the Mayor and Deputy Mayor, prior to a final decision being made.

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

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FOR VOTE - Cr Silver, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Cadwallader, Cr J Johnson

ABSENT. DID NOT VOTE - Cr K Johnson

The **Amendment** then became the **Motion** and was **CARRIED**, therefore it was

260511/ 10 RESOLVED

(Cr Peter Moore/Cr Robyn Hordern)

1. That Council call for expressions of interest to provide the public art required for the Lennox Head Community Centre, with \$15,000 available as payment for this work.
2. That Council confirms that one of the preferences for this public art is a suitably themed mural for the eastern skate park wall, however all expressions of interest will be considered.
3. That Council delegates to the Mayor and Deputy Mayor the authority to determine the preferred application from the expression of interest process, with all Councillors invited to review and provide their recommendation on the submissions to the Mayor and Deputy Mayor, prior to a final decision being made.

FOR VOTE - Cr Silver, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Cadwallader, Cr J Johnson

ABSENT. DID NOT VOTE - Cr K Johnson

10.10 Entry Treatments - Alstonville and Wollongbar

260511/ 11 RESOLVED

(Cr David Wright/Cr Ben Smith)

1. That Council endorses the attached Danthonia Designs as the preferred signage approach for the Alstonville and Wollongbar entry treatments, with this design, subject to any necessary amendments, to be incorporated into the Sheryn Da-re landscaping plans.
2. That no further work on the town signage program proceed until a Council workshop is held.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson

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10.5 Borrowing Requirements - 2010/11

260511/ 12 RESOLVED

(Cr Ben Smith/Cr David Wright)

1. Council authorises the General Manager to select the best rate quoted for a borrowing of \$0.5 million for the airport capital works program.
2. The use of the Council seal is authorised on all loan documentation associated with this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson

10.6 Tourist Drive - Hinterland Way

260511/ 13 RESOLVED

(Cr Jeff Johnson/Cr Ben Smith)

That a Councillor workshop be convened to discuss the constraints, opportunities and route options for the proposed Hinterland Way.

FOR VOTE - Cr Cadwallader, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr J Johnson, Cr Meehan

AGAINST VOTE - Cr Silver, Cr Brown

ABSENT. DID NOT VOTE - Cr K Johnson

10.7 Tender - Insurance Policies

260511/ 14 RESOLVED

(Cr Alan Brown/Cr Robyn Hordern)

1. That Council accepts the tender from Jardine Lloyd Thompson for the provision of Councillors and Officers Liability, Marine-Hull, Motor Vehicle, Personal Accident, Property Insurance – Artworks and Workers Compensation Top Up insurance for a three year period commencing 1 July 2011.
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 K Johnson

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10.8 Legal Cases - Status

260511/ 15 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council notes the contents of the legal status report as at May 2011.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson

10.11 Operational Plan 2010/11 - Updates

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

1. The Council notes the contents of the status report on the town and village entry signs project.
2. That the information regarding the review of the Council's Displan be noted and that a workshop be held to further inform the Council about this review and recent changes by government to the NSW emergency management arrangements.
3. The Council notes the contents of the status report on the Coastal Shared Path and Coastal Walkway.
4. The Council notes the contents of the status report on the Regional Visitor Strategy.
5. The Council notes the contents of the status report on the Farmers Market and that Council takes further action to remove the surface water from the Missingham farmers markets site.
6. The Council notes that the Ballina Business Centre project has been previously deleted from the 2010/11 Operational Plan as no resources have been allocated to the project.
7. That Council notes the contents of the status report on the Ballina Floodplain Risk Management Plan
8. That Council notes the contents of the report on the proposal for an information bag and / or welcome kit for new residents moving to the shire, and a phone ahead service with a follow up visit.

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

1. The Council notes the contents of the status report on the town and village entry signs project.

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2. That the information regarding the review of the Council's Displan be noted and that a workshop be held to further inform the Council about this review and recent changes by government to the NSW emergency management arrangements.
3. The Council notes the contents of the status report on the Coastal Shared Path and Coastal Walkway.
4. The Council notes the contents of the status report on the Regional Visitor Strategy.
5. The Council notes the contents of the status report on the Farmers Market and that Council takes further action to remove the surface water from the Missingham farmers markets site.
6. The Council notes that the Ballina Business Centre project has been previously deleted from the 2010/11 Operational Plan as no resources have been allocated to the project.
7. That Council notes the contents of the status report on the Ballina Floodplain Risk Management Plan
8. That a sponsor be sought on the proposal for an information bag and / or welcome kit for new residents moving to the shire, and a phone ahead service with a follow up visit.

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

FOR VOTE - Cr Cadwallader, Cr Moore, Cr Hordern, Cr Wright, Cr J Johnson, Cr Brown

AGAINST VOTE - Cr Silver, Cr Smith, Cr Meehan

ABSENT. DID NOT VOTE - Cr K Johnson

The **Amendment** then became the **Motion** and was **CARRIED**, therefore it was

260511/ 16 RESOLVED

(Cr Sharon Cadwallader /Cr Jeff Johnson)

1. The Council notes the contents of the status report on the town and village entry signs project.
2. That the information regarding the review of the Council's Displan be noted and that a workshop be held to further inform the Council about this review and recent changes by government to the NSW emergency management arrangements.
3. The Council notes the contents of the status report on the Coastal Shared Path and Coastal Walkway.

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4. The Council notes the contents of the status report on the Regional Visitor Strategy.
5. The Council notes the contents of the status report on the Farmers Market and that Council takes further action to remove the surface water from the Missingham farmers markets site.
6. The Council notes that the Ballina Business Centre project has been previously deleted from the 2010/11 Operational Plan as no resources have been allocated to the project.
7. That Council notes the contents of the status report on the Ballina Floodplain Risk Management Plan
8. That a sponsor be sought on the proposal for an information bag and / or welcome kit for new residents moving to the shire, and a phone ahead service with a follow up visit.

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

10.12 Quarterly Financial Review - March 2011

260511/ 17 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council notes the contents of the March 2011 Quarterly Budget Review and approves the changes identified within the report.

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

11. Civil Services Group Reports

11.1 Tender - Provision for Cleaning Services

260511/ 18 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

1. That Council accepts the tender from Clean Works North Coast for the provision of cleaning services to various Council buildings for a three year period commencing 1 July 2011.
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 K Johnson

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11.2 Tender - Hire of Truck, Plant and Traffic Control

260511/ 19 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

1. That in respect to the tender for hire of trucks, plant and traffic control services Council accepts the submissions received as unit rates with these submissions to be implemented on a "best advantage to Council" basis in accordance with the specification and other related tender documents, subject to points two and three below.
2. That, for the reasons discussed in the report, the submissions received from those contractors who did not attend the mandatory pre tender meeting be accepted, subject to those contractors attending a further meeting to be arranged prior to the commencement of the new contract.
3. That, for the reasons discussed in the report, the submissions received for pump out trucks be declined and that the General Manager be authorised to negotiate suitable contract terms with contractors who have made submissions under this tender.

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

11.3 Naming Proposal - Public Roads

260511/ 20 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That in respect to road one, as outlined in this report, Council's preferred naming option is Paperbark Close.
2. That in respect to road two, as outlined in this report, Council's preferred naming option is Mangrove Lane.

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

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11.5 Alstonville Bypass - Handover

260511/ 21 RESOLVED

(Cr Ben Smith/Cr David Wright)

That the General Manager be authorised to finalise the handover of assets associated with the Alstonville Bypass as discussed in this report, subject to the formal offer from the RTA being equal or greater than the minimum threshold identified in this report.

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

12. Public Question Time

12.1 Ralph Moss - Aboriginal Child & Family Centre

Ralph Moss – what are the pros and cons of the questions contained in a letter he handed in seven days ago?

The General Manager advised that a reply has been completed and is ready for collection.

13. Notices of Motion

13.1 Notice of Motion - Economic Development and Tourism Funding

A **Motion** was moved by Cr Sharon Cadwallader

1. That Council, as part of the 2011/12 Operational Plan, include the following projects:
 - a) Installation of shire gateway signage - \$100,000
 - b) Production of a generic promotional CD that will have multiple purposes; i.e. community and council to promote Ballina Shire as a conference venue, holiday destination, business hub etc - \$20,000
 - c) Seed funding for an Economic Development Strategy - \$30,000 (with this funding only to proceed if matching grant funding can be sourced from the NSW State Government)
2. That this funding be sourced from Council's Commercial Opportunities Reserve.

The **Motion LAPSED.**

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13.2 Notice of Motion - Lake Ainsworth and Shaws Bay

260511/ 22 RESOLVED

(Cr Sharon Cadwallader /Cr Jeff Johnson)

1. That Council receive a report on the practicalities of immediately blocking off the road along the eastern side of Lake Ainsworth as identified in the Lake Ainsworth Masterplan.
2. That Council also receive a report on the status of the Shaws Bay Management Plan and the works completed as per the plan to date.

Cr Silver left the meeting at 01:00 PM.

Cr Meehan, Deputy Mayor assumed the Chair.

Cr Silver returned at 01:06 PM. Cr Meehan retained the Chair.

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

Cr Silver resumed the Chair at this stage.

14. Advisory Committee Minutes

14.1 Environmental & Sustainability Committee Minutes - 17 & 19 May 2011

260511/ 23 RESOLVED

(Cr David Wright/Cr Ben Smith)

1. That Council confirms the minutes of the Environmental & Sustainability Committee meeting held Tuesday 17 May 2011 and resumed on Thursday 19 May 2011.

Cr Moore left the meeting at 01:11 PM.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr K Johnson, Cr Moore

260511/ 24 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

2. That recommendation 4.1 - Principal Report, of those Minutes, be adopted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr K Johnson, Cr Moore

Cr Moore returned at 01:12 PM

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Cr Meehan declared an interest in Items 4.3, 4.8 and 4.9 and left the meeting at 01:13 PM.

260511/ 25 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

3. That recommendation 4.3 - Report B - Summerhill Crescent, Cumbalum, of those Minutes, be adopted.
4. That recommendation 4.8 - Report G - Oakland Avenue, West Ballina, of those Minutes, be adopted.
5. That recommendation 4.9 - Report H - Camoola Avenue, Ballina, of those Minutes, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr K Johnson, Cr Meehan

Cr Meehan returned at 01:14 PM

Cr Brown declared an interest in Item 4.5 and left the meeting at 01:15 PM.

260511/ 26 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

6. That recommendation 4.5 - Report D - North Creek Road, North Ballina, of those Minutes, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr Brown

Cr Brown returned at 01:15 PM

Cr Cadwallader declared an interest in Item 4.7 and left the meeting at 01:16 PM.

260511/ 27 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

7. That recommendation 4.7 - Report F - Brighton Street and Easton Place, East Ballina, of those Minutes, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Cadwallader, Cr K Johnson

Cr Cadwallader returned at 01:16 PM

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
26/05/11 AT 9.00 AM**

Cr Silver declared an interest in Items 4.2, 4.4 and 4.6 and left the meeting at 01:16 PM. Cr Meehan, Deputy Mayor assumed the Chair

260511/ 28 RESOLVED

(Cr Robyn Hordern/Cr David Wright)

8. That recommendation 4.2 - Report A - Duck Creek/Gum Creek Catchment Area, of those Minutes, be adopted.
9. That recommendation 4.4 - Report C - Fawcett Street, Ballina, of those Minutes, be adopted.
10. That recommendation 4.6 - Report E - Alstonville Village Centre, of those Minutes, be adopted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr K Johnson

Cr Silver returned at 01:17 PM and assumed the Chair

Solar Credit Bonus Scheme

260511/ 29 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That the matter of the Solar Credit Bonus Scheme be dealt with as a matter of urgency.

FOR VOTE - Cr Cadwallader, Cr Smith, Cr Hordern, Cr Wright, Cr J Johnson, Cr Brown, Cr Meehan
AGAINST VOTE - Cr Silver, Cr Moore
ABSENT. DID NOT VOTE - Cr K Johnson

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Ben Smith.

(Cr Jeff Johnson/Cr Ben Smith)

That Council write to the Premier, Minister for Energy, and other relevant Members of Parliament to express our opposition to any retrospective changes to the Solar Credit Bonus Scheme.

During the debate the following declarations of interest were made:

Cr Jeff Johnson declared a non-significant, non pecuniary interest in this matter. (Nature of Interest: he works for a provider of solar panels but has no direct financial gain from this scheme). He remained in the meeting while the matter was discussed.

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Cr Meehan declared a pecuniary interest in this matter. (Nature of Interest: she has solar panels installed). She departed the meeting at 1.23 pm

Cr Cadwallader declared a non-significant, non pecuniary interest in this matter. (Nature of Interest: her mother has solar panels installed). She remained in the meeting while the matter was discussed.

John Truman declared a pecuniary interest in this matter. (Nature of Interest: he has solar panels installed). He departed the meeting at 1.23 pm

The **Motion** was **CARRIED**, therefore it was

260511/ 30 RESOLVED

(Cr Jeff Johnson/Cr Ben Smith)

That Council write to the Premier, Minister for Energy, and other relevant Members of Parliament to express our opposition to any retrospective changes to the Solar Credit Bonus Scheme.

FOR VOTE - Cr Cadwallader, Cr Smith, Cr Hordern, Cr Wright, Cr J Johnson, Cr Brown

AGAINST VOTE - Cr Silver, Cr Moore

ABSENT. DID NOT VOTE - Cr K Johnson, Cr Meehan

Cr Meehan and John Truman returned at 01:36 PM

14.2 Commercial Services Committee Minutes - 23 May 2011

260511/ 31 RESOLVED

(Cr Robyn Hordern/Cr David Wright)

That Council confirms the minutes of the Commercial Services Committee meeting held Monday 23 May 2011 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson

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

15.1 Mayoral Meetings

260511/ 32 RESOLVED

(Cr Phillip Silver /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 K Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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16. Questions Without Notice

16.1 Cr Meehan - Truck Parking

Cr Meehan – Could we contact the Police regarding trucks parking in the half hour parking zone opposite the Big Prawn, often with refrigerated motors running?

Rod Willis advised yes.

16.2 Cr Meehan - Library Amendment Bill 2011

Cr Meehan – are there implications for the recently introduced Library Amendment Bill 2011?

The General Manager advised that we received a media release relating to the new legislation. His biggest concern was the employment of staff and who employs the staff. Further advice will be provided as it becomes available.

16.3 Cr Brown - West Ballina Water Main Underbore Project

Cr Brown – could he have an update on the West Ballina water main underbore project?

John Truman advised that the work is proceeding as per the contract. There will be an item in the Cr bulletin this week relating to road closures.

16.4 Cr Brown - Tables and Seats - Pop Denison Park

Cr Brown – there are concrete pads still in place in Pop Denison Park where seats and tables have been removed. Could we have those seats and tables replaced? Electric barbecues in the area would also be an enhancement.

John Truman to investigate.

16.5 Cr Wright - Bus Shelter in Wollongbar

Cr Wright – requests that consideration be given to the provision of a bus shelter on the corner of Cromwell Place and Hellyar Drive, Wollongbar.

John Truman to forward this request to the bus shelter contractor.

16.6 Cr Hordern - Bus Transit Centre, Tamar Street, Ballina

Cr Hordern – has received a complaint regarding cleanliness (mainly litter and cleanliness of seats) of the bus transit centre in Tamar Street.

John Truman to investigate.

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16.7 Cr Hordern - Fawcett Park

Cr Hordern – the cleanliness of the barbecue areas and the tops of the bins in Fawcett Park needs looking at again.

John Truman to investigate.

16.8 Cr Moore - Lennox Head Landslip - Traffic Management

Cr Moore – how are we going to manage the increased traffic flow along North Creek Road once the Coast Road is closed at the point where the landslip works will be undertaken?

Could Council have a report on the plans and actions to manage the increased traffic flow along North Creek Road if and when the Coast Road is closed to repair the landslip area?

John Truman advised that a report will be prepared.

16.9 Cr Smith - Lennox Head Landslip

Cr Smith – how far away are the repair works on the landslip at Lennox Point?

John Truman advised that the environmental assessment is nearly complete ready to lodge. Earthworks will be difficult. The flood damage claim is still being negotiated with the RTA. John advised that he is unable to give a timeframe at this point in time.

16.10 Cr Cadwallader - Graffiti

Cr Cadwallader – reported graffiti on the playground equipment in Fawcett Park and also on a palm tree on Kingsford Smith Drive on the left hand side – there's white paint on the trunk.

John Truman to follow up.

16.11 Cr Cadwallader - Taxi Rank

Cr Cadwallader – what is the current situation with the taxi stand being removed from the Coles/K-Mart area during their refurbishment?

John Truman will follow the matter up.

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16.12 Cr Silver - Leave of Absence

Cr Silver – sought leave of absence for the June 2011 Ordinary meeting.

260511/ 33 RESOLVED

(Cr Peter Moore/Cr Robyn Hordern)

That Cr Silver be granted leave of absence for the June 2011 Ordinary meeting.

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

17. Confidential Session

260511/ 34 RESOLVED

(Cr David Wright/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.

(The Council moved into Confidential Session at 1.54pm)

(All staff except the General Manager departed the meeting at this stage).

17.1 Senior Staff Contracts

CF260511/001 RECOMMENDED

(Cr Peter Moore/Cr Susan Meehan)

1. That in accordance with the advice from the Local Government and Shires Association dated 2 May 2011 Council approves the payment of the sick leave entitlement owing as per the former Council sick leave agreement, to the two staff identified in this report.
2. This payment is subject to a deed of agreement being signed that protects Council from any future claims for sick leave for the staff concerned.
3. The General Manager is authorised to attach the Council seal to this deed of agreement.

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

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Open Council

260511/ 35 RESOLVED

(Cr Peter Moore/Cr Susan Meehan)

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

(The Council moved into Open Council at 2.00 pm

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson

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

Adoption of Recommendation from Confidential Session

260511/ 36 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

That the recommendation made whilst in Confidential Session, being Minute Number CF260511/001 be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson

MEETING CLOSURE

2.02 pm

The Minutes of the Ordinary Meeting held on 26/05/11 were submitted for confirmation by council on 23 June 2011 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 23 June 2011.