

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
23/06/11 AT 9.00 AM**

Attendance

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

Paul Hickey (General Manager), David Kelly (Acting Civil Services Group Manager), Rod Willis (Regulatory Services Group Manager), Steve Barnier (Strategic Services Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 21 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Richmond Christian College.

2. Acknowledgement of Country

In opening the meeting the Deputy 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 Phillip Silver, Mayor and Cr Keith Johnson have been granted leave of absence.

4. Confirmation of Minutes

230611/ 1 RESOLVED

(Cr Sharon Cadwallader /Cr Alan Brown)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 May 2011 with the following minor amendment:

Item 5 – Declaration of Interest by Cr Brown – the Nature of Interest should read: pecuniary – his immediate family own property in North Creek Road. He will be departing the meeting while the matter is discussed.

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

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5. Declarations of Interest and Reportable Political Donations

Cr Moore made the following statement in relation to Item 8.1 (DA 2010/962 – Highway Service Centre, Pacific Highway, Ballina) and Item 9.1 (LEP Amendment Request – Woolworths Oxygen (Masters)).

In the past he has not participated in these two matters because he was aware that the Condon family have had an interest in the two matters, therefore his previous interests were non pecuniary due to a perceived friendship with that family.

He has been advised by staff that the Condon family now has no interest in the matters therefore he will be remaining in the meeting and voting while the matters are discussed.

Cr Cadwallader – declared an interest in Item 9.1 – Item 9.1 - LEP Amendment Request – Woolworths Oxygen (Masters. (Nature of Interest: non significant non pecuniary – she owns shares in Woolworths). She will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Ralph Moss** - spoke in favour of Item 7.1 - Mayoral Minute - Aboriginal Child and Family Care Centre.
- **Tony Pratt, Woolworths (Masters) Association** - spoke in opposition to Item 9.1 - LEP Amendment Request - Woolworths Oxygen (Masters).
- **Robyn Sparkes** - spoke in favour of Item 10.7 - Delivery Program and Operational Plan - 2011/2012 to 2014/2015 and in particular Submission No. 2 for Funding Assistance - Ballina Breast Cancer Support Group.
- **Lyn Walker, Ballina Environment Society** - spoke in relation to Item 8.4 Lake Ainsworth Reserve - Eastern Road Closure.
- **Lyn Walker, Ballina Environment Society** - spoke in relation to Item 10.7 - Delivery Program and Operational Plan - 2011/2012 to 2014/2015 and in particular to the submission received from the Society.
- **Phil Tonge** - spoke in relation to Item 10.7 - Delivery Program and Operational Plan - 2011/2012 to 2014/2015 and in particular to the submission received from him relating to works and services.
- **Denise Duroux, Local Reference Group** - spoke in relation to Item 7.1 - Mayoral Minute - Aboriginal Child and Family Care Centre.
- **Ken Silva** – spoke in opposition to Item 8.1 – DA 2010/962 – Highway Service Centre, Pacific Highway, Ballina.

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- **Steve Connelly** – spoke in favour of Item 8.1 – DA 2010/962 – Highway Service Centre, Pacific Highway, Ballina.

7. Mayoral Minutes

7.1 Mayoral Minute - Aboriginal Child and Family Care Centre

A **Motion** was moved by Cr Robyn Hordern and seconded by Cr Sharon Cadwallader .

That Council hold an Extraordinary Meeting in early July 2011 to consider the report on the public exhibition and public hearing process for the proposed change in community land categorisation for Porter Park, West Ballina.

An **Amendment** was moved by Cr Alan Brown and seconded by Cr Jeff Johnson

1. That Council hold an Extraordinary Meeting at 4pm on Monday 4 July 2011 to consider the report on the public exhibition and public hearing process for the proposed change in community land categorisation for Porter Park, West Ballina.
2. Following this Extraordinary Meeting on 4 July 2011 and if then deemed necessary, a workshop be held to allow all interested parties to participate in order to finally come to a conclusion as to where the Aboriginal Child and Family Care Centre be located.

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

FOR VOTE - Cr J Johnson, Cr Brown

AGAINST VOTE - Cr Cadwallader, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr Meehan

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

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

230611/ 2 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That Council hold an Extraordinary Meeting in early July 2011 to consider the report on the public exhibition and public hearing process for the proposed change in community land categorisation for Porter Park, West Ballina.

FOR VOTE - All Councillors voted unanimously.

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

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13.2 Notice of Motion - Aboriginal Child and Family Care Centre

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

1. That Council reaffirms its support for the proposed Aboriginal Child and Family Centre in Ballina.
2. That the General Manager ensure that the report to Council on the proposed re-categorisation of the Community Land at Porter Park also provide a detailed review of all other sites considered for the proposed centre to ensure that Councillors are in a position to make a fully informed decision on the most suitable site for the centre.

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

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

8. Regulatory Services Group Reports

8.1 DA 2010/962 - Highway Service Centre, Pacific Highway, Ballina

File Reference	DA 2010/962
Applicant	SJ Connelly CCP Pty Limited
Property	Lot 11 DP 1011575, Pacific Highway, West Ballina.
Proposal	Construction of a Highway Service Centre comprising Service Station, associated Fast Food Restaurants, Auto Repair Centre, associated Vehicular Accesses (including a round-about intersection on the existing Pacific Highway alignment), Car and Truck Parking, Infrastructure Works, Filling, Landscaping, Earthworks and Advertising Structures upon Lot 11 DP 1011575, Pacific Highway (now known as No. 565-589 River Street, West Ballina) and a Two (2) Lot Subdivision (Lot 1 – Highway Service Centre & Lot 2 – Agricultural Residue).
Effect of Planning Instrument	The land is zoned part 9(a) Roads (Main Roads Proposed), part 1(b) Rural (Secondary Agricultural Land), part 1(a2) Rural (Coastal Lands Agriculture) and part 2(a) Living Area Zone under the provisions of the Ballina LEP

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230611/ 3 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That development application DA 2010/962 to Undertake the Construction of a Highway Service Centre comprising Service Station, associated Fast Food Restaurants, Auto Repair Centre, associated Vehicular Accesses (including a round-about intersection on the existing Pacific Highway alignment), Car and Truck Parking, Infrastructure Works, Filling, Landscaping, Earthworks and Advertising Structures upon Lot 11 DP 1011575, Pacific Highway (now known as No. 565-589 River Street, West Ballina) and a Two (2) Lot Subdivision (Lot 1 – Highway Service Centre & Lot 2 – Agricultural Residue be **issued Deferred Commencement Consent** subject to the imposition of relevant planning, engineering and building construction conditions.

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

AGAINST VOTE - Cr J Johnson

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

Adjournment

The Deputy Mayor declared the meeting adjourned at 10.45 am.

The meeting resumed at 11.08 pm

8.2 Compliance Work Plan 2010/2011 - Final Update

230611/ 4 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That Council notes the contents of the final report for the annual Compliance Work Plan for 2010/11.

FOR VOTE - All Councillors voted unanimously.

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

8.3 Compliance Work Plan 2011/2012 - Proposed

230611/ 5 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council endorses the proposed annual Compliance Work Plan for 2011/12 as attached to this report.

FOR VOTE - All Councillors voted unanimously.

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

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8.4 Lake Ainsworth Reserve - Eastern Road Closure

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

1. That Council take no further action on the permanent closure of the Eastern Road at Lake Ainsworth, at this point in time, as the environmental benefits to be gained are not considered to outweigh the dis-benefits from this closure; such as the reduced accessibility for the Lake Ainsworth Sport and Recreation Facility and increased congestion on the southern road.
2. That Council receive a further report on options or interim options that in the medium term might allow a reduction in traffic accessing Lake Ainsworth and Seven Mile Beach via the Eastern Road whilst maintaining access to the Sport and Recreation Facility.
3. That the General Manager ensure that staff pro-actively respond to any water on the Eastern Road at Lake Ainsworth by temporarily closing the road when necessary.

An **Amendment** was moved by Cr Sharon Cadwallader

1. That Council take no further action on the permanent closure of the Eastern Road at Lake Ainsworth, at this point in time, as the environmental benefits to be gained are not considered to outweigh the dis-benefits from this closure; such as the reduced accessibility for the Lake Ainsworth Sport and Recreation Facility and increased congestion on the southern road.
2. That Council receive a further report on options or interim options that in the medium term might allow a reduction in traffic accessing Lake Ainsworth and Seven Mile Beach via the Eastern Road whilst maintaining access to the Sport and Recreation Facility.
3. That a staff member join the B Ward working party to prioritise what remains to be done on the Lake Ainsworth Master Plan and further develop a timeline for completion of the outstanding works.

The **Amendment LAPSED**.

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

230611/ 6 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council take no further action on the permanent closure of the Eastern Road at Lake Ainsworth, at this point in time, as the environmental benefits to be gained are not considered to outweigh the dis-benefits from this closure; such as the reduced accessibility for the

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Lake Ainsworth Sport and Recreation Facility and increased congestion on the southern road.

2. That Council receive a further report on options or interim options that in the medium term might allow a reduction in traffic accessing Lake Ainsworth and Seven Mile Beach via the Eastern Road whilst maintaining access to the Sport and Recreation Facility.
3. That the General Manager ensure that staff pro-actively respond to any water on the Eastern Road at Lake Ainsworth by temporarily closing the road when necessary.

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

AGAINST VOTE - Cr J Johnson

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

8.5 Shopping Trolleys - Update

230611/ 7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council supports the continuation of its present practises in respect to the management of trolleys, noting the responses and undertakings given by retailers in relation to this issue.
2. That Council approves the purchase of 50 signs, from existing operating budgets, suitable for erection at exits from shopping centres where trolleys are in use and encourages the purchase and installation of these by retailers or the owners of the shopping centres, as the case may be.
3. That Council write to the Minister for Local Government, who is responsible for the Impounding Act 1993, seeking a review of the Act and including a copy of the legal opinion obtained by the Council that illustrates identified shortcomings and interpretative issues with this legislation. This correspondence is to include a suggestion that shopping trolleys be specifically referenced and provisions made for councils, enabling them to address the problem of abandoned trolleys in public places more efficiently and effectively.

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

AGAINST VOTE - Cr J Johnson, Cr Brown

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

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8.6 Development Applications - Work in Progress - June 2011

230611/ 8 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

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

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

8.7 Development Consent Statistics - May 2011

230611/ 9 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of the report on development consent statistics for 1 May 2011 to 31 May 2011.

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

9. Strategic & Community Services Group Reports

9.1 LEP Amendment Request - Woolworths Oxygen (Masters)

230611/ 10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That this matter be deferred to a Council workshop with the workshop to include a presentation from the applicant.

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

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9.2 Combined DCP Amendment No.13 - Coastal Grove Lennox Head

230611/ 11 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council adopt and proceed to implement Ballina Shire Combined Development Control Plan Amendment No.13 relating to the Coastal Grove residential estate at Lennox Head.
2. That, due to consultation with Council's Building Services Section, the adopted amendment shall include the following modifications to the exhibited Policy Statement No.20:
 - a) Adjustment to text to specifically designate the front street boundary as the viewing reference point in relation to single storey construction requirements on lots 26-32.
 - b) Inclusion of requirement that applications for development on land exceeding 15% slope are accompanied by a driveway long section drawing prepared by a suitably qualified person.
 - c) Inclusion of requirement that engineering and geotechnical assessment is prepared by suitably qualified persons.
 - d) Inclusion of requirement that geotechnical assessment is required for development on land within geotechnical zone 3 and an associated requirement for such assessment to be prepared by a geotechnical engineer.
 - e) Inclusion of a requirement for structural design to consider geotechnical assessment findings.
 - f) Inclusion of a requirement for a landscaping plan and use of mature trees where landscaping is used for underfloor screening.

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

9.3 Section 94 - Heavy Haulage Contributions Plan - Review

230611/ 12 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That the Draft Heavy Haulage Contributions Plan 2011, as included as a separate attachment to this report, be placed on public exhibition for public comment in accordance with the requirements of the Environmental Planning and Assessment Act.

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

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9.4 Community Land Plan of Management - Various Amendments

230611/ 13 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council adopts Amendment No. 6 to the Ballina Shire Principal Generic Plan of Management for Community Land as exhibited for public comment. The effect of the amendment is to:

1. Enable the construction of a building on Brooklet Park, Brooklet for the benefit and use of the Rural Fire Service;
2. Enable the construction of a water reservoir and the undertaking of improvements on Kings Court Reserve, Lennox Head; and
3. Confirm the use of the Pacific Pines Playing Fields in Lennox Head as a sportsground.

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

10. General Manager's Group Reports

10.1 Use of Council Seal

230611/ 14 RESOLVED

(Cr Alan Brown/Cr Ben Smith)

That Council affix the Common Seal to the following document.

US11/15	<p>Transfer of Lot 20 DP 1164159 from Council to the Trustees of the Catholic Church. Lot 20 was formerly a section of closed road (formerly part of Chilcott Circuit) at Ballina Heights Estate.</p> <p>The proposed alignment of Chilcott Circuit was dedicated as road in the subdivision plan registered in 2003. A minor redesign of the lot layout revised the road alignment and a new section of land was dedicated as road. This realignment left a small section of road that could now be closed. The realigned road is now constructed in a full width road reserve and the section of closed road is not needed. The land transfer is basically a land swap and is to be done for a nominal charge (ie: \$1).</p>
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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr K Johnson

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10.2 Investments Summary - May 2011

230611/ 15 RESOLVED

((Cr Alan Brown /Cr Jeff Johnson)

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

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

10.3 Ward Committees - Membership

230611/ 16 RESOLVED

(Cr Robyn Hordern/Cr Peter Moore)

That Council approves the following additional membership to the "A" Ward Committee:

- South Ballina Community Association

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

10.4 Community Communications - Options

230611/ 17 RESOLVED

(Cr Ben Smith/Cr Alan Brown)

1. That Council include in the 2011/12 Operational Plan an activity to implement a resident reporting system similar to that used by Brisbane City Council through their "fix-o-gram" service.
2. That Council revisit a proposal to promote the type of service being provided in point one, following the introduction and operation of the service for approximately three months. This time period allows Council to assess the effectiveness of the service. One concept for promotion is the "Eyes in the Suburb" program as used by Brisbane City Council.

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

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10.5 Policy (Final) - Councillors Facilities & Expenses

230611/ 18 RESOLVED

(Cr Ben Smith/Cr David Wright)

1. That Council adopts the Councillor Facilities & Expenses Policy as exhibited, and as attached to this report.
2. That Council receive a further report on the possibility of including Councillor attendance at the ALGWA Executive meetings and conferences held throughout New South Wales as part of the Councillor Facilities & Expenses Policy.

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

Cr Attendance - ALGWA

230611/ 19 RESOLVED

(Cr Peter Moore/Cr David Wright)

That Council approves Cr Cadwallader's attendance at the ALGWA meeting to be held in Dubbo on 2 July 2011.

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

10.6 Tender - External Audit Services

230611/ 20 RESOLVED

(Cr David Wright/Cr Ben Smith)

1. That Council accepts the tender from Thomas Noble and Russell as external auditors for a six year period commencing from 1 July 2011.
2. That Council authorises the Council seal to be attached to the contract documents.

Cr J Johnson left the meeting at 12:33 PM.

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

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10.7 Delivery Program and Operational Plan - 2011/2012 to 2014/2015

Cr J Johnson returned at 12:35 PM

230611/ 21 RESOLVED

(Cr Sharon Cadwallader /Cr David Wright)

1. That Council adopts the 2011/2012 Draft Delivery Program and Operational Plan, 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, in the Shire to consider the applications for donations for 2011/12.
3. That the 2011/12 Operational Plan be amended to include a budget of \$15,000 for the Southern Cross University ARC Linkage Project funded from the quarry reserve.
4. That the 2011/12 Operational Plan be amended to provide a budget of \$5.8 million, including all grants and contributions (less any expenses incurred during 2010/11) for the Ballina Surf Club.
5. That the 2011/12 Operational Plan be amended to include on-going funding of approximately \$150,000 for improvements to the Ballina Shire Council works depot, as per the Council's adopted depot master plan. This work is to be funded by reallocating existing General Fund capital and operational budgets as per Table Three of this report and accepting annual contributions from Water Sewer and Waste of approximately \$56,000 per annum, excluding any reduction in the Open Spaces maintenance budget.
6. That the 2011/12 Operational Plan be amended through a reduction of \$55,000 in estimated income from gate fees at the Waste Management Facility resulting in a total income of \$1,225,000. This reduction is due to Council's resolution to halve the proposed recyclable waste charge.
7. That Council introduce for 2011/12 a new charge for residents who wish to receive an additional single green waste collection service of \$234 per annum.
8. That due to the largely negative response from the rural residential properties surveyed, Council approves a reduction in the area to receive the new weekly green waste service to focus primarily on urban areas, as per attachment eight of this report.
9. That Council not support a change in the proposed weekly green waste service as exhibited, as this is considered to be the most effective service mix to encourage recycling of green waste and recyclables.

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10. That Council does not support urban properties to opt out of the green waste service due to the difficulties and increased costs in implementing a mixture of services within a defined area.
11. That the 2011/12 Cemetery fees be amended as per Table Four of this report.
12. That the 2011/12 Regulatory Services fees be amended such that they align with the Environmental Planning and Assessment Regulation 2000.
13. That the 2011/12 Lennox Head Community Centre fees be amended to provide the following discounts for multiple room hire:
 - 2 x meeting rooms: 15% discount off both community and commercial rates
 - 3 x meeting rooms: 20% discount off both community and commercial rates.
14. That the 2011/12 Ballina Community Services Centre fees be amended as per Table Five of this report.
15. That Council introduce for 2011/12 a new charge for the marquees owned by Council. The fees are to be \$55 per marquee (maximum of three days) and \$25 per day thereafter, with hirers responsible for cleaning costs, damage etc to the marquees. Eligible groups must meet one of the following criteria:
 - Events that receive funding under Council's Festival and Events Support Program
 - Council supported civic events (i.e. Australia Day, Anzac Day Celebrations, Naidoc Week)
 - Events of regional / state / national significance where Council enters into an agreement for the delivery of that event
 - Community events with active Council involvement (i.e. Fair Go Skateboarding Competition).
16. That the 2011/12 Operational Plan be amended to include \$75,000 to refurbish the administration front counter, funded from reserves and contributions from water, sewer and waste, as outlined in this report.
17. That the 2011/12 Operational Plan be amended to include the following works, with the Council contribution funded from the quarry reserve.

Description	Total Cost (\$)	Grant Funding	Quarry Reserve
Ballina Yacht Club boat ramp	34,620	17,310	17,310
Emigrant Creek boat ramp, West Ballina - Stage Two	221,980	110,990	110,990
Burns Point Ferry - Southern Ramps	50,000	0	50,000
Contingency	1,700	0	1,700
Total	308,300	128,300	180,000

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18. That the 2011/12 Operational Plan be amended to include a specific task to complete a long term financial plan for the Council's quarry operations with this plan to ensure that Council is in a position to finance any future remediation works.
19. That Council resolves to make a base rating structure for the levy of the 2011/12 Ordinary Rate as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.140421	374	49.7
Business	0.508970	374	14.8
Farmland	0.117018	374	32.7

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

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

That an introductory 6 month trial period for new businesses seeking footpath dining be based on no fees being paid.

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

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

230611/ 22 RESOLVED

(Cr Ben Smith/Cr Peter Moore)

That Council add links to our website to other organisations who undertake kerbside pickups, along with background information on the costs associated with Council providing such a service and also advertising in Community Connect.

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

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230611/ 23 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That the Committee to consider the applications for donations for 2011/12 consist of the following Councillors:

A Ward – Cr Meehan
C Ward – Cr Wright
B Ward – Cr Cadwallader

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

16. Questions Without Notice

16.1 Cr Moore - Handrail on Shared Pathway to Lennox Point

Cr Moore – enquired about the railing being installed at Lennox Headland shared path. Concerned about the type of railing installed on the shared pathway at Lennox Head and in the setting that it is in. He asked that a report be submitted on this matter.

The General Manager advised that the work had been put on hold and that a report would be submitted to the next meeting.

Cr Moore left the meeting at 01:00 PM.

12. Public Question Time

12.1 Denis Magnay - Public Hearing on Porter Park Plan of Management

Denis Magnay – Would Council supply me with copies of the following documents in relation to the recent Public Hearing into the recategorising of land at Porter Park?

1. The brief which Mr Anderson received in conjunction with the Terms of Reference.
2. Names of speakers for the Hearing which were nominated prior to the Hearing and the time and date of such nominations.
3. The transcripts of the notes taken by Mr Anderson and the Council staff during the Hearing.

The General Manager advised that we can supply the information if we have it.

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12.2 Ralph Moss - Public Hearing on Porter Park Plan of Management

Ralph Moss – the Terms of Reference for the public hearing on Porter Park appeared to be inadequate and insufficient to suit the requirements of the hearing. Would this be able to be discussed at the Extraordinary meeting to be called?

The General Manager advised that we weren't aware of any breach of the legislation relating to the public hearing.

There won't be any workshop because Council has only resolved to have an Extraordinary meeting.

All agendas for the Extraordinary meeting will be available to the public.

Cr Brown left the meeting at 01:03 PM.

11. Civil Services Group Reports

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

230611/ 24 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

1. That Council adopt the amended Unused Public Roads - Short Term Leases 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 Silver, Cr K Johnson, Cr Moore, Cr Brown

11.2 Commercial Activities on Public Land - Additional Activities

230611/ 25 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council approves the issuing of commercial activity permits for the following activities, subject to appropriate operating conditions as determined by the General Manager:
 - a. Guided Bike Tours - Classified as low impact
 - b. Sailing Schools - Classified as low impact
 - c. Commercial Boat Use of Public Wharves and Pontoons - Classified as medium Impact
 - d. Pony Rides for Private Parties - Classified as low Impact

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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23/06/11 AT 9.00 AM**

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

11.3 Waste Water Treatment Plants Upgrade - Update

230611/ 26 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council notes the contents of the progress report on the upgrade of the Ballina and Lennox Head Waste Water Treatment Plants.

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

11.4 Tender - Provision for Supply & Laying of Asphalt

230611/ 27 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

1. That Council accepts the tenders from Boral Asphalt, Clark Asphalt Pty Ltd, Fulton Hogan Industries Pty Ltd and Tropic Asphalts Pty Ltd as preferred contactors for the supply and laying of asphalt for the period to 30 June 2012.
2. That in accordance with the term of the contract, the General Manager is authorised to extend the contract period to 30 June 2013 and 30 June 2014, if desirable.

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

13. Notices of Motion

13.1 Notice of Motion - Library Act

230611/ 28 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. Council receive an urgent report outlining the recent changes to the NSW Library Act and the implications for the Richmond Tweed Regional Library
2. That Council not commit to any proposed organisational changes or new service level agreements until Council has considered this report.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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14. Advisory Committee Minutes

Nil items.

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

15.1 Mayoral Meetings

230611/ 29 RESOLVED

(Cr Sharon Cadwallader /Cr David Wright)

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

FOR VOTE - All Councillors voted unanimously.

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

16. Questions Without Notice

16.2 Cr Jeff Johnson - 4wd Permits

Cr Jeff Johnson – asked if Council will be receiving a report on how the 4wd permit system is operating. (eg how many permits and fines have been issued and where is the income being.)

The General Manager advised that Council had received approximately \$10,000 in income. The scheme had been relatively well received. Education had improved through the information brochures handed out and to his knowledge no 4wd driver had been fined. The income has assisted in activities in the employment of an additional Ranger.

16.3 Cr Wright - New Footpath in Alstonville

Cr Wright – enquired if the new footpath being constructed along Ballina Road in Alstonville opposite Geoff Watt Oval would have a railing on it?

Civil Services to investigate.

16.4 Cr Ben Smith - Wardell Progress Association - Bus Shelter Colour

Cr Smith – advised that he recently attended a meeting of the Wardell Progress Association. The Association is not happy with the colour of the bus shelters recently erected and suggested that they could be consistent with others in the Shire.

Civil Services to investigate.

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16.5 Cr Cadwallader - Airport Phone and Baggage Carousel

Cr Cadwallader – advised that there was no taxi phone at the airport. Can the Airport Manager liaise with the taxi company to supply a phone.

She also believed that the middle of the baggage carousel was a perfect opportunity to place advertising.

Information will be forwarded to the Airport Manager.

16.6 Cr Cadwallader - Provision of Taxi Drop Off Points - River Street Upgrade

Cr Cadwallader – could a taxi drop off and pick up zone be included in the River Street upgrade near the Commonwealth Bank?

Civil Services to investigate.

16.7 Cr Cadwallader - Tibouchina Trees

Cr Cadwallader – asked why Council is trimming all the tibouchina trees in Alstonville.

Civil Services to investigate.

16.8 Cr Meehan - Shared Path Handrail, Lennox Point

Cr Meehan – advised that she believed that the handrail on the shared path at Lennox Head was not aesthetically pleasing in that environment.

16.9 Cr Hordern - Promotional Screen at Airport

Cr Hordern – last time she was at the Airport there was no promotional material on the screen.

The Airport Manager to provide an update.

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17. Confidential Session

230611/ 30 RESOLVED

(Cr Robyn Hordern/Cr David Wright)

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

FOR VOTE - All Councillors voted unanimously.

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

Adjournment

The Deputy Mayor declared the meeting adjourned at 1.29 pm.

The meeting resumed at 2.18 pm

(Crs Brown and Moore returned to the meeting at this stage)

17.1 Senior Staff - Contractual Conditions

CF230611/001 RECOMMENDED

(Cr David Wright/Cr Ben Smith)

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 Silver, Cr K Johnson

17.2 Licence Agreement - Termination or Surrender

CF230611/002 RECOMMENDED

(Cr Sharon Cadwallader /Cr David Wright)

1. That Council, as Reserve Trust Manager, consents to the surrender of the Licence Agreement as referenced within the body of this report, subject to the conditions outlined within option two of this report.
2. That Council approves the attachment of the Council Seal to the Deed of Surrender of the Licence Agreement.

FOR VOTE - All Councillors voted unanimously.

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

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17.3 Retail Lease - Review

CF230611/003 RECOMMENDED

(Cr David Wright/Cr Sharon Cadwallader)

That Council endorses option two as detailed within this report.

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

17.4 Sewer Loans - Request for Information

CF230611/004 RECOMMENDED

(Cr David Wright/Cr Sharon Cadwallader)

1. That in respect to the request for information for \$63 million in loan funding for Council's sewer upgrade program, Council authorises the General Manager to accept a loan proposal based on the parameters as outlined within table nine of this report.
2. Council authorises the Council seal to be attached to all the associated loan documentation.

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

17.5 Property Acquisitions

CF230611/005 RECOMMENDED

(Cr Alan Brown/Cr Robyn Hordern)

That Council notes the contents of this report in respect to potential property acquisitions.

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

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Open Council

230611/ 31 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

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

(The Council moved into Open Council at 3.00 pm

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

Adoption of Recommendations from Confidential Session

230611/ 32 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That the recommendation(s) made whilst in Confidential Session, being Minute Numbers CF230611/001 to CF230611/006 inclusive, be adopted.

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

MEETING CLOSURE

3.01 pm

The Minutes of the Ordinary Meeting held on 23/06/11 were submitted for confirmation by council on 28 July 2011 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 July 2011.