

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON  
28/07/11 AT 9.00 AM**

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**Attendance**

Cr P W Silver (Mayor - in the chair), S L Cadwallader, B C Smith, K H Johnson, P J Moore, D E Wright, J L Johnson, A J Brown (arrived at 9.07 am) and S M Meehan.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Regulatory Services Group Manager), (Vince Hunt, Manager Building Services for part of meeting only), Steve Barnier (Strategic & Community Services Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 69 people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by two Southern Cross School students.

**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 Robyn Hordern has been granted leave of absence.

**4. Confirmation of Minutes**

**280711/ 1      RESOLVED**

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 June 2011, with a minor amendment to Page 20, Item 16.7 should read "removing all the tibouchina trees", not "trimming".

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Hordern, Cr Brown

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

**Cr Meehan** – declared an interest in Item 9.1 – Aboriginal Child and Family Care Centre – Porter Park, West Ballina. (Nature of Interest: non pecuniary/non significant - a member of Local Reference Group works at a place of her work and Cr Meehan owns property in the area). She will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Silver** – declared an interest in Item 9.5 – Ballina LEP – Amendment Request – Stoville, Alstonville. (Nature of Interest: significant non pecuniary – the applicant is a friend.) He will be departing the meeting while the matter is discussed.

Cr Brown arrived at 09:07 am

There were no reportable political donations.

**6. Deputations**

- **Louise Owen** - spoke in opposition to Item 11.2 - Shared Path - Lennox Head to Pat Morton Lookout.
- **Louise Owen** - spoke in opposition to Item 11.3 - Shared Path - Lennox Head Village.
- **Ralph Moss** - spoke in favour of Item 10.7 - Code of Conduct - Reporting.
- **Ralph Moss/Ken Silva** - spoke in favour of Item 13.1 - Rescission Motion - DA 2010/962 - Highway Service Centre.
- **Ian Duncan** - spoke in favour of Item 10.11 - Donations - Financial Assistance and Community Halls, and particularly in relation to the request from the Newrybar Hall.
- **Lenkunyur Roberts/Sonja Stewart** - spoke in favour of Item 9.1 - Aboriginal Child and Family Care Centre - Porter Park, West Ballina.
- **Barry Russell** - spoke in favour of Item 8.3 - Shaws Bay Management Plan - Update.
- **Steve Connelly** - spoke in opposition to Item 13. 1 - Rescission Motion - DA 2010/962 - Highway Service Centre.
- **Ken Johnston** - spoke in opposition to Item 9.1 - Aboriginal Child and Family Care Centre - Porter Park, West Ballina.

**7. Mayoral Minutes**

Nil items

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**9.1 Aboriginal Child and Family Care Centre - Porter Park, West Ballina**

A **Motion** was moved by Cr Alan Brown and seconded by Cr Jeff Johnson.

That Council receive a further report to the August 2011 Ordinary Meeting, on the possibility of using the Federal Government grant funding to offset part of the costs of Council acquiring the current McDonalds site for this Centre, along with financial details of Council acquiring part of the site adjacent to the McDonalds site.

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

FOR VOTE - Cr J Johnson, Cr Brown

AGAINST VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Moore, Cr Wright, Cr Meehan

ABSENT. DID NOT VOTE - Cr Hordern

**280711/ 2      RESOLVED**

(Cr Peter Moore/Cr David Wright)

1. That Council adopts Draft Amendment No. 5 to the Ballina Shire Principal Generic Plan of Management for Community Land as exhibited for public comment. The effect of this amendment is to allow the lodgement of a development application for a proposed Aboriginal Child and Family Centre on the north-eastern corner of Porter Park in West Ballina.
2. That in respect to point one, the General Manager is authorised to sign the subject development application to allow the application to be lodged for the proposed Centre on Porter Park.
3. That Council endorse protection of the remainder of Porter Park as open space.
4. That a workshop be held on the enhancement of the open space facilities at Porter Park.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Moore, Cr Wright, Cr Meehan

AGAINST VOTE - Cr J Johnson, Cr Brown

ABSENT. DID NOT VOTE - Cr Hordern

**Adjournment**

The Mayor declared the meeting adjourned at 11.03 am

The meeting resumed at 11.26 am

Cr Silver was not in attendance at this stage. Cr Sue Meehan, Deputy Mayor assumed the Chair.

Cr Wright was not in attendance at this stage, having departed the meeting during the adjournment break.

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**8. Regulatory Services Group Reports**

**8.1 Development Applications - Work in Progress - July 2011**

**280711/ 3      RESOLVED**

(Cr Keith Johnson/Cr Sharon Cadwallader )

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Silver, Cr Hordern, Cr Wright

**8.2 Development Consent Statistics - June 2011**

**280711/ 4      RESOLVED**

(Cr Sharon Cadwallader /Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Silver, Cr Hordern, Cr Wright

**8.3 Shaws Bay Management Plan - Update**

**280711/ 5      RESOLVED**

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council notes the contents of this report in respect to the progress that has been made on the implementation of the Shaws Bay Management Plan.
2. That Council arrange a meeting with the Minister for Primary Industries to discuss the refusal of Fisheries to undertake dredging works.
3. That Council acknowledge the great work by Ballina Coastcare Inc and Richmond Landcare in obtaining grants and the many hours volunteered in helping to restore the Shaws Bay rainforest remnant.

Cr Silver returned at 11:32 am

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Hordern, Cr Wright

Cr Silver, Mayor resumed the Chair at this stage.

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**9. Strategic & Community Services Group Reports**

**9.2 Alstonville Community Preschool - Relocation**

**280711/ 6      RESOLVED**

(Cr Sharon Cadwallader /Cr Ben Smith)

- 1      That Council endorse, in principle, its support for the relocation of the Alstonville Community Preschool and that the General Manager be authorised to assist the preschool with its investigation of site options
- 2      That a working party comprising C Ward Councillors and the Mayor be formed to liaise with representatives of the preschool to canvass site options and
- 3      That a further report concerning the outcome of investigations be submitted for Council's consideration within two months.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Hordern, Cr Wright

**9.3 Joint Regional Planning Panels - Council Submissions**

**280711/ 7      RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

1.      That Council notes the internal development assessment procedure associated with development applications that are subject to determination by the Northern Region Joint Regional Planning Panel.
2.      That Council endorses the following steps as the basis for a standard approach to the consideration and making of a submission to the Northern Regional Joint Regional Planning Panel in relation to a development application.
  - Council resolution to consider or make a submission on a JRPP DA matter.
  - Council meeting and decision on submission following public availability of JRPP assessment report.
  - Submission forwarded to JRPP and deputation made where applicable.

Cr Moore left the meeting at 11:48 am

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern, Cr Wright

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**9.4 Sustain Northern Rivers**

**280711/ 8      RESOLVED**

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council agrees to become a signatory to the Northern Rivers Climate Change Collaboration Agreement.
2. That Council determine its Councillor representative for the Sustain Northern Rivers Steering Committee.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern, Cr Wright

Crs Cadwallader and J Johnson nominated for the position on the Steering Committee.

**280711/ 9      RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

Cr Cadwallader indicated that she was happy for Cr J Johnson to be the delegate with herself as the alternate delegate.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern, Cr Wright

Cr Silver declared a non pecuniary interest in Item 9.5 and left the meeting at 11.56 am. Cr Meehan, Deputy Mayor assumed the Chair.

**9.5 Ballina LEP - Amendment Request - Stoville, Alstonville**

**280711/ 10      RESOLVED**

(Cr Ben Smith/Cr Keith Johnson)

1. That Council proceed to prepare a planning proposal for part of Lot 1 DP 817406 to enable the application of an industrial land use zone to the north western portion of the land subject to the requirements set out in item (2).
2. That prior to the preparation of a planning proposal:
  - a) The proponent is to provide Council with suitable documentation outlining the proponent's proposed approach to the following matters in the event that an industrial zone is applied to part of Lot 1 DP 817406:
    - the removal, relocation or permanent decommissioning of the dwelling house on Lot 1 DP 817406;
    - the mechanism for subdivision of the land; and

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- the provision of a formal buffer between industrial and agricultural land uses on Lot 1 DP 817406.

- b) Council is to receive a further report regarding the proposed LEP amendment where there is uncertainty in relation to the removal, relocation or decommissioning of the dwelling on Lot 1 DP 817406, a suitable mechanism for the subdivision of the land and/or provision of a suitable buffer area between industrial and agricultural land uses.

Cr Moore returned at 12:03 pm

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

Cr Silver returned at 12:12 pm and resumed the Chair.

Cr Wright returned at 12:16 pm

**9.6 Ballina LEP - Amendment No.90 - Stewart Farm, Skennars Head**

**280711/ 11    RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

That this matter be deferred until after Council has held a workshop to discuss the matter, and that the workshop be held on a confidential basis due to commercial in confidence aspects.

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

**13.1 Rescission Motion - DA 2010/962 - Highway Service Centre**

A **Motion** was moved by Cr Phillip Silver and seconded by Cr Jeff Johnson.

That Resolution 23061 1/3 be rescinded.

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

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

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**12. Public Question Time**

**12.1 Graham Shaw - Lennox Head Markets**

**Graham Shaw** – has Council given any consideration to Lake Ainsworth and the markets being held on Sunday 31 July, given the serious degradation of the eastern road due to flooding.

The General Manager advised that to his knowledge there Council staff had no plans to relocate the markets this weekend as the road condition was not considered serious enough to justify relocation.

Cr Cadwallader asked for an inspection of the site given that there was water still on the roadway.

Cr Cadwallader was advised to raise this in Questions Without Notice.

**12.2 Ralph Moss - DA 2010/962 - Highway Service Centre**

**Ralph Moss** – would the Mayor like him to forward to him and Councillors matters relating to the highway service centre which he has researched?

The Mayor advised that the matter had been dealt with and that Mr Moss was free to forward the information if he wished.

**Adjournment**

The Mayor declared the meeting adjourned at 1.10 pm.

The meeting resumed at 1.50 pm

**280711/ 12 RESOLVED**

(Cr Susan Meehan/Cr Jeff Johnson)

That Item 11.2 be brought forward and dealt with at this point in the meeting.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Hordern



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**11.2 Shared Path - Lennox Head to Pat Morton Lookout**

A **Motion** was moved by Cr Peter Moore and seconded by Cr Jeff Johnson.

That the handrail be removed from the Lennox Head Shared path.

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

FOR VOTE - Cr Moore, Cr J Johnson, Cr Meehan

AGAINST VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Wright, Cr Brown

ABSENT. DID NOT VOTE - Cr Hordern

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Peter Moore.

That Council amend the design of the railing.

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

FOR VOTE - Cr Moore, Cr Meehan

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

ABSENT. DID NOT VOTE - Cr Hordern

**280711/ 13    RESOLVED**

(Cr Sharon Cadwallader /Cr David Wright)

That the Council notes that the railing design for the Lennox Head Shared Path has been prepared consistent with the recognised guideline and that having regard to the advice of Council's insurer, the project continue in accordance with the prepared design.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Wright, Cr Brown

AGAINST VOTE - Cr Moore, Cr J Johnson, Cr Meehan

ABSENT. DID NOT VOTE - Cr Hordern

**9.7 Planning Proposal - Cumbalum Urban Release Area**

**280711/ 14    RESOLVED**

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council request an extension to the NSW Department of Planning's timeframe for the advancement of the Cumbalum Precinct A and Precinct B Planning Proposals.

Cr Moore left the meeting at 02:21 pm

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern

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

**10.1 Use of Council Seal**

**280711/ 15 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader )

That Council affix the Common Seal to the following documents.

US11/16	<p>Crown Licence 316737 - Amendment to cover community structures on Crown Land with the Ballina Local Government Area.</p> <p><b>Note:</b> The licence has been amended to include the boardwalk fronting Ballina RSL Club. The boardwalk was constructed by the Ballina RSL Club as part of their extensions and has now been handed over to Council for our management. This was a condition of the development.</p>
US11/17	<p>Deed of Consent and Assignment of Lease - Old Tintenbar Council Chambers Reserve, Part Reserve 57675, Areas 3 &amp; 4 of the Old Tintenbar Council Chambers: Norman Smith, t/a Lismore &amp; Alstonville Bowen Therapy to Arts Northern Rivers Inc.</p> <p><b>Note:</b> Arts Northern Rivers will now occupy Areas 2, 3 &amp; 4 of the old Tintenbar Council Chambers.</p>
US11/18	<p>Use of Seal: Council lease agreement to the Ballina Aero Club Inc., occupation of part Lot 7 DP 1043261 at Ballina Byron Gateway Airport.</p> <p><b>Note:</b> Council resolved on 16 June 2008 to enter into a 5 + 5 year lease agreement with the Ballina Aero Club Inc. for their occupation of an area of Council operational land at the Ballina Byron Gateway Airport for their relocated clubhouse and appurtenance, and that rental included within the lease is to reflect the community based use of the facility.</p> <p>The Club has now relocated onto an area of approx. 852.3 square metres within the airport precinct as negotiated with the Airport Manager. Construction of the new clubhouse is underway and is now at lock-up stage.</p>

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

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**10.2 Investments Summary - June 2011**

**280711/ 16    RESOLVED**

(Cr Sharon Cadwallader /Cr Ben Smith)

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

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

**10.3 Councillor - Leave of Absence**

**280711/ 17    RESOLVED**

(Cr Sharon Cadwallader /Cr Keith Johnson)

That Council approves a leave of absence for Cr Jeff Johnson for the August 2011 Ordinary meeting.

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

**10.4 Councillor Attendance - Local Government Association Conference**

**280711/ 18    RESOLVED**

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council determine its delegates to the 2011 Local Government Association Annual Conference to be held in Nowra from 23 - 26 October 2011.

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

**280711/ 19    RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

That Council authorise Crs J Johnson and Cadwallader to attend the 2011 Local Government Association Conference to be held in Nowra from 23 – 26 October 2011.

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

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**10.5 Councillor Attendance - Aust Local Government Womens Association**

**280711/ 20    RESOLVED**

(Cr Alan Brown/Cr Susan Meehan)

1. That Council does not support an inclusion in the Councillor's Facilities and Expenses Policy to allow automatic Councillor travel to the Executive meetings of the Australian Local Government Women's Association (NSW Branch) as this type of clause results in further precedents for exemptions under the policy, can create inequities and reduces the overall transparency in the approval process for travel.
2. That Council approves the removal of the exemption for the Chairperson of Council's Airport Committee to attend quarterly meetings of the Australian Airports Association, including the National Conference, from the Councillors Expenses and Facilities Policy, for the reasons outlined in point one, and authorises the exhibition of this amendment.
3. That Council determine its position in respect to Cr Cadwallader's travel for the 2011/12 meetings of the Executive of the Australian Local Government Women's Association (NSW Branch).

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

**280711/ 21    RESOLVED**

(Cr Jeff Johnson/Cr Alan Brown)

That Council approve the attendance of Cr Cadwallader at the 3 September 2011 Holroyd Executive meeting of ALGWA.

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

**10.6 Interest Rate for Overdue Rates and Charges**

**280711/ 22    RESOLVED**

(Cr David Wright/Cr Jeff Johnson)

1. That Council adopts the maximum rate of interest allowable to be charged for overdue rates and charges during the 2011/12 rating year pursuant to Section 566(3) of the NSW Local Government Act, being 11% per annum.
2. That Council adopts the change of interest rate from the existing 9% per annum to 11% per annum effective from 1 August 2011.

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

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**10.7 Code of Conduct - Reporting**

**280711/ 23    RESOLVED**

(Cr Keith Johnson/Cr Sharon Cadwallader )

That Council notes the contents of the report on Code of Conduct complaints for the period 1 July 2010 to 30 June 2011.

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

**10.8 Policy (Draft) Entrepreneurial Property Activities & Financial Reserve**

**280711/ 24    RESOLVED**

(Cr Ben Smith/Cr Keith Johnson)

That Council adopts the Draft Entrepreneurial Property Activities Reserve Policy, as exhibited, with the addition of the following sentence:

*"Prior to accessing the land development reserve to finance a budget shock all operating budgets and operations will be assessed with a view to totally or partially offsetting the budget shock."*

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

**10.9 Lease - Sharpes Beach Car Park and Surrounds**

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

1. That Council authorises the General Manager to enter a long term lease, of 5 years with two 5 year options, for the area of approximately 6,000 square metres, as identified in the attached master plan for Sharpes Beach, with the intention being for Council to work towards the implementation of that master plan over the term of the lease.
2. That Council authorises the General Manager to acquire the land area of approximately 252 square metres, as identified in the attached locality map, for the purposes of providing access for Council's proposed Coastal Shared Path.
3. The costs of preparing the lease and purchase contract, plus any subdivision costs and all associated costs are to be paid for by Council.
4. The Council seal is authorised to be attached to the above documents and any associated documents.

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5. The funding for this expenditure is to be sourced from Council's property reserves.

The **Motion LAPSED.**

**280711/ 25 RESOLVED**

(Cr Keith Johnson/Cr Alan Brown)

1. That Council authorises the General Manager to enter a long term lease, of up to 99 years, for the area of approximately 6,000 square metres, as identified in the attached master plan for Sharpes Beach, with the intention being for Council to work towards the implementation of that master plan over the term of the lease.
2. That Council authorises the General Manager to enter a long term lease, of up to 99 years, for the area of approximately 806 square metres, as identified in the attached locality map, for the purposes of providing access for Council's proposed Coastal Walk.
3. That Council authorises the General Manager to acquire the land area of approximately 252 square metres, as identified in the attached locality map, for the purposes of providing access for Council's proposed Coastal Shared Path.
4. The costs of preparing the lease and purchase contract, plus any subdivision costs and all associated costs are to be paid for by Council.
5. The Council seal is authorised to be attached to the above documents and any associated documents.
6. The funding for this expenditure is to be sourced from Council's property reserves.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Wright, Cr Brown, Cr Meehan

AGAINST VOTE - Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern

**10.10 Donations - Rates and Charges**

**280711/ 26 RESOLVED**

(Cr David Wright/Cr Keith Johnson)

That Council approves the donation of the 2011/12 rates and charges, as detailed within tables one and two of this report, which includes future water consumption and sewer usage charges not yet known, but estimated, pursuant to section 356 of the NSW Local Government Act.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern

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**10.11 Donations - Financial Assistance and Community Halls**

**280711/ 27    RESOLVED**

(Cr Susan Meehan/Cr David Wright)

1. That Council adopts the Donation Committee's recommendations for the allocation of the community donations budget for 2011/12, as outlined in tables one and two of this report.
2. That Council approves the relocation of the open space expenses incurred by Council for maintaining the Alstonville Showground and the Wardell Recreation reserve to the donations area, as this expenditure is a donation by Council to the Trusts that manage those facilities.
3. That \$3,250 be allocated to Application No. 48 – Arts Northern Rivers, given that this money will be spent on a Council building, to be allocated from the Halls assistance allocation.
4. That Council provide an extra \$5,000 to the Newrybar Hall Committee to be allocated from Council's property reserve to enable the Hall Committee to finish the project.

Cr K Johnson left the meeting at 02:59 pm

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr Moore, Cr Hordern

**10.12 Delivery Program and Operational Plan - 30 June Review**

**280711/ 28    RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

1. That Council notes the contents of the 30 June 2011 review of the Delivery Program and Operational Plan.

Cr K Johnson returned at 03:03 pm

Rod Willis left at 3.03 pm

Vince Hunt was in attendance at this stage.

2. That Council investigate funding options for the replacement of the fence surrounding the Ballina Swimming Pool.

Cr J Johnson left the meeting at 03:12 pm

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern, Cr J Johnson

Cr J Johnson returned at 03:13 pm

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**10.13 Financial Review - June 2011**

**280711/ 29    RESOLVED**

(Cr Keith Johnson/Cr David Wright)

That Council notes the contents of the June 2011 preliminary financial report for the 2010/11 Financial Year.

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

**10.14 Capital Expenditure - Quarterly Update**

**280711/ 30    RESOLVED**

(Cr David Wright/Cr Sharon Cadwallader )

That Council notes the contents of the Capital Expenditure - Quarterly Update report to 30 June 2011.

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

**11.    Civil Services Group Reports**

**11.1 Tender - Supply and Installation of Electrical Sub-Station**

**280711/ 31    RESOLVED**

(Cr David Wright/Cr Susan Meehan)

1.    That Council accepts the tender being RFT568 – provision for the supply and installation of electrical sub-station, from NJ Construction Pty Ltd.
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 Moore, Cr Hordern



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**11.3 Shared Path - Lennox Head Village**

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Alan Brown.

1. That Council adopts the preferred design option, as per the information (including attachments) outlined in this report, for the Rutherford Street and Park Lane section of the coastal cycleway and shared path.
2. That Council take no further action in respect to the Pacific Parade section of the cycleway and shared path project.
3. That in accordance with the methodology adopted in the recent review of Council's Pedestrian Access and Mobility Plan (PAMP), a priority ranking for Route Option 1.4 (Williams Reserve) be determined and the PAMP be modified in response to that assessment.
4. That Council undertakes a site inspection.

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

That Council defers this matter until it undertakes a site inspection.

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

FOR VOTE - Cr J Johnson, Cr Brown

AGAINST VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Wright, Cr Meehan

ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern

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

**280711/ 32    RESOLVED**

(Cr Susan Meehan/Cr Alan Brown)

1. That Council adopts the preferred design option, as per the information (including attachments) outlined in this report, for the Rutherford Street and Park Lane section of the coastal cycleway and shared path.
2. That Council take no further action in respect to the Pacific Parade section of the cycleway and shared path project.
3. That in accordance with the methodology adopted in the recent review of Council's Pedestrian Access and Mobility Plan (PAMP), a priority ranking for Route Option 1.4 (Williams Reserve) be determined and the PAMP be modified in response to that assessment.
4. That Council undertakes a site inspection.

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FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Wright,  
Cr Brown, Cr Meehan

AGAINST VOTE - Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern

**11.4 The Coast Road - Landslide Adjacent Pat Morton Lookout**

**280711/ 33    RESOLVED**

(Cr David Wright/Cr Keith Johnson)

1. That Council notes the contents of the report in respect to the rehabilitation of the Coast Road landslip.
2. That Council endorses the selection of Option Two, as outlined within the report, being earthworks reconstruction as the preferred remediation for the southern half of the land slip and Option Three, piling, as the preferred remediation for the northern half.
3. That Council accepts the quotation from Holcim for the supply and delivery of 150 mm quarry rock for the Coast Road Landslip Project.
4. That Council confirms that it has not called tenders for the supply of the quarry rock outlined in point three, in accordance with Section 55(3) of the Local Government Act 1993, as there are extenuating circumstances due to the urgency of the project and that there is no identified advantage in a tender process compared to the quotation process already undertaken.
5. That Council authorises the General Manager to sign any necessary documentation or contracts and attach the Council seal to any documents relating to this project, if required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern

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**13. Notices of Motion**

**13.2 Notice of Motion - Missingham Bridge Market Site**

**280711/ 34 RESOLVED**

(Cr Alan Brown/Cr David Wright)

That the Council report to the August Ordinary meeting on farmers markets include an assessment of the following information:

“Council conduct a workshop to prepare a Plan of Management and beautification of the area known as the weekly Sunday Missingham Markets site off Kingsford Smith Drive, Ballina. This workshop should be conducted so that at least two representatives of the operators of the stalls at these markets have some input as to their concerns they may have, bearing in mind their experiences over the many years these markets have been operating.”

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

**14. Advisory Committee Minutes**

Nil items

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

**15.1 Mayoral Meetings**

**280711/ 35 RESOLVED**

(Cr Phillip Silver /Cr Ben Smith)

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

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

**15.2 Cr Silver - National General Assembly of Local Government**

**280711/ 36 RESOLVED**

(Cr Phillip Silver /Cr David Wright)

That Council notes the contents of the report on Cr Silver's attendance at the National General Assembly of Local Government.

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

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**15.3 Cr Cadwallader - ALGWA Annual Conference**

**280711/ 37    RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

- 1        That Council notes the contents of Cr Cadwallader's report from the Australian Local Government Women's Association (ALGWA) NSW Branch Annual Conference.
2.        That Council host an executive meeting on 19 November 2011.
3.        That Council participate in the National Awards and Accreditation Program for Local Government.

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

**17.    Confidential Session**

**280711/ 38    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.

(The Council moved into Confidential Session at 3.49 pm)

**Open Council**

**280711/ 39    RESOLVED**

(Cr David Wright/Cr Keith Johnson)

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

(The Council moved into Open Council at 4.20 pm)

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

Cr Silver departed the meeting during the Confidential Session at 4.08 pm - after Item 17.2. Cr Meehan, Deputy Mayor assumed the Chair at that stage. All staff left the meeting for Item 17.3.

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

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**17.1 Aboriginal Child and Family Care Centre - Land Acquisition Options**

**CF280711/001            RECOMMENDED**

(Cr Sharon Cadwallader /Cr Susan Meehan)

That Council notes the contents of this report in respect to proposed private property acquisitions for the proposed Aboriginal Child and Family Care Centre.

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

**17.2 Code of Conduct - Reporting (Staff Matters)**

**CF280711/002            RECOMMENDED**

(Cr Alan Brown/Cr Sharon Cadwallader )

That Council notes the contents of the report on Code of Conduct complaints regarding Council employees.

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

**17.3 General Manager - Performance Review**

**CF280711/003            RECOMMENDED**

(Cr Keith Johnson/Cr Alan Brown)

1. That Council adopts the General Manager's Performance Review Committee's evaluation for the General Manager's twelve month performance review for 2010/11 and endorses the Part Two objectives for 2011/12.
2. That Council authorises the Mayor to offer the existing General Manager a new contract based on the same terms and conditions as the existing contract.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Moore, Cr Hordern, Cr Silver

Cr J Johnson left the meeting at 04:18 PM.  
All staff returned to the meeting at this stage.

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**Adoption of Recommendations from Confidential Session**

**280711/ 40    RESOLVED**

(Cr Keith Johnson/Cr Alan Brown)

That the recommendation(s) made whilst in Confidential Session, being Minute Numbers CF280711/001 to CF280711/003 inclusive be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Moore, Cr Hordern, Cr J Johnson

**16.    Questions Without Notice**

**16.1    Cr Cadwallader - Relocation of Lennox Head Markets 31/7/11**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr David Wright.

That the matter of the relocation of the Lennox Markets for Sunday 31 July 2011 be dealt with as a matter of urgency.

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

FOR VOTE - Cr Cadwallader, Cr Meehan

AGAINST VOTE - Cr K Johnson, Cr Smith, Cr Wright, Cr Brown

ABSENT. DID NOT VOTE - Cr Silver, Cr Moore, Cr Hordern, Cr J Johnson

**16.2    Cr Smith - Ipads for Councillors**

**Cr Smith** – asked how are Ipads are going?

The General Manager advised that they were close to being issued and he would follow the matter up with the IT Manager.

**16.3    Cr Brown - LEP Amendment Request - Condon Hill**

**Cr Brown** – he has received a letter from Mrs Margaret Condon re Condon Hill LEP Amendment request.

The General Manager advised that all Councillors received the same letter. A meeting is being organised with Mrs Condon and Councillors will be advised once the meeting date has been confirmed.

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**16.4 Cr Meehan - Graffiti on Electrical Boxes**

**Cr Meehan** – advised that there is some very offensive graffiti on electrical boxes outside the Ballina Community Services Centre. Even though it has not Council's responsibility, she has reported the matter to Essential Energy but the graffiti remains. Could we please clean it off – it is very offensive.

Cr Cadwallader advised that as a Customer Care Board member of Essential Energy she will take the matter up with Essential Energy.

John Truman to also investigate.

**16.5 Cr Meehan - Business in Residential Area**

**Cr Meehan** – has noticed recently along River Street, south of Kerr Street that another business has opened up in a residential area (Ballina Chiropractic).

Rod Willis to make enquiries of any approvals, if any.

**16.6 Cr Cadwallader - NOROC Training**

**Cr Cadwallader** – attended Asset Management and Financial Planning training provided by NOROC on Monday 25 July.

She has the booklets from these courses if any Councillors are interested.

**MEETING CLOSURE**

4.36 pm

The Minutes of the Ordinary Meeting held on 28/07/11 were submitted for confirmation by council on 25 August 2011 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 August 2011.