

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
27/10/11 AT 9.00 AM**

Attendance

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

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Vince Hunt (Acting Regulatory Services Group Manager), Steve Barrier (Strategic Services Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 15 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by the Headliners.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

3. Apologies

An apology was received from Cr David Wright.

271011/ 1 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

That such apology be accepted.

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

4. Confirmation of Minutes

271011/ 2 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 September 2011.

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

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5. Declarations of Interest and Reportable Political Donations

- **Cr Meehan** – declared an interest in Item 8.1 – DA 2010/628 - DA 2010/628 - Pharmacy Warehouse at Unit 4, Harvey Norman Complex. (Nature of Interest: non pecuniary - her daughter works for another pharmacy in town). She will be departing the meeting while the matter is discussed.
- **Cr Moore** – declared an interest in Item 9.3 – Flat Rock Tent Park – Land Classification. (Nature of Interest: non pecuniary - he is friends with the current operators of the Park). He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Graham Eggins** - spoke in relation to Item 10.9 - Community Building Partnership Grants - Men's Shed.
- **Paul Snellgrove** - spoke in opposition to the recommendation in Item 8.1 - DA 2010/628 - Pharmacy Warehouse at Unit 4, Harvey Norman Complex.
- **Steve Connelly** – spoke in support of the recommendation in Item 8.1 - DA 2010/628 - Pharmacy Warehouse at Unit 4, Harvey Norman Complex.

7. Mayoral Minutes

Nil items.

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8. Regulatory Services Group Reports

Cr Meehan declared an interest in Item 8.1 and left the meeting at 09:30 AM.

8.1 DA 2010/628 - Pharmacy Warehouse at Unit 4, Harvey Norman Complex

File Reference	DA 2010/628
Applicant	Ardill Payne & Partners
Property	Unit 4 of the Harvey Norman Complex on the corner of Boeing Avenue and Stinson Street Southern Cross Industrial Estate, Lot 951 DP 1165266.
Proposal	To undertake the establishment of a Bulky Goods Retail Outlet, being a Wholesale Showroom and Warehouse for Good Price Pharmacy Warehouse.

271011/ 3 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That the development application seeking to undertake the establishment of a Bulky Goods Retail Outlet, Wholesale Showroom and Warehouse for the Good Price Pharmacy Warehouse in unit 4 of the Harvey Complex at the corner of Boeing Avenue and Stinson Street Southern Cross Industrial Estate, being Lot 951 in DP 1165266 be **refused** for the following reasons.

1. The application does not comply with the requirements of Clause 27 of the Ballina Local Environmental Plan (BLEP) 1987, in that a substantial component of the proposed development does not constitute a "Bulky Goods" outlet.
2. The application does not comply with the requirements of Schedule 3 of Ballina Local Environmental Plan 1987, in that a substantial component of the proposed development is a shop and does not constitute a Medical and surgical supplies and equipment outlet, or any other use specified in Schedule 3.
3. The application is not consistent with Objective A(a) of Zone No 4 – Industrial zone, in that the proposed development is not a use for an industrial purpose or another use specified in Clause 27 or Schedule 3.

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

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Cr Meehan returned at 10:03 AM

10.9 Community Building Partnership Grant - Men's Shed

271011/ 4 RESOLVED

(Cr Sharon Cadwallader /Cr Peter Moore)

1. That this matter be deferred for two months for a report to be obtained in order to ascertain the suitability of land able to accommodate the Men's Shed within Ballina and Councillors to meet with the General Manager and staff to identify and examine their current site and alternative Council owned property that may be considered suitable.
2. That Council provide in-principle support for Council land to be identified as a possible option for locating the Men's Shed as part of the grant application.
3. That as part of the discussions with the General Manager, Council also consider building its own shed and leasing such a facility to the Men's Shed to preserve full Council ownership.

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

VOTING AGAINST - Cr K Johnson

ABSENT. DID NOT VOTE - Cr Wright

271011/ 5 RESOLVED

(Cr Peter Moore/Cr Ben Smith)

That Council receive a report on the preparation of a policy to guide the allocation of Council owned land in response to applications from community groups.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Wright

Adjournment

The Mayor declared the meeting adjourned at 10.43 am.

The meeting resumed at 11.09 am

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8.2 Development Applications - Works in Progress as at October 2011

271011/ 6 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

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

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

8.3 Development Consent Statistics - September 2011

271011/ 7 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

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

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

9. Strategic & Community Services Group Reports

9.1 A-Frame Signage - Private Land

271011/ 8 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council approves the incorporation of exempt development standards for A-frame signage on private land, into the Draft Ballina Local Environmental Plan 2011, prior to its finalisation.
2. That development standards relating to A-frame signage on private land, that are not identified as exempt development be considered further in relation to the comprehensive review of Council's development control plan framework.
3. That Council refrain from taking action to remove A-frame signs from private property pending the introduction of the new provisions outlined in points one and two.

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

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9.2 Section 94 - Heavy Haulage Contributions Plan

271011/ 9 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That Council adopt the draft Ballina Shire Heavy Haulage Contributions Plan 2011, as exhibited.

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

9.3 Flat Rock Tent Park - Land Classification

A **Motion** was moved by Cr Alan Brown and seconded by Cr Robyn Hordern.

That Council notes the contents of this report in respect to the current classification of the land described as Lot 59 DP 827785 and that the status quo be retained to enable the Flat Rock Tent Park to operate effectively

An **Amendment** was moved by Cr Jeff Johnson
That Council receive a further report that clearly dissects the parcel between community land and operational land.

The **Amendment LAPSED.**

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

271011/ 10 RESOLVED

(Cr Alan Brown/Cr Robyn Hordern)

That Council notes the contents of this report in respect to the current classification of the land described as Lot 59 DP 827785 and that the status quo be retained to enable the Flat Rock Tent Park to operate effectively

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

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9.4 Climate Action Strategy

271011/ 11 RESOLVED

(Cr Keith Johnson/Cr Alan Brown)

That Council exhibit the draft Climate Action Strategy for public comment.

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

AGAINST VOTE - Cr Silver

ABSENT. DID NOT VOTE - Cr Wright

9.5 Lennox Head Cultural and Community Centre - Playgroup

271011/ 12 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council advise the Lennox Head Playgroup of its support for the proposed enlargement of the existing outdoor space of the Children's Area at the Lennox Head Cultural and Community Centre. Further, that funding for such work will be considered as part of Council's preparation of the 2012/13 draft Operational Plan and that grant funding will also be sought as opportunities become available.
2. That Council advise the Lennox Head Playgroup that it wishes to adhere to the current charge for the use of the Children's Area at the Lennox Head Cultural and Community Centre for the time being, as Council is of the view that such charge is reasonable in the circumstances.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Wright

9.6 Northern Rivers Community Gallery - Update

271011/ 13 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

That Council notes the contents of this report in respect to the on-going operation of the Northern Rivers Community Gallery.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Wright

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10. General Manager's Group Reports

10.1 Use of Council Seal

271011/ 14 RESOLVED

(Cr Alan Brown/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following document.

US11/23	<p>Ballina Shire Council as Reserve Trust Manager of the Ballina Coastal Reserve Trust, to Elizabeth Anne Keemink - lease of part Crown Reserve No. 1010068 for a 15 year period from 1 July 2010 to 30 June 2025.</p> <p>Explanation: Ms Keemink is the proprietor of Shellys on the Beach café that is situated partly on Council operational land (Lot 1 DP 1095427) and partly on the adjoining Crown Reserve 1010068. On 21 August 2008 Council resolved to approve a then new temporary licence over the 81.7m² portion of (Crown) land to Ms Keemink to cover the time to prepare, execute and gain Ministerial consent for the licence agreement. Following an extended period of negotiation with the lessee and with the Crown, the licence agreement is now ready for execution. The licence agreement is to run concurrent with the lease agreement that terminates on 30 June 2025.</p>
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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Wright

10.2 Investments Summary - September 2011

271011/ 15 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

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

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

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10.3 Disclosure of Interest Returns

271011/ 16 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of the report on the disclosure of interest returns for the period 1 July 2010 to 30 June 2011.

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

10.4 Councillor Attendance

271011/ 17 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council approves the attendance of Cr Brown at the Australian Airports Association Convention to be held in Brisbane from 14 - 17 November 2011.

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

10.5 Ballina Cup - Half Day Holiday 2012

271011/ 18 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That Council supports the declaration of a half-day public holiday throughout the Ballina Shire for Thursday 6 September, 2012 in respect to the 2012 Ballina Cup.

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

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10.6 Community Donations

271011/ 19 RESOLVED

(Cr Sharon Cadwallader /Cr Susan Meehan)

1. That Council support the Ballina Community Gardens Inc with a bridging loan of \$2,200.
2. That Council approves a donation of \$1,450 from the Community Donations budget to the Lennox Head Residents Association for the purchase of a container for the storage of their equipment and materials. This approval is provided due to the untimely death of Mr Brian Smith which has resulted, or will result in, the loss of their current storage space.
3. That Council approves the waiver of the \$50 hire fee for the Lennox Head Community Centre, payable by the Lennox Head Emergency Services Volunteers, with this waiver to be recognised by a transfer from the SES Sundry Expenses budget to the Lennox Head Community Centre income budget.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr Moore, Cr Hordern, Cr J Johnson, Cr Brown, Cr Meehan

AGAINST VOTE - Cr K Johnson, Cr Smith

ABSENT. DID NOT VOTE - Cr Wright

10.7 Policy (Review) - Untaken Sick Leave

271011/ 20 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council adopt the amended Untaken Sick Leave 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 Wright

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10.8 Policy (Review) - Councillor Facilities & Expenses

271011/ 21 RESOLVED

(Cr Susan Meehan /Cr Robyn Hordern)

That Council adopt the amended Councillor Expenses & Facilities Policy as previously exhibited; inclusive of the following changes, which are considered to be relatively minor:

Accommodation and Meals

The maximum payable for accommodation and meals will be the maximum reasonable travel and meal expense amounts determined by the ATO (refer Taxation Determination TD 2011/17). The current rates are:

<i>Place</i>	<i>Accommodation \$</i>	<i>Food and Drink ⁽¹⁾ \$</i>	<i>Incidentals \$</i>	<i>Total \$</i>
Adelaide	209.00	133.45	24.70	367.15
Brisbane	236.00	133.45	24.70	394.15
Canberra	230.00	133.45	24.70	388.15
Darwin	278.00	133.45	24.70	436.15
Hobart	195.00	133.45	24.70	353.15
Melbourne	265.00	133.45	24.70	423.15
Perth	275.00	133.45	24.70	433.15
Sydney	265.00	133.45	24.70	423.15
Country	190.00	133.45	24.70	348.15

(1) This figure is dissected between - breakfast \$30.30, lunch \$42.95, dinner \$60.20. Over-expenditure for one meal can be offset by under-expenditure for another.

Travel

The reimbursement rate for use of a Councillors' vehicle shall be in accordance with the rates issued by the ATO each year using the cents per kilometre method. The current rates are:

63 cents per km	vehicle capacity up to 1600cc
74 cents per km	vehicle capacity 1601 – 2600 cc
75 cents per km	vehicle capacity over 2601 cc

This reimbursement will be considered to cover all costs associated with the vehicle use, including tyres, insurance, repairs, petrol, oil and associated incidental costs.

Approval Arrangements (page 2)

The approval arrangements will be amended with the addition of the following sentence:

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In the case of the Mayor's expenses, authorisation shall be provided by the General Manager and one other Councillor.

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

10.11 Annual Financial Reports - 2010/2011

Kevin Franey from Thomas Noble & Russell gave a presentation to Council on the Annual Financial Reports.

271011/ 22 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council approves the signing of the statements that confirm the Annual Financial Reports are fair and accurate, by the Mayor, one Councillor, the General Manager and the Responsible Accounting Officer.
2. That Council authorises the exhibition of the Annual Financial Reports and Auditor's Reports for the year ended 30 June 2011, as attached to this report, for public comment.

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

12. Public Question Time

12.1 Ralph Moss - Annual Financial Reports

Ralph Moss – when will the Annual Financial Reports be available on Council's website?

The General Manager advised this afternoon.

12.2 Ralph Moss - Tidal Floodgates

Ralph Moss – what is happening with the tidal floodgates?

John Truman advised that historically there has been a system of floodgates which have ultimately perished. There are very few in operation now. As stormwater assets are replaced near the river, new floodgates are installed, but under a different arrangement. There is no funding source available at the moment to replace all of the floodgates.

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12.3 Ralph Moss - Floodplain Management Plan

Ralph Moss – When will the floodplain management committee be formulated?

John Truman advised that a reference group is already in existence which has assisted in the development of Council's new Floodplain Management Plan. Council has held some workshops. It is expected the draft Plan will be finalised shortly for presentation to Council and ultimately public exhibition.

There may be one further Councillor workshop to be held.

Adjournment

The Mayor declared the meeting adjourned at 12.58 pm.

The meeting resumed at 1.55 pm

(Cr Peter Moore was not in attendance at this stage)

10.10 Local Government Election - 2012

271011/ 23 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That Council authorises the General Manager to appoint the NSW Electoral Commission to manage the 2012 Local Government election for Ballina Shire.

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

10.12 Capital Expenditure - Quarterly Update

271011/ 24 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council notes the contents of the Capital Expenditure - Quarterly Update report.

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

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10.13 Delivery Program and Operational Plan - 30 September Review

271011/ 25 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council notes the contents of the 30 September 2011 review of the Delivery Program and Operational Plan.
2. That Council approves the removal of the following action from the Operational Plan for the reason listed:
 - Prepare new web based economic development data set - Grant application unsuccessful

Cr Moore returned at 02:27 PM

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

11. Civil Services Group Reports

11.1 Local Traffic Committee - October 2011

271011/ 26 RESOLVED

(Cr Sharon Cadwallader /Cr Susan Meehan)

1. That Council approve the erection of No Stopping signage at the intersections along Boeing Avenue in accordance with the Australian Standards
2. That Council approve that warrants for Stop Signs are to be checked at these intersections and reported back to the Committee.
3. That Council approves the application by the Northern Rivers Cycle Club to conduct criterium cycle races at the Russellton Industrial Estate, Wollongbar, from 1 October 2011 to 31 March 2012 (Sunday mornings only) subject to the submitted Traffic Control Plan.
4. That Council recommend the referral to the RTA for approval of the extension of the 40km/h High Pedestrian zone in Daley Street closer to the intersection of Daley Street - Wardell Road
5. That Council approves the event to hold the Children's Toy Run on 4 December 2011 in accordance with the submitted Traffic Control Plan.

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

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11.2 Waste and Recycling Bins - Provision and Maintenance

271011/ 27 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council approves an amendment to its current waste service, by now supplying and maintaining, at no cost, replacement general waste and recycling bins.
2. That Council seek approval from the NSW State Government to include the additional cost of providing and maintaining the current recycling and waste bins to the Waste and Sustainability Improvement Program for 2011/12.
3. That the next quarterly budget review make the appropriate adjustments to the expense allocations within the Domestic Waste budget to facilitate the implementation of recommendation one.
4. That Council receive a report regarding making available bio-degradable kitchen waste bags at minimal costs.

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

11.3 Commercial Properties - Organics, Green Waste and Recycling Service

271011/ 28 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

1. Council endorses the principle of providing voluntary organics/green waste and recycling services to businesses and that an education program be developed to increase participation.
2. Council receive information in the next quarterly budget review in respect of options to set fees for the services to be provided from the implementation of recommendation one to this report.

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

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11.4 Bulk Waste Services - Community and Sporting Groups

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Peter Moore.

1. That Council notes the contents of this report in respect to the current inequities that exist in respect to the provision of bulk waste bin services to community and sporting groups across the shire.
2. That Council supports the principle that services should be applied equally and fairly across the shire and in recognition of the inequity that currently exists, authorises the General Manager to write to all organisations currently not receiving the free bulk waste service, advising that the service will be provided from 30 June 2012 onwards.

An **Amendment** was moved by Cr Phillip Silver and seconded by Cr Jeff Johnson

That Council notes the contents of the report on bulk waste services for community and sporting groups.

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

FOR VOTE - Cr Silver, Cr K Johnson, Cr Smith, Cr Moore, Cr Hordern, Cr J Johnson, Cr Brown

AGAINST VOTE - Cr Cadwallader, Cr Meehan

ABSENT. DID NOT VOTE - Cr Wright

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

271011/ 29 RESOLVED

(Cr Phillip Silver /Cr Jeff Johnson)

That Council notes the contents of the report on bulk waste services for community and sporting groups.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Moore, Cr Hordern, Cr J Johnson, Cr Brown

AGAINST VOTE - Cr Meehan

ABSENT. DID NOT VOTE - Cr Wright

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11.9 Tender - Construction of Ballina Heights Drive

271011/ 30 RESOLVED

(Cr Jeff Johnson/Cr Robyn Hordern)

1. That in accordance with clause 178 (1) (b) of the *Local Government (General) Regulation 2005* (the *Regulation*). Council rejects all of the tenders received for the construction of Ballina Heights Drive on the basis that no tender represents value for money at this time.
2. That Council authorise the General Manager, in accordance with the regulation, to enter direct negotiations with the preferred tenderer, the NSW Roads and Transport Authority, and that the outcomes of those negotiations be reported to Council for determination.

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

11.5 Waste Water Treatment Plants Upgrade - Update

271011/ 31 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council notes the contents of this report on the progress of the contract for the upgrade of the Ballina and Lennox Head Waste Water Treatment Plants.
2. That Council notes the contents of this report in respect to the termination of the contract to provide sewer relining and leak rectification services.

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

11.6 Land for Road Widening - Barlows Road, West Ballina

271011/ 32 RESOLVED

(Cr Alan Brown/Cr Susan Meehan)

1. That Council authorises acquisition by compulsory process of the land being Lot 5 DP 115336, Barlows Road, West Ballina.
2. That Council authorises the General Manager to make an application to the Minister for Local Government and/or the Governor for the compulsory acquisition of land for road being Lot 5 DP 115336, Barlows Road, West Ballina.

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3. That Council authorises the Council seal to be attached to any documents, where necessary, relating to this acquisition.
4. That Council receive a further report on the use of the existing road reserve.

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

11.7 Tender - Removal of Biosolids from Wastewater Treatment Plants

271011/ 33 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

1. That Council accepts the schedule of rates tender from Arkwood Organic Recycling for dewatering of biosolids from the Council's Waste Water Treatment Plants and the beneficial reuse of the product as required over the two year contract period.
2. That Council authorises the Council seal to be attached to the contract documents.

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

11.8 Tender - Mowing of Various Sporting Fields

271011/ 34 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council accepts the tender for the mowing of various cricket ovals and sportsgrounds surrounds for a three year period from Steven Van Der Mere.

That Council authorises the Council seal to be attached to the contract documents.

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

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13. Notices of Motion

13.1 Notice of Motion - CoastalCountry Music Festival

271011/ 35 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

1. That Council approves funding of \$25,000 for the Coastal Country music festival from the 2012/13 festivals and events program.
2. This funding commitment will allow the co-ordinators to market and promote the Ballina festival at the January 2012 country music festival in Tamworth, which is the biggest Country music festival in Australia.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Wright

13.2 Notice of Motion - Domestic Electrical Power Bills

271011/ 36 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

The General Manager be authorised to establish a small working party to:-

- A. Investigate and document methods of reducing domestic electrical power bills and
- B. Develop a program outline on how to educate the Ballina community on the ways to reduce their bills and
- C. Report to Council on the results of A and B with recommendations on how to implement the findings.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Wright

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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27/10/11 AT 9.00 AM**

13.3 Notice of Motion - Lennox Head Consultative Committee

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

1. Council approves the establishment of a Lennox Head Consultative Committee and seeks expressions of interest from Lennox Head based not-for-profit community groups, including those currently involved with the B Ward Committee.
2. The purpose of this Committee is to identify areas where Council's strategic planning for Lennox Head needs to be updated and infrastructure and service delivery could be improved.
3. The information provided from this Committee is to assist Council in the allocation of resources as part of the preparation of the annual operational plan and budget.

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

FOR VOTE - Cr J Johnson

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

ABSENT. DID NOT VOTE - Cr Wright

13.4 Notice of Motion - Public Place Recycling

271011/ 37 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council provides in principle support for 'trailing' public place recycling alongside existing garbage bins.
2. That Council receives a report on the preferred locations for the trial, costs/benefits to Council and design options that will encourage proper use.
3. That Council approach local shopping centres to encourage them to consider public place recycling within their shopping precincts.

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

AGAINST VOTE - Cr Silver

ABSENT. DID NOT VOTE - Cr Wright

14. Advisory Committee Minutes

Nil items.

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

15.1 Mayoral Meetings

271011/ 38 RESOLVED

(Cr Sharon Cadwallader /Cr Susan Meehan)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Wright

15.2 Australian Airports Assoc - NSW Divisional Quarterly Meeting

271011/ 39 RESOLVED

(Cr Alan Brown/Cr Ben Smith)

That Council notes the contents of the report from Cr Brown on his attendance at the Australian Airports Association NSW Divisional Quarterly meeting.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Wright

Cr J Johnson left the meeting at 04:18 PM.

16. Questions Without Notice

16.1 Cr Cadwallader - Wardell Bus Shelters

Cr Cadwallader – Wardell bus shelters haven't been repainted and paint has been scraping off them. There are also no transparent walls in the sides of the shelters.

John Truman to follow up.

16.2 Cr Cadwallader - Lennox Head Cultural & Community Centre Artwork

Cr Cadwallader – enquired as to the result of the selection process for the public artwork at the Lennox Head Cultural & Community Centre.

The Mayor advised that two projects had been selected:-

- Four full sized timber surfboards will be displayed as mobiles in the foyer

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- A digital photography display. These works can also be used by Council in other areas of its operations.

16.3 Cr Cadwallader - Former Lennox Head Library Building

Cr Cadwallader – can Council investigate whether the former Lennox Head library building can be used as a centre for art workshops?

The General Manager advised that this building was located on Department of Education land and encouraged Cr Cadwallader to have the interested group contact Council or the School with their proposal.

16.4 Cr Moore - Coast Road Closure - Detours

Cr Moore – spoke in relation to the detour around North Creek Road. Why isn't there a sign just prior to or adjacent to Ross Lane that indicates an alternative detour up to the highway (closer to Ross Lane)?

Other discussions also took place around

- Detour signs which directed motorists away from the town centre of Lennox
- Detour signs in Kerr Street, Ballina – gives the impression that the Coast Road is totally closed.

John Truman to investigate.

16.5 Cr Hordern - Bike Parking in Ballina CBD

Cr Hordern – asked if Council can investigate appropriate parking for bikes in the main street of Ballina and suggested “triangle” type arrangements attached to existing street poles.

John Truman to investigate.

Cr J Johnson returned at 04:24 PM

16.6 Cr Brown - Missingham Bridge Markets

Cr Brown –has there been a date set for a workshop regarding the Missingham Markets?

Steve Barnier advised that no progress has been made with the workshop to date as the priorities (given the timeline with the commencement of the twilight market) have been the submission of the Development Applications for the Fawcett Street and Missingham markets.

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17. Confidential Session

271011/ 40 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

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

17.1 Lennox Head Cultural and Community Centre - Insurance Claim

Reason for Confidentiality

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as Council is currently involved in a contractual dispute with the original architect and the release of information in this report may impact negatively for Council in respect to that dispute.

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

(The Council moved into Confidential Session at 4.26 pm)

17.1 Lennox Head Cultural and Community Centre - Insurance Claim

CF271011/001 RECOMMENDED

(Cr Robyn Hordern/Cr Keith Johnson)

1. Based on the contents of this report Council approves the commencement of an arbitration process against Greenway Hirst Page Architects and the insurance underwriter in respect to the construction of the Lennox Head Cultural and Community Centre.
2. The funding for this legal process is to be sourced from Council's property reserves, based on the estimates provided, with the reserves to be reimbursed from any funds received through this insurance claim and arbitration.

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

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Open Council

271011/ 41 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

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

(The Council moved into Open Council at 4.47 pm

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

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

Adoption of Recommendations from Confidential Session

271011/ 42 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That the recommendation made whilst in Confidential Session, being Minute Number CF271011/001 be adopted.

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

MEETING CLOSURE

4.48 pm

The Minutes of the Ordinary Meeting held on 27/10/11 were submitted for confirmation by council on 24 November 2011 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 November 2011.