

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

Attendance

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

Paul Hickey (General Manager), Jillian Pratten (Acting Civil Services Group Manager), Rod Willis (Regulatory Services Group Manager), Matthew Wood (Acting Strategic Services Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 48 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Council staff members, Nick Wheeler, Maria Butler and Rachael Manwarring.

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 Peter Moore.

250112/ 1 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That such apology be accepted.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

4. Confirmation of Minutes

250112/ 2 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 15 December 2011, with minor amendments as follows:

Page 3 – the declaration of interest from Cr Silver on Item 14.2 – should read “patron” not “patrol”.

Page 6 – the declaration of interest by Cr Cadwallader in Item 8.3 should read “pecuniary” not “non pecuniary” which is consistent with her initial declaration on Page 2.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

5. Declarations of Interest and Reportable Political Donations

- **Paul Hickey, General Manager** – declared an interest in Item 8.2 – DA 2001/490 – Greenwood Grove Estate, Lennox Head. (Nature of Interest: non pecuniary – adjoining landowner). He will be departing the matter while the matter is discussed.
- **Cr Cadwallader** – declared an interest in Item 8.1 – DA 2011/557 – Sundowner Motel. (Nature of Interest: non pecuniary – she is an accommodation provider in Ballina – the issue is predominately about the trees on site). 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

- **Victoria O'Connor** - spoke in favour of Item 11.5 - Pentanque Facility - Lennox Head.

Paul Hickey declared an interest in Item 8.2 and departed the meeting at 9.09 am

- **Damien Chapelle** - spoke in favour of Item 8.2 - DA 2011/490 - Greenwood Grove Estate, Lennox Head.
- **Denis Magnay** - spoke in opposition to Item 11.1 - Coastal Recreational Pathway.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

Paul Hickey returned at 9.17 am

- **Dennis Carter** - spoke in favour of Item 13.1 - Notice of Motion - Parking - Lennox Head.
- **Ian Clapham** - spoke in favour of Option A contained in Item 8.1 - DA 2011/557 - Sundowner Motel.

7. Mayoral Minutes

Nil items.

8. Regulatory Services Group Reports

8.1 DA 2011/557 - Sundowner Motel

File Reference	DA 2011/557
Applicant	Newton Denny Chapelle for Mr G. Mills
Property	Lot 1 in DP 499510 and Lot 10 in DP 244352, being No 274 River St, Ballina
Proposal	To remove three Norfolk Island Pine Trees, consolidate Lots 1 & 10 into a single lot, dedicate 410m2 of foreshore land to Council's ownership and create a connecting easement to Kerr Street for future public access, and to demolish jetty structures adjoining the land dedication area
Effect of Planning Instrument	The land is zoned 'Business' under the provisions of the Ballina LEP and parts of the jetty structures may be on land that is uncoloured on the LEP Maps.

A **Motion** was moved by Cr Ben Smith and seconded by Cr Alan Brown.

That development application 2011/557 be **APPROVED** subject to the application of suitable conditions of consent, as determined by the General Manager, addressing site identification issues, revetment wall and contaminated land certification, replacement tree planting, standard demolition safeguards, submission of a subdivision certificate application and other relevant standard requirements, with a specific condition to ensure unfettered public pedestrian access from Kerr Street.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr David Wright

That this matter be deferred to allow the applicants to give consideration to increasing the dedication of public land to Council to ensure unfettered public pedestrian access from Kerr Street.

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

FOR VOTE - Cr Silver, Cr Cadwallader, Cr Wright, Cr Brown

AGAINST VOTE - Cr K Johnson, Cr Smith, Cr Hordern, Cr J Johnson, Cr Meehan

ABSENT. DID NOT VOTE - Cr Moore

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

FOR VOTE - Cr Silver, Cr Smith, Cr Hordern, Cr Brown

AGAINST VOTE - Cr Cadwallader, Cr K Johnson, Cr Wright, Cr J Johnson, Cr Meehan

ABSENT. DID NOT VOTE - Cr Moore

250112/ 3 RESOLVED

(Cr Susan Meehan/Cr Jeff Johnson)

That development application 2011/557 be **REFUSED** as the application is inconsistent with local planning controls and is not in the public interest.

FOR VOTE - Cr Cadwallader, Cr K Johnson, Cr Wright, Cr J Johnson, Cr Meehan

AGAINST VOTE - Cr Silver, Cr Smith, Cr Hordern, Cr Brown

ABSENT. DID NOT VOTE - Cr Moore

6. Deputations

- **Catherine Cusack** - spoke in opposition to Item 10.7 - Richmond Tweed Regional Library - Structure.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

Paul Hickey declared an interest in Item 8.2 and departed the meeting at 10.03 am

8.2 DA 2011/490 - Greenwood Grove Estate, Lennox Head

File Reference	DA 2011/490
Applicant	Newton Denny Chapelle
Property	Lot 19 DP 1166124 Tallow Wood Place & Satinwood Place, Lennox Head
Proposal	To Undertake a 12 Lot Residential Subdivision
Effect of Planning Instrument	The land is zoned 2(a) – Living Area Zone under the provisions of the Ballina LEP

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

That development application 2011/490 to undertake a twelve) lot subdivision comprising eleven residential lots and one (1) public reserve lot be **REFUSED** because the size and shape of the allotments are not sufficiently compliant with Council's DCP requirements and if developed would not sufficiently maintain the amenity and character of the locality, therefore would not be in the public interest.

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

FOR VOTE - Cr Cadwallader

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

ABSENT. DID NOT VOTE - Cr Moore

250112/ 4 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

That development application 2011/490 to undertake a twelve) lot subdivision comprising eleven residential lots and one (1) public reserve lot be **APPROVED** subject to the attached conditions of consent and the modification of the boundaries of proposed Lot 102 and proposed Lot PR1 such that the littoral rainforest and cleared western portion of proposed Lot 102 are amalgamated into proposed Lot PR1, with an amendment to condition 1.1 as follows:

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

1.1 Stormwater Detention

Additional stormwater detention and storage is to be provided on site in accordance with the requirements of Development Application 2004/605. Prior to the activation of this consent, details are to be submitted to and approved by Council showing the stormwater storage and detention on the site to be in compliance with Council's Combined Development Control Plan No.1 Chapter 13 Stormwater Management. This requirement is in addition to the stormwater and detention requirements approved as part of Development Application 2011/490.

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

Paul Hickey returned at 10.11 am

11.1 Coastal Recreational Pathway

250112/ 5 RESOLVED

(Cr Alan Brown/Cr David Wright)

That Council endorses, for the segment of the Coastal Recreational Path from Flat Rock to Sharpes Beach underpass, the use of a combination of asphalt and boardwalk to provide disabled access to the Australian Standard as per Revision D, as attached to this report.

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

A **Motion** was moved by Cr Alan Brown and seconded by Cr David Wright.

That Council endorses, for the segment of the Coastal Recreational Path from Sharpes Beach underpass to Boulder Beach, the use of asphalt and boardwalk and where possible eliminating steps, as per Revision D, attached to this report. Further an additional alignment or finger path be investigated to travel towards the Coast Road and the entry road to Boulder Beach.

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

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

250112/ 6 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That Council endorses, for the segment of the Coastal Recreational Path from Sharpes Beach underpass to Boulder Beach, the use of consolidated gravel or similar treatment, and steps, as required, as per Revision D, as attached to this report.

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

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

ABSENT. DID NOT VOTE - Cr Moore

250112/ 7 RESOLVED

(Cr Alan Brown/Cr Keith Johnson)

That the segment of the Coastal Recreational Path from Boulder Beach to Pat Morton car park and Pat Morton Lookout be referred to a workshop with the consultant being present to explore what can be achieved to optimise access and the direction of this path with a standard to asphalt and boardwalk surface.

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

AGAINST VOTE - Cr Cadwallader, Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore

Adjournment

The Mayor declared the meeting adjourned at 11.06 am.

The meeting resumed at 11.30 am

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

13.1 Notice of Motion - Parking - Lennox Head

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

1. That Council approve funding of \$8,000, from working capital, to allow kerb and gutter to be installed on the northern side (\$6,000) of William Street, Lennox Head (between Pacific Parade and Cliff Murray Lane) and to formalise the parking on the southern side (\$2,000) of this street. This work will provide a clear delineation for parking and a safer environment for pedestrians in this location, which currently has a mix of pedestrians walking to the beach and customers to the restaurant located on this intersection.
2. That Council also investigate formalising the parking in this locality on the eastern side of Pacific Parade as part of the 2012/13 budget.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Robyn Hordern

1. That Council approve, subject to point three, funding of \$8,000, from working capital, to allow kerb and gutter to be installed on the northern side (\$6,000) of William Street, Lennox Head (between Pacific Parade and Cliff Murray Lane) and to formalise the parking on the southern side (\$2,000) of this street. This work will provide a clear delineation for parking and a safer environment for pedestrians in this location, which currently has a mix of pedestrians walking to the beach and customers to the restaurant located on this intersection.
2. That Council also investigate formalising the parking in this locality on the eastern side of Pacific Parade as part of the 2012/13 budget.
3. That this item be given priority subject to 50% monetary contributions to the kerbing and guttering by the residents and the restaurant.
4. That Council commence enforcement of parking regulations in the area.

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

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

AGAINST VOTE - Cr Cadwallader, Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

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

250112/ 8 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council approve, subject to point three, funding of \$8,000, from working capital, to allow kerb and gutter to be installed on the northern side (\$6,000) of William Street, Lennox Head (between Pacific Parade and Cliff Murray Lane) and to formalise the parking on the southern side (\$2,000) of this street. This work will provide a clear delineation for parking and a safer environment for pedestrians in this location, which currently has a mix of pedestrians walking to the beach and customers to the restaurant located on this intersection.
2. That Council also investigate formalising the parking in this locality on the eastern side of Pacific Parade as part of the 2012/13 budget.
3. That this item be given priority subject to 50% monetary contributions to the kerbing and guttering by the residents and the restaurant.
4. That Council commence enforcement of parking regulations in the area.

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

AGAINST VOTE - Cr Cadwallader, Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore

11.5 Pétanque Facility - Lennox Head

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Susan Meehan.

1. That Council supports the request for the establishment of a Pétanque facility in Lennox Head.
2. That Council supports the Lake Ainsworth site in the overflow car park adjacent to the caravan park, as outlined within this report, as preferred the location for the Pétanque facility.
3. That Council be provided with information on the cost of construction of a piste in this location as part of the 2012/13 budget considerations.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

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

1. That Council supports the request for the establishment of a Pétanque facility in Lennox Head.
2. That Council supports the Lake Ainsworth site in the overflow car park adjacent to the caravan park, as outlined within this report, as preferred the location for the Pétanque facility.
3. That Council be provided with information on the cost of construction of a piste in this location as part of the 2012/13 budget considerations.
4. That an operations manual be prepared that deals with matters of location, day to day management, maintenance and related matters.
5. That if the construction of a low key facility can be incorporated into existing budgets, that the work proceed this financial year.

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

A Motion of dissent from the ruling of the Mayor that allowed Cr Jeff Johnson to speak first as the mover of the original motion, even though an amendment had now been moved.

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

FOR VOTE - Cr K Johnson, Cr Wright, Cr Brown

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

ABSENT. DID NOT VOTE - Cr Moore

250112/ 9 RESOLVED

(Cr Sharon Cadwallader)

That the Motion (Amendment) be put.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

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

250112/ 10 RESOLVED

(Cr Keith Johnson/Cr Robyn Horder)

1. That Council supports the request for the establishment of a Pétanque facility in Lennox Head.
2. That Council supports the Lake Ainsworth site in the overflow car park adjacent to the caravan park, as outlined within this report, as preferred the location for the Pétanque facility.
3. That Council be provided with information on the cost of construction of a piste in this location as part of the 2012/13 budget considerations.
4. That an operations manual be prepared that deals with matters of location, day to day management, maintenance and related matters.
5. That if the construction of a low key facility can be incorporated into existing budgets, that the work proceed this financial year.

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

Adjournment

The Mayor declared the meeting adjourned at 12.27 pm.

The meeting resumed at 12.29 pm
Cr Jeff Johnson was not in attendance at this stage. Cr J Johnson left the meeting at 12:29 PM.

8.3 Compliance Work Plan 2011/2012 - Update

250112/ 11 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That Council notes the contents of the half yearly report for the Compliance Work Program for 2011/12.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

8.4 Development Applications - Works in Progress

250112/ 12 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council notes the contents of the report on the development applications submitted but not yet finalised as at January 2012.

Cr J Johnson returned at 12:30 PM

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

8.5 Development Consent Statistics - December 2011

250112/ 13 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

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

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

9. Strategic & Community Services Group Reports

9.1 Ballina Community Services Centre - Renaming

250112/ 14 RESOLVED

(Cr David Wright/Cr Ben Smith)

That Council confirms its support for renaming the Ballina Community Services Centre located on Bangalow Road as the 'Kentwell Community Centre'.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

12. Public Question Time

12.1 Ralph Moss - Tidal Floodgates

Ralph Moss – what is progress on the tidal floodgates in Canal Road where water is coming in?

The General Manager will take the question on notice and respond to Mr Moss.

Ralph Moss – what is the progress of the formation of the floodplain committee formulated six months ago. Has the Committee been formed?

The General Manager advised that there may be some confusion between the existing Floodplain Management Reference Group and Civil Committee meetings held as there is now additional committee being formed.

10. General Manager's Group Reports

10.1 Use of Council Seal

250112/ 15 RESOLVED

(Cr David Wright/Cr Ben Smith)

That Council affix the Common Seal to the following document(s).

US12/01	<p>Temporary Licence Agreement for 12 month period, and Licence or Lease (beyond the initial 12 month term) between Ballina Shire Council as Manager of The Old Tintenbar Council Chambers Reserve Trust and Coffey Geotechnics Pty Ltd, for the occupancy of Area 2 of the Old Tintenbar Shire Council Chambers, Alstonville.</p> <p>Explanation: Coffey Geotechnics Pty Ltd has requested the lease/licence of Area 2 of the Old Tintenbar Shire Council Chambers building as recently vacated by Arts Northern Rivers, for an initial 12 month period. In order to expedite the process and enable Coffey to operate from the premises early in the new year, a Temporary Licence Agreement has been negotiated which will enable occupancy with the agreement of the Reserve Trust, but without the initial need for Crown consent/concurrence. Crown consent will be required for any lease or licence period beyond the initial 12 month term of the Temporary Licence Agreement, with a request for a term beyond 12 months anticipated. The temporary licence fee is \$7,600 per annum plus GST for the 53.12 square metre space.</p>
---------	---

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

US12/02	<p>Licence Agreement: Ballina Shire Council to Paradise FM101.9 Community Radio Association Incorporated - Location of FM radio broadcast aerial on Council operational land at the water reservoir site located at Pine Avenue, East Ballina, being upon Lot 3 Section 91 DP 758047.</p> <p>Explanation: Since June 2001 the Licensee has located their aerial transmitter on Council land within the Pine Avenue Water Reservoir compound. The previous agreement has expired, and consent is now requested for a new 3 x 3 year term commencing 1 January 2012. The proposed Licence Fee is \$1,964 p.a. + December quarter CPI when released + GST. The Licence Fee proposed is concessional having regard to the broadcasters 'community status'. The commercial telecommunications providers on Council land pay licence fees of up to \$28,000 p.a. + GST. Council does have the option of setting an annual rental for Paradise FM101.9 Community Radio Association Inc. in excess of the proposed concessional rate if it so chooses.</p>
US12/03	<p>Licence Agreement between Ballina Shire Council and NSW Department of Primary Industries for the Wardell Jetty and Pontoon on Crown Land located near Lot 5 DP 667323 for a period of twenty years at a initial market rent of \$432.</p>

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

10.2 Investments Summary - December 2011

250112/ 16 RESOLVED

(Cr Ben Smith/Cr David Wright)

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

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

10.3 Councillor Attendance

250112/ 17 RESOLVED

(Cr Sharon Cadwallader /Cr Jeff Johnson)

That Council authorises the attendance of Cr Cadwallader at the ALGWA Annual Conference to be held in Dubbo from 22 - 24 March 2012.

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

250112/ 18 RESOLVED

(Cr Jeff Johnson/Cr Ben Smith)

That Council authorise Crs Cadwallader and K Johnson at its attendees at the 2012 Shires Association "A" Division Conference.

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

250112/ 19 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council submit the following issues as formalised motions to the "A" Division Conference.

- Rental paid by Council to LPMA for community facilities
- Federal and State Tourism Bodies give consideration to the provision of water safety information for all international travellers visiting Australia
- Container deposit scheme
- Banning of plastic shopping bags
- Provision in the Local Government Act for councils to be able to levy rates on individual occupancy/licence/lessees within corporate estates
- Any relevant LEP issues
- Completion of children checks by Councillors.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

Adjournment

The Mayor declared the meeting adjourned at 1.10 pm.

The meeting resumed at 1.55 pm

10.4 Policy (Draft Review) - Corruption Prevention and Fraud Control

250112/ 20 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopt the amended Corruption Prevention & Fraud Control 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 Moore

10.5 Flat Rock Tent Park - Fees and Charges 2012/13

250112/ 21 RESOLVED

(Cr David Wright/Cr Ben Smith)

That Council authorise the exhibition of the draft Tent Park Fees for 1 April 2012 to 31 March 2013, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

10.6 Lennox Head Rural Fire Shed - Relocation

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

That Council undertake an Aboriginal Cultural Assessment on the Ross Lane site and report the findings back to Council.

The **Motion LAPSED.**

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

250112/ 22 RESOLVED

(Cr Sharon Cadwallader /Cr David Wright)

1. That Council approves the preparation and lodgement of a development application to allow the permanent occupation of the Lennox Head Rural Fire Service Shed on the current site at Mackney Lane, Lennox Head.
2. This application is to focus heavily on measures such as landscaping to mitigate any potential detrimental impacts (i.e. visual amenity, noise) that the location of the shed may have on adjoining residential properties.
3. Formalisation of car parking on this site is also to be addressed as part of this application.
4. As part of the preparation of the development application consultation is to be undertaken with the adjoining residents to provide an opportunity to address any concerns that may arise. If the level of concern is significant then the General Manager is authorised to resubmit this matter back to Council, prior to the lodgement of the application, to determine whether Council wishes to proceed with this proposal.
5. The Council's preferred options remains as the Coast Road site and that in conjunction with points one to four that the Mayor, Deputy Mayor and General Manager conduct further negotiations with Jali and the National Parks & Wildlife Service to resolve any cultural concerns.
6. That items one to four not be implemented until item five is completed.

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

10.7 Richmond Tweed Regional Library - Structure

A **Motion** was moved by Cr Keith Johnson and seconded by Cr Robyn Hordern.

1. That Council, based on the contents of this report, confirms that its preferred structure for the current operation of the Richmond Tweed Regional Library is through the Administrative Council model.
2. That the current structure continue to be monitored during which time the General Manager shall arrange for comprehensive data collection to be undertaken. This data shall be used to provide direct comparisons with RTRL performance prior to the Administrative Council model being used.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

3. If the Administrative Council Model is not supported by a sufficient number of member councils to ensure the sustainability of the Richmond Tweed Regional Library service then Council's preferred position is to work towards a Shared Services model with the level of in-house and shared services to be determined through further negotiations with the existing members.

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

That Council defers a decision on the Richmond Tweed Regional Library until after the meeting of all member councils on the 7 February 2012.

Paul Hickey left the meeting at 2.59 pm

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

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

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

That Council, based on the contents of this report, confirms that its preferred structure for the current operation of the Richmond Tweed Regional Library is through the Administrative Council model.

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

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

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

250112/ 23 RESOLVED

(Cr Keith Johnson/Cr Robyn Hordern)

1. That Council, based on the contents of this report, confirms that its preferred structure for the current operation of the Richmond Tweed Regional Library is through the Administrative Council model.
2. That the current structure continue to be monitored during which time the General Manager shall arrange for comprehensive data collection to be undertaken. This data shall be used to provide direct comparisons with RTRL performance prior to the Administrative Council model being used.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

3. If the Administrative Council Model is not supported by a sufficient number of member councils to ensure the sustainability of the Richmond Tweed Regional Library service then Council's preferred position is to work towards a Shared Services model with the level of in-house and shared services to be determined through further negotiations with the existing members.

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

10.8 Capital Expenditure - Quarterly Update

250112/ 24 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

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

10.9 Delivery Program and Operational Plan - 31 December Review

250112/ 25 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council notes the contents of the 31 December 2011 review of the Delivery Program and Operational Plan.

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

250112/ 26 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council conduct a workshop on the status of the Waste Management Strategy.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

11. Civil Services Group Reports

11.2 Fig Tree - Management

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Robyn Hordern.

1. Regarding the fig tree at Ballina tennis courts, investigations into a possible root barrier be carried out, and if possible root pruning to be carried out. Should there prove to be no barrier a further report to Council be provided on options for the management of that tree.
2. Council establish a priority order of need to manage 2-3 fig trees in the urban environment, per annum, with a best practice program of care.
3. Council lobby energy authorities for aerial bundling of cables and sympathetic pruning of streetscape trees.
4. Council commences a program of tree planting in urban spaces of not less than 5 trees per month.
5. Council commit to complete restoration of the 'Memorial Cross' concept with appropriate plantings in Cherry Street.

An **Amendment** was moved by Cr David Wright and seconded by Cr Sharon Cadwallader

1. Regarding the fig tree at Ballina tennis courts, investigations into a possible root barrier be carried out, and if possible root pruning to be carried out. Should there prove to be no barrier a further report to Council be provided on options for the management of that tree.
2. Council establish a priority order of need to manage 2-3 fig trees in the urban environment, per annum, with a best practice program of care.
3. Council lobby energy authorities for aerial bundling of cables and sympathetic pruning of streetscape trees.
4. Council commences a program of tree planting in urban spaces of not less than 5 trees per month.
5. Council commit to complete restoration of the 'Memorial Cross' concept with appropriate plantings in Cherry Street.
6. That Council approves the removal and replacement of the single fig tree in Bentinck Street with a replacement tree.
7. That the drainage at the Bentinck Street site be rectified.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

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

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

250112/ 27 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

1. Regarding the fig tree at Ballina tennis courts, investigations into a possible root barrier be carried out, and if possible root pruning to be carried out. Should there prove to be no barrier a further report to Council be provided on options for the management of that tree.
2. Council establish a priority order of need to manage 2-3 fig trees in the urban environment, per annum, with a best practice program of care.
3. Council lobby energy authorities for aerial bundling of cables and sympathetic pruning of streetscape trees.
4. Council commences a program of tree planting in urban spaces of not less than 5 trees per month.
5. Council commit to complete restoration of the 'Memorial Cross' concept with appropriate plantings in Cherry Street.
6. That Council approves the removal and replacement of the single fig tree in Bentinck Street with a replacement tree.
7. That the drainage at the Bentinck Street site be rectified.

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

11.3 Development Servicing Plans - Water Supply and Wastewater

250112/ 28 RESOLVED

(Cr Keith Johnson/Cr David Wright)

That Council hold a workshop on the Development Servicing Plans before placing the Plans on public exhibition.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

11.4 Alcohol Free Zones - Lennox Head and Alstonville (Renewal)

250112/ 29 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorse the renewal of the AFZs in the Lennox Head and Alstonville CBDs for a period of four years.
2. That Council place on exhibition for public comment notification of the intention to renew the AFZs with any submissions to be presented to Council. If no submissions are received the General Manager is authorised to implement this resolution.

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

11.6 Waste Water Treatment Plants Upgrade - Update

250112/ 30 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

1. That Council notes the contents of the progress report on the upgrade of the Ballina and Lennox Head Waste Water Treatment Plants.
2. That Council note the above information regarding the completion of the Lennox Head Waste Water Treatment Plant Optimisation Upgrade.

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

11.7 Local Traffic Committee - December 2011

250112/ 31 RESOLVED

(Cr Alan Brown/Cr Sharon Cadwallader)

1. That Council approves the traffic management arrangements for the Ballina High School Swimming Parade to be held on 8 February 2012 subject to the parade operating in accordance with the traffic control plan.
2. That Council approves the Road Closure of MR545 (Byron Bay Road/Coast Road) subject to the Traffic Control Plan being amended to include the new interchange with the Pacific Highway and the use of VMS signs advising the closures.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

13. Notices of Motion

13.2 Notice of Motion - Artwork on Power Boxes

250112/ 32 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council write to Essential Energy advising that we support the implementation of the painting of their energy boxes by local artists and ask that they implement this program in the Ballina Shire and invite Essential Energy to make a presentation to the Councillor workshop scheduled for 16 February 2012.

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

Paul Hickey returned at 4.46 pm

13.3 Notice of Motion - Single Use Plastic Bag Use in the Shire

250112/ 33 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Ballina Shire Council

1. Acknowledge the efforts taken by many local businesses and residents to reduce the number of single-use or non bio-degradable plastic bags used throughout the Ballina Shire.
2. Acknowledge that single-use plastic bags are a major litter problem in our parks and waterways, and can result in the deaths of many turtles, Cetaceans, birds, as well as other animal species
3. Write to the State and Federal Government urging them to introduce legislation that would ban non-biodegradable single-use plastic shopping bags.
4. Contact major local retailers to encourage them to collaborate with Council voluntarily in a staged approach to reduce and ultimately eliminate non-biodegradable plastic shopping bags from the Ballina Local Government Area.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

13.4 Notice of Motion - Container Deposit Legislation

250112/ 34 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Ballina Shire Council

1. Acknowledges the significant environmental and economic benefits to ratepayers of adopting a Container Deposit Scheme in NSW.
2. Write to the NSW Premier, and other NSW Ministers urging them to implement such a scheme in NSW.
3. Write to the Prime Minister, Senators and other Federal Ministers encouraging them to adopt a National Container Deposit Scheme.

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

14. Advisory Committee Minutes

Nil items.

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

15.1 Mayoral Meetings

250112/ 35 RESOLVED

(Cr Phillip Silver /Cr Sharon Cadwallader)

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

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

Motion of Dissent

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

Moved a motion of dissent from the ruling of the chair as the Chair would not allow Item 10.7 – Richmond Tweed Regional Library – Structure to be recommitted to the meeting for further discussion.

The **Motion of Dissent** was **LOST** .

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

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

17. Confidential Session

250112/ 36 RESOLVED

(Cr David Wright/Cr Jeff Johnson)

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 Land Acquisition - Rifle Range Road

Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the release of the information could prejudice Council in respect to the price negotiations that have occurred.

17.1 Land Acquisition - Rifle Range Road

CF250112/001 RECOMMENDED

(Cr Ben Smith/Cr David Wright)

1. That Council authorises the acquisition of the parcels of land as outlined in this report for the purposes of realigning Rifle Range Road.
2. The agreed purchase price of these acquisitions, is as outlined in the report, with Council to be responsible for all related and reasonable costs.
3. The Council seal is to be attached to all relevant documents.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

Open Council

250112/ 37 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

(The Council moved into Open Council at 5.19 pm)

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

Adoption of Recommendations from Confidential Session

250112/ 38

(Cr Robyn Hordern/Cr David Wright)

That the recommendation made whilst in Confidential Session, being Minute Number CF250112/001 be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

16. Questions Without Notice

16.1 Cr Cadwallader - New Residents Welcome Bag/Kit

Cr Cadwallader – enquired as to action taken in relation to Council's resolution to provide New Residents Welcome Bags/Kits.

The General Manager advised that Council called expressions of interest in October/November 2011 to provide sponsorship for the bags. We received one response from someone wanting to conduct a marketing campaign and another response seeking more information. The contact provided by Cr Cadwallader in sponsoring the bags was not successful. He advised that actions from the resolution had been carried out.

Cr Cadwallader asked for a copy of the expression of interest specification.

This will be provided to Cr Cadwallader.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/01/12 AT 9.00 AM**

16.2 Cr Cadwallader - Directional Signage for Parking in Lennox Head

Cr Cadwallader – can we investigate directional signage indicating parking is available outside the Lennox Head Cultural & Community Centre?

Civil Services to investigate.

16.3 Cr Cadwallader - 2014 ALGWA Conference

Cr Cadwallader – enquired if Council was interested in bidding to host the 2014 ALGWA conference.

The General Manager would speak to staff involved.

16.4 Cr Wright - Alstonville Main Street Upgrade

Cr Wright – thanked staff for quick responses received in relation to issues raised by the public with the Alstonville Main Street upgrade (moving of bus stop, erecting signage, etc). Responses were received quickly and the issues rectified.

16.5 Cr Jeff Johnson - Plantings on Roundabout, Ross Lane

Cr J Johnson – enquired in relation to the Ross Lane roundabout/on/off ramps – fairly heavy weed infestation and lack of planting on the roundabouts. Which sections are to be handed over to Council and which sections are still maintained by RMS?

Civil Services to investigate.

16.6 Cr Brown - Clement Park

Cr Brown – was interested to read the Minister for Education's response to representations made re Clement Park/Ballina High School. He believed the closure of the Burnet Street walkway should be pursued.

The General Manager advised that staff will pursue this type of option with the Minister.

MEETING CLOSURE

5.29 pm

The Minutes of the Ordinary Meeting held on 25/01/12 were submitted for confirmation by council on 23 February 2012 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 23 February 2012.