

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
CNR CHERRY & TAMAR STREETS, BALLINA,  
ON 26/04/12 AT 9.00 AM**

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**Attendance**

Crs Phillip Silver (Mayor - in the chair), Sharon Cadwallader, Ben Smith, Keith Johnson, Peter Moore, Robyn Hordern, David Wright, Jeff Johnson, Alan Brown and Susan Meehan.

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

There were 19 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**

Nil

**4. Confirmation of Minutes**

**260412/1      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 March 2012, with an amendment to the voting on Minute 230312/26 - Regional Library on Page 16. The voting should read:

FOR VOTE:      Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr David Wright, Cr Alan Brown, Cr Susan Meehan.

AGAINST VOTE: Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson.

FOR VOTE - All Councillors voted unanimously.

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

- **Cr Phillip Silver** - declared an interest in Item 9.3 - Ballina LEP Amendment Request - Stoville, Alstonville. (Nature of Interest: Non significant, non pecuniary - applicant is a personal friend - he will be departing the meeting while the matter is discussed).
- **Cr Phillip Silver** - declared an interest in Item 14.1 - Finance Committee Minutes 23 April 2012 and in particular Item 4.6 - Budget Requests - Alstonville CBD - Car Parking. (Nature of Interest: significant non pecuniary - he is a property owner in the area - he will be departing the meeting while the matter is discussed).
- **Cr Phillip Silver** - declared an interest in Item 9.2 - Reclassification of Community Land to Operational Land. (Nature of Interest: Non significant, non pecuniary - he is a property owner in the area - he will be remaining the meeting while the matter is discussed).
- **Cr Phillip Silver** - declared an interest in Item 17.3 - Farmers Market Proposal, Bugden Lane, Alstonville. Nature of Interest: Non significant, non pecuniary - he is a property owner in the area - he will be remaining in the meeting while the matter is discussed and voting on the matter).
- **Cr Peter Moore** – declared an interest in Item 9.4 - Planning Proposal - 160-190 North Creek Road, Lennox Head. (Nature of Interest: non pecuniary – the matter is related to a proposed development adjacent to his neighbours. He did not want there to be a perceived conflict of interest. He will be departing the meeting while the matter is discussed).

There were no reportable political donations.

**6. Deputations**

- **Justine Lucas** - spoke in relation to Item 17.3 - Farmers Market Proposal, Bugden lane, Alstonville.
- **Mia Spain** - spoke in opposition to Item 8.1 - DAs 1996/29 & DA 1996/30 - Increase in Quarry Extraction Rates.
- **Norm Headford** - spoke in opposition to Item 11.2 - Policy (Final) Building Over Council Assets.
- **Ralph Moss** - spoke in opposition to Item 9.2 - Reclassification of Community Land to Operational Land.
- **Lyn Walker, Ballina Environment Society** - spoke in relation to Item 14.1 - Finance Committee Minutes 23 April 2012 and in particular Item 4.6 - Budget Requests - Item (e) - Lake Ainsworth Management Plan.
- **Craig Long, CEO of SEE Civil** - spoke in favour of Item 8.1 - DAs 1996/29 & DA 1996/30 - Increase in Quarry Extraction Rates.
- **Charlie Howe** - spoke in favour of Item 13.3 - Notice of Motion - Long Term Future of Papis.

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- **Ian Duncan** - spoke in to Item 14.1 - Finance Committee Minutes 23 April 2012 and in particular Item 4.6 - Budget Requests - Item c) - Newrybar - Village Upgrade.

Cr Phillip Silver declared an interest in Item 9.3 and left the meeting at 9.52 am. Cr David Wright, Deputy Mayor assumed the Chair.

- **Tim Riley** - spoke in opposition to Item 9.3 - Ballina LEP Amendment Request - Stoville, Alstonville.

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

**260412/2      RESOLVED**

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council support the rezoning of part of Lot 1 DP 817406 for industrial purposes and the attached planning proposal be submitted to the Department of Planning and Infrastructure for determination, with the submission also expressing Council's strong recommendation for approval.

FOR VOTE - Cr Sharon Cadwallader, Cr Ben Smith, Cr Keith Johnson, Cr Peter Moore, Cr Robyn Hordern, Cr David Wright and Cr Alan Brown

AGAINST VOTE - Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Phillip Silver

Cr Phillip Silver returned to the meeting at 10:18 am and resumed the Chair.

**7. Mayoral Minutes**

Nil items.

**8. Regulatory Services Group Report**

**8.1 DAs 1996/29 & DA 1996/30 - Increase in Quarry Extraction Rates**

**260412/3      RESOLVED**

(Cr David Wright/Cr Ben Smith)

That DA 1996/29 and 1996/30 be deferred until the following items are addressed:

1. That the matters raised in the EDO's original letter and that of 24 April be assessed individually by Council's Sydney Solicitors to ensure that all aspects are answered.
2. That a mechanism for a monetary penalty be formulated if there are breaches in the DA consent conditions for starting times, speed and traffic movements.

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3. That a plan be formulated to ensure that empty quarry trucks travelling to the quarry do not pass along Carlisle Street before 7.00 am.
4. That the community be surveyed as to the positioning of the footpath in Carlisle Street.
5. That a mechanism be implemented to monitor the suitability of the heavy patching of Carlisle Street to limit vibration. If the work has not addressed the problem then the street be reconstructed under a similar mechanism to that of Rifle Range Road and Teven Road in their upgrades because of vibration and noise problems caused by truck movements from Council's quarry and other quarries.
6. That staff investigate if a condition can be imposed for all quarry products intended for the Ballina/Woodburn Pacific Highway upgrade to be hauled along the new highway route and not through the Wardell township.

FOR VOTE - Cr Phillip Silver, Cr Sharon Cadwallader, Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr David Wright and Cr Alan Brown  
AGAINST VOTE - Cr Peter Moore, Cr Jeff Johnson and Cr Susan Meehan

**11.2 Policy (Final) Building Over Council Assets**

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

That Council not adopt a policy and indicate a different direction for the development of the policy.

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

FOR VOTE - Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Silver, Cr Keith Johnson, Cr Peter Moore, Cr Robyn Hordern, Cr David Wright, Cr Jeff Johnson, Cr Alan Brown and Cr Susan Meehan

**260412/4      RESOLVED**

(Cr Susan Meehan/Councillor Alan Brown)

That Council adopt the Building Over Council Assets Policy as attached to this report, subject to the addition of the following paragraph in Section Five;

*Applicants dissatisfied with a decision of a Council officer made under this section, may appeal, in writing to the General Manager. In response, the General Manager will complete a review, and where practical, be advised by a different officer to the person who completed the initial assessment. The General Manager's decision represents the Council's final consideration of the appeal.*

FOR VOTE - All Councillors voted unanimously.

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**13.3 Notice of Motion - Long Term Future of Pipsis**

**260412/5      RESOLVED**

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council write to the NSW Minister for Primary Industries, the Honourable Katrina Hodgkinson MP, the member for Ballina Local Government Minister Don Page, Executive Director, Fisheries NSW, Dr Geoff Allan to ensure that no harvesting of pipsis on any Ballina beaches is recommenced and allowed until each individual beach has undergone a complete review and report, including but not limited to:

A population survey to assess the total population, size and age distribution

A long-term management plan to safeguard:

- i) the long-term biological viability of the pipi populations.
- ii) the long term commercially viability of the pipi fishery

FOR VOTE - All Councillors voted unanimously.

**Adjournment**

The Mayor declared the meeting adjourned at 11.34 am

The meeting resumed at 12.02 pm

**8.2 Development Applications - Works in Progress - April 2012**

**260412/6      RESOLVED**

(Cr David Wright/Cr Susan Meehan)

That Council notes the contents of the report on the status of outstanding development applications for April 2012.

FOR VOTE - All Councillors voted unanimously.

**8.3 Development Consent Statistics - March 2012**

**260412/7      RESOLVED**

(Cr David Wright/Cr Susan Meehan)

That Council notes the contents of the report on development consent statistics for 1 March 2012 to 31 March 2012.

FOR VOTE - All Councillors voted unanimously.

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**8.4 DA 2011/540 - Ballina Surf Life Saving Clubhouse and Associated Works**

**260412/8      RESOLVED**

(Councillor Alan Brown/Cr Susan Meehan)

That this item be considered after the lunch break.

FOR VOTE - All Councillors voted unanimously.

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

**9.1 Growth Management Strategy - Draft**

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

That Council publicly exhibit the draft Ballina Shire Growth Management Strategy for a period of 28 days. Following the conclusion of the exhibition period, a report is to be presented to the Council regarding submissions received during the public exhibition period, inclusive of the following amendments:

Page 66 - Strategic Action - Incremental construction of coastal shared pathway linkages to Lennox Head and Skennars Head – change priority from moderate to high.

Page 66 – Strategic Action - East Ballina - Enable key coastal public infrastructure including surf club and marine rescue facilities - add a high priority.

Page 67 – Strategic Action - Lennox Head- Enable key coastal public infrastructure including surf club and marine rescue facilities - add a high priority.

Page 68 - Strategic Action - Incremental construction of cycleway/pedestrian linkages to Lennox Head and East Ballina - change priority from moderate to high.

Page 69 – Strategic Action - Revisit the Third Plateau Village concept – change priority from moderate to low.

An **Amendment** was moved by Cr Phillip Silver and seconded by Cr Ben Smith

That Council publicly exhibit the draft Ballina Shire Growth Management Strategy for a period of 28 days. Following the conclusion of the exhibition period, a report is to be presented to the Council regarding submissions received during the public exhibition period, inclusive of the following amendments:

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Wording to highlight that should Cumbalum Precincts A & B proceed, Council's preference is for the development to roll out from south to north.

Page 66 - Strategic Action - Incremental construction of coastal shared pathway linkages to Lennox Head and Skennars Head – change priority from moderate to high.

Page 66 – Strategic Action - East Ballina - Enable key coastal public infrastructure including surf club and marine rescue facilities - add a high priority.

Page 67 – Strategic Action - Lennox Head- Enable key coastal public infrastructure including surf club and marine rescue facilities - add a high priority.

Page 68 - Strategic Action - Incremental construction of cycleway/pedestrian linkages to Lennox Head and East Ballina - change priority from moderate to high.

Page 69 – Strategic Action - Revisit the Third Plateau Village concept – change priority from moderate to low.

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

FOR VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Peter Moore, Cr Robyn Hordern, Cr David Wright, Cr Alan Brown and Cr Susan Meehan

AGAINST VOTE - Cr Sharon Cadwallader and Cr Jeff Johnson

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

**260412/9      RESOLVED**

(Cr Phillip Silver/Cr Ben Smith)

That Council publicly exhibit the draft Ballina Shire Growth Management Strategy for a period of 28 days. Following the conclusion of the exhibition period, a report is to be presented to the Council regarding submissions received during the public exhibition period, inclusive of the following amendments:

Wording to highlight that should Cumbalum Precincts A & B proceed, Council's preference is for the development to roll out from south to north.

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Page 67 – Strategic Action - Lennox Head- Enable key coastal public infrastructure including surf club and marine rescue facilities - add a high priority.

Page 68 - Strategic Action - Incremental construction of cycleway/pedestrian linkages to Lennox Head and East Ballina - change priority from moderate to high.

Page 69 – Strategic Action - Revisit the Third Plateau Village concept – change priority from moderate to low.

FOR VOTE - All Councillors voted unanimously.

**13. Notices of Motion**

**13.1 Notice of Motion - Land Sale, Lennox Head - Allocation of Proceeds of Sale**

A **Motion** was moved by Cr Peter Moore and seconded by Cr David Wright

That should the sale of 2-4 Ross Street, Lennox Head proceed that funds be allocated to the future re-development of the Alstonville and Lennox Head Surf Club.

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

FOR VOTE - Cr Phillip Silver, Cr Sharon Cadwallader, Cr Peter Moore and Cr David Wright

AGAINST VOTE - Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr Jeff Johnson, Cr Alan Brown and Cr Susan Meehan

**260412/10 RESOLVED**

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That Council receive a report on the funding required to have the Lennox Head Surf Club redevelopment “shovel ready”, including planning consent.

FOR VOTE - All Councillors voted unanimously.



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**12. Public Question Time**

**12.1 Grant Funding**

Kari – asked if Council was aware of grant funding currently available for suicide hot spots.

Paul Hickey advised that Council was aware of the funding and was looking to submit a first round funding application.

**13.2 Notice of Motion - 2 to 4 Ross Street, Lennox Head**

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

That Council receive a report on the history of the acquisition of the land at Ross Street, Lennox Head to provide absolute certainty to the community as to why the land was purchased and the costs of acquisition.

An **Amendment** was moved by Cr David Wright and seconded by Cr Ben Smith

That the General Manager distribute the information on the acquisition and history of the land to the public by some alternative means.

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

FOR VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Peter Moore, Cr Robyn Hordern, Cr David Wright, Cr Alan Brown and Cr Susan Meehan

AGAINST VOTE - Cr Sharon Cadwallader and Cr Jeff Johnson

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Peter Moore, Cr Robyn Hordern, Cr David Wright, Cr Alan Brown and Cr Susan Meehan

AGAINST VOTE - Cr Sharon Cadwallader and Cr Jeff Johnson

**260412/11 RESOLVED**

(Cr David Wright/Cr Ben Smith)

That the General Manager distribute the information on the acquisition and history of the land to the public by some alternative means.

FOR VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Peter Moore, Cr Robyn Hordern, Cr David Wright, Cr Alan Brown and Cr Susan Meehan

AGAINST VOTE - Cr Sharon Cadwallader and Cr Jeff Johnson

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**Adjournment**

The Mayor declared the meeting adjourned at 1.36 pm.

The meeting resumed at 2.24 pm

Cr Susan Meehan left the meeting at 1.36 pm during the adjournment break.

**8.4 DA 2011/540 - Ballina Surf Life Saving Clubhouse and Associated Works**

**260412/12     RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves Development Application 2011/540, subject to appropriate conditions of consent as determined by the General Manager.

Councillor Alan Brown left the meeting at 02:29 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Alan Brown and Cr Susan Meehan

Councillor Alan Brown returned to the meeting at 02:32 pm.

Cr Peter Moore declared an interest in Item 9.4 and left the meeting at 02:32 pm.

**9.4 Planning Proposal - 160-190 North Creek Road, Lennox Head**

**260412/13     RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council submit the planning proposal relating to properties described as No's. 160-190 North Creek Road, Lennox Head to the NSW Department of Planning for review and gateway determination.
2. That upon an affirmative response being received from the Department, Council staff will carry out the procedural steps associated with the planning proposal.
3. That a further reported be submitted to Council in relation to this matter following the mandatory community consultation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Susan Meehan

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**9.2 Reclassification of Community Land to Operational Land**

**260412/14     RESOLVED**

(Cr David Wright/Cr Ben Smith)

1. That Council amend the draft Planning Proposal (draft Amendment No. 114 to LEP 1987) to remove Lot 4 DP 1036635 Brunswick Street, Teven from the process.
2. That Council submit the revised Planning Proposal (draft Amendment No. 114 to LEP 1987) to the Department of Planning & Infrastructure and request that the plan be finalised for implementation in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and associated Regulation.

FOR VOTE - Cr Phillip Silver, Cr Sharon Cadwallader, Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr David Wright and Cr Alan Brown  
AGAINST VOTE - Cr Jeff Johnson  
ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Susan Meehan

Cr Peter Moore returned to the meeting at 02:34 pm.

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

**10.1 Use of Council Seal**

**260412/15     RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council affix the Common Seal to the following documents.

US12/12	<p>Council as Reserve Trust Manager of the Old Library Reserve Trust (Reserve D540014), Temporary Licence Agreement and Agreement for Sub-Lease to Paradise FM Community Radio Association Incorporated for occupancy of part Crown Reserve D540014, being situated upon Lot 2 DP 1153927. Paradise FM occupy part of Lot 2 DP 1153927, being part of the Old Ballina Shire Library building.</p> <p>Explanation: Ballina Shire Council has formally applied to the Crown to become head lessee of Lot 2 DP 1153927 which is the site of the old Ballina Library on Cherry Street. When the Deed of Lease is executed, the intent is for Council as the then head lessee, to enter into a sub-leasing arrangement with Paradise FM Community Radio Association Incorporated. The Temporary Licence Agreement and Agreement to Sub-Lease permit Paradise FM to remain on site and operational pending formalisation of the head lease.</p>
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US12/13	Ballina Shire Council as Reserve Trust Manager of the Ballina Kingsford Smith Reserve Trust - Licence Agreement to Ballina Hockey Club Incorporated for clubhouse and sports fields on Part Reserve 82164, being part Lot 7064 DP 1118043, comprising approximately 9331 square metres for a period of ten years from 1 February 2012 to 31 January 2022.  Explanation: Ballina Shire Council has negotiated a ten year licence with the Crown for the Ballina Hockey Club Incorporated.
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FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Susan Meehan

**10.2 Investment Summary - April 2012**

**260412/16 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for March 2012.

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

**10.3 Councillor Attendance**

**260412/17 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council approves the attendance of Crs Robyn Hordern, Sharon Cadwallader, Jeff Johnson and Peter Moore at the Shires Association Annual Conference to be held in Sydney from 4 - 6 June 2012.

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

Cr Sharon Cadwallader sought approval to attend ALGWA Executive meetings on 12 May in Coffs Harbour and 26 May in Gosford.

**260412/18 RESOLVED**

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council approves the attendance of Cr Cadwallader at ALGWA Executive meetings on 12 May in Coffs Harbour and 26 May in Gosford.

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

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**10.4 Community Donations**

**260412/19     RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approve the donation application for the Ballina Junior Rugby Club as detailed within this report.
2. That Council approve the donation application for the Statewide Eyesight Preschooler Screening (StEPS) as detailed within this report.
3. That Council approve the donation application for Marine Rescue NSW as detailed within this report.
4. That Council approve the donation application for Rous Public School as detailed within this report.
5. That Council approve the donation application (approximately \$420) from Athletics Australia, for Jay Meaney, as detailed within this report.

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

**10.5 Water Billing - Write-Offs**

**260412/20     RESOLVED**

(Councillor Alan Brown/Cr Jeff Johnson)

That Council approves the total write off of \$7,188.79 in water consumption charges pursuant to clause 131 of the Local Government (General) Regulation 2005, as outlined within this report.

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

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**10.6 Tender - Provision of Trainee / Apprenticeship Services**

**260412/21     RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the tender for the provision of trainee/apprenticeship services from HGT Australia Limited t/as Novaskill for a three year period.
2. That Council authorises the General Manager to attach the Council seal to the contract documents.

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

**11. Civil Services Group Reports**

**11.1 Local Traffic Committee Report - April 2012**

**260412/22     RESOLVED**

(Cr David Wright/Cr Ben Smith)

1. That Council refuse the request from the RMS to gazette a B-Double route through Alstonville/Wollongbar as an alternate route for times when the Alstonville Bypass is closed due to an emergency and that the RMS investigate alternative options.
2. That the Council endorse the proposal to extend the 4.6m high route on Bangalow Road from Angels Beach Drive to Kerr Street.
3. That the Council endorse the proposal to extend the 4.6m high route for the full length of Ross Lane from The Coast Road to the Pacific Highway.
4. That the Council note the Committee's concurrence in respect of Council's request to remove the parallel signage in William Street, Lennox Head.

FOR VOTE - Cr Phillip Silver, Cr Sharon Cadwallader, Cr Ben Smith, Cr Keith Johnson, Cr Peter Moore, Cr David Wright and Cr Jeff Johnson  
AGAINST VOTE - Cr Robyn Hordern and Cr Alan Brown  
ABSENT. DID NOT VOTE - Cr Susan Meehan

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**11.3 Waste Management - Memorandum of Understanding**

**260412/23     RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council renew the Waste Management Memorandum of Understanding with Lismore City Council for a period of two years and that the Mayor and General Manager be authorised to attach and sign the Council seal to the documentation.

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

**11.4 Urban Water Management Strategy - Review**

**260412/24     RESOLVED**

(Councillor Alan Brown/Cr Ben Smith)

That Council notes the contents of this report in respect to the Technical Review of the Ballina Shire Urban Water Management Strategy.

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

**11.5 Ballina & Lennox Head Wastewater Treatment Plants Contract**

**260412/25     RESOLVED**

(Cr Ben Smith/Cr David Wright)

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

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

**14. Advisory Committee Minutes**

**14.1 Finance Committee Minutes - 23 April 2012**

**260412/26     RESOLVED**

(Cr Robyn Hordern/Cr David Wright)

That this item be deferred until later in the meeting.

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

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

**15.1 Mayoral Meetings**

**260412/27 RESOLVED**

(Cr Robyn Hordern/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 Susan Meehan

**16. Questions Without Notice**

**16.1 Cr Peter Moore - Anzac Day Service**

**Cr Peter Moore** - who sets up the lighting and the generator for the Ballina Anzac Day Dawn Service - Council or RSL? Some feedback he has received was that the generator at the Dawn Service was so close to the event that people struggled to hear.

Cr Alan Brown advised that the RSL personnel were aware of the problem and rectified the situation for the daytime service and for future services.

Paul Hickey advised that Council has an ongoing commitment to assist the RSL.

**16.2 Cr Sharon Cadwallader - RSL Cenotaph**

**Cr Sharon Cadwallader** - at the RSL cenotaph there was problem with a protruding tree root which was painted around in white – apparently someone tripped. Does Council need to investigate?

Paul Hickey advised that the hazard has been marked and identified and will take this question on notice.

**16.3 Cr Jeff Johnson - Ballina Environment Society - Lake Ainsworth**

**Cr Jeff Johnson** - tabled a list of questions from Ballina Environment Society in relation to lake Ainsworth.

Paul Hickey will respond to Ballina Environment Society.

**16.4 Cr Jeff Johnson - Tree Planting - Williams Reserve**

**Cr Jeff Johnson** - enquired about planting of shade trees in Williams Reserve.

John Truman will take the question on notice.



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**16.5 Cr Alan Brown - Canal Road**

**Cr Alan Brown** - condition of the pavement in the Canal Road area is not good. It seems that Essential Energy is the main cause of heavy vehicle movements in this area. Can Council impose on Essential Energy to contribute in some form to the resurfacing of the area?

John Truman advised that he has inspected the area. It is included in next year's budget to undertake pavement rehabilitation works.

Paul Hickey advised that we can ask Essential Energy.

**16.6 Cr Phillip Silver - Vehicles for Sale on Alstonville Bypass Gateway Treatment Area**

**Cr Phillip Silver** - the eastern entrance to the Alstonville Bypass on the gateway treatment area - vehicles for sale are starting to appear there.

Can we ask the Rangers to take enforcement action to have these vehicles removed?

Rod Willis advised later in the meeting that Rangers had taken action to have the vehicles removed.

**16.7 Cr Phillip Silver - Ballina CWA Hall**

**Cr Phillip Silver** - CWA have had their lease renewed by LPMA for one year at Captain Cook Park. Their fear is that LPMA may wish to move them out.

Cr Silver asked for a report to the next meeting on the Captain Cook/Fawcett Park Masterplan and plans for the CWA Hall.

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**17. Confidential Session**

**260412/28 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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 Legal Action - Unauthorised Dumping and Landfill**

**Reason for Confidentiality**

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

- e) information that would, if disclosed, prejudice the maintenance of law; and
- 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 the report is recommending commencement of legal proceedings against a ratepayer.

**17.2 Tender - Internal Advertising Services - Airport Terminal**

**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 information provided by tenderers is considered commercial in confidence until such time as the tender is awarded.

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**17.3 Farmers Market Proposal, Bugden Lane, Alstonville**

**Reason for Confidentiality**

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

- d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

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 information being supplied is of a commercial nature..

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

(The Council moved into Confidential Session at 3.28 pm).

Cr Susan Meehan returned to the meeting at 3:57 pm.

**Open Council**

**260412/29     RESOLVED**

(Cr Robyn Hordern/Cr David Wright)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 3.59 pm).

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

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**17.1 Legal Action - Unauthorised Dumping and Landfill**

**CF260412/30 RECOMMENDED**

(Cr David Wright/Cr Robyn Hordern)

That Council endorses the recommended legal action as outlined in this report in respect to the illegal dumping of waste in Ballina Shire.

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

**17.2 Tender - Internal Advertising Services - Airport Terminal**

**CF260412/31 RECOMMENDED**

(Councillor Alan Brown/Cr Sharon Cadwallader)

1. That Council accepts the tender for the supply and management of internal advertising services at the Ballina Byron Gateway Airport from Interspace Airport Advertising Australia Pty Ltd for a five year period with a five year option.
2. That Council authorises the General Manager to finalise negotiations and attach the Council seal to the contract documents.

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

**17.3 Farmers Market Proposal, Bugden Lane, Alstonville**

**CF260412/32 RECOMMENDED**

(Cr Sharon Cadwallader/Cr David Wright)

1. That Council supports the concept of a weekly Alstonville farmers' market to be held on Saturday mornings between the hours of 6 am and 12 noon.
2. That Council advise the proponent that the nominated location for the market, being the public car park located between Bugden Lane and Commercial Road in Alstonville, is considered appropriate, with a twelve month trial period.
3. That Council call expressions of interest for the market management for the trial period.

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

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**Adoption of Recommendations from Confidential Session**

**260412/33     RESOLVED**

(Cr Sharon Cadwallader/Cr David Wright)

That the recommendations made whilst in Confidential Session, be adopted.

FOR VOTE - All Councillors voted unanimously.

**14.     Advisory Committee Minutes**

**14.1     Finance Committee Minutes - 23 April 2012**

**260412/34     RESOLVED**

(Cr David Wright/Cr Robyn Hordern)

That Item 4.6 – Budget Requests 2012/13 – Alstonville CBD – Car Parking be dealt with separately.

FOR VOTE - All Councillors voted unanimously.

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

That Council receive a further report to the May Ordinary meeting on the following matter:

Funding options on Newrybar Village enhancement

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

FOR VOTE - Cr Sharon Cadwallader, Cr Peter Moore, Cr Jeff Johnson and Cr Susan Meehan

AGAINST VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr David Wright and Cr Alan Brown

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

That Council receive a further report to the May Ordinary meeting on the following matter:

Lake Ainsworth Management Plan

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

FOR VOTE - Cr Sharon Cadwallader, Cr Peter Moore and Cr Jeff Johnson

AGAINST VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr David Wright, Cr Alan Brown and Cr Susan Meehan

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

That Council receive a further report to the May Ordinary meeting on the following matter:

Funding options for works identified as high priority at Killen Falls.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Peter Moore and Cr Jeff Johnson  
AGAINST VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr David Wright, Cr Alan Brown and Cr Susan Meehan

**260412/35     RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

That Council include the development of a Cultural Policy in the draft 2012/13 Operational Plan.

FOR VOTE - All Councillors voted unanimously.

**260412/36     RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the minutes of the Finance Committee meeting held 23 April 2012 and that the recommendations contained within the minutes be adopted, excluding Item 4.6 – Alstonville CBD carpking, and subject to any other changes as resolved at this meeting.

FOR VOTE - All Councillors voted unanimously.

Cr Silver declared an interest in Item 4.6 – Budget Requests 2012/13 – Alstonville CBD – Car Parking and left the meeting at 04:31 pm. Cr David Wright, Deputy Mayor assumed the Chair.

**4.6 - Budget Requests - 2012/13 – Alstonville CBD Car Parking**

**260412/37     RESOLVED**

(Cr Ben Smith/Cr Keith Johnson)

That Council notes the contents of this report in respect to the need for an expansion of the Alstonville CBD - Car Parking and agrees to defer any action until the current review of the Section 94 Car Parking Plan is completed.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Silver

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**MEETING CLOSURE**

4.33 pm

The Minutes of the Ordinary Meeting held on 26/04/12 were submitted for confirmation by council on 24 May 2012 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 May 2012.