

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 24/05/12 AT 9.00 AM**

Attendance

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

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

There were 57 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Emmanuel Anglican College..

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.

240512/1 RESOLVED

(Cr David Wright/Cr Keith Johnson)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT . DID NOT VOTE - Cr Peter Moore

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4. Confirmation of Minutes

240512/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 April 2012, with a minor amendment to Resolution 260412/18 – Councillor Attendance - the date for the ALGWA Executive meeting in Coffs Harbour should be 12 June, not 12 May.

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

5. Declarations of Interest and Reportable Political Donations

- **Cr Susan Meehan** – declared an interest in Item 10.4 – Lennox Head - Junior Surfing Event Approvals. (Nature of Interest: non significant, non pecuniary - Jonathon Hewett (member of Le Ba) is a friend of her son in law). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Phillip Silver** - declared an interest in Item 9.2 Captain Cook Park and Ballina CWA. (Nature of Interest: non significant non pecuniary – his wife is a member of Red Cross who are users of CWA Room. He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Paul Hickey, General Manager** – declared an interest in Item 10.4 – Lennox Head - Junior Surfing Event Approvals. (Nature of Interest: non significant, non pecuniary - he has friends who are members of the Le Ba executive).

6. Deputations

- **Beverly Stoch & Veronica Williams** - spoke in favour of Item 10.3 - Lease - Proposed Aboriginal Child & Family Care Centre.
- **Jeanette Kennedy CWA** - spoke in relation to Item 9.2 - Captain Cook Park and Ballina CWA.
- **Ralph Moss** - spoke in opposition to Item 10.3 - Lease - Proposed Aboriginal Child & Family Care Centre.
- **Lee Andresen** - spoke in favour of Item 13.6 - Notice of Motion - Aboriginal Child & Family Centre - Porter Park
- **Toni Hart, Northern Rivers Surveying** - spoke in favour of Item 9.1 - Ballina LEP 1987 - Amendment No. 90 - Stewart Farm.
- **Darren Bailey, Rural Fire Service** - spoke in favour of Item 13.4 - Notice of Motion - Newrybar Rural Fire Service.
- **Paul Snellgrove, Committee member of Le-Ba** – spoke in relation to Item 10.4 – Lennox Head – Junior Surfing Event Approvals.

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7. Mayoral Minutes

Nil

10.3 Lease - Proposed Aboriginal Child & Family Care Centre

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

1. BSC hold discussions with the relevant State and Federal MP's in regards to seeking an extension on the delivery time frame for the proposed Aboriginal Child Care Centre.
2. BSC resolve not to forward the lease agreement for the Aboriginal Child Care Centre at Porter Park to the NSW Minister for Local Government, Mr Don Page, for determination, until these discussions have taken place and reported back to Council.
3. BSC acknowledge that there is significant community opposition to Council's decision to build the centre on Porter Park.
4. BSC acknowledge that there is already a shortage of open space in West Ballina according to Council's own documents.
5. That an urgent report be prepared for the June Council meeting considering other site locations for the centre including Treelands Reserve.

An **Amendment** was moved by Cr David Wright and seconded by Cr Susan Meehan

In accordance with Section 47(5)(a) of the Local Government Act 1993, and the consequent requirements of S47(6), Council make application for the Minister's consent to the proposal to lease an area of "community" land comprising of approximately 3,580m², being part of Porter Park, Ballina, to the Department of Family and Community Services for an Aboriginal Child and Family Centre.

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

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

AGAINST VOTE - Cr Sharon Cadwallader, Cr Jeff Johnson and Cr Alan Brown

ABSENT. DID NOT VOTE - Cr Peter Moore

The **Amendment** then became the **Motion**.

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An **Amendment** was moved by Cr Ben Smith

That Council consider adding a monetary value to the lease at a rate to be determined by the General Manager to be used for further improvements to the Porter Park facility.

The **Amendment LAPSED**.

The **Motion** was **CARRIED**.

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

AGAINST VOTE - Cr Sharon Cadwallader, Cr Jeff Johnson and Cr Alan Brown

ABSENT. DID NOT VOTE - Cr Peter Moore

240512/3 RESOLVED

(Cr David Wright/Cr Susan Meehan)

In accordance with Section 47(5)(a) of the Local Government Act 1993, and the consequent requirements of S47(6), Council make application for the Minister's consent to the proposal to lease an area of "community" land comprising of approximately 3,580m², being part of Porter Park, Ballina, to the Department of Family and Community Services for an Aboriginal Child and Family Centre.

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

AGAINST VOTE - Cr Sharon Cadwallader, Cr Jeff Johnson and Cr Alan Brown

ABSENT. DID NOT VOTE - Cr Peter Moore

9.2 Captain Cook Park and Ballina CWA

240512/4 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

That Council notify the NSW Department of Primary industries (Catchments and Lands) that it wishes to become Trust Manager of Reserve No. 71612.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

240512/5 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council supports the continued tenure of the CWA.

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

Adjournment

The Mayor declared the meeting adjourned at 10.56 am.

The meeting resumed at 11.29 am

13.4 Notice of Motion - Newrybar Rural Fire Service

240512/6 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council receive a report on options for purchase/lease of land to suitably accommodate a new Rural Fire Service shed in Newrybar, including the Council owned land adjacent to the Tintenbar Store.
2. That Council write to the Head Office of the Rural Fire Service asking that they meet with Councillors to resolve this matter after a suitable site has been identified.

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

9. Strategic & Community Services Group Reports

9.1 Ballina LEP 1987 - Amendment No.90 - Stewart Farm

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

1. That Council endorse the concept of a dedication of the land on the eastern side of The Coast Road, in the vicinity of the Sharpes Beach car park that is the subject of lease arrangements between Council and the Stewart family, at a maximum period of approximately 20 years after the rezoning of the land.
2. That subject to point one being agreed with the proponents and landowners, Council endorses the finalisation of the environmental study associated with Draft Ballina LEP Amendment No.90 - Stewart Farm.
3. That the outcomes of points one and two be reported to the Council for consideration with respect to the potential public exhibition of Draft Ballina LEP Amendment No. 90.

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

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

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240512/7 RESOLVED

(Cr Keith Johnson/Cr Susan Meehan)

1. That Council re-affirm the resolution of December 2011 concerning LEP Amendment No 90.
2. That the General Manager continue discussion with Dr and Mrs Stewart concerning the proposed dedication as per 1(d) of the December 2011 resolution and convey to them that Council is prepared to accept conditional dedication of said land that requires Council to not, at any time, undertake development on the land that is inconsistent with the present 7 (f) zoning.
3. That Council not progress any further work on this rezoning until point two is resolved to the satisfaction of Council. If agreement cannot be reached on point two Council accepts that the rezoning will cease.
4. That legal advice be sought on the means to limit future development on the eastern side of the Coast Road.

FOR VOTE - Cr Phillip Silver, Cr Sharon Cadwallader, Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr Jeff Johnson and Cr Susan Meehan

AGAINST VOTE - Cr David Wright and Cr Alan Brown

ABSENT. DID NOT VOTE - Cr Peter Moore

10.4 Lennox Head - Junior Surfing Event Approvals

240512/8 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council support the three year proposal (2012 to 2014) as outlined by Le Ba Boardriders to conduct the event known as Skullcandy Oz Grom Open.
2. That Council hold a workshop in June 2012 to review the existing Special Events Policy.

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

AGAINST VOTE - Cr Phillip Silver

ABSENT. DID NOT VOTE - Cr Peter Moore

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12. Public Question Time

12.1 Damage to Tamar Street Bus Interchange

Betty Reynolds – is the damage to Tamar Street bus stop going to be fixed soon? There has been some damage done to the perspex and could be dangerous.

The General Manager advised that the matter will be followed up.

12.2 Anzac Day Ceremony - Trip Hazard

Ralph Moss – was Council aware that on Anzac Day a lady fell at the foot of the fig tree in the cenotaph area. The root has lifted.

Paul Hickey advised that Council was aware of the matter.

8. Regulatory Services Group Report

8.1 Development Applications - Works in Progress - May 2012

240512/9 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

8.2 Development Consent Statistics - April 2012

240512/10 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of the report on development consent statistics for 1 April to 30 April 2012.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

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9.3 Community Facilities - Wardell Memorial Hall

240512/11 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

1. That Council notify the Trustees of the Wardell and District War Memorial Hall that it is prepared, in principle, to accept the Trustees' offer to assume ownership of the property, as per the contents of this report.
2. That prior to Council proceeding with this ownership, Council seek expressions of interest from the community for the formation of a management committee to oversee the operation of this hall, as occurs with the various other community halls in the shire.
3. That if point two can be implemented to the satisfaction of the General Manager, the General Manager is authorised to proceed with the contract for sale only upon receipt of a further building report concerning the condition of the hall, with the General Manager being satisfied that the general condition of the hall and the scope of any remedial works are acceptable.
4. That the General Manager is authorised to affix the Council Seal to documentation associated with the contract for sale, subject to points one, two and three.

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

9.4 Sustain Northern Rivers - Council Participation

240512/12 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council continue to participate in Sustain Northern Rivers through Councillor representation at the Collaboration Group level and staff representation at the Working Group level.
2. That Council's current representatives (Cr Jeff Johnson and Cr Sharon Cadwallader as alternate) continue to represent Council at the Sustain Northern Rivers Collaboration Group.
3. That Council endorse staff participation in the Sustain Northern Rivers Working Groups to support opportunities for regional collaboration on climate change related issues and other environmental matters where consistent with delivery of Council's operational plan and other endorsed programs.

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

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9.5 Planning Reform EP&A Act - Plan Making and Delegations

240512/13 RESOLVED

(Cr Ben Smith/Cr David Wright)

That Council notes the content of this report and the submission to the Department of Planning & Infrastructure regarding the draft Plan-Making & Delegations policy statement.

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

9.6 Public Art Policy - Review

240512/14 RESOLVED

(Cr Susan Meehan/Cr Jeff Johnson)

That Council defer this item to a workshop for a complete review of the Public Art Policy.

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

9.7 Domestic Electricity Bills - Community Education Program

240512/15 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That this matter be deferred until later in the meeting.

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

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10. General Manager's Group Reports

10.1 Use of Council Seal

240512/16 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council affix the Common Seal to the following documents.

US12/14	<p>Ballina Shire Council as Reserve Trust Manager of the Ballina Coastal Reserve - Temporary Licence Agreement to Surf Life Saving Far North Coast Branch Incorporated for use of the Shelly Beach Clubhouse for communications and management and administration of volunteers on Part Reserve 1010068, being part Lot 402 DP 755684, for a period of twelve (12) months from 24 May 2012 to 23 May 2013.</p> <p>Explanation: Ballina Shire Council is working with Surf Life Saving Far North Coast Branch to relocate the organisation to the Shelly Beach clubhouse to enable the redevelopment of the Lighthouse Beach clubhouse.</p>
US12/15	<p>Ballina Shire Council as Reserve Trust Manager of the Ballina Coastal Reserve - Temporary Licence Agreement to Ballina Lighthouse and Lismore Surf Life Saving Club Incorporated for use of the Shelly Beach Clubhouse for surf lifesaving purposes on Part Reserve 1010068, being part Lot 402 DP 755684, for a period of twelve (12) months from 24 May 2012 to 23 May 2013.</p> <p>Explanation: Ballina Shire Council is working with Surf Life Saving Far North Coast Branch to relocate the organisation to the Shelly Beach clubhouse to enable the redevelopment of the Lighthouse Beach clubhouse.</p>
US12/16	<p>Ballina Shire Council as Reserve Trust Manager of the Ballina Coastal Reserve - Temporary Licence Agreement to Lennox Head - Alstonville Surf Life Saving Club Incorporated for use of the Lennox Head Clubhouse for surf lifesaving purposes on Lot 1 DP 1115145, No. 77 Pacific Parade, Lennox Head, for a period of twelve (12) months from 24 May 2012 to 23 May 2013.</p> <p>Explanation: Department of Primary Industries, Crown Lands Division have advised that they are currently not processing applications for Crown Reserve Licenses for surf clubs until such time as the review into surf clubs and surf club management is complete. To enable the Surf Club to have tenure over the site Council proposes to offer a twelve month temporary licence to the Surf Club.</p>
US12/17	<p>Ballina Shire Council lease to St Andrews Village Ballina Ltd - 2 year option period lease for occupation of part of the Kentwell</p>

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	<p>Community Centre, Ballina.</p> <p>Explanation: St Andrews Village Ballina Ltd entered into a 3 + 2 year lease agreement with Council commencing from 6 May 2009 for the occupation of a defined area of the now renamed Kentwell Community Centre for the purpose of Aboriginal day care and respite services. The lease provides a lessee option for a further 2 years from 6 May 2012 to 5 May 2014.</p>
US12/18	<p>Ballina Shire Council as Reserve Trust Manager of The Old Tintenbar Chamber Reserve Trust, lease to Alstonville Chiropractic & Natural Therapies Pty. Ltd., Shaun James Cashman as Director.</p> <p>Explanation: The building known as the Old Alstonville Hall and situated behind the Old Tintenbar Shire Council Chambers, Alstonville, was refurbished in 2008, and in January 2009 was leased to the NSW Spastic Centre (later known as the Cerebral Palsy Alliance) until they vacated earlier this year to relocate to their own freehold premises. The building has been vacant since early February 2012. Mr Cashman was introduced to the premises via a local real estate agent and has submitted a development application for his proposed commercial use of the building as a chiropractic and natural therapy clinic, and that application is now under consideration. Subject to development consent, Alstonville Chiropractic & Natural Therapies Pty. Ltd. are proposing to lease the premises for a term of three years.</p>
US12/19	<p>Deed of Variation with Criminal Justice Division of the Attorney-General's Department - Funding Agreement "Ballina Shire Improved Lighting in Crime Hot Spots Project" under the Safer Suburbs Program.</p> <p>Explanation: Funding of \$90,000 was successful for projects at Saunders Oval, Bicentennial Park and Elizabeth Anne Brown Park. The Deed of Variation seeks to amend the scope of the project and the associated milestones and budget. This funding was originally identified for a Community Safety Plan however the Federal Government then recommended the funding go to on-ground projects.</p>

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

Adjournment

The Mayor declared the meeting adjourned at 1.17 pm

The meeting resumed at 2.13 pm

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13.7 Notice of Motion - Reclassification of Flat Rock Land

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

1. BSC note the contents of the EDO Senior Solicitor's assessment of the Council Report submitted to the October 2011 Council meeting, and the clear aspirations of East Ballina and B-Ward residents as conveyed through a petition and a unanimous B-Ward resolution.
2. BSC receives a new report that addresses the legality, costs, benefits, and process involved with regards to reclassifying the Flat Rock Land from operational to community.

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

FOR VOTE - Cr Jeff Johnson

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

ABSENT. DID NOT VOTE - Cr Peter Moore

10.2 Investment Summary - May 2012

240512/17 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

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10.5 Community Donations

A **Motion** was moved by Cr Ben Smith and seconded by Cr David Wright

1. That Council refuse the request from the BDCSA for the remainder of 2011/2012 due to lack of funds and that Council ask the BDCSA to submit a Community Donations application form for the 2012/2013 funding program.
2. That Council refuse the donation application for Newrybar Public School as detailed within this report.
3. That Council receive a report on managing requests for donations to Schools.

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

1. That Council approve the request from the BDCSA.
2. That Council approve the donation application for Newrybar Public School as detailed within this report.

The **Amendment LAPSED**.

The **Motion** was **CARRIED**.

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

AGAINST VOTE - Cr Sharon Cadwallader, Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Peter Moore

240512/18 RESOLVED

(Cr Ben Smith/Cr David Wright)

1. That Council refuse the request from the BDCSA for the remainder of 2011/2012 due to lack of funds and that Council ask the BDCSA to submit a Community Donations application form for the 2012/2013 funding program.
2. That Council refuse the donation application for Newrybar Public School as detailed within this report.
3. That Council receive a report on managing requests for donations to Schools.

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

AGAINST VOTE - Cr Sharon Cadwallader, Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Peter Moore

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10.6 Legal Matters - Update

240512/19 RESOLVED

(Cr Ben Smith/Councillor Alan Brown)

That Council notes the contents of this legal update.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

10.7 Draft Operational Plan 2012/13 - Additional Projects

240512/20 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council include the 2.5 metre shared pathway (\$50,000) at Missingham Park and defer the Beachfront Parade cycleway (\$50,000) in the Draft Operational Plan for 2012/13.

Cr Jeff Johnson left the meeting at 03:05 pm.

FOR VOTE - All Councillors voted unanimously.

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

240512/21 RESOLVED

(Cr Sharon Cadwallader/Cr David Wright)

That Council approves an amendment to the draft 2012/13 Operational Plan with a new budget of \$20,000 to be included for screening at Williams Reserve, Lennox Head, with the budget for Kingsford Smith lights to be reduced by \$20,000 to offset this increase.

FOR VOTE - All Councillors voted unanimously.

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

Cr Jeff Johnson returned to the meeting at 03:06 pm.

240512/22 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council authorises the submitting of a grant application for a review of the Shaws Bay Management Plan, with Council's matching funding, (estimated at \$25,000), subject to the application being successful, to be funded from a reallocation of the \$20,000 in capital funding allocated for drainage – urban lane improvements, and the balance of \$5,000 from savings within existing budgets.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

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

That Council include the stabilisation of the sandy beach area at Shaws Bay (\$120,000) and offset that by the deferral of the Coogee Street pump station (\$130,000) on the Draft Operational Plan for 2012/13.

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

FOR VOTE - Cr Sharon Cadwallader, 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
ABSENT. DID NOT VOTE - Cr Peter Moore

240512/23 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council notes the contents of this report in respect to the funding requirements needed for improvements to Pop Denison Park.

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

240512/24 RESOLVED

(Councillor Alan Brown/Cr Sharon Cadwallader)

That Council make a formal request to Essential Energy for a contribution to the upgrade of Canal Road in view of the heavy vehicular traffic from their depot traversing that road.

Cr Keith Johnson left the meeting at 03:13 pm.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Peter Moore

240512/25 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council include Pop Denison Park in the review of the Shaws Bay Plan of Management.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Peter Moore

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10.8 Delivery Program and Operational Plan Review - 31 March 2012

240512/26 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the 31 March 2012 review of the Delivery Program and Operational Plan.

Cr Keith Johnson returned to the meeting at 03:28 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

10.9 Financial Review - Quarter Ended 31 March 2012

240512/27 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the March 2012 Quarterly Budget Review and approves the changes identified within the report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

10.10 Capital Expenditure - Quarterly Update

240512/28 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

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11. Civil Services Group Reports

11.1 Tender - Replacement of Bridges

240512/29 RESOLVED

(Cr Ben Smith/Cr David Wright)

1. That Council accepts the alternative Tender RFT/Contract 1200031: Replacement of Bridges over Gibson Creek, Teven and Yellow Creek, Meerschaum Vale, from Kenpass Pty Ltd for an amount of \$765,000
2. That Council endorses the allocation of 2012/13 Roads to Recovery funding for an amount of \$418,600 with the Draft 2012/13 budget to be amended to reflect this item.
3. That Council authorises the General Manager to attach the seal to the finalised contract.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

13. Notices of Motion

13.1 Notice of Motion - Local Government Election - How to Vote Leaflets

240512/30 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

That the General Manager request the NSW Electoral Commission to conduct, on a trial basis, at the forthcoming local government election, a system for eliminating the present wasteful practice of How To Vote (HTV) leaflets being handed out at polling booths in large quantities by candidates and their supporters.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

240512/31 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

That Council explore the possibility of having a voluntary agreement with candidates for the Ballina Shire Council elections in September 2012 whereby HTV leaflets will not be allowed to be handed out at polling booths.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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CNR CHERRY & TAMAR STREETS, BALLINA,
ON 24/05/12 AT 9.00 AM**

13.2 Notice of Motion - Kingsford Smith Master Plan

240512/32 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That to assist with the planning for the proposed Ballina Sports and Leisure Centre, and also with our planning for the re-development of the Ballina Swimming Pool, that Council support, in principle, the inclusion in our draft 2012/13 Operational Plan, as a key action, the preparation of a Master Plan / Plan of Management for the Kingsford Smith Reserve Precinct.
2. That Council receive a report on options for funding this work as part of its consideration of the draft 2012/13 Operational Plan at the June 2012 Council meeting.

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

13.3 Notice of Motion - Composting Toilet at South Ballina

240512/33 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Ballina Shire Council write to the Minister Hon Robyn Parker, Office of Environment & Heritage (NSW) - National Parks requesting the provision of a composting toilet, or similar, at South Ballina beach.

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

13.5 Notice of Motion - Essential Energy

240512/34 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council write to Essential Energy asking whether they will consider establishing an interactive energy efficiency display office in Council's current vacant office space at the Wigmore Arcade to assist in promoting more sustainable energy use to the community, with the aim of the display being suitable for educating both children and adults, with technical advice for consumers on cost saving measures.

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

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9.7 Domestic Electricity Bills - Community Education Program

This matter was deferred from earlier in the meeting.

No further action was taken on this item, given the resolution in Item 13.5.

That Council write to Essential Energy asking whether they will consider establishing an interactive energy efficiency display office in Council's current vacant office space at the Wigmore Arcade to assist in promoting more sustainable energy use to the community, with the aim of the display being suitable for educating both children and adults, with technical advice for consumers on cost saving measures.

13.8 Notice of Motion - Organisational Review

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

1. Council receives a report in regards to the undertaking of an independent organisational review of staffing and service levels for Ballina Shire Council, with the aim being to achieving efficiencies, productivity gains, costs savings and an improved level of service delivery for the community.
2. Included in this report should be:
 - An itemised summary of current organisational operating costs per department
 - A breakdown of resources against key Council objectives
 - Some examples of what has been achieved by other Australia wide Council's who have recently completed an organisational review.
 - An understanding of best-practice organisational practices from other Australian Councils, in regards to organisational structure and service delivery
 - A panel of reputable, independent consultants, an outline of their review methodology, their fee determination structures and client list.
 - A draft brief to the consultants setting out the desired outcomes for efficiencies, productivity gains, cost savings and improved service delivery to the community to be achieved by the organisational restructure and the time line for implementation.

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

FOR VOTE - Cr Jeff Johnson

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

ABSENT. DID NOT VOTE - Cr Peter Moore

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Cr Jeff Johnson left the meeting at 04:34 pm.

14. Advisory Committee Minutes

Nil Items

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

15.1 Mayoral Meetings

240512/35 RESOLVED

(Cr Phillip Silver/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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

16. Questions Without Notice

16.1 Cr Robyn Hordern - Arrivals and Departures Board at Airport

Cr Robyn Hordern - enquired whether the arrivals and departures board can be changed if planes are delayed. Can we check if this is Council responsibility?

Paul Hickey will investigate with the Airport Manager.

16.2 Cr Sharon Cadwallader - East Ballina Cemetery

Cr Sharon Cadwallader - enquired in relation to a comment made in a recent Northern Star about the East Ballina Cemetery not being maintained for Mother's Day and asked if key dates such as Mother's Day and Father's Day could be included in our maintenance schedule.

Paul Hickey advised that these key dates are already scheduled in the Open Spaces and Reserves maintenance schedule. Staff dispute the comments made in the newspaper.

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16.3 Cr Sharon Cadwallader - Graffiti - Hill Street Bus Shelter

Cr Sharon Cadwallader - there is graffiti on the Hill Street bus shelter.

Staff will investigate and remove.

16.4 Cr Phillip Silver - Wardell Quarries

Cr Phillip Silver - noted that the Wardell quarries Section 96 application had been withdrawn. Is this because they will be lodging a new application.

Paul Hickey advised that based on the information he had received it appears that they will not be lodging a new application in the short term.

16.5 Cr Phillip Silver - Recreational Pathway Approvals

Cr Phillip Silver - will approvals for the recreational pathway be received in this term of Council.

Paul Hickey advised that there was a reasonable chance of receiving the approvals in this term.

17. Confidential Session

240512/36 RESOLVED

(Cr David Wright/Councillor Alan Brown)

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

17.1 Tender - Precast Paving Units for Ballina Town Centre Upgrade

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 this report contains confidential pricing information that if released could prejudice tender negotiations..

FOR VOTE - All Councillors voted unanimously.

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

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(The Council moved into Confidential Session at .4.58 pm

Open Council

240512/37 RESOLVED

(Cr Sharon Cadwallader/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 Jeff Johnson and Cr Peter Moore

(The Council moved into Open Council at 5.04 pm

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

17.1 Tender - Precast Paving Units for Ballina Town Centre Upgrade

CF240512/1 RECOMMENDED

(Cr David Wright/Cr Susan Meehan)

1. That Council accepts the Tender RFT/Contract 1200753 for the installation of Precast Paving Units for the Ballina CBD Upgrade project, from P & L Fencing & Paving Pty Ltd, subject to meeting post tender requirements.
2. Should P & L Fencing & Paving Pty Ltd, be unable to meet the poste tender requirements then in accordance with Clause 178 (1) (b) of the Local Government (General) Regulation 2005, the Council declines to accept any tender, and in accordance with Section 178 (3) (b), the Council invite fresh applications from suitable contractors due to the variation in prices submitted as part of the current tender.
3. That Council authorise the Mayor and General Manager to attach the seal to the finalised contract.

FOR VOTE - All Councillors voted unanimously.

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

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Adoption of Recommendations from Confidential Session

240512/38 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That the recommendation made whilst in Confidential Session, being Minute No. CF240512/1, be adopted.

FOR VOTE - All Councillors voted unanimously.

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

MEETING CLOSURE

5.06 pm

The Minutes of the Ordinary Meeting held on 24/05/12 were submitted for confirmation by council on 28 June 2012 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 June 2012.