

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

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), Andrew Smith (Acting Regulatory Services Group Manager), Steve Barnier (Strategic & Community Services Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 68 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Red Inc Choir (Realising Every Dream Inc)

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

280612/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 May 2012.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

John Truman - declared an interest in Item 11.1 - Local Traffic Committee Report - June 2012 and in particular to Item (a) - B-double Route - Horizon Drive, Ballina. (Nature of Interest: non significant, non pecuniary - his children attend Emmanuel Anglican College).

Steve Barnier - declared an interest in Item 8.1 - Development Applications - Works in Progress - June 2012 and in particular DA 2012/192. (Nature of Interest: non significant, non pecuniary - he holds an honorary position on Crowley Board).

Cr Cadwallader – declared an interest in Item 11.1 – - Local Traffic Committee Report - June 2012 and in particular to Item (a) - B-double Route - Horizon Drive, Ballina. (Nature of Interest: non significant non pecuniary – her grandchildren attend Emmanuel Anglican College– she will be remaining in the meeting while the matter is discussed and voting on the matter).

Cr Cadwallader - declared an interest in Item 17.2 of the Confidential Session - Non Payment of Section 94 Contributions. (Nature of Interest: non significant non pecuniary – one of the legal representatives mentioned is currently acting for her daughter - she will be departing the meeting while the matter is discussed).

There were no reportable political donations.

6. Deputations

- **Ms Heidi O'Brien, Principal Emmanuel Anglican College** - spoke in opposition to Item 11.1 - Local Traffic Committee Report - June 2012 and in particular Item (a) - B-Double Route - Horizon Drive, Ballina.
- **Eva Ramsay, Ballina Basketball Association/Liz Ellis** - spoke in opposition to Item 14.1 - Facilities Committee Minutes 18 June 2012 and in particular Item 4.1 - Ballina Sports and Events Centre - Options Review.
- **Louise Owen** - spoke in favour of Item 13.2 - Notice of Motion - Sale of 2-4 Ross Street, Lennox Head.
- **Richard Brown** - spoke in opposition to Item 10.13 - Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13 and in particular to the proposed fee for cyclists on the Burns Point Ferry.

7. Mayoral Minutes

Nil items

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

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

That Council withdraws its offer to sell Council owned land at 2-4 Ross Street, Lennox Head.

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

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

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

That Council uses the proceeds of the sale of 2-4 Ross Street, Lennox Head to the State Government to:

1. Fund temporary/emergency repairs to the Lennox Head Surf Club (approximately \$50,000)
2. Fund the planning of the development of a new surf club to DA stage – including use of the site surrounding it, for community use.
3. Assist the upgrade of the Lake Ainsworth Management Plan and to fund some of the main priorities.
4. With the remaining funds to be allocated to the reconstruction of the Lennox Head Surf Club.

An **Amendment** was moved by Cr Sharon Cadwallader
That the proceeds of the sale of the land go towards development of the new Lennox Head Surf Club.

The **Amendment** **LAPSED**.

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

FOR VOTE - All Councillors voted unanimously.

280612/2 RESOLVED

(Cr David Wright/Cr Peter Moore)

That Council uses the proceeds of the sale of 2-4 Ross Street, Lennox Head to the State Government to:

1. Fund temporary/emergency repairs to the Lennox Head Surf Club (approximately \$50,000)
2. Fund the planning of the development of a new surf club to DA stage – including use of the site surrounding it, for community use.

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3. Assist the upgrade of the Lake Ainsworth Management Plan and to fund some of the main priorities.
4. With the remaining funds to be allocated to the reconstruction of the Lennox Head Surf Club.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.50 am.

The meeting resumed at 11.13 am.

11.1 Local Traffic Committee Report - June 2012

A **Motion** was moved by Cr Sharon Cadwallader

1. That Council defer this item with a view to organising a meeting with Emmanuel Anglican College and Bunnings
2. That Council approve the application for the progressive road closure of River Street for the 2012 Naidoc Week Walk on 2 July 2012
3. That Council approve the road closure of Pacific Parade, Lennox Head for the 2012 Skullcandy Oz Grom Open from 7.00am to 5.00pm on 6 to 10 July 2012.

The **Motion LAPSED.**

280612/3 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

1. That Council approve the application for the B-Double route for the first 90m of Horizon Drive, West Ballina. subject to the vehicles not being permitted to enter between the hours to a minimum of 7.30 am to 9.30 am and 2.30 pm to 5.00 pm and that signage be erected at the 90 metre limit in Horizon Drive advising of "No B-doubles past this point" or words to that effect.
2. That Council approve the application for the progressive road closure of River Street for the 2012 Naidoc Week Walk on 2 July 2012
3. That Council approve the road closure of Pacific Parade, Lennox Head for the 2012 Skullcandy Oz Grom Open from 7.00am to 5.00pm on 6 to 10 July 2012.
4. That Council supports the formation of a Liaison Committee between Emmanuel Anglican College and Bunnings to monitor the use of Horizon Drive.

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CNR CHERRY & TAMAR STREETS, BALLINA,
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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 Susan Meehan, Cr Peter Moore and Cr Jeff Johnson

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

280612/4 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council adopts the 2012/16 Draft Delivery Program and 2012/13 Operational Plan, as exhibited, inclusive of any amendments determined at this meeting and resolutions adopted at the May Ordinary meeting of Council.
2. That Council approves the formation of a Committee of three Councillors, representing each ward, in the shire to consider the applications for donations for 2012/13.
3. That a new vote be raised to \$10,000 to enable water quality monitoring of the Richmond River funded by a contribution from Sewer Fund \$5,000 and reductions to budgets for stormwater deep drainage systems \$3,000 and foreshore protection \$2,000.
4. That the request for works to \$2,500 for fencing at Lennox Head Playgroup be considered by the Donations Committee.
5. That an allocation of \$10,000 be provided to Le-Ba Boardriders Club to run a competition in July 2012 from the Festivals and Events Program and that the request for a community donation be denied.
6. That the 2012/13 budget be amended to make provision for the Biochar grant.
7. That the 2012/13 budget be amended to make provision for the development of the Wollongbar sports fields.
8. That the vote for workers compensation premium is increased by \$140,000 to \$900,000 and the numerous budgets that are impacted by workers compensation be adjusted to accept their share of the increase.
9. That the vote for Open Spaces and Reserves expenditure is increased by \$24,000 funded by numerous small reductions to other expenditure votes across the organisation.
10. That Council commence the process to obtain approval to construct the northern extension to Hutley Drive. To this end it is recommended that a new vote to \$15,000 be raised funded from the Roads Plan Section 94 reserves.

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ON 28/06/12 AT 9.00 AM**

11. That Council approve a new full time position inspecting transport and stormwater infrastructure. Expense of the position will be allocated to existing budgets so no adjustments are necessary.
12. That the fee structure for impounded animals be amended to:
- | | |
|--|------|
| First Offence | |
| Impounded and released same day | \$28 |
| Impounded and stayed overnight | \$54 |
| Plus each night in addition to first night | \$26 |
| | |
| Second and subsequent offence | |
| Impounded and released same day | \$37 |
| Impounded and stayed overnight | \$63 |
| Plus each night in addition to first night | \$26 |
13. That Council resolves to make a base rating structure for the levy of the 2012/13 Ordinary Rate as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.155206	398	49.8
Business	0.539356	398	14.8
Farmland	0.123163	398	32.7
Mining	0.539356	398	0

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

Cr Jeff Johnson left the meeting at 12:43 pm.

Cr Jeff Johnson returned to the meeting at 12:48 pm.

A **Motion** was moved by Cr David Wright and seconded by Cr Jeff Johnson

That Council not introduce a \$1 per trip fee for a bicycle to cross the Burns Point Ferry.

FOR VOTE - Cr Ben Smith, Cr David Wright, Cr Peter Moore, Cr Jeff Johnson and Cr Alan Brown

AGAINST VOTE - Cr Phillip Silver, Cr Keith Johnson, Cr Robyn Hordern, Cr Sharon Cadwallader and Cr Susan Meehan, Cr Phillip Silver (casting vote)

The **Motion** was **LOST** on the casting vote of the Mayor.

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ON 28/06/12 AT 9.00 AM**

280612/5 RESOLVED

(Cr Keith Johnson/Cr Robyn Hordern)

That Council introduce a charge of \$1 per trip for a bicycle to cross the Burns Point Ferry and that an annual ticket is offered at \$25. The introduction of the fee is delayed until a system to provide the season ticket can be put in place.

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

AGAINST VOTE - Cr David Wright, Cr Peter Moore, Cr Jeff Johnson and Cr Alan Brown

12. Public Question Time

12.1 Ralph Moss - Coal Seam Gas Wastewater

Ralph Moss – asked if Council was aware of a coal seam gas pond at Casino being closed and whether it was aware of a suggestion to dispose of wastewater in the mouth of the Richmond River at Ballina.

The Mayor advised that he wasn't in a position to answer the question. The General Manager advised that from his perspective he believed that legislation would be in place that would not allow this to happen

12.2 Ralph Moss - Canal Road

Ralph Moss – the road is slipping around the gates at the Essential Energy site in Canal Road.

John Truman to investigate.

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

280612/6 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council allocate \$5,000 as part of the 2012/13 budget for installation of bollards at Cawarra Park in an effort to prevent damage caused to the park by vehicles driving over it. That the General Manager offset this \$5,000 by savings in the General Fund budget.

FOR VOTE - All Councillors voted unanimously.

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280612/7 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

That the Donations Working Party comprise the following Councillors

A Ward – Cr Meehan
B Ward – Cr Cadwallader
C Ward – Cr Wright

plus the Mayor.

FOR VOTE - All Councillors voted unanimously.

14.1 Facilities Committee Minutes - 18 June 2012

280612/8 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council confirms the minutes of the Facilities Committee meeting held 18 June 2012 and that the recommendations contained within the minutes be adopted.

2. That a workshop be held prior to the July Ordinary meeting to consider the Council's basic priority for the proposed sports & events facility.

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

Adjournment

The Mayor declared the meeting adjourned at 1.43 pm.

The meeting resumed at 2.31 pm

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

8. Regulatory Services Group Report

8.1 Development Applications - Works in Progress - June 2012

280612/9 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

8.2 Development Consent Statistics - May 2012

280612/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

8.3 Compliance Work Plan 2011/2012 - Outcomes

280612/11 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the final report for the Compliance Work Plan for 2011/12.

FOR VOTE - All Councillors voted unanimously.

8.4 Compliance Work Plan 2012/13 - Endorsement

280612/12 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council endorses the proposed annual Compliance Work Plan for 2012/13 as attached to this report.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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9. Strategic & Community Services Group Reports

9.1 LEP Amendment Request - Dossor, Blue Seas Parade, Lennox Head

280612/13 RESOLVED

(Cr Alan Brown/Cr Peter Moore)

That Council proceed to prepare a planning proposal for the application of an R2 Low Density Residential zone (under the Draft Ballina Local Environmental Plan 2011) over the entire area of Lot 1 DP 1173776 Blue Seas Parade Lennox Head.

FOR VOTE - All Councillors voted unanimously.

10.1 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13 - Burns Point Ferry Fees for Cyclists

3

280612/14 RESOLVED

(Cr Alan Brown/Cr Peter Moore)

That Resolution No. 280612/5 be recommitted.

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

AGAINST VOTE - Cr Ben Smith, Cr Keith Johnson and Cr Sharon Cadwallader

A **Motion** was moved by Cr Alan Brown and seconded by Cr Peter Moore

That Council not introduce a \$1 per trip fee for a bicycle to cross the Burns Point Ferry.

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

That Council have a gold coin donation, for cyclists with a donation box provided.

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

FOR VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Robyn Hordern and Cr Susan Meehan

AGAINST VOTE - Cr Keith Johnson, Cr David Wright, Cr Sharon Cadwallader, Cr Peter Moore, Cr Jeff Johnson and Cr Alan Brown

The **Motion** was **LOST** on the casting vote of the Mayor.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

FOR VOTE - Cr Phillip Silver, Cr David Wright, Cr Peter Moore, Cr Jeff Johnson and Cr Alan Brown

AGAINST VOTE - Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr Sharon Cadwallader and Cr Susan Meehan, Cr Phillip Silver (casting vote)

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

That Council introduce a charge of \$1 per trip for a bicycle to cross the Burns Point Ferry and that an annual ticket is offered at \$25. The introduction of the fee is delayed until a system to provide the season ticket can be put in place.

The **Motion** was **CARRIED** on the casting vote of the Mayor.

FOR VOTE - Cr Phillip Silver, Cr Keith Johnson, Cr Robyn Hordern, Cr Sharon Cadwallader and Cr Susan Meehan, Cr Phillip Silver (casting vote)

AGAINST VOTE - Cr Ben Smith, Cr David Wright, Cr Peter Moore, Cr Jeff Johnson and Cr Alan Brown

280612/15 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council introduce a charge of \$1 per trip for a bicycle to cross the Burns Point Ferry and that an annual ticket is offered at \$25. The introduction of the fee is delayed until a system to provide the season ticket can be put in place.

FOR VOTE - Cr Phillip Silver, Cr Keith Johnson, Cr Robyn Hordern, Cr Sharon Cadwallader and Cr Susan Meehan, Cr Phillip Silver (casting vote)

AGAINST VOTE - Cr Ben Smith, Cr David Wright, Cr Peter Moore, Cr Jeff Johnson and Cr Alan Brown

9.2 Urban Activation Precincts

280612/16 RESOLVED

(Cr Sharon Cadwallader/Cr David Wright)

That Council notes the contents of the report on the Urban Activation Precincts as proposed by the NSW Department of Planning and Infrastructure's Circular.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

10. General Manager's Group Reports

10.1 Use of Council Seal

280612/17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following document.

US12/20	<p>Ballina Shire Council to Essential Energy - Deed of Acquisition of Easement and Transfer Granting Easement. Proposed easement for overhead transmission lines on Council operational land, being Lot 12 DP 814359.</p> <p>Explanation: Essential Energy has been negotiating with Council for the relocation and installation of overhead transmission lines within the proposed easement. The proposed easement has a variable width, being 33.115m at the western boundary, and 16.95m at the eastern boundary and has an overall area of 1.296 Ha, within the 18.53 Ha parcel of land. The Council land is contiguous with the Bruxner Highway Uralba 'cutting' and the proposed easement is contiguous with, and parallel to, the Highway. Essential Energy is responsible for the (a) maintenance of the easement (trimming or removal of vegetation) and (b) infrastructure within the easement. Essential Energy shall pay for and attend to the registration of the Transfer Granting Easement at the LPI, and shall pay reasonable legal costs and disbursements. Essential Energy has consent to proceed with an easement through the adjoining private land parcels (Lot 231 DP 1046696, Lot 10 DP 806003 and Lot 11 DP 814359).</p>
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FOR VOTE - All Councillors voted unanimously.

10.2 Investment Summary - June 2012

280612/18 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

10.3 Councillor Attendance

280612/19 RESOLVED

(Cr Jeff Johnson/Cr David Wright)

That Council authorise the attendance of Cr Cadwallader at the ALGWA Executive meeting to be held on 6 and 7 July 2012 in Moruya.

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

AGAINST VOTE - Cr Alan Brown

10.4 Code of Conduct - Reporting

280612/20 RESOLVED

(Cr Alan Brown/Cr Ben Smith)

That Council notes the contents of the report on Code of Conduct complaints for the period 1 July 2011 to 30 June 2012.

FOR VOTE - All Councillors voted unanimously.

10.5 Community Group Lease and Licence Renewals

280612/21 RESOLVED

(Cr Alan Brown/Cr Robyn Hordern)

1. That Council authorise the renewal of the following leases/licenses for the care, control and management of the respective facilities:

Organisation	Property	Term Yrs	Agreement
Girl Guides Australia (Ballina Branch)	Wigmore Hall, Swift Street, Ballina	4	Licence
Ballina Senior Citizens Incorporated	Wigmore Hall, Swift Street, Ballina	4	Licence
Ballina Shire Concert Band Incorporated	Wigmore Hall, Swift Street, Ballina	4	Licence
Lennox Head Football Club	Skennars Head Sporting Fields,	4	Licence

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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ON 28/06/12 AT 9.00 AM**

	Skennars Head Road, Head	Skennars Head		
Newrybar Community Hall	13-15 Old Pacific Highway, Newrybar		4	Licence
Northlakes Community Centre	Whiting Way, Ballina		4	Licence
Ballina Rugby Union Football Club	Quays Reserve, Kalinga Street, Ballina		4	Lease
Ballina Players Theatre Incorporated	Players Theatre, 24 Swift Street, Ballina		4	Lease
Alstonville and District Football Club Incorporated	Crawford Park, 21 Alston Avenue, Alstonville		4	Lease
Wollongbar Community Pre-school Incorporated	5 Hall Court, Wollongbar		4	Lease
Wollongbar Progress Association Incorporated and Hall Committee	Wollongbar Hall, Hall Court, Wollongbar		4	Licence
Wollongbar Alstonville Rugby Club Incorporated	Lyle Park, 30-32 Cerreto Circuit, Wollongbar		4	Lease
Lennox Head Community Preschool Incorporated	Preschool Building, 21 Mackney Lane, Lennox Head			Lease
Pimlico Ladies Charitable Organisation	Pimlico Hall, Pimlico		1	Lease
Ballina Lighthouse and Lismore Surf Life Saving Club Incorporated	Shed at Council Works Depot, Southern Cross Drive, Ballina		4	Licence
Ballina and District Equestrian Club Incorporated	Gallans Road, Ballina		4	Lease
TS Lismore Australian Navy Cadets Unit Support Committee	Endeavour Close, Ballina		4	Lease

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Lions Club of Ballina Incorporated	Brunswick Street, Ballina	4	Licence
Alstonville Tennis Club	Russellton Industrial Estate, Kays Lane, Alstonville	1	Licence

2. That the Council seal be attached to the relevant agreements.

FOR VOTE - All Councillors voted unanimously.

10.6 Classification of Land

280612/22 RESOLVED

(Cr Ben Smith/Cr Alan Brown)

That Council classify Lot 1 DP 1171927 and the 3.286 hectare parcel of land formerly described as part Lot 2 DP 788088 and now consolidated within Lot 244 DP 1775317 as operational land under the provision of the Local Government Act 1993.

FOR VOTE - All Councillors voted unanimously.

10.7 Land Claim - Ballina Surf Club

280612/23 RESOLVED

(Cr Alan Brown/Cr David Wright)

That Council authorises the General Manager to finalise an agreement with JALI Local Aboriginal Land Council in respect to the removal of the Aboriginal land claim over lots 529 and 533, DP 729679, as detailed within this report, with the key elements of this agreement being:

- a) The proposed lease of the surf club facility having a clause that promotes surf club programs that encourage Aboriginal participation;
- b) Council promoting Aboriginal participation in the construction of the surf club building;
- c) Council approving a maximum donation of \$5,000 in respect to the planning application fees for any development application lodged by or on behalf of JALI for the operation of a quarry on the JALI owned land at Lot 5 DP 843369, Bagotville;
- d) Council providing written support to the relevant Minister in respect to JALI's Aboriginal land claim over the balance of lot 531, DP 729679; and

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- e) Council confirming that it will no longer pursue the proposed site at the Coast Road, Lennox Head, for the relocation of the existing Lennox Head Rural Fire Service shed.

FOR VOTE - All Councillors voted unanimously.

10.8 Fair Go Skateboarding Competition

280612/24 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council enter into a three year sponsorship agreement with Skateboarding Australia for the management of Ballina's Fair Go Skateboarding Event, with Council's commitment being a maximum of \$10,000 per annum and general in-kind support to prepare the skatepark for the annual competition.

FOR VOTE - All Councillors voted unanimously.

10.9 Special Events Policy Review

280612/25 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorse the new Events on Public Land Policy (which is a revision of the Special Events Policy), as attached to this report and place this policy on exhibition for public comment. If no submissions are received this decision will be taken to be Council's adoption of the new policy.
2. That a review of the special events identified in the Event Guidelines be undertaken to determine their suitability for identification as exempt development in accordance with the provisions of the Environmental Planning & Assessment Act 1979.
3. That on the basis of the above review, Council proceed with the preparation of a planning proposal to amend Schedule 2 of the Ballina LEP 2011 to include special events as exempt development.
4. That Council proceeds to submit the planning proposal to the NSW Department of Planning & Infrastructure for gateway determination.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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ON 28/06/12 AT 9.00 AM**

10.10 Policy (Review) - Planning Agreements

280612/26 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopt the amended Planning Agreements 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.

10.11 Richmond Tweed Regional Library - Industrial Dispute

RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council authorises Lismore City Council to finalise the current industrial dispute between the United Services Union and the Lismore City Council staff regarding the back pay owing to the former Richmond Tweed Regional Library staff.
2. That Council enter an interim governance contract arrangement with Lismore City Council for the provision of library services as outlined in this report.

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

AGAINST VOTE - Cr Sharon Cadwallader and Cr Jeff Johnson

10.12 NOROC - Structural Reform

A **Motion** was moved by Cr Phillip Silver and seconded by Cr Ben Smith

That based on the contents of the structural reform report for the three county councils, as prepared by the University of Technology, Sydney, Council confirms it supports for option seven and refer the report to the Minister for Local Government.

An **Amendment** was moved by Cr Alan Brown and seconded by Cr Sharon Cadwallader

That Council notes the recommendation from the University of Technology, Sydney.

Cr Sharon Cadwallader left the meeting at 04:23 pm.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

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

FOR VOTE - Cr Keith Johnson, Cr Robyn Hordern, Cr David Wright, Cr Jeff Johnson and Cr Alan Brown

AGAINST VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Susan Meehan and Cr Peter Moore

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

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

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

That Council notes the recommendation from the University of Technology, Sydney and refers the report to the Minister for Local Government.

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

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

AGAINST VOTE - Cr David Wright and Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

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

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

AGAINST VOTE - Cr David Wright and Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

280612/27 RESOLVED

(Cr Phillip Silver/Cr Ben Smith)

That Council notes the recommendation from the University of Technology, Sydney and refers the report to the Minister for Local Government.

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

AGAINST VOTE - Cr David Wright and Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

Cr Peter Moore left the meeting at 04:35 pm.

Cr Phillip Silver left the meeting at 04:35 pm. Cr Wright assumed the Chair

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

11. Civil Services Group Reports

11.2 Fig Tree Management - Update

280612/28 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council note the information outlined in this report regarding the implementation of resolution made for tree management.
2. That Council records its continued commitment to the tree management programs and notes that at this time, having regard to all of the priorities of Council, it is not able to fund the works at this time.
3. That the General Manager report in each quarterly review during 2012/13 an updated assessment of the funding possibilities for the works identified in the above report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Silver, Cr Sharon Cadwallader and Cr Peter Moore

11.3 Options to Use Recycled Water in Washing Machine Taps

280612/29 RESOLVED

(Cr Alan Brown/Cr Ben Smith)

1. That Council continue to proceed with the planning and implementation of the programs necessary to support the provision of recycled water to the cold washing machine tap in the laundry (as well as the toilet flushing system) for new properties to be serviced by dual reticulation.
2. That Council notes that a Communication and Education Strategy in support of the program in point one is being prepared and will be implemented over the extended period prior to the introduction of the service.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Silver, Cr Sharon Cadwallader and Cr Peter Moore

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

11.4 Request to Tender to Transport and Dispose of Council's Waste

280612/30 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council invite tenders for a contract to transport and dispose to landfill inert and putrescibles waste.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Silver, Cr Sharon Cadwallader and Cr Peter Moore

Cr Phillip Silver returned to the meeting at 04:43 pm and resumed the Chair

11.5 Ballina Shire Coastline Emergency Action Subplan for Coastal Erosion

280612/31 RESOLVED

(Cr Keith Johnson/Cr David Wright)

The draft Emergency Action Subplan for Coastal Erosion be placed on public exhibition, incorporating any immediate SES feedback, to be followed by a further report to Council following exhibition.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Peter Moore

13. Notices of Motion

13.1 Notice of Motion - Cawarra Park

This matter was considered as part of Item 10.13.

13.3 Notice of Motion - Payment of Lease for Ross Street Land

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

That Council receives an urgent report into the transfer arrangements and terms negotiated with the State Government for the handover of the management of the Lake Ainsworth Caravan Park.

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

FOR VOTE - Cr Jeff Johnson

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

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Peter Moore

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

13.4 Notice of Motion - Reclassification of Land at Lennox Head

This item was not considered in view of the decision made at Item 13.2 where Council did not support the withdrawal of the sale of the land at 2-4 Ross Street, Lennox Head.

13.5 Notice of Motion - Wardell Sports & Recreation Grounds

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Ben Smith

1. That Council undertake line marking at the Wardell Sport and Rec ground to allow the local schools to hold their annual Sports Carnivals there.
2. That the funding for this be sourced from the 2012/2013 Council Donations Budget, and be completed in time for the proposed carnival on the 20 July 2012.

The **Motion** was **LOST** on the casting vote of the Mayor.

FOR VOTE - Cr Ben Smith, Cr Keith Johnson, Cr David Wright and Cr Jeff Johnson

AGAINST VOTE - Cr Phillip Silver, Cr Robyn Hordern, Cr Susan Meehan and Cr Alan Brown, Cr Phillip Silver (casting vote)

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Peter Moore

14. Advisory Committee Minutes

14.2 Commercial Services Committee Minutes - 18 June 2012

280612/32 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council confirms the minutes of the Commercial Services Committee meeting held 18 June 2012 and that the recommendations contained within the minutes be adopted.

Cr Alan Brown left the meeting at 05:03 pm.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Peter Moore and Cr Alan Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

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

15.1 Mayoral Meetings

280612/33 RESOLVED

(Cr Phillip Silver/Cr David Wright)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Peter Moore and Cr Alan Brown

Cr Alan Brown returned to the meeting at 05:04 pm.

16. Questions Without Notice

16.1 Cr Susan Meehan - Graffiti - West Ballina

Cr Susan Meehan — reported graffiti near the bus bay area at West Ballina.

John Truman to investigate.

16.2 Cr Susan Meehan - Signage near Bicentennial Gardens

Cr Susan Meehan - can we remove the sign near the Bicentennial Gardens that says "Please Limit Compression Braking in Residential Areas" now that Ballina has been bypassed.

John Truman will investigate.

16.3 Cr Robyn Hordern - Richmond Room Cleaning Fee

Cr Robyn Hordern – Lighthouse Daycare Club has advised that the cleaning fee for the hire of the Richmond Room has gone up 40% (\$80 to \$120). Can someone speak to the Club.

The Mayor will take this matter up with the Club.

16.4 Cr Ben Smith - Ballina Entry Signs - Graffiti

Cr Ben Smith - asked if the southern entry to Ballina sign which has recently been graffitied will be replaced.

Paul Hickey advised that the Ballina and Lennox entry signs will be replaced this weekend with new signs.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

Cr Cadwallader had given notice of two questions with the General Manager, as follows:

16.5 Cr Sharon Cadwallader - Better Boating Program - Regional Infrastructure Grants

Cr Sharon Cadwallader - Is Council submitting a Regional Infrastructure Grant? She suggested that an additional pontoon and a pump out facility for Fawcett Park could be a suitable project.

John Truman is aware of the grant funding available and Council will be submitting a funding application.

16.6 Cr Sharon Cadwallader - Canal Dredging
Cr Sharon Cadwallader - When is the dredging of the canal taking place?

The General Manager advised that Council had funding set aside annually in its budget to allow canal dredging to be undertaken every four years. Recent surveys of the canal indicate that dredging is not yet needed.

Cr Jeff Johnson left the meeting at 05:09 pm.

16.7 Cr Phillip Silver - Works on North Wall
Cr Phillip Silver - enquired about works proposed on the North Wall.

John Truman advised that DPI are reinforcing the existing wall.

Council's Dredging Taskforce will meet within the next couple of weeks to discuss issues with dredging of the Ballina bar.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

17. Confidential Session

280612/34 RESOLVED

(Cr David Wright/Cr Susan Meehan)

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 Re-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..

17.2 Non Payment of Section 94 Contributions

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors); and
- e) information that would, if disclosed, prejudice the maintenance of law

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 Non compliance with development consent conditions.

17.3 Senior Staff - Contractual Conditions

Reason for Confidentiality

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

- a) personnel matters concerning particular individuals (other than councillors)

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 matters relate to the personal affairs of staff.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Peter Moore and Cr Jeff Johnson

(The Council moved into Confidential Session at 5.14 pm.)

Open Council

280612/35 RESOLVED

(Cr David Wright/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 Sharon Cadwallader, Cr Peter Moore and Cr Jeff Johnson

(The Council moved into Open Council at 5.24 pm)

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

17.1 Re-Tender - Precast Paving Units for Ballina Town Centre Upgrade

CF280612/1 RECOMMENDED

(Cr David Wright/Cr Robyn Hordern)

1. That Council accepts the Tender RFT/Contract 1200753 for the installation of Precast Paving Units for the Ballina CBD Upgrade project from Scape Shapes Landscaping Pty Ltd
2. 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 Sharon Cadwallader, Cr Peter Moore and Cr Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/06/12 AT 9.00 AM**

17.2 Non Payment of Section 94 Contributions

CF280612/2 RECOMMENDED

(Cr David Wright/Cr Robyn Hordern)

That Council not accept the submissions as detailed in this report in respect to the non-payment of Section 94 contributions due to the lack of supporting evidence provided and Council seek to recover the outstanding contributions as provided for by conditions of the relevant development consents.

FOR VOTE - All Councillors voted unanimously.

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

17.3 Senior Staff - Contractual Conditions

CF280612/3 RECOMMENDED

(Cr David Wright/Cr Robyn Hordern)

That Council notes the contents of the annual report in respect to the employment conditions of senior staff as required by Section 339 of the Local Government Act.

FOR VOTE - All Councillors voted unanimously.

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

Adoption of Recommendations from Confidential Session

280612/4 RESOLVED

(Cr David Wright/Cr Keith Johnson)

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

FOR VOTE - All Councillors voted unanimously.

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

MEETING CLOSURE

5.24 pm

The Minutes of the Ordinary Meeting held on 28/06/12 were submitted for confirmation by council on 26 July 2012 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 26 July 2012.