

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/08/12 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), Rod Willis (Regulatory Services Group Manager), Steve Barnier (Strategic & Community Services Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 17 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Southern Cross K-12 School.

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

230812/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 July 2012, with a minor amendment to Item 16.7 – Country Week – the location should be Rosehill not Rous Hill.

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 8 August 2012, with a minor amendment to Minute 080812/1 – the mover of the motion should be Cr Ben Smith, not Cr Sharon Cadwallader.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

Cr Cadwallader – declared an interest in Item 8.3 – DA 2011/519 – ‘Ramada’, Section 82A Review of Determination. (Nature of Interest: pecuniary – she is an owner of holiday accommodation in Ballina). She will be departing the meeting while the matter is discussed.

Cr Wright – declared an interest in Item 8.3 – DA 2011/519 – ‘Ramada’, Section 82A Review of Determination. (Nature of Interest: significant non pecuniary - his authorised agent for the election has investments with Ramada). He will be departing the meeting while the matter is discussed.

Cr Silver – declared an interest in Item 8.1 – DA 2012247 – Redevelopment of the River Street Woolworths Site. (Nature of Interest: non significant non pecuniary - he owns property in the vicinity). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Silver – declared an interest in Item 8.3 – DA 2011/519 – ‘Ramada’, Section 82A Review of Determination. (Nature of Interest: significant non pecuniary – he owns property in the precinct). On legal advice he will be departing the meeting while the matter is discussed.

Cr Silver – declared an interest in Item 9.3 – Ballina Twilight Markets. (Nature of Interest: non significant non pecuniary – he owns property in the precinct). He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Peter Carmont** – spoke in opposition to Item 8.1 – DA 2012247 – Redevelopment of the River Street Woolworths site.
- **Tracey Burke** – spoke in opposition to Item 9.1 – LEP Amendment Request – Masters Proposal.
- **Damien Chapelle** – spoke in favour of Item 8.1 – DA 2012247 – Redevelopment of the River Street Woolworths site.

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Election of Chairperson for Item 8.3

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

That Cr Susan Meehan be appointed Chairperson for Item 8.3.

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

FOR VOTE - Cr Ben Smith, Cr Robyn Hordern, Cr Jeff Johnson and Cr Susan Meehan

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

230812/2 RESOLVED

(Cr Keith Johnson/Cr Alan Brown)

That Cr Peter Moore be appointed Chairperson for Item 8.3.

FOR VOTE - All Councillors voted unanimously.

Crs Phillip Silver, Sharon Cadwallader and David Wright left the meeting at 09:21 am having declared an interest in Item 8.3.

Cr Peter Moore assumed the Chair.

- **John Gosper** – spoke in favour of Item 8.3 - DA 2011/519 – ‘Ramada’, Section 82A Review of Determination.
- **Peter Nair** – spoke in opposition to Item 8.3 – DA 2011/519 – ‘Ramada’, Section 82A Review of Determination.

Crs Phillip Silver, Sharon Cadwallader and David Wright returned to the meeting at 09:34 am. Cr Phillip Silver, Mayor, resumed the Chair.

- **Tony Pratt, Hydrox** – spoke in favour of Item 9.1 – LEP Amendment Request – Masters Proposal.
- **Alan Rich** – spoke in opposition to Item 13.1 – Rescission Motion – Meet the Candidates Night.
- **John Nicolson** – spoke in favour of Item 8.2 – DA 2012/195 – Mixed Use Development.
- **Ralph Moss** – spoke in favour of Item 9.6 – NSW Planning Reform.
- **Ralph Moss** – spoke in favour of Item 11.2 – Floodplain Risk Management Study and DCP – Submissions.
- **Effie Ablett** – spoke in favour of Item 13.3 – Notice of Motion – Skateparks.

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7. Mayoral Minute - Closure of Telstra Call Centre

Cr Keith Johnson declared that he was a Telstra shareholder and he would be departing the meeting while this matter was discussed. He left the meeting at 10:04 am.

Cr Sharon Cadwallader declared a non significant interest as a Telstra shareholder and advised that she would be remaining in the meeting while the matter was discussed and voting on the matter.

230812/3 RESOLVED

(Cr Phillip Silver)

That in response to the recent announcement of the Telstra call centre closure in Lismore, which follows assurances from Telstra that this centre would remain open after the Grafton centre closure, that Council write to NOROC asking that all member councils review their current and future telecommunication services provided by Telstra to determine whether or not there are regional benefits, such as increased regional employment, in transferring our combined purchasing power to another provider.

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

Cr Keith Johnson returned to the meeting at 10:06 am.

8. Regulatory Services Group Report

8.1 DA 2012/247 - Redevelopment of the River Street Woolworths Site

230812/4 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That development application 2012/247 to demolish the existing Woolworths building and dwelling at 3 Cherry Street and the construction of a new Woolworths supermarket and associated car parking spaces at Lot 2 DP 734682, 82-96 River Street Ballina and Lot A DP 81292, 3 Cherry Street Ballina, be APPROVED subject to the planning, environmental and engineering conditions attached.

FOR VOTE - All Councillors voted unanimously.

230812/5 RESOLVED

(Cr Sharon Cadwallader/Cr Alan Brown)

That a study be conducted to explore the feasibility of changing that part of Fawcett Street adjoining the proposed Woolworths carpark to one-way traffic in an easterly direction from the intersection with Cherry Street to the entry/exit point at the eastern end of the site.

FOR VOTE - All Councillors voted unanimously.

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8.2 DA 2012/195 - Mixed Use Development

230812/6 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That development application 2012/195 to undertake demolition of the existing Thai Gardens Restaurant and Motel and the subsequent construction and strata title subdivision of a mixed use commercial/ tourist/residential two storey development with basement carparking on the subject land be **APPROVED** subject to the planning, environmental and engineering conditions attached.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.31 am

The meeting resumed at 10.47 am

Crs Phillip Silver, Sharon Cadwallader and David Wright were not in attendance at this stage, having declared an interest in Item 8.3. Cr Peter Moore assumed the Chair.

8.3 DA 2011/519 - 'Ramada', Section 82A Review of Determination

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

That development application 2011/519 for the change of use from short term accommodation to long term accommodation of Lots 52 & 53 in Strata Plan 79299 being units 601/602 & 603/604 of the Ramada Hotel be APPROVED subject to the attached conditions of consent numbered one to eleven, as per the report to the 23 February 2012 Council meeting.

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

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

230812/7 RESOLVED

(Cr Susan Meehan/Cr Jeff Johnson)

That development application 2011/519 for the change of use from short term accommodation to long term accommodation of Lots 52 & 53 in Strata Plan 79299 being units 601/602 & 603/604 of the Ramada Hotel be REFUSED for the following reasons:

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1. Non compliance with objective 67(a) of the North Coast Regional Environmental Plan “to encourage tourism activity that will complement the existing natural and man made features of the region and be of positive benefit to the region’s economy”.
2. Non compliance with objective (i) of the Ballina Local Environmental Plan 1987 “to encourage further development of tourist and recreational activities within the Shire of Ballina, while minimising its adverse impact on the natural attractions and amenity enjoyed by long term residents”.
3. Non compliance with the car parking requirements of Ballina Shire Combined Development Control Plan Chapter 1, Policy Statement No 2 – Car Parking and Access.
4. Non compliance with the requirements Ballina Shire Combined Development Control Plan Chapter 2 – Ballina Town Centre clause 4.18.1 Solar access and overshadowing mandatory requirement “provide some north facing habitable rooms and open space in each residential apartment in order to maximise access to sunlight”.
5. Non compliance with the requirements Ballina Shire Combined Development Control Plan Chapter 2 – Ballina Town Centre clause 4.18.6 Private open space mandatory requirement “provide private open space to all dwellings in the form of a balcony, courtyard, terrace and/or roof garden, at least one of which is not located on the southern side of the building.
6. The proposal is not in the public interest.

FOR VOTE - Cr Ben Smith, Cr Robyn Hordern, Cr Jeff Johnson and Cr Susan Meehan

AGAINST VOTE - Cr Keith Johnson, Cr Peter Moore and Cr Alan Brown

ABSENT. DID NOT VOTE - Cr Phillip Silver, Cr Sharon Cadwallader and Cr David Wright

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Crs Phillip Silver, Sharon Cadwallader and David Wright returned to the meeting at 11:05 am. Cr Phillip Silver, Mayor resumed the chair

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9.1 LEP Amendment Request - Masters Proposal

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

That Council proceed with the preparation of a planning proposal in relation to the Masters Home Improvement Store on part of Lot 11 DP 1011575, River Street, West Ballina excluding the inclusion of the construction of any additional bulky goods or white goods retail stores outside the footprint of the area required for the construction of the Masters Store.

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

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

AGAINST VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Jeff Johnson and Cr Susan Meehan, Cr Phillip Silver (casting vote)

230812/8 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council defer the matter and invite the NSW Director General of the Department of Planning & Infrastructure to address Council.

FOR VOTE - Cr Sharon Cadwallader, 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 Phillip Silver and Cr Jeff Johnson

9.6 NSW Planning Reform

230812/9 RESOLVED

(Cr Jeff Johnson/Cr Susan Meehan)

1. That Council notes this report relating to the comprehensive reforms to the NSW planning system.
2. That the Strategic and Community Services Group is authorised to prepare a submission to the Green Paper in liaison with Council's Regulatory Services Group.

FOR VOTE - All Councillors voted unanimously.

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11.2 Floodplain Risk Management Study and DCP - Submissions

230812/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopt the draft Floodplain Risk Management Study, as exhibited.
2. That the Council endorses the proposal for the General Manager to finalise the preparation of the draft Floodplain Risk Management Plan.
3. That, for the submissions received that dealt with the Floodplain Risk Management Study, Council write a letter to each author detailing our response to the specific issues raised in their submission.
4. That Council note the information in this report in respect to the draft Floodplain Risk Management Development Control Plan (DCP), including the advice that a further report will be prepared following a review of the draft DCP to incorporate comments received in response to the exhibition process.
5. That Council commence a study investigating the siltation of minor watercourses in the catchment and the effect on drainage/floodplain health with options to clear and prevent further siltation of these watercourses.

FOR VOTE - All Councillors voted unanimously.

13.1 Rescission Motion - Meet the Candidates Night

230812/11 RESOLVED

(Cr Peter Moore/Cr Keith Johnson)

That Resolution 080812/03, as follows, be rescinded:

That the General Manager be authorised to co-ordinate one "Meet the Candidates Night" for A, B and C Wards.

FOR VOTE - Cr Phillip Silver, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Peter Moore, Cr Robyn Hordern and Cr Alan Brown

AGAINST VOTE - Cr Ben Smith, Cr David Wright, Cr Jeff Johnson and Cr Susan Meehan

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13.3 Notice of Motion - Skateparks

230812/12 RESOLVED

(Cr Jeff Johnson/Cr Peter Moore)

That Council receive a report identifying possible site locations for a skate park in both Alstonville and Wollongbar.

FOR VOTE - All Councillors voted unanimously.

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

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

1. That Council notes the likely intervention in the processing of draft Ballina Local Environmental Plan Amendment No. 90 by the Minister for Planning and Infrastructure where Council maintains its present approach to the dedication of land east of The Coast Road into public ownership.
2. That on the basis of the likely intervention from the Minister for Planning and Infrastructure, Council endorses the finalisation of the environmental study associated with draft Ballina Local environmental Plan Amendment No. 90 (without further consideration of the dedication of land east of The Coast Road) as Council prefers to maintain its role as planning authority in relation to the amendment.
3. That the environmental study be reported to Council for consideration with respect to the potential public exhibition of Draft Ballina Local Environmental Plan Amendment No. 90.

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

FOR VOTE - Cr Peter Moore and Cr Alan Brown

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

230812/13 RESOLVED

(Cr Ben Smith/Cr Alan Brown)

1. That Council notes the contents of this report regarding the processing of draft Ballina Local Environmental Plan Amendment No.90.
2. That Council acknowledges that based on the contents of this report, the maintenance of its present position may result in the Minister for Planning and Infrastructure "calling in" this Amendment.

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

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Susan Meehan

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8.4 Companion Animals Management Plan - Review

230812/14 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopt the Companion Animals Management Plan Policy, as revised and attached to this report, subject to the following points.
2. That Council support dogs being prohibited in Lake Ainsworth and the immediately surrounding foreshore area of Lake Ainsworth.
3. That Council support dogs being prohibited on the Fire Trail at the end of Camp Drew Road, Lennox Head.
4. That Council support the trial of the Spit beach area as an off-leash dog area for a period of twelve months. At the completion of the trial a report to be presented to Council on the outcomes of the trial together with associated recommendations.
5. That Council support the formalisation of the dog prohibited zone immediately in front of the Lennox Head Surf Club on the eastern side as indicated on the current signage.
6. That Council support the beach access pathway immediately north of Lennox Head Surf Club as an on-leash area, including northwards along Seven Mile Beach until the off-leash dog zone commences.
7. That Council support the trial of The Serpentine area as an on-leash dog area for a period of twelve months. At the completion of the trial a report to be presented to Council on the outcomes of the trial together with associated recommendations.
8. That Council support the installation of safety fencing at the off-leash area in Compton Drive, Ballina, subject to annual budget allocations.
9. That Council support the additional installation of "doggy poo" bag dispensers and educational signage at prominent sites in the Shire and that Council seek a sponsor for these bags.
10. That Council support the investigation of an additional suitable area to establish a fully enclosed off-leash facility and consider the allocation of funding in the budget for 2013/2014 for construction.
11. That Council continue to engage in a proactive education program to promote the Companion Animals Management Plan throughout the Shire.
12. That Council continue to review the signage surrounding dog prohibited, dog on-leash, and dog off-leash areas within the Shire to ensure that the level of information provided to residents and visitors is clear and informative.

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FOR VOTE - All Councillors voted unanimously.

8.5 Development Applications - Works in Progress - August 2012

230812/15 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of the report on the status of outstanding development applications for August 2012.
2. That DA 2012/69 and DA 2012/274 be called in and dealt with by Council.

FOR VOTE - All Councillors voted unanimously.

8.6 Development Consent Statistics - July 2012

230812/16 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

9. Strategic & Community Services Group Reports

9.3 Ballina Twilight Markets

230812/17 RESOLVED

(Cr Ben Smith/Cr David Wright)

1. That Council notes the contents of this report in regard to the development consent and Registration of Interest process for the ongoing operation and management of the Ballina Twilight Market.
2. That based on the outcomes from the Registration of Interest process Council authorises the General Manager to appoint the Westpac Life Saver Rescue Helicopter as the market operator of the Ballina Twilight Market for a period of four years, with the terms of the licence agreement to be consistent with Council's Markets Policy.
3. That Council authorises the Council seal to be attached to the licence agreement.

Cr Keith Johnson left the meeting at 12:36 pm.

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

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9.4 Ageing Strategy

230812/18 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That Council notes the contents of this report outlining the methodology for preparing an ageing strategy for Ballina Shire.

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

9.5 Census Update

230812/19 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That Council notes the contents of the report regarding the preliminary results of the 2011 Census of Population and Housing for Ballina Shire.

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

Cr Keith Johnson returned to the meeting at 12:37 pm.

10. General Manager's Group Reports

10.1 Use of Council Seal

230812/20 RESOLVED

(Cr Ben Smith/Cr David Wright)

That Council affix the Common Seal to the following documents.

US12/24	<p>Discharge of Charge, Council to the Estate of the late L G Cowan (E M Cowan and S Czisz Executors) - Discharge of mowing encumbrance on Lot 34 DP 251693, being property situated at 3 Richland Court, Alstonville. Pending sale to Osbourne.</p> <p>Explanation: In 1976, the Council of the day placed a Memorandum of Encumbrance over the residential subdivision that encompassed Lots 1 to 88 inclusive in DP 251693. The mowing encumbrance ceases, by way of a Deed of Discharge of Charge, on the completion of the construction of a dwelling house or residential unit/s upon the individual allotments. Council usually receives requests to execute a Deed of Discharge of Charge of the encumbrance upon the property being sold, and prior to settlement, as is the case with Lot 34.</p>
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US12/25	<p>Ballina Shire Council to Flynn Transport (NSW) Pty Limited: Part Lot 2 DP 1169153 on the Russellton Industrial Estate.</p> <p>Explanation: Flynn Transport (NSW) Pty Limited operate a haulage transport business from property owned by them and situated at Kays Lane on the Russellton Industrial Estate at Wollongbar. The company has leased a 3,973 sq mtr area of land from Council for truck parking since 2009. The lease was originally negotiated largely as a result of a local complainant contacting Council as a result of trucks being parked on the public roadway at Kays Lane. The new lease is proposed for a term of four years, and can be ended prior to the termination date should Council develop and sell the land within the lease term. The lessee has expressed an interest in purchase of the land at a market assessed rate in due course.</p>
US12/26	<p>Ballina Shire Council Lease Agreement to Northcott Disability Services for a term of 5 + 5 years - 64 Crane Street, Ballina, being Lot 1 DP 965058.</p> <p>Explanation: Council property at 64 Crane Street, Ballina has been leased to Ballina-Byron Family Services Inc (BBFS) for 10 years, since 5 August 2002, and following the current 5 year lease termination date of 4 August 2012 they have remained in occupancy on a holding-over basis pending their relocation to larger premises. BBFS have now formally notified staff that they will vacate the premises on 31 August, 2012. Being aware of the pending relocation of BBFS, staff have negotiated occupancy with Northcott Disability Services at a commencing rental that is the same as the rent currently paid by the outgoing tenant. Northcott Disability Services is not-for-profit organisation that provides support to people with a broad range of disabilities and their families and carers across NSW and the ACT.</p>

FOR VOTE - All Councillors voted unanimously.

10.2 Investment Summary - August 2012

230812/21 RESOLVED

(Cr Ben Smith/Cr David Wright)

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

FOR VOTE - All Councillors voted unanimously.

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10.3 Community Donations

230812/22 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council approve the donation request from Mental Health Support Group Inc as detailed within this report.
2. That Council approve the donation request from Ballina RSL Sub Branch as detailed within this report.
3. That Council approve the donation request from the Alstonville Croquet Club as detailed within this report.

FOR VOTE - All Councillors voted unanimously.

10.4 Independent Local Government Review Panel - Update

230812/23 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the NSW Independent Local Government Review Panel.

FOR VOTE - All Councillors voted unanimously.

10.5 Policy Review - Events on Public Land

230812/24 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That Council adopt the Events on Public Land policy as exhibited; subject to the following amendments:

- a) Inclusion of a new section, located prior to the "Long Term Events Approval" section, as follows:

Assessment

In assessing applications staff will consider a range of assessment criteria including, but not limited to:

- *Environmental impacts – potential damage to local flora and fauna and impact on the Council infrastructure*
- *Social impacts – impact on residential amenity, conflicts with other user groups and organisations, availability of land*

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- *Economic impacts – likely economic benefits and dis-benefits to the locality and the Shire.*

When matters such as these cannot be resolved operationally, the event assessment may be reported Council for determination

- b) Removal of the following sentence from the “Long Term Events Approval” section, as it has been replaced by the information in point a):

When a clash of dates or venues occurs with event organisers requiring event approval on public land, and this issue cannot be resolved operationally, then this will be determined by Council.

- c) Removal of the reference to the \$50,000 allocation with the current sentence to be amended as follows:

Council’s Festival and Event Support Program provides funding to support festivals and events held within Ballina Shire.

FOR VOTE - All Councillors voted unanimously.

10.6 Legal Matters - Update

230812/25 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council notes the contents of the legal update for the year ended 30 June 2012.

FOR VOTE - All Councillors voted unanimously.

12. Public Question Time

12.1 LEP Amendment Request - Masters Proposal

Tracey Burke – can Council guarantee there won’t be any flooding impacts on the Ballina Waterfront Village & Tourist Park as a result of future development of the floodplain?

Paul Hickey advised that he can’t give any absolute guarantee but that what Council can guarantee is that they will do all the available flood modelling to determine the potential impacts prior to issuing any approvals or refusals.

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10.7 Financial Review - Financial Year Ended 30 June 2012

230812/26 RESOLVED

(Cr Alan Brown/Cr Sharon Cadwallader)

1. That Council notes the contents of the preliminary financial report for the 2011/12 Financial Year.
2. That Council undertake a review of the airport business plan due to the current negative reserve balance, taking into account the 2011/12 operating results, along with the now announced funding of \$7 million through the NSW State Government's local infrastructure renewal scheme.
3. That in respect to the 2012/13 budget Council approves the reallocation of the funding provided for the Aboriginal Community Liaison Officer position to allow for the employment of an additional trainee ranger who is an Aboriginal person. The balance of the existing funding is to be retained for on-going projects relating to the Aboriginal community.

FOR VOTE - All Councillors voted unanimously.

10.8 Budgets Carried Forward and Reserve Movements

230812/27 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council approves the projects carried forward and reserve movements as outlined in tables one and two of this report.

FOR VOTE - All Councillors voted unanimously.

10.9 Capital Expenditure - Quarterly Update

230812/28 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the Capital Expenditure - Quarterly Update report for the year ended 30 June 2012.

FOR VOTE - All Councillors voted unanimously.

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10.10 Councillor Induction Program

230812/29 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the proposed Councillor Induction Program.

FOR VOTE - All Councillors voted unanimously.

10.11 Community Strategic Plan - Reporting

230812/30 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report in respect to the implementation of Council's Community Strategic Plan as per the attachment to this report.

FOR VOTE - All Councillors voted unanimously.

11. Civil Services Group Reports

11.1 Mobile Base Station Proposal - Telstra

230812/31 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council advise Telstra that in response to their request for feedback, the Council is interested in reviewing further details in respect of the options for co-location onto existing public infrastructure at Blue Seas Parade and at the Skennars Head sporting fields, subject to a further comprehensive community consultation process being undertaken.

FOR VOTE - Cr Phillip Silver, Cr Sharon Cadwallader, 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 Jeff Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/08/12 AT 9.00 AM**

11.3 Local Traffic Committee Report - August 2012

230812/32 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council approves the temporary closure of River Street on Saturday 29 September and Sunday 30 September 2012 from 6.00 am to 5.00 pm for the purpose of the Ballina Country Music Festival.
2. That Council approves the implementation of the attached Traffic Control Plan for the operation of Compton Drive during the construction of Ballina Surf Club and that the Traffic Control Plan be amended to include "End Shared Path" signage.

FOR VOTE - All Councillors voted unanimously.

13. Notices of Motion

13.2 Notice of Motion - Dog Friendly Facilities

230812/33 RESOLVED

(Cr Ben Smith/Cr David Wright)

That a small portion of residual land as part of the Wollongbar sporting fields master plan be considered for potential use as a dog friendly park.

FOR VOTE - All Councillors voted unanimously.

13.4 Notice of Motion - Aboriginal Cultural Heritage Trail

230812/34 RESOLVED

(Cr Jeff Johnson/Cr Alan Brown)

1. That Council provides in principle support for the establishment of an Aboriginal Cultural Heritage Trail within the Coastal Reserve.
2. That the new Council hold a workshop and invite local Aboriginal representatives.

FOR VOTE - All Councillors voted unanimously.

14. Advisory Committee Minutes

Nil Items

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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15. Reports from Councillors on Attendance on Council's behalf

15.1 Mayoral Meetings

230812/35 RESOLVED

(Cr Phillip Silver/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

16. Questions Without Notice

16.1 Cr Susan Meehan - Bollards on Road in front of former McDonalds premises, West Ballina

Cr Susan Meehan - do we still need the concrete bollards/barricades in the middle of the road outside the former McDonalds site at West Ballina?

John Truman will investigate the matter.

16.2 Cr Susan Meehan - Signs

Cr Susan Meehan - sought clarification in respect to Council's procedure regarding the removal of signs such as real estate notices.

Rod Willis advised that overall we have problems from time to time and that real estate agents are written to regularly and that we have procedures that we apply. Rod Willis to send copy of procedures to Cr Meehan.

16.3 Cr Jeff Johnson - Wigmore Arcade

Cr Jeff Johnson - has Council received any response to the advertising for Wigmore Arcade proposals.

Paul Hickey advised that we did not receive any response to the round of advertising.

17. Confidential Session

Nil items

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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40 CHERRY STREET, BALLINA,
ON 23/08/12 AT 9.00 AM**

MEETING CLOSURE

1.20 pm

The Minutes of the Ordinary Meeting held on 23/08/12 were submitted for confirmation by council on 27 September 2012 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 September 2012.