

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 25/10/12 AT 9.00 AM**

Attendance

Crs Susan Meehan (Deputy Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, Keith Johnson, Ken Johnston, Paul Worth, Robyn Hordern and Ben Smith.

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

There were 20 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Xavier Catholic College.

2. Acknowledgement of Country

In opening the meeting the Deputy 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 David Wright.

251012/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright

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4. Confirmation of Minutes

251012/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 September 2012.

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

5. Declarations of Interest and Reportable Political Donations

Cr Paul Worth - declared an interest in Item 10.11 (Policy (Review) – Deferral of Developer Contributions Policy) and Item 10.12 (Deferral of Developer Contributions – Ferngrove Estate. (Nature of Interest: a perceived pecuniary interest as he undertakes land development activities in the Shire.) He will be departing the meeting while the matters are discussed.

Cr Jeff Johnson – later in the meeting declared an interest in Item 9.4 – Domestic Electricity Bills – Community Education Campaign. (Nature of Interest: non significant, non pecuniary as he is a Director of an energy efficiency company.) 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

- **Nicholas Hatherly** – spoke in opposition to Item 8.1 – DA 2012/69 No. 161 Broken Head Road, Newrybar.
- **Douglas Cope**– spoke in favour of Item 8.1 – DA 2012/69 No. 161 Broken Head Road, Newrybar.
- **Noel Warr** – spoke in favour of Item 13.2 – Notice of Motion – Ballina Swimming Pool.
- **Ralph Moss** – spoke in opposition to Item 9.1 – LEP Amendment Request and Planning Proposal Status Report.
- **Ralph Moss** – spoke in opposition to Item 10.8 – Policy (Review) – Code of Meeting Practice.
- **Ralph Moss** – spoke in opposition to Item 10.10 – Policy (Review) – Code of Conduct.
- **Doug Stinson** – spoke in opposition to Item 11.1– Community Land – Potential Sale.
- **Lenkunya Roberts** – spoke in opposition to Item 13.3 – Notice of Motion – Aboriginal Reference Group.

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Cr Paul Worth declared an interest in Item 10.12 and left the meeting at 9.48 am.

- **Steven O’Keefe** – spoke in favour of Item 10.12 – Deferral of Developer Contributions Policy.

Cr Paul Worth returned to the meeting at 9.54am.

- **Bill Payne** – spoke in favour of Item 9.1 – LEP Amendment Request and Planning Proposal Status Report.
- **John Heaton** - spoke in favour of Item 13.4 – Notice of Motion - Coal Seam Gas.

7. Mayoral Minutes

Nil

8. Regulatory Services Group Report

8.1 DA 2012/69 No. 161 Broken Head Road, Newrybar

251012/3 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Development Application 2012/69 for the erection of a rural workers dwelling be **APPROVED** subject to the conditions provided in the attachment to this report.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern, Cr Ben Smith and Cr Keith Williams

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr David Wright

11.1 Community Land - Potential Sale

A **Motion** was moved by Cr Robyn Hordern and seconded by Cr Paul Worth.

1. That in respect to the encroachment on community land adjoining No. 10 Allens Parade, Council authorises the General Manager to implement the necessary actions to remove this encroachment as the public is being restricted from accessing this land.
2. That in respect to 8 Allens Parade that Council allow the gardens to remain subject to Council not being responsible for any maintenance and retaining the right to remove the gardens at any time in the future.

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

That in respect to the encroachment on community land adjoining No. 10 Allens Parade, Council authorises the General Manager to implement the necessary actions to remove this encroachment as the public is being restricted from accessing this land.

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

FOR VOTE - Cr Jeff Johnson and Cr Sharon Cadwallader
AGAINST VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern, Cr Ben Smith and Cr Keith Williams
ABSENT. DID NOT VOTE - Cr David Wright

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

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

251012/4 RESOLVED

(Cr Robyn Hordern/Cr Paul Worth)

1. That in respect to the encroachment on community land adjoining No. 10 Allens Parade, Council authorises the General Manager to implement the necessary actions to remove this encroachment as the public is being restricted from accessing this land.
2. That in respect to 8 Allens Parade that Council allow the gardens to remain subject to Council not being responsible for any maintenance and retaining the right to remove the gardens at any time in the future

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

13.3 Notice of Motion - Aboriginal Reference Group

A **Motion** was moved by Cr Keith Williams and seconded by Cr Jeff Johnson.

That Council write to the NSW Minister for Aboriginal Affairs requesting assistance to help establish an Aboriginal consultative committee that is representative of all families in the Ballina Shire.

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

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Ken Johnston and Cr Keith Williams
AGAINST VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
ABSENT. DID NOT VOTE - Cr David Wright

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Adjournment

The Deputy Mayor declared the meeting adjourned at 10.55am

The meeting resumed at 11.20am

10.15 Annual Financial Statements - 2011/12

Mr Kevin Franey from Thomas Noble and Russell provided a presentation on the audit of the financial statements.

251012/5 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council approves the signing of the statements that confirm the Annual Financial Statements are fair and accurate, by the Mayor, one Councillor, the General Manager and the Responsible Accounting Officer.
2. That Council authorises the exhibition of the Annual Financial Statements and Auditor's Reports for the year ended 30 June 2012, as attached to this report, for public comment.

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

8.2 Development Applications - Works in Progress - October 2012

251012/6 RESOLVED

(Cr Keith Johnson/Cr Robyn Hordern)

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

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

8.3 Development Consent Statistics - September 2012

251012/7 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

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

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

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9. Strategic & Community Services Group Reports

9.1 LEP Amendment Request and Planning Proposal Status Report

A **Motion** was moved by Cr Ben Smith and seconded by Cr Robyn Hordern.

That Council notes the contents of the report on the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.

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

1. That Council notes the contents of the report on the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.
2. That Council ask the State Government for an extension of twelve months to allow the finalisation of the assessment of amendment No.108.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Ben Smith and Cr Keith Williams
AGAINST VOTE - Cr Jeff Johnson, Cr Paul Worth, Cr Robyn Hordern
ABSENT. DID NOT VOTE - Cr David Wright

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

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Keith Williams
AGAINST VOTE - Cr Jeff Johnson, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
ABSENT. DID NOT VOTE - Cr David Wright

251012/8 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

1. That Council notes the contents of the report on the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.
2. That Council ask the State Government for an extension of twelve months to allow the finalisation of the assessment of amendment No.108.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Ben Smith and Cr Keith Williams
AGAINST VOTE - Cr Jeff Johnson, Cr Paul Worth and Cr Robyn Hordern
ABSENT. DID NOT VOTE - Cr David Wright

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9.2 LEP Amendment Request, Blue Seas Parade, Lennox Head.

251012/9 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

1. That Council submit the planning proposal relating to Lot 1 DP 1173776, Blue Seas Parade, Lennox Head to the NSW Department of Planning & Infrastructure for review and gateway determination.
2. That upon an affirmative gateway determination being received from the Department of Planning & Infrastructure, Council staff will carry out the procedural steps associated with the progress of the planning proposal, including public exhibition.
3. That a further report be submitted to Council in relation to this matter following mandatory community consultation.

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

9.3 Energy Efficiency Projects - Five Year Payback

251012/10 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the allocation of \$48,000 (\$30,000 net) for the installation of energy efficient lighting at the Council Customer Service Centre, with this expenditure to be funded 50% from waste, sewer and water reserves, and the balance from savings in General Fund operations, as determined by the General Manager.
2. That Council consider the allocation of funding for the remaining resource saving initiatives identified in this report (i.e. Works Depot Lighting - \$56,700 (net \$43,250), Ballina Library Lighting - \$31,000 (net \$28,500), Public Amenity Lighting - \$16,165 (net \$14,365) and Works Depot Wash-down Bay Rain Water Tanks - \$5,000) as part of the 2012/13 budget reviews.

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

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Cr Jeff Johnson declared a non significant non pecuniary interest in Item 9.4 as he is a Director of an Energy Efficiency Company. He will be remaining in the meeting and voting on the matter.

9.4 Domestic Electricity Bills - Community Education Campaign

251012/11 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report concerning the community education campaign recently conducted to reduce domestic electricity bills.

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

9.5 NSW Planning Reform - Green Paper Submission

251012/12 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council endorse the submission to the Department of Planning & Infrastructure in relation to the NSW planning reform Green Paper, as attached to this report.

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

9.6 Koala Plan of Management - Project Reference Group

251012/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council nominate Cr Sharon Cadwallader to act as chairperson of the Project Reference Group to oversee the Ballina Shire comprehensive koala plan of management project, Cr Keith Williams as the alternate delegate.

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

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10. General Manager's Group Reports

10.1 Investment Summary - September 2012

251012/14 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright

10.2 Disclosure of Interest Returns

251012/15 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of the report on the disclosure of interest returns for the period 1 July 2011 to 30 June 2012.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright

10.3 Councillor - Leave of Absence

251012/16 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Cr Keith Johnson be granted leave of absence from 5 November to 2 December 2012.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright

12. Public Question Time

12.1 On-Leash Dog Area at the Serpentine

Margaret Readford – Could Council consider reducing the twelve month trial period to three months for the on-leash dog area in the Serpentine area as this is a nesting area for Pied Oyster Catchers and there is also the risk of faeces not being removed by owners.

The General Manager advised that a report would be prepared for the November meeting and that no signage would be installed.

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12.2 Aboriginal Employment Action Plan

Lee Andresen – Will Council act on its Aboriginal Employment Action plan and have the staff member undertaking the Aboriginal consultation being from the Bundjalung people?

The General Manager advised that Council is implementing its Aboriginal Employment action plan. For example we have a number of Aboriginal trainees. In addition Council has resolved that the funding for the Aboriginal Liaison Officer position be reallocated to the employment of an Aboriginal trainee ranger with the balance of the funding to be used for Aboriginal consultation projects as required.

12.3 Flood Committees

Ralph Moss – Is Council going to re-form the committees for flood management studies and reviews for flooding.

John Truman advised that a reference group met through the entire process of floodplain and management plan process and they will continue to meet as required.

12.4 Soil Tests at Old Depot Site

Eva Ramsay – Has Council commenced soil testing at the old Depot?

Paul Hickey advised that Council has not yet received the licence from the Department of Primary Industries that will allow the soil testing to commence.

12.5 Coastal Recreational Path

Alan Brown - What is the status of the coastal shared path and the coastal recreational path.

John Truman and Paul Hickey advised that the final report on the Aboriginal consultation is due mid November and once that is received all of the information will be ready to lodge the planning applications. This will then allow the applications to be assessed.

12.6 Dog Off-Leash Area - The Serpentine

Chris Connors - Why do the signs at the Serpentine have to be changed?

Rod Willis advised that if the area is going to be an on leash dog area the signs need to be changed as they currently do not allow dogs. However the signs will not be changed now subject to the November report on this locality.

12.7 Aboriginal Liaison Officer

Troy Anderson – Would like the General Manager's answer regarding the Aboriginal Liaison Officer position to be given to him in writing.

The General Manager advised that Council would provide the response in writing.

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Adjournment

The Deputy Mayor declared the meeting adjourned at 1.00pm

The meeting resumed at 1.49pm

10.4 Write Offs - Concealed Water Leaks

251012/17 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council approves the total write off of \$3,869.10 in water consumption charges in accordance with Council's Concealed Water Leaks Policy and pursuant to clause 131 of the Local Government (General) Regulation 2005, as outlined in the following table:

Council Assessment Number	Write Off Amount (\$)	Property Details and Eligibility Summary
121212	1,406.18	Mr DW & Mrs JC Sproule 72 Marom Creek Road MEERSCHAUM VALE
174809	1,190.30	Owners Corporation SP22947 105 River Street BALLINA
239714	1,272.62	Mr CF Curran 165 Pimlico Road PIMLICO
Total	3,869.10	

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

10.5 Community Donations

251012/18 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council approve the request for financial assistance (approximately \$420) from Georgia Keen, as detailed within this report, being for Australian representation in school sport.

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

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10.6 Committees - Facilities and Airport

251012/19 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

1. That Council confirms it will disband the Airport Committee as matters relating to the airport operations can be dealt with by the Commercial Services Committee.
2. That Council confirms it will retain the Facilities Committee with the terms of reference for that Committee to be as follows:

To identify construction priorities for community infrastructure projects (i.e. community centres, surf clubs, sporting facilities etc) and to provide oversight and on-going review of approved projects from initial feasibility through to final completion and commissioning.

3. Membership of the Facilities Committee is to consist of all Councillors with the Committee having no delegated authority.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright

10.7 Policy (Review) - Councillor Expenses and Facilities

251012/20 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

1. That Council adopts the existing Councillor Expenses and Facilities Policy, as exhibited and as attached to this report subject to the following changes:

a) Councillor as a carer

Where a Councillor has to act as a primary carer Council will reimburse any reasonable costs incurred for alternative carer arrangements required whilst that Councillor is attending a Council approved activity (i.e. meeting, training, event etc). This includes items such as child care expenses and costs related to the care of the elderly, disabled and/or sick immediate family members.

b) Councillor requiring care

Where a Councillor requires a primary carer, Council will reimburse any reasonable costs related to that primary carer, incurred whilst that Councillor is attending a Council approved activity (i.e. meeting, training, event etc), where the reimbursed costs would not normally have been incurred except due to the Councillor's attendance at that activity. This includes items such as travel, meals or carer wages, where those wages would not normally have been incurred.

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2. That Council notes the three month time limit for expense claims to be submitted, as per clause 2.1.1 of the policy, and supports the General Manager in ensuring that any claims submitted beyond this time frame will not be approved.

3. That Council receive a further report on the options for clause 3.2.1.

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

10.8 Policy (Review) - Code of Meeting Practice

251012/21 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

1. That Council approves the public exhibition of the following proposed amendments to the Code of Meeting Practice:

- a) Deletion of Questions Without Notice
- b) Limitation on deputations to a maximum of two items on the agenda per person.

2. That the Code of Meeting practice include a clause to ensure mobile phones are silenced in Council meetings.

FOR VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Ken Johnston and Cr Keith Williams
ABSENT. DID NOT VOTE - Cr David Wright

10.9 Policy (Review) - Interaction Between Councillors and Staff

251012/22 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council adopt the Interaction Between Councillors and Staff Policy, as attached to this report.

2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

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10.10 Policy (Review) - Code of Conduct

251012/23 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

1. That Council adopt the Code of Conduct, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

Cr Paul Worth declared an interest in Items 10.11 and 10.12 and left the meeting at 02:23 pm.

10.11 Policy (Review) - Deferral of Developer Contributions Policy

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

1. That Council approves the following amendments to the existing "Deferral of Developer Contribution Policy":
 - a) The removal of the 50 lot minimum benchmark for eligible deferrals
 - b) The extension of the maximum deferral period from 12 to 36 months
 - c) A change in the benchmark interest rate from the Local Government Seven Year Rate to the Reserve Bank Cash Rate, plus a margin of two percent.
2. That Council place the amended Deferral of Developer Contribution Policy on public exhibition, with any submissions received to be reported back to Council. If no submissions are received then no further action is required.

An **Amendment** was moved by Cr Jeff Johnson.

1. That Council approves the following amendments to the existing "Deferral of Developer Contribution Policy":
 - a) The removal of the 50 lot minimum benchmark for eligible deferrals
 - b) The extension of the maximum deferral period from 12 to 36 months
 - c) A change in the benchmark interest rate to the same figure as Council's interest rate on overdue rates and charges

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2. That Council place the amended Deferral of Developer Contribution Policy on public exhibition, with any submissions received to be reported back to Council. If no submissions are received then no further action is required.

The **Amendment LAPSED.**

FOR VOTE - Cr Sharon Cadwallader
AGAINST VOTE - Cr Jeff Johnson, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Robyn Hordern, Cr Ben Smith and Cr Keith Williams
ABSENT. DID NOT VOTE - Cr David Wright and Cr Paul Worth

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

251012/24 RESOLVED

(Cr Keith Johnson/Cr Robyn Hordern)

That a Councillor workshop be conducted to review the Deferral of Developer Contribution Policy.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright and Cr Paul Worth

10.12 Deferral of Developer Contributions - Ferngrove Estate

251012/25 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That this matter be deferred until Council holds the workshop in respect to Item 10.11 Policy (Review) - Deferral of Developer Contributions Policy.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright and Cr Paul Worth

Cr Paul Worth returned to the meeting at 02:51 pm.

10.13 Tender - Preliminary Civil Works - Wollongbar Sports Fields

251012/26 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

1. That Council accepts the tender (subject a satisfactory financial report into the company's financial viability) for Provision for Preliminary Civil/Groundworks - Wollongbar Sports Fields from DJ & DG Baumann T/As Peachy Constructions for the amount of \$1,761,084 plus GST.
2. That Council authorises the Council seal to be attached to the contract documents.

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

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10.14 Fees and Charges for Events on Public Land - Review

251012/27 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council approves the following changes to the fee structure for Events on Public Land:

a) Bond for clean up of Council land – \$500 to \$5,000

b) Commercial User Fee Structure:

- Low Impact Event - \$500 to \$2,000 (minimal impact on amenity and surrounds and less than 2,000 anticipated participants)
- Medium Impact Event - \$2,001 to \$5,000 (moderate impact and / or up to 5,000 participants)
- High Impact Event - \$5,001 to \$10,000 (high impact and / or greater than 5,000 participants)

c) The wording in respect to the definition of a commercial user is to be amended as follows:

Applicants eligible for the ground rental fee exemption must be a not for profit group which is either an incorporated association or similar entity. All other applicants will be treated as commercial users and will pay a ground rental fee as determined by the General Manager, or delegate.

2. That Council approves the exhibition of these changes in accordance with Section 610(F) of the Local Government Act, for a minimum period of 28 days, prior to implementation.

3. That Council notes that references to Special Events in the existing fees and charges will be amended to reflect the new policy title of “Events on Public Land”, along with the transfer of these fees from the Civil Services Group to the General Manager’s Group.

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

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11. Civil Services Group Reports

11.2 Waste Water Treatment Plants Upgrade - Update

251012/28 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

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

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

11.3 Local Traffic Committee Report - October 2012

251012/29 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

1. That the Council approves the proposed signage and parking plan for the Ballina CBD Redevelopment subject to undertaking further community consultation on the extent of the half hour parking zone.
2. That Council approves the application from Northern Rivers Cycling Club to conduct criterium cycle races at the Russellton Industrial Estate, Wollongbar from 1 October 2012 – 31 March 2013 (Wednesday evenings only from 5.30pm - 8.00pm) subject to the traffic control plan being amended to include a note that requires its implementation to be undertaken by persons appropriately accredited.
3. That Council approves the application from Northern Rivers Cycling Club to conduct criterium cycle races at the Southern Cross Industrial Estate, Ballina from 1 October 2012 – 31 March 2013 (Sunday mornings only from 7.00am – 9.00am) subject to the traffic control plan being amended to include a note that requires its implementation to be undertaken by persons appropriately accredited and the race organiser consulting affected businesses prior to the events.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 25/10/12 AT 9.00 AM**

13. Notices of Motion

13.1 Notice of Motion - Volunteer Gardening Group

251012/30 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Ballina Shire Council canvass support for and facilitate a volunteer gardening group with an initial focus on Shire facilities such as the Northern Rivers Community Gallery, Council Chambers, Community Centres etc.

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

13.2 Notice of Motion - Ballina Swimming Pool

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

That Council as part of its consideration of the redevelopment of the Ballina Swimming Pool facilities evaluate the viability of providing a 25 metre indoor pool on the existing site.

An **Amendment** was moved by Cr Keith Williams and Cr Sharon Cadwallader

That Council as part of its consideration of the redevelopment of the Ballina Swimming Pool facilities evaluate the viability of providing a 25 metre indoor pool on the existing site or as part of a multi purpose sports centre.

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

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Keith Williams
AGAINST VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
ABSENT. DID NOT VOTE - Cr David Wright

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

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

251012/31 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Council as part of its consideration of the redevelopment of the Ballina Swimming Pool facilities evaluate the viability of providing a 25 metre indoor pool on the existing site.

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

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13.4 Notice of Motion - Coal Seam Gas

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Keith Williams.

1. Council reaffirms its support for a moratorium on CSG mining in the Northern Rivers due to the unacceptable risk that it poses to agricultural land, local water aquifers and rural communities.
2. Council write to all NSW Government MP's expressing our opposition to CSG exploration and mining in the Northern Rivers and calling on them to revoke all CSG licenses in the region.
3. That Council notes the contents of the recent legal report dated July 2012 and presented at NOROC concerning CSG activities on public land.
4. That Council declare the Ballina Shire CSG free and prohibits the use of any roads or access to land under its control for any CSG related activities.
5. As part of the forthcoming "White Paper" on the review of the NSW Planning system, Council makes a submission that planning powers be delegated to local government with regard to the consideration of development applications that deal with mining or gas extraction.

An **Amendment** was moved by Cr Sue Meehan and Cr Keith Johnson.

1. That Council reaffirms to the State Government its support for a moratorium on CSG mining in the Northern Rivers due to the unacceptable risk that it poses to agricultural land, local water aquifers and rural communities.
2. That Council notes the contents of the recent legal report dated July 2012 and presented at NOROC concerning CSG activities on public land.
3. That Items 2 and 4 of the motion be deferred for further advice.
4. As part of the forthcoming "White Paper" on the review of the NSW Planning system, Council makes a submission that planning powers be delegated to local government with regard to the consideration of development applications that deal with gas extraction.

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

FOR VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Ken Johnston and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr David Wright

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

251012/32 RESOLVED

(Cr Susan Meehan/Cr Keith Johnson)

1. That Council reaffirms to the State Government its support for a moratorium on CSG mining in the Northern Rivers due to the unacceptable risk that it poses to agricultural land, local water aquifers and rural communities.
2. That Council notes the contents of the recent legal report dated July 2012 and presented at NOROC concerning CSG activities on public land.
3. That Items 2 and 4 of the motion be deferred for further advice.
4. As part of the forthcoming "White Paper" on the review of the NSW Planning system, Council makes a submission that planning powers be delegated to local government with regard to the consideration of development applications that deal with gas extraction.

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Ben Smith and Cr Keith Williams
AGAINST VOTE - Cr Paul Worth and Cr Robyn Hordern
ABSENT. DID NOT VOTE - Cr David Wright

13.5 Notice of Motion - Independent Financial Feasibility Assessment

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Keith Williams.

1. Council receives an Independent Financial Feasibility Assessment (IFFA) by professionally qualified specialists on proposed commercial land and investment property developments as required.
2. The IFFA include the following:
 - Market valuation of the existing property to be developed or acquired by a qualified and independent licensed valuer.
 - Estimated Total Development Cost including acquisition, construction, consultants, financing, fees, contributions, marketing, sales, legal, council staff time and miscellaneous costs.
 - An 'as if complete' market valuation of the proposed development.
 - A spreadsheet covering the whole of the time frame of the project including the projected profit or loss on the project.
3. The IFFA be presented to Council for analysis before any commitment is given to proceed with any project.

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251012/33 RESOLVED

(Cr Ben Smith)

That the **Motion** be put.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan,
Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern, Cr Ben Smith and Cr
Keith Williams

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr David Wright

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

FOR VOTE - Cr Jeff Johnson, Cr Ken Johnston and Cr Keith Williams

AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan
Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr David Wright

14. Advisory Committee Minutes

Nil Items

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

15.1 Mayoral Meetings

251012/34 RESOLVED

(Cr Robyn Hordern/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 David Wright

16. Questions Without Notice

16.1 Cr Jeff Johnson - Pat Morton Lookout Concreting

Cr Jeff Johnson - Were the Lennox Head Surfing Reserve Committee
members consulted regarding the concreting at Pat Morton lookout?

John Truman replied that they weren't consulted as Council had undertaken
extensive consultation in determining its preferred route for the shared path.

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16.2 Cr Sharon Cadwallader - State of the Beaches Report

Cr Sharon Cadwallader - Thanked staff for the State of the Beaches report and asked if we could do something more about stormwater and walking dogs with education.

Rod Willis advised that Council was continuing to pursue a number of actions such as education. Grant funding has also been sought for a review of the Shaws Bay Management Plan.

16.3 Cr Robyn Hordern - Motorised Scooters

Cr Robyn Hordern - What can be done about motorised scooters in the shire to improve this matter?

John Truman advised that a Cr Bulletin item has been prepared for the information of the Council and that correspondence has been forwarded to Don Page MP.

Cr Robyn Hordern – Planting on footpaths is causing issues for motorised scooters. Can we add information on this in our community connect newsletter?

John Truman advised that further education can be undertaken.

Cr Robyn Hordern left the meeting at 05:12 pm.

16.4 Cr Jeff Johnson - Pied Oyster Catchers - The Serpentine

Cr Jeff Johnson - Pied Oyster Catchers at the Serpentine – can we do something now rather than wait for a report?

Rod Willis advised that the information would be included in the report to Council next month and that Council will contact National Parks and Wildlife Service about the possible nesting of Pied Oyster Catchers at the Serpentine.

16.5 Cr Susan Meehan - Twilight Markets

Cr Susan Meehan - Can we change the start time of our Thursday Twilight Markets and can arts/music be included.

Steve Barnier will investigate.

16.6 Cr Susan Meehan - Thursday Plantation Tourism Sign

Cr Susan Meehan - Can we ask for the Thursday Plantation brown tourism sign to be replaced.

Paul Hickey will ask the Tourism section to follow up.

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17. Confidential Session

Nil items

MEETING CLOSURE

5.15pm

The Minutes of the Ordinary Meeting held on 25/10/12 were submitted for confirmation by council on 22 November 2012 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 22 November 2012.