

**MINUTES OF THE RESERVE TRUST MANAGER MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 28/11/12 AT 4.00 PM**

Attendance

Cr David Wright (Mayor - in the chair), Sharon Cadwallader, Keith Williams, Susan Meehan, Ken Johnston (arrived at 4.17 pm), Paul Worth, Robyn Hordern and Ben Smith.

John Truman (Acting General Manager), Steve Barnier (Strategic & Community Services Group Manager), Paul Tsikleas (Commercial Services Manager), Jillian Pratten (Manager Open Spaces & Reserves) and Sandra Bailey (Secretary) were in attendance.

There were five people in the gallery at this time.

1. Apologies

Cr Keith Johnson has been granted leave of absence.

Absent

Cr Jeff Johnson and Cr Ken Johnston

2. Election of Chair

John Truman acted as Returning Officer.

Nominations were received for Cr David Wright and Cr Sharon Cadwallader.

RT281112/1 RESOLVED

(Cr Robyn Hordern/Cr Keith Williams)

That voting be by a show of hands.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Johnson and Cr Ken Johnston

John Truman conducted the ballot and took votes by a show of hands.

At the conclusion of voting, John Truman declared Cr David Wright elected a Chair by five votes to two.

RT281112/2 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

That the period of Chair be for the period of the Council term.

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FOR VOTE - Cr David Wright, Cr Susan Meehan, Cr Ben Smith, Cr Robyn Hordern, Cr Keith Williams and Cr Paul Worth

AGAINST VOTE - Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Johnson and Cr Ken Johnston

3. Declarations of Interest

John Truman – declared an interest in Item 5.1 – Ballina Hockey Club – Tenure Arrangements. (Nature of Interest: non significant non pecuniary – he is a non executive member of Ballina Hockey Club). He will be remaining in the meeting while the matter is discussed.

Cr Ben Smith – later in the meeting declared a non significant non pecuniary interest in Item 5.3 – Richmond River Foreshores – Proposed Land Swap. (Nature of Interest: his partner is an employee of Ballina RSL Club. He remained in the meeting while the matter was discussed and voted on the matter).

4. Deputations

- **Jamie Hoile** – spoke in opposition to Item 5.2 – Ballina Lakeside Holiday Park – Encroachments.
- **Gerald Searle, Ballina Lakeside Holiday Park** – spoke in favour of Item 5.2 – Ballina Lakeside Holiday Park – Encroachments.
- **Lyn Walker, Ballina Environment Society** – spoke in opposition to Item 5.4 – Shelly's on the Beach Cafe – Amendment to Licence Agreement.

5. Committee Reports

5.1 Ballina Hockey Club - Tenure Arrangements

RT281112/3 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That Council, as Reserve Trust Manager of Ballina Kingsford Smith Reserve Trust, approves an application to the Minister for Primary Industries for a three year Crown lease for Ballina Hockey Club with market rent to be assessed less a 50% rebate taking into account their not for profit status on Part Reserve 82164, being Kingsford Smith Park.
2. That Council approves the use of the Council seal for the lease documentation.

Cr Ken Johnston arrived at the meeting at 04:17 pm.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Ben Smith, Cr Robyn Hordern, Cr Ken Johnston and Cr Keith Williams

AGAINST VOTE - Cr Susan Meehan and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

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5.2 Ballina Lakeside Holiday Park - Encroachments

RT281112/4 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council as Manager of the Ballina Shaws Bay Reserve Trust (Reserve 88004) approves a Licence for Encroachments with the owner of site 58, and, subject to Crown consent, said Licence shall be non-transferable, and should the owner of the house on site 58 or their personal representative decide to sell the mobile home located upon site No. 58 at the Ballina Lakeside Caravan Park, that the encroachment must be removed from the Crown Reserve. Subject to the matters referenced in this point, approval is granted for the use of the Council Seal upon the Licence for Encroachment.

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

RT281112/5 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

1. The Reserve Trust approves the creation of Licences for Encroachment, which also requires the removal of any encroachments at time of sale of the houses. If this option is pursued then approval is granted for the use of the Council Seal upon the Licences for Encroachment.
2. That clear signage be established ensuring that public access to the foreshore of Shaws Bay is clearly marked.

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

Cr Ben Smith – declared a non significant non pecuniary interest in Item 5.3. (Nature of Interest: his partner is an employee of Ballina RSL Club – he will be remaining in the meeting while the matter is discussed and voting on the matter).

5.3 Richmond River Foreshores - Proposed Land Swap

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Paul Worth)

1. That Council, as the Reserve Trust Manager, provides in principle support for the proposed land swap and re-alignment of the boundary between the RSL Park (Lot 546, DP 821,908) and land owned by the Ballina RSL Club (Lot , DP 866,388) as detailed within this report.
2. That the cost of the land swap be shared evenly between Council, as the Reserve Trust Manager and the Ballina RSL Club.

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An **Amendment** was moved by Cr Sue Meehan and seconded by Cr Robyn Hordern

1. That Council, as the Reserve Trust Manager, provides in principle support for the proposed land swap and re-alignment of the boundary between the RSL Park (Lot 546, DP 821,908) and land owned by the Ballina RSL Club (Lot , DP 866,388) as detailed within this report.
2. That the cost of the land swap be borne by the Ballina RSL Club.

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

FOR VOTE - Cr Susan Meehan and Cr Robyn Hordern

AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Ben Smith, Cr Ken Johnston, Cr Keith Williams and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

RT281112/6 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That Council, as the Reserve Trust Manager, provides in principle support for the proposed land swap and re-alignment of the boundary between the RSL Park (Lot 546, DP 821,908) and land owned by the Ballina RSL Club (Lot , DP 866,388) as detailed within this report.
2. That the cost of the land swap be shared evenly between Council, as the Reserve Trust Manager and the Ballina RSL Club.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

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5.4 Shelly's on the Beach Cafe - Amendment to Licence Agreement

RT281112/7 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council, as Reserve Trust Manager, apply to the Department of Primary Industries to vary the current licence between Council as Reserve Trust Manager and Fishheads@Byron Pty Ltd as current Licensee for Shelly's on the Beach Café to include the additional awning overhang area of 66.75m² to a total licence area of 148.45m² with all other terms and conditions of the current licence agreement prevailing.
2. Should the Department of Primary Industries agree to vary the current licence agreement as requested, Council as Reserve Trust authorises the General Manager to finalise negotiations with Fishheads@Byron Pty Ltd and attach the Common Seal of Council.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Susan Meehan, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Ken Johnston, Cr Keith Williams and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

MEETING CLOSURE

5.08 PM