

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 20/12/12 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, 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 Sandra Bailey (Secretary) were in attendance.

There were 31 people in the gallery at this time.

1. Australian National Anthem

The National Anthem will be performed by RSL Lifecare Choir.

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

201212/1 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 November 2012.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

- **Cr Sharon Cadwallader** – declared an interest in Item 8.1 – DA 2012/333 – Parkview Funeral Home, River Street, Ballina. (Nature of Interest: non significant non pecuniary – she is a civil celebrant). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Susan Meehan** – declared an interest in Item 8.1 – DA 2012/333 – Parkview Funeral Home, River Street, Ballina. (Nature of Interest: non significant non pecuniary – she owns a property reasonably close to this property). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Paul Worth** – declared an interest in Item 14.1 – Environmental & Sustainability Committee Minutes – 11 December 2012 and in particular Items 5.1 and 5.2 of those Minutes. (Nature of Interest: non significant non pecuniary –he has a small development ending its completion in the Wollongbar area). He will be remaining in the meeting and voting on the matter.
- **Cr Robyn Hordern** later in the meeting declared an interest in Item 9.3 – Crawford Park, Alstonville – Land Categorisation. (Nature of Interest: non significant non pecuniary – her daughter lives in close proximity to Crawford Park). She will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Jocelyn Perritt, Alstonville Community Preschool** – spoke in favour of Item 9.3 – Crawford Park, Alstonville – Land Categorisation.
- **Jan/Terry Lavis** – spoke in opposition to Item 14.1 – Environmental Committee Minutes – 11 December 2012 and in particular in opposition to Item 5.2 of those minutes – Cumbalum Precinct B Planning Proposal.
- **David Murray** – spoke in opposition to Item 9.3 – Crawford Park, Alstonville – Land Categorisation.
- **Tony Gilding** – spoke in favour of Item 13.1 – Notice of Motion – 40th Anniversary of the Las Balsa Arrival in Ballina.
- **Janelle Newport** – spoke in opposition to Item 8.1 – DA 2012/333 – Parkview Funeral Home, River Street, Ballina.
- **Bill Payne** – spoke in opposition to Item 14.1 – Environmental Committee Minutes – 11 December 2012 and in particular in opposition to Item 5.1 of those minutes – Cumbalum Precinct A Planning Proposal.
- **Kim Vincent** – spoke in favour of Item 13.3 – Notice of Motion – Infrastructure for Cyclists.

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7. Mayoral Minutes

Nil

9.3 Crawford Park, Alstonville - Land Categorisation

201212/2 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council adopt Draft Amendment No. 7 to the Ballina Shire Principal Generic Plan of Management for Community Land to recategorise approximately 4,000m² of land on the northern edge of Crawford Park from “park” and “sportsground” to “general community use” and the insertion of special provisions to enable the establishment of the proposed Alstonville Community Preschool.

Cr Robyn Hordern declared a non significant non pecuniary interest in this item.

FOR VOTE - Cr David Wright, 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 Keith Williams and Cr Ken Johnston

8. Regulatory Services Group Report

8.1 DA 2012/333 - Parkview Funeral Home, River Street, Ballina

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

That Development Application 2012/333 To Undertake a Change of Use from Motor Showroom to Funeral Home incorporating Chapel, Office, Showroom, Function Centre, Car Parking, Landscaping and Advertising Signage on Lot 1 DP 506118, No. 338 River Street, Ballina be **REFUSED** on the grounds that the development proposes unreasonable impacts on the amenity of the neighbourhood via traffic generation.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Sharon Cadwallader

That the application be deferred to a Council workshop.

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

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

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Paul Worth

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

FOR VOTE - Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader and Cr Ben Smith

201212/3 RESOLVED

(Cr Jeff Johnson/Cr Robyn Hordern)

That Development Application 2012/333 To Undertake a Change of Use from Motor Showroom to Funeral Home incorporating Chapel, Office, Showroom, Function Centre, Car Parking, Landscaping and Advertising Signage on Lot 1 DP 506118, No. 338 River Street, Ballina be **REFUSED** on the grounds that the development proposes unreasonable impacts on the amenity of the neighbourhood via traffic generation.

FOR VOTE - Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader and Cr Ben Smith

10.3 Staff Presentations

201212/4 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council acknowledges and congratulates the staff members outlined in this report on their long service with Council.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.37 am.

The Meeting resumed at 11.04 am

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14.1 Environmental & Sustainability Committee Minutes - 11 December 2012

201212/5 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council confirms the minutes of the Environmental & Sustainability Committee meeting held 11 December 2012 with the recommendations altered as per the following resolutions.

FOR VOTE - All Councillors voted unanimously.

Cumalum Precinct A Planning Proposal

201212/6 RESOLVED

(Cr Susan Meehan/Cr Keith Williams)

1. That Council provides in principle support to the Precinct A Planning Proposal, however Council is not yet prepared to advance the proposal due to on-going concerns relating to the funding of infrastructure.
2. In order to assist in addressing the infrastructure concerns Council authorises the General Manager to make a submission to the Minister for Planning seeking an exemption to the Section 94 contributions cap to allow Council to implement a Section 94 Plan that allows the developers to finance the infrastructure in accordance with the voluntary planning agreement as previously prepared by Council and as per the correspondence from Ardill Payne and Partners dated 19 December 2012.
3. The submission to the Minister is to include letters of support from all landowners in respect to this approach to funding the infrastructure.
4. That following receipt of the response from the Minister, Council receive a further report outlining the financial risk and arrangements associated with the introduction of the proposed Section 94 Plan, along details on the strategies relating to the implementation of such a plan to minimise the risk and provide an effective development contributions framework governing the development of Precinct A.

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

AGAINST VOTE - Cr Jeff Johnson

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Cumbalum Precinct B Planning Proposal

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

That Council defer a decision on Cumbalum B Planning Proposal until a further report is submitted to Council and discussed at a workshop.

A **Motion** was moved by Cr Ben Smith

That the Motion be put.

The **Motion** to put the Motion was **CARRIED**.

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

AGAINST VOTE - Cr Keith Williams

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

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

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

201212/7 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council execute the Cumbalum Precinct B Voluntary Planning Agreement by affixing the Council Seal.
2. That following receipt of advice from NSW Land and Property Information that the Precinct B Voluntary Planning Agreement has been registered to the respective titles of the land, Council refer the Precinct B Planning Proposal to the Department of Planning and Infrastructure to be made.
3. That in finalising the Precinct B Planning Proposal, the Department of Planning and Infrastructure be requested to implement the rezoning as follows:
 - As amendment to the Ballina Standard Instrument LEP - Those parts of the planning proposal that relate to land proposed to be zoned R2, R3 & RU2; and
 - As amendment to the Ballina LEP 1987 – Those parts of the planning proposal that relate to land proposed to be zoned E2 & E3, via equivalent zones and provisions.

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4. That Council immediately commence the review of relevant section 94 plans to incorporate aspects of infrastructure delivery not addressed by the Precinct B Voluntary Planning Agreement, as outlined in the Council report.
5. That Council immediately commence the preparation of a development control plan, for the Cumbalum Precinct B Strategic Urban Release Area, that addresses those matters set out in clause 6.3 of the Ballina Standard Instrument LEP.

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

Cumbalum Precincts A & B Planning Proposals and Other Planning Matters

201212/8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That the Minister for Planning & Infrastructure be invited to meet with Council to discuss the Cumbalum Precincts A & B Planning proposals and other planning matters.

FOR VOTE - All Councillors voted unanimously.

8.2 Plumbing and Drainage Act 2012 - Delegation of Functions

201212/9 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms its acceptance of the Instrument of Delegation for the functions under the Plumbing and Drainage Act as detailed in the attachment to this report.

FOR VOTE - All Councillors voted unanimously.

8.3 Legal Proceedings - Verna Kathleen Wall and Chambers Constructions

201212/10 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council notes the contents of this report in respect to legal proceedings involving Verna Kathleen Wall and Chambers Constructions Pty. Ltd.

FOR VOTE - All Councillors voted unanimously.

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8.4 Development Applications - Works in Progress - December 2012

201212/11 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

8.5 Development Consent Statistics - November 2012

201212/12 RESOLVED

(Cr Keith Johnson/Cr Paul Worth)

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

FOR VOTE - All Councillors voted unanimously.

9. Strategic & Community Services Group Reports

9.1 Ballina Shire Development Control Plan - Comprehensive Review

201212/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopt and proceed to implement the Ballina Shire Development Control Plan 2012 in accordance with the recommended amendments contained within this report.
2. That the Ballina Shire Development Control Plan 2012 commences operation on the date on which the Ballina Shire Standard Instrument Local Environmental Plan commences its operation.
3. That upon the commencement of the operation of the Ballina Shire Development Control Plan 2012, the Ballina Shire Combined Development Control Plan is repealed.
4. That Council receive a further report in respect to the outcomes of the changes in respect to Chapter 2A.

FOR VOTE - All Councillors voted unanimously.

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9.2 LEP Amendment - Subdivision Provisions

201212/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council submit the planning proposal relating to new subdivision provisions in Council's Standard Instrument Local Environmental Plan 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.

9.4 Skate Park Location Options - Alstonville and Wollongbar.

201212/15 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council provides in-principle support for the Wollongbar Urban Expansion Area Regional Park and Lumley Park (eastern side of Pearces Creek Road) in Alstonville as preferred sites to be further investigated for permanent skate park facilities to service the Wollongbar and Alstonville villages.
2. That Council receive a further report outlining the key issues and resource implications associated with the provision of a skate park facility as part of the Wollongbar Urban Expansion Area regional park.
3. That Council receive a further report on the key issues and resource implications associated with the provision of a temporary skate park facility at the Russellton Industrial Estate (Kays Lane).
4. That Council receive a further report outlining the key issues and resource implications associated with the provision of a skate park facility in Lumley Park (eastern side of Pearces Creek Road) Alstonville.

FOR VOTE - All Councillors voted unanimously.

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9.5 Environmental Action Plan - Annual Review

201212/16 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the annual review of the Environmental Action Plan.

FOR VOTE - All Councillors voted unanimously.

9.6 Regional State of the Environment Report 2012

201212/17 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in relation to the Regional State of the Environment Report 2012.
2. That Council lobby the State Government in respect to groundwater overallocation and the condition of Shaws Bay.

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Use of Council Seal

201212/18 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council affix the Common Seal to the following documents.

US12/31	<p>Ballina Shire Council as Reserve Trust Manager for the Old Tintenbar Shire Council Chambers Reserve Trust, Reserve No. 57675: Temporary Licence Agreement to Thea Woznitza to occupy Areas 3 & 4 of the Old Tintenbar Shire Council Chambers.</p> <p>Explanation: Areas 3 & 4 of the Old Tintenbar Shire Council Chambers were recently vacated by Mr Norm Smith, a Bowen Therapist, following the expiration of his licence agreement. Ms Woznitza is a registered Bowen Therapist and Remedial and Relaxation Massage Therapist. The proposed 12 month Temporary Licence Agreement will enable Ms Woznitza to commence her practice from Areas 3 & 4 whilst matters regarding a proposal for Council to be appointed as head lessee of Reserve 57675 are considered.</p>
US12/32	<p>Request to remove encumbrance on land: The Council of the Shire of Tintenbar to Alfred Claude Walker – Mowing encumbrance on Lot 46 DF 246774 being 46 Wardell Road, Alstonville – Pending sale of house and land Williams to Herman.</p>

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	<p>Explanation: A mowing encumbrance was placed upon the land such that while ever the land remained vacant, the owner was to pay Council an annual mowing fee. The charging of the fee ceased once a dwelling was erected upon the land.</p>
US12/33	<p>Temporary Licence Agreement to occupy Crown land: Ballina Shire Council as Reserve Trust Manager of The Old Tintenbar Chamber Reserve Trust to 'Adrienne Kniha Childrens Physiotherapist'.</p> <p>Explanation: Staff have negotiated the occupation of the building known as the Old Alstonville Hall and situated at 4B High Street, Alstonville, behind the Old Tintenbar Shire Council Chambers building. The premises was vacated by the Cerebral Palsy Alliance earlier this year. The Temporary Licence Agreement is offered to enable Ms Kniha to commence her children's physiotherapy practice to relocate and commence at the site from 1 February, 2013. A market rental has been negotiated and agreed. Council his applying for the grant of a head lease over the Crown Reserve site, which, if granted, will enable Ms Kniha to be offered a sub-lease for a term beyond the 12 months Temporary Licence term.</p>
US12/34	<p>Temporary Licence Agreement for 12 month period, Ballina Shire Council as Manager of The Old Tintenbar Council Chambers Reserve Trust and Coffey Geotechnics Pty Ltd, for the occupancy of Area 2 of the Old Tintenbar Shire Council Chambers, Alstonville.</p> <p>Explanation: Coffey Geotechnics Pty Ltd has occupied Area 2 of the Old Tintenbar Shire Council Chambers since 9 January, 2012, and has requested that their term be extended a further 12 months. On discussing the matter with the Crown, no objection has been raised. Council his applying for the grant of a head lease over the Crown Reserve site, which, if granted, will enable Coffey to be offered a sub-lease for a term beyond the 12 months Temporary Licence term if desired.</p>
US12/35	<p>Ballina Shire Council to Nasmyth Pty Ltd, Licence Agreement to occupy Council operational land currently described as part Lot 953 DP1165266 prior to settlement.</p> <p>Explanation: Staff have negotiated the sale of a 2,278 sq mtr parcel of Council operational land on the Southern Cross Industrial Estate being part Lot 953 DP1165266 to Nasmyth Pty Ltd. Settlement is contingent upon the registration of the plan of subdivision of Lot 953 DP 1165266. A Director of Nasmyth, Mr Ross Cordery, has applied for occupation of the land prior to settlement to commence site works.</p>
US12/36	<p>Ballina Shire Council lease from Dr P W & Mrs R M Stewart – Option Lease of Part Lot 2 DP 784846 for the Sharpes Beach car park.</p> <p>Explanation: Council as lessee entered into a 1 + 1 year lease agreement with the owners of Lot 2 DP 784846, Dr & Mrs Stewart, for the portion of their land used by Council as the Sharpes Beach car park. Subsequent to that, an agreement was brokered with the Stewart's for a 99 year lease that is subject to the registration of a plan of subdivision to create a new larger lot for the 99 year lease. Once the plan of subdivision is registered, the current leasing arrangements will cease and the new 99 year lease will prevail as provided for in an Agreement for Lease that has already been executed. Use of Seal approval is required for the option period of the current lease.</p>

FOR VOTE - All Councillors voted unanimously.

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10.2 Investment Summary - November 2012

201212/19 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

10.4 Ward Committees - Membership

201212/20 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council approves the following additional membership to the Ward Committees

A Ward

Ballina Bears Cricket Club
Ballina Rugby Club
Ballina Coastal Country Music Festival

B Ward

Tintenbar East Ballina Football Club

C Ward

Alstonville Wollongbar Rugby Club
Alstonville & District Cricket Association
Alstonville Football Club

FOR VOTE - All Councillors voted unanimously.

10.5 Councillor Attendance

201212/21 RESOLVED

(Cr Keith Williams/Cr Ken Johnston)

That Council authorises the attendance of Cr Cadwallader at the National Sea Change Taskforce Australian Coastal Councils Conference to be held from 25 to 27 March 2013 in Adelaide, with Council meeting the cost of registration and one night's accommodation.

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

AGAINST VOTE - Cr Susan Meehan and Cr Robyn Hordern

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10.6 Community Group Lease - Ballina Youth Centre

201212/22 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council approves a new lease / licence for No. 32 Swift Street, being the Ballina Youth Centre, to the Ballina and District Community Services for a period of four years, at no rental.
2. Council authorises the Council seal to be attached to the relevant lease / licence agreement.
3. That Council encourage BDCSA to actively promote their services from this location.

FOR VOTE - All Councillors voted unanimously.

10.7 Community Donations

201212/23 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That Council approves the donation request from the Ballina High School to provide transportation services for spare parts for the School's Lighter Amphibious Resupply Cargo vehicle between Ballina and Moorebank, Sydney, with Ballina High School responsible for all fuel costs.
2. That Council thanks the workshop staff for donating their own time to this service.

FOR VOTE - All Councillors voted unanimously.

10.8 Loan Borrowings - 2012/13

201212/24 RESOLVED

(Cr Susan Meehan/Cr Keith Johnson)

1. The Council authorises the General Manager to select the best rate quoted for the borrowing of \$9.6 million for the financing of the Ballina Town Centre, Road Rehabilitation and Ballina Airport projects.
2. The use of the Council seal is authorised on all loan documentation associated with these loans.

FOR VOTE - All Councillors voted unanimously.

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10.9 Wardell and District War Memorial Hall

201212/25 RESOLVED

(Cr Keith Johnson/Cr Paul Worth)
That the matter be deferred to a Council workshop.

FOR VOTE - All Councillors voted unanimously.

10.10 Australian Research Council Grant - Southern Cross University

201212/26 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

1. That in respect to the Australian Research Council grant for the Richmond River, Council confirms its will provide the \$120,000 contribution for the 2012/13 financial year.
2. The preferred options for the sourcing of this funding are to be included in the December 2012 Quarterly Budget Review, which will be presented to Council at the February 2013 Council meeting.
3. That in respect to the contributions required for 2013/14 and 2014/15 Council confirms its preference is for these contributions to be shared equally amongst the constituent councils of the Richmond River County Council (RRCC), with the General Manager and RRCC delegates to make strong representations to RRCC in support of this equal sharing of the cost.
4. That Council write to the State and Federal Governments and seek NOROC and NRCMA support to assist with rehabilitation of the Richmond River.

FOR VOTE - All Councillors voted unanimously.

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10.11 Organisation Structure - Review

201212/27 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

1. That Council notes the contents of this report in respect to the existing organisation structure and approves the engagement of an external consultancy to assist in completing a contemporary review of the structure.

2. The external consultancy, which is to be funded from the Employee Leave Entitlements Reserve, is to provide opportunities for consultation with all Councillors, Senior Management and Section Managers, feedback on effective models from other councils and recommendations for improvements to Ballina Shire Council's existing structure. The estimated cost of this consultancy is anticipated to be approximately \$20,000 (excluding GST).

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

AGAINST VOTE - Cr Jeff Johnson

11. Civil Services Group Reports

11.1 Fleet Replacement Program

201212/28 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Council endorses the update of the Plant Replacement Program, as attached to this report, for the purposes of guiding the preparation of the annual budget and long term financial plan.

FOR VOTE - All Councillors voted unanimously.

11.2 Lennox Head Rural Fire Service - Land Offer

201212/29 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council provide in principle support to the offer subject to Lennox Developments Pty Ltd varying their timeframe and subject to a further report to Council.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Sharon Cadwallader

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12. Public Question Time

Nil

11.3 Ballina Bypass - Handover

201212/30 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council make a submission to the Minister for Roads and the Local Member to allow the classification of River Street as a State Road.
2. That Council record its requirement that the roundabouts, their approaches and other associated landscaping be assessed with the RMS and that funds be included in the formal handover offer to enable the Council to amend the landscaping to reduce future maintenance costs.
3. That following an assessment of the response to the submission in points one and two, the General Manager is authorised to finalise the handover of assets associated with the Ballina Bypass, subject to the formal offer from the RMS being generally in accordance with the terms outlined in the report to the September Council meeting, as attached.
4. That the full amount of the funds received from the RMS be placed in a reserve and allocations be transferred to the roads budget annually to meet the future maintenance and renewal requirements for these acquired assets.
5. That Council confirms it will cease to provide services to the RMS through the Road Maintenance Council Contract arrangements as the contract is no longer considered economically viable.

FOR VOTE - All Councillors voted unanimously.

11.4 Asset Management - System Integration Program

201212/31 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council authorises the General Manager to proceed with the implementation of the Civica Pty Ltd Authority Assets Management module at a total estimated cost of \$250,000 (including contingency) with the costs of this program for 2012/13 (estimated at \$150,000) to be allocated equally to the Water and Wastewater operations.
2. That the General Manager identify savings in the Water and Wastewater operations to offset this expenditure as part of the December 2012 Quarterly financial review.

FOR VOTE - All Councillors voted unanimously.

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13. Notices of Motion

13.1 Notice of Motion - 40th Anniversary of the Las Balsa Arrival in Ballina

201212/32 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. Council receive a report outlining options to commemorate the 40th Anniversary of the Las Balsa's arrival in Ballina from Ecuador next year.
2. That this report be discussed at a Councillor workshop to determine how the Council/community can best celebrate and promote this event.

FOR VOTE - All Councillors voted unanimously.

13.2 Notice of Motion - Council Income Diversification Strategy

A **Motion** was moved by Cr Ben Smith and seconded by Cr Keith Williams

1. That Council setup an income diversification committee for the purpose of finding new innovative ways to generate revenue to continue to meet the current and future needs of the Ballina Shire population.
2. That Council receive an independent report regarding the options and commercial viability of entering the retail electricity market as an addition to our existing service offerings.

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

That the issue of income diversification be deferred to a Council workshop.

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

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr Ben Smith

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201212/33 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

That the issue of income diversification be deferred to a Council workshop.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr Ben Smith

13.3 Notice of Motion - Infrastructure for Cyclists

201212/34 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council receive a report on the feasibility of attaching bike stands to sign posts and other Council infrastructure to improve the facilities for bicycle users in the Shire.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 1.27 pm

The meeting resumed at 1.37 pm

14. Advisory Committee Minutes

14.2 Facilities Committee Minutes - 18 December 2012

201212/35 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the minutes of the Facilities Committee meeting held 18 December 2012 and that the recommendations contained within the minutes be adopted, with an amendment to Item 2 - Election of Chair – with the term be for a period of 12 months.

FOR VOTE - All Councillors voted unanimously.

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14.3 Commercial Services Committee Minutes - 18 December 2012

201212/36 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the minutes of the Commercial Services Committee meeting held 18 December 2012 and that the recommendations contained within the minutes be adopted, with an amendment to the voting on the item "Adoption of Recommendations from Confidential Session" – Cr Jeff Johnson voted against.

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

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

15.1 Mayoral Meetings

201212/37 RESOLVED

(Cr David Wright/Cr Keith Johnson)

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

FOR VOTE - All Councillors voted unanimously.

15.2 ALGWA National Bi-Annual Conference 8 -10 November 2012

201212/38 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report from Cr Cadwallader on the ALGWA National Bi-Annual Conference.

FOR VOTE - All Councillors voted unanimously.

15.3 RV Futures Forum

201212/39 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report from Cr Cadwallader on the RV Futures Forum.
2. That Council receive a report on options to improve RV facilities in the Ballina Shire to encourage greater visitation and associated tourism benefits.

FOR VOTE - All Councillors voted unanimously.

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16. Questions Without Notice

16.1 Cr Robyn Hordern - Occupancy - 74 and 78 Tamar Streets Ballina

Cr Robyn Hordern – can we investigate occupying 74 and 78 Tamar Street with pop up shops.

Paul Hickey advised that we can investigate occupancy accordingly.

16.2 Cr Paul Worth - Disposal of Analogue Televisions

Cr Paul Worth – is it correct that approximately 40 tonnes of televisions have been received at the Waste Centre with the total cost of disposal being approximately \$4,000?

John Truman advised that 38.5 tonnes have been taken and the cost of disposal has been around \$100 per tonne.

Feedback from staff has been that there has been goodwill generated.

16.3 Cr Ken Johnston - 25 Metre Heated Swimming Pool

Cr Ken Johnston – what is the current status with a 25 metre heated swimming pool?

Paul Hickey advised that workshops have been held over the last few months with Councillors on capital projects. There has been discussion on priorities and a report is to be submitted to Council in January or February. Council will press forward with the priorities identified in the Council resolution following that report.

16.4 Cr Sharon Cadwallader - Fawcett Park Toilets

Cr Sharon Cadwallader - can we keep the public toilets in Pelican 181 open until the end of January 2013?

John Truman confirmed that the public toilets will not be closing however we will look at maximising opening hours for the holiday season.

16.5 Cr Jeff Johnson - Lennox Head Cultural & Community Centre Parking

Cr Jeff Johnson – last weekend there was a large function at the LHCCC and many cars were parked illegally. Is the Rural Fire Service shed land part of the parking requirements for the Centre and if so how many parking spaces has Council not provided in that area that was required as part of Development Application for the Centre?

Rod Willis advised that the original consent for the Centre made allowance for parking on the Rural Fire Service land, but adjustments been made since then. Rod will take the remainder of this question on notice.

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17. Confidential Session

201212/40 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

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 Legal Action - Unlawful Dumping

Reason for Confidentiality

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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 due to current ongoing investigations by NSW Environment Protection Authority and Ballina Shire Council.

17.2 Compliance Issues - Caravan Park

Reason for Confidentiality

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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 the matter is subject to on-going compliance action and potential litigation..

17.3 Tender - Management of ALEC

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or

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- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret

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 the Council discussions will examine commercial information provided as part of the tender process.

17.4 Industrial Update

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:-

- 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 the matter may involve discussions regarding individual staff members..

17.5 General Manager - Performance Review

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:-

- 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 discussion may involve specific details of the employee's performance.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 1.49 pm).

Open Council

201212/41 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council move into Open Council and out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 2.35 pm).

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

17.1 Legal Action - Unlawful Dumping

CF201212/1 RECOMMENDED

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council notes the contents of this Confidential Report in respect to unlawful dumping.

FOR VOTE - All Councillors voted unanimously.

17.2 Compliance Issues - Caravan Park

CF201212/2 RECOMMENDED

(Cr Ben Smith/Cr Susan Meehan)

That Council notes the contents of this Confidential Report in respect to compliance issues.

FOR VOTE - All Councillors voted unanimously.

17.3 Tender - Management of ALEC

CF201212/3 RECOMMENDED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That in respect to the tender for the Management of the Alstonville Leisure and Entertainment Centre (ALEC) (RFT 633) Council resolves that it will not be accepting any tender submitted as the tender proposals were not considered to be of a significant benefit to the community to justify the five year term proposed.
2. Council also resolves not to call any fresh tenders as there was a limited response to the initial tender and it is unlikely Council will receive any further responses by conducting a further tender process.
3. The General Manager is therefore authorised to negotiate a contract for the provision of management services for ALEC to Bond Management Pty. Ltd, being the incumbent contractor, based on the terms and conditions outlined in their tender submission, subject to the contract being for a maximum period of three years, with a three year option to Council. The three year period will allow Council to assess the performance of the contractor and benchmark that performance against Council's management of its own community facilities.
4. That Council authorises the Council seal to be attached to the contract documents.

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

17.4 Industrial Update

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

That Council continue its current practice with a formal policy to be developed.

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

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

CF201212/4 RECOMMENDED

(Cr Susan Meehan/Cr Robyn Hordern)

That Council receive a further report on the options available.

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

All staff left the meeting at 2.33 pm

17.5 General Manager - Performance Review

CF201212/5 RECOMMENDED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the interim six monthly review of the General Manager's Performance.

FOR VOTE - All Councillors voted unanimously.

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Adoption of Recommendations from Confidential Session

201212/42 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

2.37 pm

The Minutes of the Ordinary Meeting held on 20/12/12 were submitted for confirmation by council on 24 January 2013 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 January 2013.