

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/02/13 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 12 people in the gallery at this time.

Condolences

The Mayor expressed condolences to the family of ex-Councillor John Burns Felsch, who passed away this week.

1. Australian National Anthem

The National Anthem was performed by Ballina High 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

280213/1 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 January 2013.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

Cr Paul Worth – declared an interest in Item 9.1 – LEP Amendment Request – Masters Proposal. (Nature of Interest: pecuniary – he is the owner of the Alstonville Butter Factory and one of tenants in that building is Mitre 10 hardware and garden centre). He will be departing the meeting while the matter is discussed.

6. Deputations

Sue Hetherington – spoke in opposition to Item 10.7 – Lease – Telecommunications Facility, Basalt court Water Reservoir.

Cr Paul Worth declared an interest in Item 9.1 and left the meeting at 09:07 am.

Tracey Burke – spoke in favour of the recommendation in Item 9.1 – LEP Amendment Request – Masters Proposal.

Cr Paul Worth returned to the meeting at 09:12 am.

Ralph Moss – spoke in opposition to Item 8.1 – DA 2010/962 – Section 96 – Highway Service Centre.

Cr Paul Worth left the meeting at 09:17 am.

Ralph Moss – spoke in opposition to Item 9.2 – LEP Amendment Request and Planning Proposal Status Report and in particular to item 12/005 of that report.

Tony Pratt – spoke in opposition to the recommendation in Item 9.1 – LEP Amendment Request – Masters Proposal.

Clem MacMahon or Ron Creber – spoke in favour of Item 9.4 – Historic Timber Vessels and Ballina Naval and Maritime Museum.

7. Mayoral Minutes

Nil items.

Cr Paul Worth returned to the meeting at 09:31 am.

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10.7 Lease - Telecommunications Facility, Basalt Court Water Reservoir

280213/2 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That pursuant to Section 47(5) of the Local Government Act 1993, and the consequent requirements of Section 47(6), Council resolve to make application to the Minister for Local Government for the grant of a lease to Optus Mobile Pty Ltd over a part of Lot 47 DP 240657 classified under the Local Government Act 1993 as 'community' land.
2. That should the Minister for Local Government, or delegate, consent to the grant of a lease over part community land at Lot 47 DP 240657 to Optus Mobile Pty Ltd, that consent is hereby granted to affix the Common Seal of Ballina Shire Council on the Deed of Lease to issue.
3. That Council request Optus to include a clause in the lease agreement that allows Council to break the lease should the Telecommunications Acts be reviewed.
4. That Council request any options for further lease periods to be at Council's option or alternatively have a lease period of five years.
5. That if the lessee does not comply with points three and four, Council authorises the General Manager to proceed with the lease.

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

9.4 Historic Timber Vessels and Ballina Naval and Maritime Museum

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

1. That Council endorse retention of the Ballina Naval and Maritime Museum in its present location.
2. That Council confirms its support for the retention, enclosure, conservation and interpretation of the PV Richmond vessel.
3. That Council confirms its support for the retention, conservation and interpretation of part of the MV Florrie vessel.
4. That Council confirms its support for the preparation of a Conservation Management Plan for the PV Richmond and MV Florrie with grant funding to be sought for this work.

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5. That Council confirms its support for the retention of the La Balsa raft at the Ballina Naval and Maritime Museum.
6. That Council authorises the General Manager to engage architectural services to prepare a concept design and cost estimates for extensions to the northern side and enclosure of the western side of the Ballina Naval and Maritime Museum as a means of better protecting and interpreting the heritage vessels. The estimated budget for this consultancy is \$10,000 with the General Manager to offset this expenditure by identifying savings elsewhere in the Council budget.
7. That Council apply for grant funding such as the Museum's Advisory Program to allow independent advice to be provided to ensure the collection is being maintained effectively within the available space.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Sue Meehan

That Council consider each of these matters as stand alone points.

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

FOR VOTE - Cr Susan Meehan and Cr Ben Smith

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

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

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

AGAINST VOTE - Cr Susan Meehan

280213/3 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council endorse retention of the Ballina Naval and Maritime Museum in its present location.
2. That Council confirms its support for the retention, enclosure, conservation and interpretation of the PV Richmond vessel.
3. That Council confirms its support for the retention, conservation and interpretation of part of the MV Florrie vessel.
4. That Council confirms its support for the preparation of a Conservation Management Plan for the PV Richmond and MV Florrie with grant funding to be sought for this work.

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6. That Council authorises the General Manager to engage architectural services to prepare a concept design and cost estimates for extensions to the northern side and enclosure of the western side of the Ballina Naval and Maritime Museum as a means of better protecting and interpreting the heritage vessels. The estimated budget for this consultancy is \$10,000 with the General Manager to offset this expenditure by identifying savings elsewhere in the Council budget.
7. That Council apply for grant funding such as the Museum's Advisory Program to allow independent advice to be provided to ensure the collection is being maintained effectively within the available space.

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

AGAINST VOTE - Cr Susan Meehan

Cr Paul Worth declared an interest in Item 9.1 and left the meeting at 10:10 am.

9.1 LEP Amendment Request - Masters Proposal

A **Motion** was moved by Cr Keith Williams and seconded by Cr Robyn Hordern

1. That Council advise the Director General of the NSW Department of Planning and Infrastructure that a review of its previous decision to decline to proceed with a planning proposal to facilitate a Masters Home Improvement Store on part of Lot 11 DP 1011575, River Street, West Ballina, has been undertaken at his request.
2. That Council advise the Director General of the Department of Planning and Infrastructure and the applicant that the outcome of the review is that the Council is satisfied that the requested amendment to BLEP 2012 can be initiated subject to:
 - The submission of a revised planning proposal
 - The reporting of the revised planning proposal to the council for further consideration, prior to it being forwarded to DP&I for Gateway determination.
 - The submission of detailed information addressing flooding, stormwater, geotechnical issues, traffic generation and access, visual impacts, and the propose dedication of land to Council, following the Gateway determination but prior to the public exhibition of the planning proposal.

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3. That Council notes that, in the event that the matters identified as being of important to the Council are not able to be addressed to its satisfaction (either before or after the Gateway determination), Council may resolve to discontinue the planning proposal.

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

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Paul Worth

280213/4 RESOLVED

(Cr Keith Johnson/Cr Susan Meehan)

1. That Council advise the Director General of the NSW Department of Planning and Infrastructure that a review of its previous decision to decline to proceed with a planning proposal to facilitate a Masters Home Improvement Store on part of Lot 11 DP 1011575, River Street, West Ballina, has been undertaken at his request.

2. That Council advise the Director General that the outcome of the review is that it is satisfied with its previous decision to decline to proceed with the preparation of a planning proposal for the reasons cited at that time.

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

AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

ABSENT. DID NOT VOTE - Cr Paul Worth

Adjournment

The Mayor declared the meeting adjourned at 10.58 am

The Meeting resumed at 11.22 am

Cr Paul Worth returned to the meeting at this stage.

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8. Regulatory Services Group Report

8.1 DA 2010/962 - Section 96 - Highway Service Centre

280213/5 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That the application (Amendment No. 6) under S96 (1A) of the Environmental Planning and Assessment Act to amend the provisions of Condition **3.3(ii)** of DA 2010/962 in relation to the construction of a shared footpath/cycleway on the northern side of River Street and the reduced construction standard of the footpath from concrete to bitumen be **REFUSED** for the following reasons:

- a) The proposed amendment does not comply with the Northern Rivers Local Government Development & Design Manuals, as the pathway should be of concrete construction.
- b) The proposed amendment is likely to result in a development that will have a negative social impact, as it will not safely and adequately cater for pedestrian and bicycle traffic that will frequent the site due to the nature of the development and the take away food services offered.
- c) The circumstances of the case and the public interest.

FOR VOTE - All Councillors voted unanimously.

8.2 DA 2012/501 - Residential Use of Holiday Units, Lennox Head

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

That Development Application 2012/501 to enable permanent residential use of existing short term holiday accommodation units on Lots 5 and 6 SP 82332, No. 9A Rayner Lane, Lennox Head be **REFUSED** on the grounds that the proposal is prohibited under the provisions of BLEP 2012 and is not consistent with DCP 2012.

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

FOR VOTE - Cr Jeff Johnson and Cr Susan Meehan

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

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280213/6 RESOLVED

(Cr Keith Williams/Cr Robyn Hordern)

That Development Application 2012/501 To Enable Permanent Residential Use of Existing Short Term Holiday Accommodation Units on Lots 5 and 6 SP 82332, No. 9A Rayner Lane, Lennox Head be **APPROVED** subject to appropriate planning conditions as determined by the General Manager.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Susan Meehan

8.3 Development Applications - Works in Progress - February 2013

280213/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on the status of outstanding development applications for February 2013.

FOR VOTE - All Councillors voted unanimously.

8.4 Development Consent Statistics - January 2013

280213/8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent statistics for 1 January 2013 to 31 January 2013.

FOR VOTE - All Councillors voted unanimously.

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9. Strategic & Community Services Group Reports

9.2 LEP Amendment Request and Planning Proposal Status Report

280213/9 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

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 request the Minister for Planning and Infrastructure to discontinue Draft Ballina Local Environmental Plan Amendment No.108 (Water Reservoir site, Lennox Head) on the basis of a likelihood that a fresh rezoning request by new property owners is soon to be lodged.

FOR VOTE - All Councillors voted unanimously.

9.3 Ballina Shire Local Environmental Plan 2012

280213/10 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council notes the contents of this report regarding the introduction of the Ballina Local Environmental Plan 2012.

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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10. General Manager's Group Reports

10.1 Use of Council Seal

280213/11 RESOLVED

(Cr Susan Meehan/Cr Jeff Johnson)

That Council affix the Common Seal to the following documents.

US13/04	<p>Use of Seal: Licence Agreement Ballina Shire Council to H & A Aristou Café Horizon at Ballina Byron Gateway Airport for the five year option period from 1 April 2013 to 31 March 2018.</p> <p>Explanation: The current five year Licence Agreement is due to expire on 31 March 2013. Subject to the satisfactory conduct of the Agreement, the Licensee is entitled to exercise the option to renew the licence by giving notice to the Licensor (Council) not less than one month and not more than three months prior to 31 March 2013. The written notice was submitted 13 February. As the following request will show, the business at Café Horizon is in the process of being sold to the current café manager's J & N Baker, however, the timing of the request to assign the licence agreement from the Aristou's to the Baker's has resulted in the need for the current Licensee (Aristou) providing the required notice to renew the Agreement for a further five year term.</p>
US13/05	<p>Deed of Consent and Assignment of Lease: Arianna Pty Ltd (H & A Aristou) to Elmia Air Pty Ltd (Trustee of the Baker Family Trust, ACN 162 294 395) – Lease of Café premises (currently trading as 'Café Horizon') at Ballina Byron Gateway Airport.</p> <p>Explanation: The current lessee's (Harry & Anna Aristou) are in the process of selling the Airport Cafe business to long time employees, Jake & Nerida Baker. Mr and Mrs Baker have been operating the Café as managers on behalf of the Aristou's for several months, and during that time significant improvements have been made to the business that reflects favourably on Airport Terminal operations.</p>
US13/06	<p>Deed of Acquisition of Easement – Essential Energy – Ballina Waste Management Centre.</p> <p>Explanation: Council has received a request from Essential Energy to allow the installation of underground power linking the 11kva lines on the western and eastern sides of the Ballina Waste Management Centre. Officers from Council and Essential Energy have located a site for the underground section of the proposed extension that is just outside the current fence line between the airport and waste management facility. This location will not impact on either the operations of the landfill or the airport.</p> <p>Essential Energy will need to take out an easement over the land where the infrastructure is to be installed. This easement will have minimal impact on the operation of the facilities and there is no operational objection to the granting of an easement over the area.</p> <p>An external valuation will determine the value of the easement.</p>

FOR VOTE - All Councillors voted unanimously.

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10.2 Investment Summary - January 2013

280213/12 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the record of banking and investments for 31 January 2013.

FOR VOTE - All Councillors voted unanimously.

10.3 Ward Committees - Membership

280213/13 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council approves an additional membership to the "C" Ward Committee from the Plateau Seniors Network.

FOR VOTE - All Councillors voted unanimously.

10.4 Wardell and District War Memorial Hall

A **Motion** was moved by Cr Paul Worth and seconded by Cr Susan Meehan

1. That Council approves the purchase (i.e. transfer) of the Wardell and District War Memorial Hall into Council ownership and authorises the General Manager to enact all actions necessary for this purchase.
2. That Council authorises the establishment of a standard Council licence agreement for the hall, with a local Hall Management Committee.
3. That Council ask the Hall Management Committee, once established, to confirm a scope of works for immediate and urgent works to the hall, based upon the report prepared by Techton.
4. That the funding for the agreed works be allocated from the Wardell Town Centre upgrade budget, up to a limit of \$20,000.
5. That Council resolve to classify the land as operational land under the Local Government Act 1993, affording Council with greater flexibility for the use of the land in the future.
6. That Council approves the Council seal to be attached to any legal documentation required to acquire the property, being situated upon Lot 1 DP 312334, be that a Contract for Sale of Land, Deed of Transfer, or any other legal documentation. Further, that consent to affix the Common Seal also be granted to the Lease Agreement to be drafted between Council and the yet to be appointed Hall Management Committee.

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An **Amendment** was moved by Cr Sharon Cadwallader

1. That Council approves the purchase (i.e. transfer) of the Wardell and District War Memorial Hall into Council ownership and authorises the General Manager to enact all actions necessary for this purchase.
2. That Council authorises the establishment of a standard Council licence agreement for the hall, with a local Hall Management Committee, based on the nominations detailed in the report to the December 2012 Ordinary meeting of Council.
3. That Council ask the Hall Management Committee, once established, to confirm a scope of works for immediate and urgent works to the hall, based upon the report prepared by Techton.
4. That the funding for the agreed works be allocated from the Wardell Town Centre upgrade budget, up to a limit of \$80,000.
5. That Council approves the Council seal to be attached to any legal documentation required to acquire the property, being situated upon Lot 1 DP 312334, be that a Contract for Sale of Land, Deed of Transfer, or any other legal documentation. Further, that consent to affix the Common Seal also be granted to the Lease Agreement to be drafted between Council and the yet to be appointed Hall Management Committee.

The **Amendment LAPSED.**

Cr Jeff Johnson left the meeting at 12:22 pm.

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

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

280213/14 RESOLVED

(Cr Paul Worth/Cr Susan Meehan)

- That Council approves the purchase (i.e. transfer) of the Wardell and District War Memorial Hall into Council ownership and authorises the General Manager to enact all actions necessary for this purchase.
2. That Council authorises the establishment of a standard Council licence agreement for the hall, with a local Hall Management Committee.
 3. That Council ask the Hall Management Committee, once established, to confirm a scope of works for immediate and urgent works to the hall, based upon the report prepared by Techton.
 4. That the funding for the agreed works be allocated from the Wardell Town Centre upgrade budget, up to a limit of \$20,000.

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5. That Council resolve to classify the land as operational land under the Local Government Act 1993, affording Council with greater flexibility for the use of the land in the future.
6. That Council approves the Council seal to be attached to any legal documentation required to acquire the property, being situated upon Lot 1 DP 312334, be that a Contract for Sale of Land, Deed of Transfer, or any other legal documentation. Further, that consent to affix the Common Seal also be granted to the Lease Agreement to be drafted between Council and the yet to be appointed Hall Management Committee.

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

10.5 Australia Day - Review

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Sharon Cadwallader)

1. That Council confirm the Lennox Head Community and Cultural Centre (LHCCC) as the preferred venue for Australia Day functions as it is the most modern and well equipped centre for this event.
2. That Council amends the current Sports Person of the Year award to Sports Award, to open it up to an individual or team that has excelled in their chosen sport.
3. That Council supports the category of Arts/Cultural be trialled in the 2014 Ballina Shire Australia Day awards.
4. That Council thanks the staff for the excellent work they did in preparing and managing the 2013 Australia Day function.

Cr Jeff Johnson returned to the meeting at 12:25 pm.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Keith Williams

1. That Council confirm the Lennox Head Community and Cultural Centre (LHCCC) as the preferred venue for Australia Day functions as it is the most modern and well equipped centre for this event.
2. That Council amends the current Sports Person of the Year award to Sports Award, to open it up to an individual or team that has excelled in their chosen sport.
3. That Council supports the category of Arts/Cultural be trialled in the 2014 Ballina Shire Australia Day awards.
4. That Council thanks the staff for the excellent work they did in preparing and managing the 2013 Australia Day function.

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5. That Council supports an increase in the age of the Young Citizen of the Year to 30 years.
6. That Council support the category of Senior Citizen of the Year (over 60 years of age) to be trialled in the 2014 Ballina Shire Australia Day awards.

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

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

AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Susan Meehan and Cr Ken Johnston

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

An **Amendment** was moved by Cr Keith Johnson and seconded by Cr Ben Smith

1. That Council continues to support an annual rotation of the Australia Day function between Ballina Lennox Head and Alstonville as it provides an opportunity for three major towns to be directly involved in the annual event.
2. That Council amends the current Sports Person of the Year award to Sports Award, to open it up to an individual or team that has excelled in their chosen sport.
3. That Council supports the category of Arts/Cultural be trialled in the 2014 Ballina Shire Australia Day awards.
4. That Council thanks the staff for the excellent work they did in preparing and managing the 2013 Australia Day function.
5. That Council supports an increase in the age of the Young Citizen of the Year to 30 years.

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

FOR VOTE - Cr Keith Johnson and Cr Ben Smith

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

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

FOR VOTE - All Councillors voted unanimously.

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280213/15 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council confirm the Lennox Head Community and Cultural Centre (LHCCC) as the preferred venue for Australia Day functions as it is the most modern and well equipped centre for this event.
2. That Council amends the current Sports Person of the Year award to Sports Award, to open it up to an individual or team that has excelled in their chosen sport.
3. That Council supports the category of Arts/Cultural be trialled in the 2014 Ballina Shire Australia Day awards.
4. That Council thanks the staff for the excellent work they did in preparing and managing the 2013 Australia Day function.
5. That Council supports an increase in the age of the Young Citizen of the Year to 30 years.
6. That Council support the category of Senior Citizen of the Year (over 60 years of age) to be trialled in the 2014 Ballina Shire Australia Day awards.

FOR VOTE - All Councillors voted unanimously.

12. Public Question Time

12.1 Ralph Moss - Flood Reference Group

Ralph Moss – when is the flood risk assessment meeting to be held?

John Truman advised that he wrote to Mr Moss after the December Ordinary meeting advising that Council has a reference group which meets on an as-required basis and that Mr Moss would be invited to the next meeting. At this stage there is not a future meeting date scheduled.

12.2 Robyn Sparkes - Aboriginal Flag - Australia Day

Robyn Sparkes – did not see the Aboriginal Flag being flown at the Australia Day ceremony in Alstonville.

After Ms Sparkes second question, Paul Hickey advised that it was not a current Council policy to fly the Aboriginal flag on Australia Day, similar to their being no Aboriginal flag in these Chambers.

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12.3 Ralph Moss - Dredging of the Ballina Bar

Ralph Moss - what is the progress with dredging of the Ballina Bar?

The Mayor advised that Council's Dredging Taskforce is to meet next Tuesday to discuss a draft feasibility study undertaken by the Department of Primary Industries. Mr Moss asked if this was a meeting open to the public?

The Mayor advised that these meetings were normally with the relevant agencies involved.

Mr Moss can submit any matters he has to the General Manager for consideration.

12.4 Robyn Sparkes - Aboriginal Liaison Officer

Robyn Sparkes – why doesn't Ballina have a dedicated Aboriginal Liaison Officer who is responsible to act as a link between everyone? Will Council consider funding this position in the future?

The General Manager advised that Council considers a range of matters during budget deliberations.

10.6 Commercial Use of Footpaths - Community Events

280213/16 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

1. That Council approves a waiver of the application and licensing fees associated with the provision of street vending for the section of River Street between Cherry and Moon Streets for the duration of the 2013 Coastal Country Music Festival (i.e. 5 – 7 October 2013).
2. This approval is provided subject to a traffic management plan and road closure being in place for this section of River Street for the event.
3. Any use of the footpaths must still be in accordance with the remaining requirements of Council's Commercial Use of Footpaths policy to ensure adequate public access is retained.
4. Coastal Country Musical Festival indemnifies Council against all claims of public liability relating to use and activities associated with the approval area.

FOR VOTE - All Councillors voted unanimously.

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Adjournment

The Mayor declared the meeting adjourned at 1.01 pm

The Meeting resumed at 1.40 pm

Cr Keith Williams was not in attendance at this stage.

10.8 Legal Matters - Update

280213/17 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this legal update report.

Cr Keith Williams returned to the meeting at 01:42 pm.

FOR VOTE - All Councillors voted unanimously.

10.9 Financial Review - Quarter Ended 31 December 2012

280213/18 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of the December 2012 Quarterly Budget Review and approves the changes identified within this report.

FOR VOTE - All Councillors voted unanimously.

11. Civil Services Group Reports

11.1 Local Traffic Committee Report - February 2013

280213/19 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

That the Council request the RMS complete a speed zone and delineation review of Broken Head Road.

FOR VOTE - All Councillors voted unanimously.

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11.2 Tender - Design and Contract Administration - Wollongbar Sports Fields

280213/20 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

1. That Council accepts the tender for the design and contract administration – Wollongbar Sports Fields from Cardno (QLD) Pty Ltd.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

11.3 Tintenbar to Ewingsdale (T2E) - Road Naming Report

A **Motion** was moved by Cr Susan Meehan

1. That Council adopts Saddle Road as the name for the extension of Saddle Road.
2. That Council approves the public exhibition of the proposal for the road name for local road B to be Creekside Lane.
3. That Council approves the public exhibition of the proposal for the road name for local road C to be Delserene Place.
4. That Council approves the public exhibition of the proposal for the road name for local road F to be School Lane.
5. That Council resolves to conduct a public competition to rename Kinvara Ridge Road.

The **Motion LAPSED.**

280213/21 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts Saddle Road as the name for the extension of Saddle Road.
2. That Council approves the public exhibition of the proposal for the road name for local road B to be Creekside Lane.
3. That Council approves the public exhibition of the proposal for the road name for local road C to be Delserene Place.
4. That Council approves the public exhibition of the proposal for the road name for local road F to be School Lane.

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5. That Council resolves that the road name for the old Pacific Highway be changed to Hinterland Way.
6. That Council resolves that the Kinvara Ridge Road be renamed Hinterland Way.

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

AGAINST VOTE - Cr Susan Meehan

11.4 Coastal Zone Management Plan for the Ballina Shire Coastline

280213/22 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council approves the exhibition of the draft Coastal Zone Management Plan for public comment.
2. That Council hold a Councillor workshop on the draft Coastal Zone Management Plan prior to it being placed on public exhibition.
3. That a public information session be held during the exhibition period.

FOR VOTE - All Councillors voted unanimously.

11.5 Wastewater Treatment Plants Upgrade - Update

280213/23 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.

13. Notices of Motion

13.1 Notice of Motion - River Street Banner

280213/24 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

As part of the 2013/14 budget considerations Council receive information on the cost and practicalities of providing infrastructure that would allow banners to be promoted across the main streets of the town centres (i.e. River Street – Ballina, Ballina Street – Lennox Head, Main Street - Alstonville) to assist in promoting the various activities occurring in our Shire.

FOR VOTE - All Councillors voted unanimously.

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13.2 Notice of Motion - Forced Amalgamations

280213/25 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

1. Council write to the NSW Local Government Minister and local MP Don Page, expressing Ballina Council's opposition to any forced amalgamation of Ballina Shire Council.
2. Council seek confirmation in writing from the NSW Planning Minister, Brad Hazzard, and the Local Government Minister Don Page, that they will not approve or initiate the forced amalgamation of Ballina Shire Council.
3. Council supports a binding plebiscite of all residents of our LGA on any proposed amalgamation before any amalgamation is proceeded with.

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

AGAINST VOTE - Cr Keith Johnson, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

13.3 Notice of Motion - NSW White Paper Planning Review

A **Motion** was moved by Cr Jeff Johnson

1. BSC notes that the NSW Government will shortly release the Planning White Paper as part of the NSW Planning Review.
2. BSC writes to Premier O'Farrell, NSW Planning Minister, Brad Hazzard, and Local Government Minister Don Page calling for a 6 month consultation period on the White Paper, to allow community groups and individuals to produce informed submissions in response to the proposed changes.
3. BSC commits to holding one or more community consultation workshops on the White Paper once it is released to:
 - a) Assist the community to understand the NSW Government planning reforms
 - b) Discuss the implications of these reforms for our Local Government Area
 - c) Consult with the community on how to cooperate in the new environment for the benefit of our local area
 - d) Obtain resident views for the Council response to the White Paper and Draft Legislation.

The **Motion LAPSED**.

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13.4 Notice of Motion - Ballina LEP - E-zones

280213/26 RESOLVED

(Cr Ken Johnston/Cr Keith Williams)

That following the completion of the State Government review into the application of E zones in Ballina Shire, and upon commencement of a process to apply land use zones to the areas currently deferred from the Ballina LEP 2012, that Council write to the owners of land parcels subject to proposed environmental protection zones to advise them of the applicable planning process.

This motion provides a more general engagement with owner as a first action and this would then form part of a larger engagement program, as part of any new planning proposal process.

FOR VOTE - All Councillors voted unanimously.

Motion of Urgency

280213/27 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

That Council deal with the following late reports due to the urgent content of the reports:

1. Councillor Attendance – Report is urgent due to the event, which is the subject of the report, being held prior to the March 2013 Ordinary Council meeting
2. Notice of Motion – Erection of Electricity Infrastructure (Cr Keith Johnson) – Notice of motion is urgent due to concerns that Essential Energy may proceed with the works outlined in the notice of motion prior to the March 2013 Ordinary Council meeting.

FOR VOTE - All Councillors voted unanimously.

Councillor Attendance

280213/28 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

That Council authorises the attendance of Cr Cadwallader at the Minister for Local Government's Women in Local Government Award ceremony in Sydney on Wednesday 6 March 2013.

FOR VOTE - All Councillors voted unanimously.

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Notice of Motion - Erection of Electricity Infrastructure

280213/29 RESOLVED

(Cr Keith Johnson/Cr Paul Worth)

That Council write to Essential Energy (EE) concerning the proposed undergrounding of electric power on the Council Reserve in Panorama estate, Alstonville, pointing out that the contractors used to produce the required REF (Review of Environmental Factors), in the opinion of residents, have failed to carry out the required community consultation. Council requests EE revoke the approval and investigate the breaches by the contractors involved prior to proceeding with the works.

FOR VOTE - All Councillors voted unanimously.

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 26 February 2013

280213/30 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Council confirms the minutes of the Commercial Services Committee meeting held 26 February 2013 and that the recommendations contained within the minutes be adopted.

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

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

15.1 Mayoral Meetings

280213/31 RESOLVED

(Cr David Wright/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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16. Questions Without Notice

16.1 Cr Hordern - Broken Pipe in Alstonville

Cr Robyn Hordern – thanked Cr Wright and John Truman for having the broken pipe in Alstonville fixed recently.

16.2 Cr Robyn Hordern – Broken Sewer - Serpentine

Cr Robyn Hordern - thanked Council staff for rectifying the broken sewer and associated issues at The Serpentine.

16.3 Cr Keith Williams - Storm Damage to Council Buildings

Cr Keith Williams – enquired about any damage caused to Council buildings in the storm event on 22 February 2013.

Paul Hickey advised that an insurance assessor has inspected various Council buildings. A full report would then be prepared and insurance claims made if necessary.

16.4 Cr Sharon Cadwallader - Town Clock

Cr Sharon Cadwallader – can the town clock be fixed again?

Staff will notify the Attorney General's Department.

16.5 Cr Sharon Cadwallader - Soil Tests - Old Depot Site

Cr Sharon Cadwallader – has Council received the soil test results for the old depot site?.

Paul Hickey advised that they were received today and are an attachment to next Monday's Finance Committee agenda.

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16.6 Cr Jeff Johnson - Wigmore Arcade Re-development

Cr Jeff Johnson – when will Council be receiving the report on the Wigmore Arcade from the Consultant?

Paul Hickey advised that the report would be received when it was completed by the Consultant.

16.7 Cr Jeff Johnson - Roundabouts - Lennox Interchange

Cr Jeff Johnson – noticed that the roundabouts at the highway interchange at Lennox and the north on-ramp have not had a single tree planted. What is the progress with this?

This work is dependent on the ongoing bypass handover negotiations with RMS. John Truman advised he will provide an update in the Council bulletin regarding this matter.

16.8 Cr Keith Johnson - Pathway - Beachfront Parade

Cr Keith Johnson – has been contacted by residents of Beachfront Parade who don't believe the footpath to be constructed in front of their residences is required, given that the shared pathway is to be on the eastern side of Beachfront Parade.

John Truman advised that the shared pathway would be constructed on the eastern side and the PAMP has a shared path running from the underpass the to overpass.

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17. Confidential Session

280213/32 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following item in accordance with Section 10A (2) of the Local Government Act 1993.

17.1 Contract Renewal - ALEC

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and
- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (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 report contains information relating to commercial negotiations currently occurring with respect to the ALEC contract.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 3.39 pm).

Open Council

280213/33 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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 3.47).

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

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17.1 Contract Renewal - ALEC

CF280213/1 RECOMMENDED

(Cr Ben Smith/Cr Keith Williams)

1. That Council authorises the General Manager to finalise the contract for the management of the Alstonville Leisure and Entertainment Centre (ALEC) with Bond Management Pty. Ltd. based on a five year term, with a five year option to Council, subject to a net profit share arrangement on hire income, based on a net return to Council of approximately 45%.
2. The calculation of this profit share is to be as per the information outlined in this report.
3. In agreeing to a profit share arrangement Council is to be the approving authority for the setting of fees and charges for the hire of the ALEC.
4. If agreement cannot be reached on this proposal the contract is to revert to three years, with a three year option to Council, as resolved at the December 2012 Ordinary meeting.
5. Council authorises the seal to be attached to this contract.

Adoption of Recommendation from Confidential Session

280213/34 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

3.50 pm

The Minutes of the Ordinary Meeting held on 28/02/13 were submitted for confirmation by council on 28 March 2013 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 March 2013.