

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 28/03/13 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), Graham Plumb (Acting 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 was performed by Richmond Christian College.

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

280313/1 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 February 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 13.2 – Rescission Motion – LEP Amendment Request – Masters Development. (Nature of Interest: non pecuniary non significant – he has minor tenants in his property at the Alstonville Butter Factory who sell hardware and has a garden centre). He has taken advice since the last meeting when he declared a pecuniary interest and believes that his interest is no longer a pecuniary interest. He will be remaining in the meeting while the matter is discussed and voting on the matter.

- **Cr Paul Worth** - at 10.54 am declared an interest in Item 14.2 – Commercial Services Committee Minutes – 26 March 2013 and in particular Item 4.3 – Wollongbar Urban Expansion Area – Development of Council Land. (Nature of Interest: non pecuniary – he owns land within the Wollongbar Urban Expansion area. He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Greg Kirk, Marine Rescue** – spoke in opposition to Item 10.8 – Festival and Event Support Program – 2013/14.
- **Tracey Burke** – spoke in opposition to Item 13.2 - Rescission Motion – LEP Amendment Request – Masters.
- **Noel Warr** – spoke in favour of Item 14.1 – Finance Committee Minutes – 4 March 2013 and in particular Item 4.6 – Community Infrastructure Projects – Priorities and an indoor swimming facility.
- **Steve Blackmore** – spoke in favour of Item 13.1 – Rescission Motion – Tintenbar to Ewingsdale (T2E) – Road Naming.
- **David Fuller** – spoke in favour of Item 13.5 – Notice of Motion – Pathway – Beachfront Parade.
- **Tony Gilding** – spoke in favour of Item 13.11 – Notice of Motion – Las Balsa celebrations.
- **Ralph Moss** – spoke in favour of Item 13.6 – Notice of Motion – Port of Ballina.
- **Bernie Nichols** – spoke in favour of Item 13.2 – Rescission Motion – LEP Amendment Request – Masters.
- **Nadia Elliot-Burgess, Ballina Chamber of Commerce & Industry** – spoke in opposition of Item 14.3 – Finance Committee Minutes – 25 March 2013 and in particular Item 4.7 – Community Infrastructure – Non-recurrent Project Priorities – Ballina Town Entry Treatments/Missingham Park – Car Park and Infrastructure.
- **Nadia Elliot-Burgess, Ballina Chamber of Commerce & Industry** – spoke in favour of Item 10.9 Las Balsa Landing – Celebrating the 40 Year Anniversary.

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7. Mayoral Minutes

Nil

13.2 Rescission Motion - LEP Amendment Request - Masters Development

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

That Resolution 280213/4, as follows, be rescinded:

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.

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, Cr Paul Worth and Cr Ben Smith

Adjournment

The Mayor declared the meeting adjourned at 10.31 am

The Meeting resumed at 10.54 am

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10.8 Festival and Event Support Program - 2013/14

280313/2 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

1. That Council support the funding allocation for the 2013/14 Festival and Event Support Program, based on \$25,000 being available as follows:

Ref	Organisation	Name of Festival/Event	Council Contributions (\$)
1	Ballina Bowling & Recreation Club Ltd	Summerland Series	0
2	Westpac Life Saver Rescue Helicopter	Ballina to Byron Bay Charity Walk (2014)	0
3	Volunteer Marine Rescue NSW Ballina Unit	Ballina Boat & Leisure Show	5,000
4	Rotary Club of Ballina on Richmond Inc	Ballina Fine Food & Wine Festival	5,000
5	The Lennox Arts Board Inc	Dslr Independent Film Festival	0
6	Cancer Council NSW	Ballina Shire Relay for Life	0
7	LE-BA Boardriders Inc	Skullcandy Oz Grom Open	10,000
8	Summerland House Farm	Country Fair	10,000
TOTAL FUNDING			30,000

2. That the Wardell Sports and Recreation Club and the other unsuccessful applicants be thanked for their applications and encouraged to apply for funding through Council's Community Donations Program for 2013/14.
3. That Council retain the current application timeline:
- Applications open: December
Application close: February
Determination: March Ordinary Council Meeting
4. That the Ballina Coastal Country Music Festival be advised that funding for 2014/15 will only be available through the adopted application process and timeline.
5. That Council delete the existing sentence in the Festival & Event Support Policy 'Following adoption of the Operational Plan Council will appoint a minimum three Councillors to a committee, with each ward represented' replace it with: ""A Councillor workshop will be held to provide an opportunity for all Councillors to review the applications for funding. The discussions from this workshop will then be reported to a Council Ordinary meeting as part of the evaluation process for the applications." (or words to this effect).

FOR VOTE - All Councillors voted unanimously.

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13.5 Notice of Motion - Pathway - Beachfront Parade

280313/3 RESOLVED

(Cr Keith Johnson/Cr Keith Williams)

That this work be deferred and that Council receive a further report on the PAMP priorities and the possible inclusion of a further pathway from the Chickiba end of the pathway from Beachfront Parade to Tuckerroo Drive, to Southern Cross School along Chickiba Drive in the PAMP.

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

10.9 Las Balsa Landing - Celebrating the 40 Year Anniversary

280313/4 RESOLVED

(Cr Keith Williams/Cr Susan Meehan)

1. That in respect to the 40th Anniversary of the Las Balsa Landing Council approves an increase in the Civic Functions recurrent budget from \$10,000 to \$15,000 in 2013/14, with \$10,000 of this funding to be allocated to the celebration of the anniversary of the Las Balsa. The preferred date for the weekend is 15 – 17 November.
2. That Council notes that an application for funding has been submitted under the Federal Government's Your Community Heritage Program. If this application is successful the General Manager is authorised to liaise with the other community groups to determine how these funds will be co-ordinated and expended as part of the recognition of this anniversary. The approval of the preferred methodology and allocation of the grant funds will be subject to a further report to Council.
3. That Council retain \$5,000 of the \$15,000 for Council to co-ordinate a civic function/dinner.
4. That \$10,000 be allocated to the Chamber of Commerce to co-ordinate the various interested community groups interested in the weekend activities with oversight provided by Council.

FOR VOTE - All Councillors voted unanimously.

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8. Regulatory Services Group Report

8.1 DA 2003/413 - Section 96 Application Ballina Heights Estate

280313/5 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

1. That Council grant consent to the proposed modification to Condition 1.3A of Development Consent 2003/413 (To Undertake a Torrens Title Subdivision to Create 189 Urban (Residential) Allotments, being Stages 5 to 8 of the Ballina Heights Estate) at Lot 319 DP 1167397, Unara Parkway and Lot 330 DP 1166991, Chilcott Circuit, Cumbalum.

2. The amended Condition 1.3A is to read as follows:

The proposed Structured Open Space Area (as defined in Section 5.4 – Ballina Heights Estate, Cumbalum of Chapter 3 – Urban Subdivision within the Ballina Development Control Plan 2012) shall be completed and dedicated to Council prior to the issue of the Subdivision Certificate for the 399th residential lot or no later than 1 March 2014.

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

8.2 Urban Residential and Tourist Development - Roofing Colours

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

That Council no longer seek to apply the requirement for roofing colour restrictions as a development control standard for urban residential and tourist developments within the Shire and such roof colour restrictions not generally be applied as conditions of development consent.

An **Amendment** was moved by Cr Keith Johnson and seconded by Cr Ken Johnston

1. That Council no longer seek to apply the requirement for roofing colour restrictions as a development control standard for urban residential and tourist developments within the Shire and such roof colour restrictions not generally be applied as conditions of development consent.

2. That Council not encourage dark colours.

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

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

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

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

280313/6 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council no longer seek to apply the requirement for roofing colour
restrictions as a development control standard for urban residential and
tourist developments within the Shire and such roof colour restrictions not
generally be applied as conditions of development consent.

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

8.3 Development Consent Statistics - February 2013

280313/7 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent
statistics for 1 February 2013 to 28 February 2013.

FOR VOTE - All Councillors voted unanimously.

8.4 Development Applications - Works in Progress - March 2013

280313/8 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of the report on the status of
 outstanding development applications for March 2013.
2. That DA 2012/499 be dealt with by the elected Council and not by
 delegated authority.

FOR VOTE - All Councillors voted unanimously.

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9. Strategic & Community Services Group Reports

9.1 Development Control Plan - Amendment No. 1 General Adjustments

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Ben Smith

1. That Council proceed to undertake the public exhibition of Draft Amendment No. 1 to the Ballina Shire Development Control Plan 2012, to achieve the particular planning outcomes identified in the attachments to this report, in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.
2. That Council receive a report on the possible inclusion of eco-tourism facilities under the BLEP 2012.
3. That Council hold a workshop during/after the exhibition period.

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

That the Motion be put.

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

FOR VOTE - Cr Jeff Johnson and Cr Ken Johnston

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

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

FOR VOTE - All Councillors voted unanimously.

280313/9 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council proceed to undertake the public exhibition of Draft Amendment No. 1 to the Ballina Shire Development Control Plan 2012, to achieve the particular planning outcomes identified in the attachments to this report, in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.
2. That Council receive a report on the possible inclusion of eco-tourism facilities under the BLEP 2012.
3. That Council hold a workshop during/after the exhibition period.

FOR VOTE - All Councillors voted unanimously.

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9.2 Planning Proposal BSCPP12/001 - 40 Blue Seas Parade

280313/10 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council endorse the application of an R2 Low Density Residential zone and 600m² minimum lot size for subdivision to part Lot 1, DP 1173776, No. 40 Blue Seas Parade, Lennox Head under the Ballina Local Environmental Plan 2012.
2. The Council proceed to submit the planning proposal BSCPP12/004, relating to No. 40 Blue Seas Parade Lennox Head, to the NSW Department of Planning and Infrastructure for finalisation.

FOR VOTE - All Councillors voted unanimously.

9.3 Planning Proposal BSCPP 12/003 - Southern Cross Estate

280313/11 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council endorse the introduction of the B5 Business Development zone into the Ballina Local Environmental Plan 2012.
2. That Council endorse the application of a B5 Business Development zone and a 1 hectare minimum lot size for subdivision to Lot 951 DP 1165266, part Lot 952 DP 1165266 and part lots 2, 3, 4 & 5 DP 123781, Boeing Avenue, Southern Cross Industrial Estate, Ballina under the Ballina Local Environmental Plan 2012.
3. The Council proceed to submit the planning proposal, BSCPP12/003 Southern Cross Industrial Estate Bulky Goods Precinct, to the NSW Department of Planning and Infrastructure for finalisation.
4. That Council receive a further report on a preferred name for this locality, with particular reference to the residential areas.

FOR VOTE - All Councillors voted unanimously.

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9.4 Regional Affordable Housing Strategy

280313/12 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That this report on the Draft Northern Rivers Regional Affordable Housing Strategy and proposed Memorandum of Understanding prepared on NOROC's behalf be noted with the General Manager to further liaise with the NOROC councils on options to address the concerns expressed within this report.

FOR VOTE - All Councillors voted unanimously.

9.5 Aboriginal Community Advisory Committee

280313/13 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That Council supports the establishment of a Ballina Shire Aboriginal Community Advisory Committee;
2. That the draft Terms of Reference, as attached to this report, be used as a basis for the operation of the Committee;
3. That the General Manager consults with Aboriginal organisations operating within Ballina Shire to assess the level of support for this initiative.

FOR VOTE - All Councillors voted unanimously.

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10. General Manager's Group Reports

10.1 Use of Council Seal

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

That Council affix the Common Seal to the following document.

US13/07	Sublease Agreement: Department of Family and Community Services as head lessee to the Bunjum Aboriginal Cooperative Limited as sublessee for the operation of an Aboriginal Child and Family Centre. Sublease of Lot 1 DP 1181025 being a part area of Porter Park, Ballina.
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An **Amendment** was moved by Cr Ken Johnston and seconded by Cr Sharon Cadwallader

1. That Council affix the Common Seal to the following document.

US13/07	Sublease Agreement: Department of Family and Community Services as head lessee to the Bunjum Aboriginal Cooperative Limited as sublessee for the operation of an Aboriginal Child and Family Centre. Sublease of Lot 1 DP 1181025 being a part area of Porter Park, Ballina.
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2. That Council review the financial status of the sub-lessee before attaching the Council seal.

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

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

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

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

280313/14 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

That Council affix the Common Seal to the following document.

US13/07	Sublease Agreement: Department of Family and Community Services as head lessee to the Bunjum Aboriginal Cooperative Limited as sublessee for the operation of an Aboriginal Child and Family Centre. Sublease of Lot 1 DP 1181025 being a part area of Porter Park, Ballina.
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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

10.2 Investment Summary - February 2013

280313/15 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

10.3 Ward Committees - Membership

RECOMMENDATION

That Council approves an additional membership to the "A" Ward Committee from the Ballina & District Citizens and Ratepayers Association Inc.

That Council approves an additional membership to the B Ward committee from the Marine Rescue.

FOR VOTE - All Councillors voted unanimously.

10.4 Councillor Expenses

280313/16 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council authorise the attendance of Cr Cadwallader at ALGWA Executive meetings until the end of her current term as Country Vice President, being March 2014.
2. That Council authorise the reimbursement of telephone line rental expenses from April to October 2012 of \$489.65 for Cr Hordern.

FOR VOTE - All Councillors voted unanimously.

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10.5 Policy (Final) - Councillor Expenses & Facilities

280313/17 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council adopt the Councillor Expenses & Facilities policy, as exhibited, and as attached to this report.

FOR VOTE - All Councillors voted unanimously.

10.6 Community Donations

280313/18 RESOLVED

(Cr Keith Johnson/Cr Jeff Johnson)

1. That Council approves the donation request from Marine Rescue NSW Ballina Unit from the current budget.
2. That Council approves the donation request from Jali Local Aboriginal Land Council from the current budget.

FOR VOTE - All Councillors voted unanimously.

10.7 Policy (Draft) - Community Event Signage

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

1. That Council endorse the draft Community Event Signage Policy and Guidelines, as attached to this report and approves the exhibition of the policy for public comment. If no submissions are received, the policy will be considered to be adopted.
2. That in conjunction with the exhibition of this draft policy Council approves the exhibition of the following fees for access to the signage infrastructure locations outlined in the policy:

Not for profit community organisations – No charge
Commercial organisations - \$55 per location per week
3. That consideration be given to including signage at Tintenbar, Burns Point Ferry and the Airport.

An **Amendment** was moved by Cr Paul Worth and seconded by Cr Keith Johnson

1. That Council endorse the draft Community Event Signage Policy and Guidelines, as attached to this report and approves the exhibition of the policy for public comment. If no submissions are received, the policy will be considered to be adopted.

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2. That in conjunction with the exhibition of this draft policy Council approves the exhibition of the following fees for access to the signage infrastructure locations outlined in the policy:

Not for profit community organisations – No charge
Commercial organisations – No charge for community based events

3. That consideration be given to including signage at Tintenbar, Burns Point Ferry and the Airport.

Cr Jeff Johnson left the meeting at 12:41 pm.

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

FOR VOTE - Cr Keith Johnson and Cr Paul Worth

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Cr Jeff Johnson returned to the meeting at 12:42 pm.

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

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Robyn Hordern and Cr Ben Smith and the casting vote of the Mayor

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

280313/19 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council endorse the draft Community Event Signage Policy and Guidelines, as attached to this report and approves the exhibition of the policy for public comment. If no submissions are received, the policy will be considered to be adopted.
2. That in conjunction with the exhibition of this draft policy Council approves the exhibition of the following fees for access to the signage infrastructure locations outlined in the policy:

Not for profit community organisations – No charge
Commercial organisations - \$55 per location per week

3. That consideration be given to including signage at Tintenbar, Burns Point Ferry and the Airport.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Robyn Hordern and Cr Ben Smith and the casting vote of the Mayor

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

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12. Public Question Time

12.1 Ralph Moss - Dredging

Ralph Moss – could he have an appointment with the Mayor and General Manager in relation to dredging?

The General Manager advised Mr Moss to contact his office.

10.10 Recreational Vehicles (RV) - Facilities

280313/20 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council acknowledges that as a coastal shire Ballina has a large number of licensed caravan and camping options available and already provides significant facilities of benefit to recreational vehicles (i.e. adequate parking, good services, accessible visitor information centre etc).
2. Based on point one, Council resolves not to support the provision of dump point facilities within the Shire due to the negative impact this may have on existing licensed operators.

Cr Keith Johnson left the meeting at 12:50 pm.

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

10.11 Integrated Planning & Reporting - Community Strategic Plan

280313/21 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council adopts the Community Strategic Plan, as exhibited and attached, subject to the changes identified within this report.

A late submission from Lennox Head Landcare was distributed to Councillors.

Cr Keith Johnson returned to the meeting at 12:52 pm.

FOR VOTE - All Councillors voted unanimously.

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11. Civil Services Group Reports

11.1 Tender - Water Meter Reading Services

A **Motion** was moved by Cr Ben Smith and seconded by Cr Susan Meehan

That Council not accept any tenders because there was an inadequate market response and that Council call fresh tenders for this service.

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

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

280313/22 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council authorises the General Manager to accept the tender for the provision of reading of water meters for a three year period from AMRS (Aust) Pty Ltd based on the standard terms of the contract as offered by Council during the tender process.
2. That a further report be put to Council should negotiations on the terms be unsuccessful.
4. That Council authorises the Council seal to be attached to the contract documents, subject to the negotiations being successful.

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

11.2 Drinking Water Management System

280313/23 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council notes the contents of this report on the Drinking Water Management System (DWMS).
2. That Council approves the allocation of the estimated \$96,000 required for the plan, over five years, to fund the activities as per Attachment One.

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3. That a further report be put to Council detailing the outcome of investigations and requesting further budget allocation if required.

4. That Council submit the DWMS to NSW Health for approval.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 1.10 pm

The meeting resumed at 1.54 pm

13. Notices of Motion

13.1 Rescission Motion - Tintenbar to Ewingsdale (T2E) - Road Naming

280313/24 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Part One of Resolution 280213/4, as follows, be rescinded:

“That Council adopts Saddle Road as the name for the extension of Saddle Road”.

FOR VOTE - All Councillors voted unanimously.

280313/25 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council exhibit the following alternate option for Saddle Road being Alcorn Road.

FOR VOTE - All Councillors voted unanimously.

13.3 Notice of Motion - Town Centre Management

280313/26 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That the Jenny Rand and Associates report on Town Centre Management from 2002 be referred to a workshop following which a report shall be submitted to Council on the merit and options available to implement the actions outlined in the Jenny Rand report.

FOR VOTE - All Councillors voted unanimously.

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13.4 Notice of Motion - Quarrying of Black Head

280313/27 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council research the history surrounding the quarrying of Black Head by the State Government to ascertain if there was a commitment at any stage to rehabilitation of the site.
2. If there was a commitment, Ballina Shire Council is to be active in requesting State Government and the Local Government Minister to follow through with rehabilitation to a reasonable standard.

FOR VOTE - All Councillors voted unanimously.

13.6 Notice of Motion - Port of Ballina

A **Motion** was moved by Cr Keith Williams and seconded by Cr Susan Meehan

That due to the high value that our community places on the Richmond River and associated marine infrastructure that Council replace the existing Dredging Taskforce with a more contemporary and broader based committee based on the following structure:

Name: Port Ballina Taskforce

Members

Mayor

Councillors (two - to be elected following adoption of resolution)

Ballina Chamber of Commerce (one)

Ballina Fishermen's Co-operative (one)

Ballina Marine Rescue (one)

NSW Department of Primary Industries (primary government department responsibly for marine infrastructure, dredging, lands etc) (one - with other people as needed)

Community representatives (two) (one from business and one private individual - These two people to be appointed following an EOI process, with the Taskforce members approving the appointments)

Chair: Mayor

Meeting Frequency: Three monthly or as required

Terms of Reference:

To actively pursue improvements to the overall health of the Richmond River and to develop the business case for increased Government investment in the provision of critical marine infrastructure, including not limited to:

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- a) Dredging of the Ballina bar
- b) Evaluation of possible changes to the north and south wall that may result in improvements to the Ballina bar
- c) Establishment of a marina(s) in previously identified precincts such as Regatta Avenue and /or the existing Ballina Boatharbour
- d) Marine Rescue infrastructure
- e) Dredging within the estuary, including Ballina Boatharbour, North Creek and Emigrant Creek
- f) Supporting increased business and tourism opportunities for Ballina
- g) Improving the health of the Richmond River and the estuary
- h) Recognising and preserving Ballina's maritime history

This committee will also provide an opportunity through the name Port Ballina for the Ballina township to be more readily identified as a marine destination.

Secretariat: Provided by Council

An **Amendment** was moved by Cr Keith Johnson and seconded by Cr Robyn Hordern

That this matter be referred to a Council workshop.

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

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

AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston, casting vote of the Mayor

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

That due to the high value that our community places on the Richmond River and associated marine infrastructure that Council replace the existing Dredging Taskforce with a more contemporary and broader based committee, known as Port Ballina Taskforce, meeting three monthly or as required, the details of which are to be confirmed at a Council workshop.

FOR VOTE - All Councillors voted unanimously.

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

FOR VOTE - All Councillors voted unanimously.

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280313/28 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That due to the high value that our community places on the Richmond River and associated marine infrastructure that Council replace the existing Dredging Taskforce with a more contemporary and broader based committee, know as Port Ballina Taskforce, meeting three monthly or as required, the details of which are to be confirmed at a Council workshop.

FOR VOTE - All Councillors voted unanimously.

13.7 Notice of Motion - Aboriginal Liaison Officer

280313/29 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That the options to conduct liaison with the Aboriginal community be referred to the Aboriginal Advisory Committee.

FOR VOTE - All Councillors voted unanimously.

13.8 Notice of Motion - Flying the Aboriginal Flag in the Council Chambers

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

That the Aboriginal flag be proudly displayed alongside the Australian flag in the Council Chambers, subject to approval from key Aboriginal stakeholders.

An **Amendment** was moved by Cr Robyn Hordern and seconded by Cr Ben Smith

That this matter be referred to the Aboriginal Advisory Committee.

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

FOR VOTE - All Councillors voted unanimously.

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

FOR VOTE - All Councillors voted unanimously.

280313/30 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

That this matter be referred to the Aboriginal Advisory Committee.

FOR VOTE - All Councillors voted unanimously.

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13.9 Notice of Motion - Improving Consultation with the Aboriginal Community

This Notice of Motion was withdrawn by Cr Jeff Johnson.

13.10 Notice of Motion - Increasing Visitor Numbers to the Ballina Naval and Maritime Museum

280313/31 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council receive a report looking at various ways to increase the visitor numbers at the Ballina Naval and Maritime Museum after consultation with major tourist operators, tourist bodies and business chambers
2. That this report consider various options to raise the profile and recognition of the Las Balsas raft.
3. Council acknowledge the unique opportunity the Las Balsas raft can play in increasing tourism to Ballina and the flow on economic benefits that this will bring.

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

13.11 Notice of Motion - Las Balsa celebrations

This Notice of Motion was withdrawn by Cr Jeff Johnson.

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 4 March 2013

280313/32 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council confirms the minutes of the Finance Committee meeting held 4 March 2013 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

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14.2 Commercial Services Committee Minutes - 26 March 2013

280313/33 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

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

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

14.3 Finance Committee Minutes - 25 March 2013

280313/34 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council confirms the minutes of the Finance Committee meeting held 25 March 2013 and that the recommendations contained within the minutes be adopted, excluding Item 4.7 – Community Infrastructure – Non-recurrent Project Priorities.

Cr Jeff Johnson left the meeting at 03:15 pm.
FOR VOTE - Cr David Wright, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr Sharon Cadwallader and Cr Ken Johnston
ABSENT. DID NOT VOTE - Cr Jeff Johnson

Finance Committee Minutes – 25 March 2013 – Item 4.7 - Community Infrastructure – Non-recurrent Project Priorities

280313/35 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That Council notes the various actions listed in this report for non recurrent capital projects.
2. That Council endorses the following actions for the various projects listed:

Lennox Head Surf Club and Lake Ainsworth Road Closure / Drainage

That Council reduce the \$400,000 allocation in the 2012/13 budget to \$50,000 with the balance transferred to 2013/14. This better reflects the timing of the expenditure on this consultancy and related costs such as Council development application fees.

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Ballina Swimming Pool

As per the 4 March Finance Committee recommendation the 2013/14 budget is to include \$200,000 for plans and development consent. This \$200,000 will be funded from Council's Community Infrastructure Reserve however the availability of those funds may depend on land sales.

Alstonville Swimming Pool

As per the 4 March Finance Committee recommendation the 2013/14 budget is to include \$50,000 to improve the tanks and drainage with this funding sourced from the Community Infrastructure Reserve, however the availability of those funds may depend on land sales.

Shared Pathway

Any funds unexpended from 2012/13 are be rolled forward into the 2013/14 budget and combined with the recurrent funding in that budget for this project.

Street Tree Planting Program

That Council progressively increase the funding for street trees by above the CPI with a target recurrent budget of \$30,000 per annum.

Naval Museum

- a) That in respect to the Naval Museum Council awaits the outcomes from the architectural consultancy and the current grant application with the NSW State Government prior to making any decision on funding or work priorities.
- b) That Council acknowledges that funding may be available for improvements to this facility from the recurrent budget for Community Infrastructure Improvements, which currently has funding allocated in 2015/16 for the Naval Museum. If any works are considered to be a higher priority then the forward plan for the Community Infrastructure Improvements funding will need to be reviewed.

Public Toilets

That Council introduce a recurrent budget in 2013/14 of \$25,000 for public toilet improvements with that budget to be increased by \$25,000 per annum until it reaches \$100,000 plus any CPI.

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Library Expansion

That Council notes the contents of the earlier report in this agenda in respect to the Ballina Library expansion.

War Memorials

That Council await further feedback from the on-going discussions with the RSL Sub-branches in respect to the preferred War Memorial Projects.

Shaws Bay and Lake Ainsworth Management Plans and Associated Projects

That Council combine the \$15,000 for the Shaws Bay and Lake Ainsworth Management Plans in the 2012/13 budget with the \$30,000 allocated in the draft 2013/14 budget to allow a review of the Shaws Bay Management Plan to be completed during 2013/14.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Finance Committee Minutes – 25 March 2013 – Item 4.7 - Community Infrastructure – Non-recurrent Project Priorities

Lennox Head Cultural and Community Centre (LHCCC)

280313/36 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

- a) Council notes the PA and AV system forms part of the forward financial plan for the Community Infrastructure Improvements recurrent funding and that other major purchases for the LHCCC may also need to be funded from this recurrent funding source.
- b) The Centre Manager is to pursue more minor purchases from extra income generation, expenditure savings or existing budgets.
- c) Council notes the sound proofing improvement estimates will be subject to the outcomes from the current audio consultancy.
- (d) Council approves a recurrent allocation for capital improvements to the LHCCC with \$16,000 to be allocated in the 2013/14 budget for commercial grade equipment for the kiosk and \$10,000 recurrent capital budget in future years.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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Sports and Events Centre

280313/37 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

- a) Mayor is to meet with Mr Don Page to pursue the availability of the Old Depot site for use for the centre with invitees to be at the Mayor's discretion.
- b) PDT is to provide a presentation as part of a workshop on the merits of the Old Depot Site, Kingsford Smith and the Ferngrove open space area as preferred locations for the proposed four court stadium and the sports and events centre.
- c) Council will continue to lobby State and Federal Government representatives for grant funding opportunities.

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

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Finance Committee Minutes – 25 March 2013 – Item 4.7 - Community Infrastructure – Non-recurrent Project Priorities

Ballina Town Entry Treatment / Missingham Car Park

280313/38 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

- a) That Council include in the draft 2013/14 budget the Missingham Park Car Park and infrastructure works (\$150,000) funded from Quarry Reserves.
- b) That the Ballina Town Entry Treatment project remain as per our current financial plan (i.e. \$75,000 in 2012/13 and \$75,000 in 2013/14) fully funded from the Cemeteries Reserve.

FOR VOTE - Cr David Wright, 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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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

15.1 Mayoral Meetings

280313/39 RESOLVED

(Cr David Wright/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

16. Questions Without Notice

16.1 Cr Sharon Cadwallader - Long Grass around Carpark and Boat Ramp

Cr Sharon Cadwallader – has been approached by the owners of Waterfront Village – there is long grass around the carpark and boat ramp which needs mowing.

John Truman to follow up.

16.2 Cr Sharon Cadwallader - Overgrown Median Strips

Cr Sharon Cadwallader – the median strips near the former McDonald's site at West Ballina are overgrown.

John Truman to follow up.

16.3 Cr Susan Meehan - Signage at Shaws Bay

Cr Susan Meehan – would like an update on the Council resolution to have clear signage at Shaws Bay indicating that there is public access all the way around Shaws Bay.

John Truman to follow up.

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16.4 Cr Ken Johnston - Former McDonald's site at West Ballina

Cr Ken Johnston – asked if anything was happening with the former McDonald's site at West Ballina.

The General Manager advised that this was private property and Council was unaware of any proposals for this building.

16.5 Cr Paul Worth - Tree Removal - River Street Ballina

Cr Paul Worth – what is the cost of removal of the four fig trees in River Street? Do we have a projected cost of removal?

John Truman will advise.

16.6 Cr Robyn Hordern - Repaving after Tree Removals in River Street

Cr Robyn Hordern – how quickly can we repave River Street after the tree removals?

John Truman advised that paving was being undertaken as the trees were being removed.

16.7 Cr Robyn Hordern - Fawcett Park Toilets

Cr Robyn Hordern – can the public still access the toilets in Fawcett Park with the barricades still in place?

Paul Hickey advised that he has been advised that it was not advisable to use the toilets within the former Pelican 181 building in its current condition. The toilets are not open to the public as the area is being treated as a construction zone.

16.8 Cr Ben Smith - Main Street Budget

Cr Ben Smith – how much money is left in the Main Street budget after the main street upgrade and what are the plans for this money.

Paul Hickey advised that there was very little money remaining.

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17. Confidential Session

280313/40 RESOLVED

(Cr Keith Johnson/Cr Keith Williams)

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 Tender - Design of the Marine Rescue Centre

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
 - (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 Council is currently in the process of evaluating preferred tender options, with architectural design being an important component of that evaluation.

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

(The Council moved into Confidential Session at 4.20 pm).

Open Council

280313/41 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.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

(The Council moved into Open Council at 4.38 pm).

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

17.1 Tender - Design of the Marine Rescue Centre

CF280313/42 RECOMMENDED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council accepts the tender for the design, documentation and contract administration – Marine Rescue NSW Search & Rescue Co-Ordination Centre from GeoLink Environmental Management & Design.
2. That Council authorises the Council seal to be attached to the contract documents.

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

Adoption of Recommendation from Confidential Session

280313/43 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

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

MEETING CLOSURE

4.39 pm

The Minutes of the Ordinary Meeting held on 28/03/13 were submitted for confirmation by council on 24 April 2013 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 April 2013.