

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 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 seven people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Sing Australia.

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

240413/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 March 2013, with an amendment to Item 10.3 – Ward Committees – Membership – the mover was Cr Ben Smith and the seconder was Cr Susan Meehan.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

5. Declarations of Interest and Reportable Political Donations

- Later in the meeting **Cr Paul Worth** declared a non pecuniary interest in Item 11.4 – Lennox Head Community Market – Relocation Consultation when discussion took place on parking at the Lennox Public School by the Lennox Point Church. Nature of Interest: he is a member of the Lennox Point Church and attends Church in the location every Sunday. He remained in the meeting while the matter was discussed and voted on the matter.

There were no reportable political donations.

6. Deputations

- **Graham Eggins, Ballina Community Men’s Shed** – spoke in relation to Item 10.5 – Community Donations.
- **Candy Baker** – spoke in support of Item 8.1 – NSW Companion Animals Act 1998 – Dangerous Dog Declaration.

7. Mayoral Minutes

Nil items

10.5 Community Donations

240413/2 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That in respect to the Section 94 and Section 64 developer contributions payable for development consent 2012/452 Council confirms it support for the applicant, being the Ballina Mens Shed, to submit an exemption from Council for the contributions payable as allowed in the contribution plans. Council authorises the General Manager to determine this application with Council confirming its support for the application due to the nature of this development and the community benefits to be gained from the development.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

8. Regulatory Services Group Report

8.1 NSW Companion Animals Act 1998 - Dangerous Dog Declaration

240413/3 RESOLVED

(Cr Keith Johnson/Cr Robyn Hordern)

1. That Council, based on the evidence presented in this report, approves the revocation of the Dangerous Dog Declaration dated 21 March 2012 issued to "Sparky", Microchip No. 900006000071556.
2. That the owner of "Sparky" and the Director General for Local Government be advised that the declaration has been revoked as per Section 40 of the Companion Animals Act 1998.
3. That Council issue a Formal Warning letter to the owner of "Sparky" highlighting the responsibilities as a dog owner under the Act and the recommendations from the dog behavioural trainer regarding the on going management of "Sparky".

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

8.2 Development Consent Statistics - March 2013

240413/4 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report concerning development consent statistics for the period 1 March 2013 to 31 March 2013.

FOR VOTE - All Councillors voted unanimously.

8.3 Development Applications - Works in Progress - April 2013

240413/5 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

9. Strategic & Community Services Group Reports

9.1 Development Control Plan - Chapter 2A Vegetation Management

240413/6 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report concerning the current methods and extent of vegetation management within the urban areas of Ballina Shire.
2. That Council receive a report on the operation of Chapter 2A of the Ballina Shire Development Control Plan 2012 after the chapter has operated for a period of approximately twelve months.
3. That Council review the application fee as part of the 2013/14 Operational Plan.

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

AGAINST VOTE - Cr Keith Williams and Cr Susan Meehan

9.2 LEP Amendment - Dual Occupancy Lots, Lennox Head

240413/7 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. That the Council endorses the application of an R3 Medium Density Residential zone and associated minimum lot standard for subdivision of 800m² as the basis for a planning proposal applying to the following land:
 - Lots 182, 183 & 184 DP 1165078 and Lot 168 DP 1166175.
 - Two approved lots under development consent No 2008/628 within existing Lot 177 DP 1172682 and one approved lot under development consent No 2007/503 within existing Lot 20 DP1121759 and Lot 3 DP 253428 (as shown in Figure 1 of the planning proposal contained in Attachment 1).
2. That the Council submit the planning proposal relating to various approved dual occupancy lots in Lennox Head to the NSW Department of Planning & Infrastructure for review and Gateway determination.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

3. That upon an affirmative Gateway determination being received from the Department of Planning & Infrastructure, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
4. That a further report be presented to the Council in relation to this matter following mandatory community consultation.

Cr Keith Williams left the meeting at 09:48 am.

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

9.3 Skate Park Facilities - Alstonville and Wollongbar Areas

240413/8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council continue to progress the investigations into the provision of a skate park facility in the Wollongbar Urban Expansion Area park through the master planning process for this location.
2. That Council take no further action on the Lumley Park site, pending further search for a better site.
3. That Council not commit to the provision of upgraded skate park infrastructure within the Kays Lane site for the time being, on the basis of this land being assessed as unsuitable for a skate park facility. Further, that a skate park facility can be planned for in an alternative location to service the needs of the Wollongbar community.

Cr Keith Williams returned to the meeting at 09:50 am.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

10. General Manager's Group Reports

10.1 Use of Council Seal

240413/9 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council affix the Common Seal to the following document.

US13/08	Deed of Lease for the 5 year Option Period 1 August 2013 to 31 July 2018 - Ballina Shire Council to RR & S MacDonald Lots 2 & 3 DP 854149 & Lot 1 DP 865860 – Ballina Turf Farm located on Kays Road, Wardell.
US13/09	Council as Reserve Trust Manager of the Old Library Reserve Trust (Reserve D540014), Temporary Licence Agreement and Agreement for Sub-Lease to Paradise FM Community Radio Association Incorporated for occupancy of part Crown Reserve D540014, being situated upon Lot 2 DP 1153927. Paradise FM occupy part of Lot 2 DP 1153927, being part of the Old Ballina Shire Library building.

FOR VOTE - All Councillors voted unanimously.

10.2 Investment Summary - March 2013

240413/10 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

10.3 Councillor Attendance

240413/11 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

1. That Council authorises the attendance of Cr Meehan at the National General Assembly of Local Government from 16 – 19 June 2013 in Canberra.
2. That Council authorises the attendance of Cr Meehan at the NSW Country Mayors Association Meeting on 21 June 2013 in Sydney.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

10.4 Rates Write Off and Possessory Title Application - Lock - Pimlico Road

240413/12 RESOLVED

(Cr Paul Worth/Cr Robyn Hordern)

1. That Council provide written support to accompany Mr Alfred Lock's possessory land title application to acquire lots 8 and 14 DP 223267 to be lodged with NSW Land and Property Information via his legal team, McVittie Legal.
2. That Council approve the write off of all accrued rates, charges and interest charges on assessment No 240317 following the registration of the change of ownership of lots 8 and 14 DP 223267 into the name of Alfred Lock, up to and including the rating year in which the ownership is changed.

FOR VOTE - All Councillors voted unanimously.

10.6 Delivery Program and Operational Plan - Quarterly Review

240413/13 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

That Council notes the contents of the 31 March 2013 review of the Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

10.7 Delivery Program and Operational Plan - Exhibition

240413/14 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the exhibition of the Draft Delivery Program and Draft Operational Plan, as included as separate attachments to this report, inclusive of any amendments arising from this meeting and subject to the finalisation of both documents.
2. That Council confirms for the exhibition period it will hold public meetings at Lennox Head and Wardell to present the contents of the documents.
3. That Council approves an allocation of \$140,000 from the Crown reserve property rentals reserve to finance our contribution to the expansion of the Ballina Library into the Richmond Room.
4. That Council approves the following amendment to the forward plan for the Asset Management recurrent funding to allow the Naval Museum works to proceed in 2013/14:

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

<i>Item</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>
Asset Management Program Total	198,000	204,000	210,000	216,000
Administration Building	103,000	40,500	86,500	216,000
Alstonville Leisure & Entertainment Centre	0	0	40,500	0
Crawford House	0	35,000	0	0
CWA Ballina	0	12,000	0	0
Ferry Shed	0	0	25,000	0
Library – Ballina	0	33,000	22,000	0
Naval Museum (works to be determined)	95,000	0	0	0
Players Theatre	0	19,000	0	0
Shelley Beach SLSC	0	64,500	0	0
Lennox Head Community Centre	0	0	36,000	0

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.39 am

The meeting resumed at 11.04 am

11. Civil Services Group Reports

11.5 PAMP Priority Report - Chickiba Drive and Tuckeroo Drive

240413/15 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That Council adopt the revised PAMP Program of Works, which includes pathways in Chickiba Drive and Tuckeroo Drive, as well as the western pathway at Williams Reserve.
2. That Council is satisfied the priority score ranking of the Chickiba Drive and Tuckeroo Drive projects substantiates their substitution for Beachfront Parade for the RMS PAMP grant for 2012/13 with staff to negotiate a grant increase if possible.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

11.4 Lennox Head Community Market - Relocation Consultation

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

That Council undertake a formal consultation process with key stakeholders and the broader community to investigate the option to relocate the regular Lennox Head Community Market to the Lennox Head Cultural and Community Centre, including the use of the northern portion of Williams Reserve.

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

That Council undertake a formal consultation process with key stakeholders and the broader community to investigate the option to relocate the regular Lennox Head Community Market to a site closer to the town centre.

Cr Paul Worth declared a non pecuniary interest in this matter when discussion took place on parking at the Lennox Public School by the Lennox Point Church. Nature of Interest: he is a member of the Lennox Point Church and attends Church in the location every Sunday. He remained in the meeting while the matter was discussed and voted on the matter.

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

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

AGAINST VOTE - Cr David Wright, Cr Susan Meehan, Cr Robyn Hordern 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 and Cr Paul Worth

AGAINST VOTE - Cr Robyn Hordern and Cr Ben Smith

240413/16 RESOLVED

(Cr Keith Williams/Cr Paul Worth)

That Council undertake a formal consultation process with key stakeholders and the broader community to investigate the option to relocate the regular Lennox Head Community Market to a site closer to the town centre.

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

AGAINST VOTE - Cr Robyn Hordern and Cr Ben Smith

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

11.1 Local Traffic Committee Report - April 2013

240413/17 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

1. That Council request the RMS to complete a speed zone review to assess the proposal to reduce the speed zone from 60km/h to 50km/h for Newrybar.
2. That Council approves the closure of Main Street, Alstonville (Budgen Avenue to Elizabeth Anne Brown Park) for the purpose of the annual ANZAC Day parade, subject to the event being held in accordance with the submitted Traffic Management Plan.
3. That Council approves the closure of River Street, Ballina (Martin to Grant Streets) for the purpose of the annual ANZAC Day parade, subject to the event being held in accordance with the submitted Traffic Management Plan.
4. That Council approves the road closure of MR545 (Byron Bay Road/Coast Road) for the Byron Bay Triathlon subject to the event being held in accordance with the submitted Traffic Control Plan.

FOR VOTE - All Councillors voted unanimously.

11.2 East Ballina Cemetery - Draft Master Plan

240413/18 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council endorses the draft East Ballina Cemetery Master Plan for the purposes of a public exhibition.

FOR VOTE - All Councillors voted unanimously.

11.3 Draft Ballina Landscape Entry Treatment Master Plan

240413/19 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That the draft Ballina Landscape Entry Treatment Master Plan be placed on exhibition for community comment.
2. That following the exhibition period, a further report is presented to the Council which assesses the preferred staging options for the Plan.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

11.6 Pressure and Leakage Management Plan - Reticulation/Mains Water Supply

240413/20 RESOLVED

(Cr Keith Johnson/Cr Paul Worth)

1. That Council note the information contained in the above report.
2. That Council endorse the implementation plan of Option Three as outlined in the above report with required adjustments to be made to the 2013/14 budget and the Water Fund Long Term Financial Plan.
3. That point two above include an allocation of \$220,000, to be provided over three years to:
 - a. convert the existing sites to telemetry monitoring
 - b. purchase *PressureWatch* hydraulic warning system
 - c. develop a further report on the outcomes of the implementation of the first phases of the program.

FOR VOTE - All Councillors voted unanimously.

13. Notices of Motion

13.1 Notice of Motion - North Wall

240413/21 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Ballina Shire Council contact the local State Member for Ballina and Minister for the North Coast, Mr Don Page and the Minister for Lands to clearly state our disappointment with the visual impact and outlook resulting from the recent replenishment work on the Richmond River North Breakwall.
2. We ask that a viewing area be provided at the end of the breakwall.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 8 April 2013

240413/22 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the minutes of the Finance Committee meeting held 8 April 2013 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

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

15.1 Mayoral Meetings

240413/23 RESOLVED

(Cr Paul Worth/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

16. Questions Without Notice

16.1 Cr Susan Meehan - NOROC

Cr Susan Meehan – can we have some feedback on the position of NOROC?

The Mayor advised that he would be raising this matter later in the meeting.

16.2 Cr Paul Worth - Shirley White Bushland Trail

Cr Paul Worth – he has received an invitation to attend a function on Sunday to “take a stroll on the Shirley White Bushland Trail” at Flat Rock.

Has this area been officially named?

Paul Hickey and John Truman advised that they weren't aware of this trail being officially named but would make some enquiries.

16.3 Cr David Wright - NOROC

Cr David Wright - The Mayor provided Council with an update on NOROC and its Strategic Planning Workshop held on Friday 19 April.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

12. Public Question Time

12.1 Cleaning of Drain

Betty Reynolds – could Council clear as a matter of urgency the drains around Southern Cross Village.

John Truman to follow up.

12.2 Proposed Sports & Events Centre and 25 Metre Pool

Noel Warr – Why has \$420,000 been allocated to a sports and events centre when it has no preferred location and no plans and only \$200,000 has been allocated for a 25 metre pool. The pool has land and everything to go forward.

The Mayor advised that the budget for the sports and events centre was reduced from an initial sum of approximately \$800,000.

Paul Hickey encouraged Mr Warr to make a submission to the Operational Plan. All submissions on the plan would be considered by Council in June.

12.3 North Wall

Ross Whitfield – elaborated on his submission on plans for a platform on the North Wall.

Paul Hickey advised that in our letter to Don Page we will highlight those options.

12.4 Shirley White Bushland Trail

Alan Brown – enquired about advertising in today's Advocate about a guided tour of the Shirley White Bushland Trail at Flat Rock on Sunday. Is this a project of Council?

Paul Hickey advised that this was not a Council project.

Alan Brown - In relation to the same area, whose authority was given to close the track from the underpass at Angels Beach to Flat Rock?

John Truman will follow this up to see if any advice had been given to close this track.

12.5 Expansion of Sporting Fields - Saunders Oval locality

Mal Lowe – disappointed with Council cutting down approximately 50 trees to expand sporting fields in the Saunders Oval locality.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/04/13 AT 9.00 AM**

12.6 Coastal Shared Path/Recreational Path

David Fuller – what is the status of the coastal shared path and coastal recreational path?

John Truman advised that approval documentation has been prepared and been lodged for preliminary assessment with Council's Regulatory Services Group. After that pre-assessment it is intended to lodge the application with Council. A Consultant has been engaged to prepared detailed design work.

12.7 Expansion of Sporting Fields - Saunders Oval locality

Ralph Moss – disappointed with tree removal in the Saunders Oval locality. Why weren't people informed?

Paul Hickey advised that this was part of the land swap with TAFE to expand sporting fields in that location. This has always been the plan with all appropriate approvals being obtained.

12.8 Dredging

Ralph Moss – could he have a workshop before the next Ordinary meeting to put forward actions he had taken in relation to dredging?. He envisaged that the workshop should comprise the Fishermen's Co-operative, trawler owners and recreational boaters.

Paul Hickey advised that at the last Ordinary meeting the former Dredging Taskforce was replaced with the Port of Ballina Taskforce. This Taskforce is to meet in the near future. We will contact Mr Moss and advise him of when the meeting is being held.

17. Confidential Session

Nil items.

MEETING CLOSURE

12.41 pm

The Minutes of the Ordinary Meeting held on 24/04/13 were submitted for confirmation by council on 23 May 2013 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 23 May 2013.