

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/05/13 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 16 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Year 4 from Emmanuel Anglican 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

230513/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Wednesday 24 April 2013.
2. That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Tuesday 30 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 23/05/13 AT 9.00 AM**

5. Declarations of Interest and Reportable Political Donations

Cr Keith Williams – declared an interest in Item 10.7 – Lance Ferris Wharf, Ballina – Commercial Use. (Nature of Interest: non significant, non pecuniary – the wharf is named after his late father in law). 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

- **Pip Carter, Club Lennox** – spoke in favour of Item 10.3 – Community Donations, and in particular the request from Club Lennox.
- **Ralph Moss** – spoke in favour of Item 10.8 – Independent Local Government Review Panel – Future Directions.
- **Eva Ramsey** – spoke in opposition to Item 11.1 – Sports and Events Centre – Update.
- **Jade Rose** – spoke in opposition to Item 8.4 – Legal Proceedings – Land Use and Pollution Issues.
- **Bill McInerney** – spoke in opposition to Item 8.2 – DA 2012/499 – Expansion of Scaffold Business Storage Depot.
- **Nadia Elliot-Burgess** – spoke in favour of Item 11.1 – Sports and Events Centre – Update.

7. Mayoral Minutes

Nil items.

11.1 Sports and Events Centre - Update

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

That Council authorises PDT Architects to prepare a master plan for the Kingsford Smith Reserve and surrounding precinct inclusive of the proposed Sports and Events Centre.

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

That Council authorises PDT Architects to prepare a master plan for the Kingsford Smith Reserve and surrounding precinct based on the four court sports centre.

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston and the casting vote of the Mayor

AGAINST VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, 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 23/05/13 AT 9.00 AM**

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston and the casting vote of the Mayor

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

230513/2 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council authorises PDT Architects to prepare a master plan for the Kingsford Smith Reserve and surrounding precinct based on the four court sports centre.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston and the casting vote of the Mayor

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

10.3 Community Donations

230513/3 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council approves the donation of the meeting room hire fees to Club Lennox to assist with fund raising for the Lennox Head Bowling Club. This donation is limited to a maximum of six hiring events, with the donation to be funded from the 2012/13 and 2013/14 community donations budgets.

FOR VOTE - All Councillors voted unanimously.

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

That Council not approve the waiver of the Water and Wastewater (Sewer) Section 64 Developer Contribution charges for development consent 2011/359 as Council sees this as a State Government responsibility.

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

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

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/05/13 AT 9.00 AM**

230513/4 RESOLVED

(Cr Keith Johnson/Cr Robyn Hordern)

That Council approves the waiver of the Water and Wastewater (Sewer) Section 64 Developer Contribution charges for development consent 2011/359 due to this being a State Government facility provided for community infrastructure purposes (Child and Family Centre).

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

AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston

8. Regulatory Services Group Reports

8.1 DA 2012/369 - Erection of Store and Special Purpose Subdivision

The meeting was advised that a letter had been received from the applicant seeking deferral of this item from this meeting.

230513/5 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Development Application 2012/369 be **REFUSED** for the following reasons:

1. The proposal has not suitably addressed relevant matters under Section 79C of the Environment Planning and Assessment Act 1979
2. The proposal is inconsistent with the objectives of Zone No. 1(b) – Rural (Secondary Agricultural Land) of the Ballina Local Environmental Plan 1987
3. A Special purpose subdivision under the provisions of the BLEP 1987 prohibits the creation of an allotment for a dwelling-house
4. A general store is a prohibited use in the current RU1 Rural Landscape zone of the BLEP 2012
5. The proposal is inconsistent with Council's 2012 Development Control Plan(s)
6. The proposal is not in the public interest.

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 23/05/13 AT 9.00 AM**

8.2 DA 2012/499 - Expansion of Scaffold Business Storage Depot

230513/6 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That DA 2012/499 for the erection of a further storage depot/shed for the purpose of the bulk storage of plant and equipment associated with the existing scaffold business including an additional vehicular access (and an additional two tip trucks not associated with the scaffold business) on Lot 1 DP 836234, No. 152 Newrybar Swamp Road, Lennox Head be **REFUSED** for the following reasons:

1. The proposed development does not meet with and is inconsistent with the objectives of the 1(a2) – Rural (Coastal Lands Agricultural) Zone of the Ballina Local Environmental Plan 1987
2. The proposed development is inconsistent with provisions of the North Coast Regional Environmental Plan
3. The proposed development is inconsistent with the provisions of State Environmental Planning Policy (Rural Land) 2008
4. The proposed development is inconsistent with the provisions of the Ballina Local Environmental Plan 2012
5. The proposed development is inappropriately located in this rural locality and is likely to adversely impact on existing and surrounding land uses. The proposed expansion of the urban type “bulk store” and “depot” use has been identified as being incompatible with the rural locality and is better suited to an industrial zoning
6. The proposed development will create an adverse flood impact on the locality
7. The grant of consent would be contrary to the best public interest.

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 23/05/13 AT 9.00 AM**

8.3 DA 2013/26 - 2 Henderson Place Lennox Head

230513/7 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Development Application 2013/26 be **APPROVED** in accordance with the amended plans prepared by RDM Design and lodged with Council and in particular, Dwgs Nos 002a, 004a, 004b, 005a and 007a, issue B, dated 10 February 2013, subject to the application of Council's standard conditions that are relevant to the project.

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

8.4 Legal Proceedings - Land Use and Pollution Issues

230513/8 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council authorises the following actions in respect to the matters outlined within this report:

1. Local Court Prosecution against Jade Wesley ROSE, Fiona Jane ROSE, Ballina Pumping Service and Northern Rivers Vacuum Excavations, either jointly or as separate entities, for the use of the Pimlico premises as a waste facility without the prior development consent of Ballina Shire Council.
2. Local Court Prosecution against TCDE Pty Ltd, trading as Tweed Coast Demolition and Excavations for the non compliance with DA 2010/58 and 2011/458 for the transporting and subsequent unlawful dumping of waste materials within the Pimlico and Alstonville premises.
3. Two Penalty Infringement Notices to Karen Jane WIGGINS:
 - One Penalty Notice for Cause permit transport more than 1 cubic metre or 2 tonnes to unlawful waste facility – Individual (@ \$1,500)
 - One Penalty Notice for Development without development consent - other – Individual (@ \$1,500) for the use of the premises as a waste facility without the prior development consent of Ballina Shire Council.
4. As an alternative to point three should sufficient evidence and circumstances permit, Council authorises additional legal action in the form of a Local Court Prosecution against Karen Jane WIGGINS in the event that Council's legal representative is of the opinion that this option is the more appropriate course of action.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/05/13 AT 9.00 AM**

5. One Penalty Infringement Notice to Joshua WIGGINS for Cause permit transport more than 1 cubic metre or 2 tonnes to unlawful waste facility – Individual (@ \$1,500).
6. As an alternative to point five should sufficient evidence and circumstances permit, Council authorises additional legal action in the form of a Local Court Prosecution against Joshua WIGGINS in the event that Council's legal representative is of the opinion that this option is the more appropriate course of action.

FOR VOTE - All Councillors voted unanimously.

8.5 Development Consent Statistics - April 2013

230513/9 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council notes the contents of the report on development consent statistics for 1 April 2013 to 30 April 2013.

FOR VOTE - All Councillors voted unanimously.

8.6 Development Applications - Works in Progress - May 2013

230513/10 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.39 am.

The meeting resumed at 11.02 am
Cr Sharon Cadwallader was not in attendance at this stage.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/05/13 AT 9.00 AM**

9. Strategic & Community Services Group Reports

9.1 LEP Amendment Request - 31 and 32 Tara Downs, Lennox Head

230513/11 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

1. That Council endorses the application of an R2 Low Density Residential zone as the basis for a planning proposal relating to Lots 31 and 32 DP 837448, being 31 and 32 Tara Downs, Lennox Head.
2. That the subdivision potential and associated minimum lot size for subdivision for Lots 31 and 32 DP 837448 be determined following assessment of additional technical information to be supplied by the respective property owners.
3. That Council submit the planning proposal relating to Lots 31 and 32 DP 837448 to the NSW Department of Planning & Infrastructure for review and Gateway determination.
4. That upon an affirmative Gateway determination being received from the Department of Planning & Infrastructure, Council staff carry out the procedural steps associated with the progress of the planning proposal, including requesting additional information and public exhibition.
5. That a further report be submitted to the Council in relation to this matter following mandatory community consultation.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

9.2 Planning Proposal - 60 Crane Street, Ballina

230513/12 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council endorses the application of a B3 Commercial Core zone as the basis for a planning proposal applying to Lot 2 DP 506103, 60 Crane Street, Ballina (as shown in Map 1 of the planning proposal contained in Attachment 1).
2. That the Council submit the planning proposal relating to Lot 2 DP 506103, 60 Crane Street, Ballina 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 23/05/13 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 community consultation, be undertaken.
4. That a further report be presented to the Council in relation to this matter following mandatory community consultation.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

**9.3 Land Classification - Wardell & District War Memorial Hall
230513/13 RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

1. That Council notes the contents of this report in relation to the public notification of the proposal to classify Lot 1 DP 312334 containing the Wardell and District War Memorial Hall as operational land.
2. That upon acquisition, Lot 1 DP 312334 containing the Wardell and District War Memorial Hall be classified as operational land in accordance with the provisions of the *Local Government Act 1993*.

FOR VOTE - Cr David Wright, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Horder and Cr Ben Smith
AGAINST VOTE - Cr Jeff Johnson
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

**9.4 Alstonville Farmers' Market
230513/14 RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

1. That based on the outcomes from the registration of interest process, Council authorises the General Manager to appoint Mr Cooke as the market operator of the Alstonville Farmers' Market for a period of twelve months, effective from the date of the initial market.
2. The appointment of Mr Cooke is on the basis that the market operator will meet all operational, management and marketing costs associated with the Alstonville Farmers' Market for the duration of the twelve month trial period.
3. That Council waives any rental associated with the Alstonville Farmers' Market site for the initial twelve month trial period on the basis of the substantial establishment costs likely to be incurred by the approved market operator.
4. That Council receive a further report towards the end of the twelve month trial of the Alstonville Farmers' Market outlining the social, environmental and economic benefits and impacts of the market.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/05/13 AT 9.00 AM**

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr Susan Meehan and Cr Paul Worth
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

10. General Manager's Group Reports

10.1 Investment Summary - April 2013

230513/15 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

10.2 Councillor Attendance

230513/16 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council authorises the attendance of Cr Hordern at the LG Women's Summit to be held in Sydney on 20 June 2013.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

10.4 Code of Conduct - Complaints Co-ordinator

230513/17 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council confirms that for the purposes of the Code of Conduct that the Alternate Complaints Co-ordinator is Council's Records Co-ordinator, who is a public disclosure co-ordinator, thereby replacing the Manager – Finance and Governance in this role.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/05/13 AT 9.00 AM**

10.5 Street Banner Signage and Associated Infrastructure

230513/18 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council notes the contents of this report in respect to the provision of road street banner infrastructure.
2. That Council consider funding for this infrastructure as part of the 2014/15 budget deliberations.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

10.6 Ballina Naval and Maritime Museum - Improved Profile

230513/19 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of this report in respect to the marketing and promotion of the Ballina Naval and Maritime Museum and Las Balsas Raft.

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
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

10.7 Lance Ferris Wharf, Ballina - Commercial Use

230513/20 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

1. That Council provides in principle support to the proposal to sell fresh seafood from a trawler located at the Lance Ferris Wharf, Fawcett Park, Ballina.
2. That subject to there being confirmation that the proposed activity is permissible from a planning perspective, that an application be submitted to the Department of Primary Industries for the granting of an additional licence agreement to Council for the Lance Ferris Wharf to enable the granting of a sub-licence to a potential commercial operation from the wharf.
3. That Council liaise with the Fishermen's Co-operative and Ballina Chamber of Commerce to progress a trial of this concept.

Cr Sharon Cadwallader returned to the meeting at 12:01 pm.

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 23/05/13 AT 9.00 AM**

10.8 Independent Local Government Review Panel - Future Directions

230513/21 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Council make a formal submission in respect to the Future Directions for NSW Local Government report prepared by the Independent Local Government Review Panel, with our submission stating as a minimum that:

- a) We are broadly supportive of the recommendations within the report
- b) Our preference remains for the total removal of rate pegging
- c) We have a number of concerns in respect to the operation of the proposed regional county council model and as such are committed to working with the other NOROC councils to develop a model that would be effective and suitable for this region.
- d) That developer contributions reflect the actual cost of the provision of infrastructure.

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

12. Public Question Time

12.1 Tree Removal - Clarence Street, Ballina

Mal Lowe – still disappointed in tree removal in Clarence Street Ballina. Mr Lowe tabled photos.

12.2 Independent Local Government Review Panel - Community Hearing

Ralph Moss –asked if there were to be any public meetings on this subject.

Paul Hickey advised that there was a public hearing organised by the Panel in Lismore on 11 June 2013. Staff will provide Mr Moss with the relevant information.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/05/13 AT 9.00 AM**

10.10 Lease - Community Land, 21 Compton Drive, East Ballina.

230513/22 RESOLVED

(Cr Robyn Hordern/Cr Paul Worth)

1. That Council, having considered the submission received by way of objection to the leasing proposal for lease of Lot 1 DP 781542, approves the granting of this lease to the applicants, Ricky Tinwo Lau and Ling Kwok, for a term of five years at a rent to be based upon a commercial valuation.
2. Council approves the use of the Common Seal on the Deed of Lease and any other associated legal documentation.

FOR VOTE - All Councillors voted unanimously.

10.11 Land Sale - Southern Cross Industrial Estate

230513/23 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That Council approves the sale of approximately 2,429m² of Southern Cross industrial land, as detailed within this report, with the sale price to be determined as per the separate report elsewhere in this agenda.
2. That Council authorises the Council seal to be attached to the contract for sale and any other related documents.

FOR VOTE - All Councillors voted unanimously.

10.12 Lease Proposal - 139 River Street, Ballina

230513/24 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council approves the lease of 139 River Street, Ballina as outlined within this report, subject to the terms and conditions to be determined as per the confidential report elsewhere in this agenda.
2. That Council authorises the Council seal to be attached to the lease documentation and any other related documents.
3. That Council approves a maximum of \$50,000 in funding from the Commercial Opportunities Reserve to undertake the refurbishment works as outlined within this report.

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 23/05/13 AT 9.00 AM**

10.13 Financial Review - Quarter Ended 31 March 2013

230513/25 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the 31 March 2013 Quarterly Budget Review and approves the changes identified within this report.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 1.18 pm

The meeting resumed at 2.02 pm

10.14 Capital Expenditure - Quarterly Update

230513/26 RESOLVED

(Cr Keith Williams/Cr Paul Worth)

1. That Council notes the contents of the Capital Expenditure - Quarterly Update report for the period ended 30 April 2013.
2. That Council approves the budget changes as identified in the "New Variations" column as per the attachments to this report.

FOR VOTE - All Councillors voted unanimously.

11. Civil Services Group Reports

11.2 Lennox Headland - Landscape Design

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

1. That Council endorses the King and Campbell design note prepared for the Lennox Headland, excluding the recommended option for the shared path.
2. That Council authorises the General Manager to take the necessary steps to implement the adopted design note, excluding the extension of the shared path.
3. That the detailed design process for the Coastline Shared Path project give consideration to the King and Campbell recommendation for the shared path in case it is necessary to extend this path in the future.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/05/13 AT 9.00 AM**

4. That the General Manager arrange for a review of suitable grass species for the existing grassed path to determine the most suitable species.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Susan Meehan

1. That the General Manager arrange for a review of suitable grass species for the existing grassed path to determine the most suitable species.
2. That Council endorses the installation of the seats as proposed in the design note.

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

FOR VOTE - Cr Jeff Johnson

AGAINST 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

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

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston and the casting vote of the Mayor

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

230513/27 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

1. That Council endorses the King and Campbell design note prepared for the Lennox Headland, excluding the recommended option for the shared path.
2. That Council authorises the General Manager to take the necessary steps to implement the adopted design note, excluding the extension of the shared path.
3. That the detailed design process for the Coastline Shared Path project give consideration to the King and Campbell recommendation for the shared path in case it is necessary to extend this path in the future.
4. That the General Manager arrange for a review of suitable grass species for the existing grassed path to determine the most suitable species.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston and the casting vote of the Mayor

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Johnson, Cr Paul Worth, 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 23/05/13 AT 9.00 AM**

11.3 Waste Water Treatment Plants Upgrade - Update

230513/28 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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.

11.4 Tender - Construction of Animal Pound

230513/29 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That Council accepts the tender RFT/ Contract 666 for the construction of a new Ballina Animal Pound from Greg Clark Building Pty Ltd for an amount of \$668,700 plus GST.
2. That Council allocates \$370,000 from the Industrial Land reserve to the Animal Shelter project to allow the project to be completed.
3. That Council authorises the General Manager to attach the seal to the finalised contract.

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

11.5 Ballina Recycled Water Trunk Main - Power Drive Section

230513/30 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council obtain a total of at least three quotations for this work to ensure public accountability with the General Manager to determine the most appropriate quotation to Council.

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 23/05/13 AT 9.00 AM**

11.6 Ballina Waste to Energy Project - Procurement Strategy

230513/31 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

That Council endorses the Procurement Strategy, as attached to this report for the Ballina Waste to Energy Project.

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

13. Notices of Motion

Nil Items

14. Advisory Committee Minutes

Nil Items

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

15.1 Mayoral Meetings

230513/32 RESOLVED

(Cr David Wright/Cr Susan Meehan)

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

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 23/05/13 AT 9.00 AM**

10.9 Ballina Gallery Cafe - Alterations

230513/33 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council move into Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

230513/34 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

230513/35 RESOLVED

(Cr Ben Smith/Cr Jeff Johnson)

That this matter be deferred until Council determines its preferred options for the entire precinct.

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Ken Johnston and Cr Robyn Hordern

16. Questions Without Notice

16.1 Cr Sharon Cadwallader - Amphitheatre Lights

Cr Sharon Cadwallader –has noticed that amphitheatre lights have been left on at various times.

John Truman to follow up.

16.2 Cr Paul Worth - Motorcycle Parking

Cr Paul Worth - can we provide motorcycle parking in the new section of River Street where the current small “triangle” sections are empty?

John Truman to follow up.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/05/13 AT 9.00 AM**

17. Confidential Session

230513/36 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

17.1 Land Sale Price - Southern Cross Industrial Estate

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) 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 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 in the process of negotiating a sale for the property in question and without the ability to have these discussions in confidential session Council may not be in a position to maximise the return on the sale of this land to the community.

17.2 Lease Terms and Conditions - 139 River Street, Ballina

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) 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 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 because it would put Council at a competitive disadvantage in attempting to maximise the commercial return to the community for this property.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 3.41 pm).

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/05/13 AT 9.00 AM**

Open Council

230513/37 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

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 3.55 pm).

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

17.1 Land Sale Price - Southern Cross Industrial Estate

CF230513/38 RECOMMENDED

(Cr Ben Smith/Cr Keith Williams)

That Council confirms that the approved selling price for part Lot 96 DP 1184435 Stinson Street, Ballina is as per option two of this report.

FOR VOTE - All Councillors voted unanimously.

17.2 Lease Terms and Conditions - 139 River Street, Ballina

CF230513/39 RECOMMENDED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council authorises the General Manager to finalise the negotiations with the respective tenant for 139 River Street, Ballina, based upon the terms and conditions referenced within the body of this report.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendations from Confidential Session

230513/40 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

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

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 23/05/13 AT 9.00 AM**

MEETING CLOSURE

3.52 pm

The Minutes of the Ordinary Meeting held on 23/05/13 were submitted for confirmation by council on 27 June 2013 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 June 2013.