

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 27/06/13 AT 9.00 AM**

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**Attendance**

Crs David Wright (Mayor - in the chair), 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 (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 26 people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by Ballina Public School.

Cr Susan Meehan left the meeting at 09:03 am.

**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**

An apology was received from Cr Jeff Johnson.

**270613/1        RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Susan Meehan

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**4. Confirmation of Minutes**

**270613/2        RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 May 2013.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Susan Meehan

**5. Declarations of Interest and Reportable Political Donations**

- **Cr Paul Worth** – declared an interest in Item 11.12 – Development Servicing Plans – Water and Wastewater. (Nature of Interest: non pecuniary – he owns land in the Wollongbar Urban Expansion area and his subdivision is completed). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Paul Worth** – declared an interest in Item 14.2 – Commercial Services Minutes and in particular Item 4.7 – Property Reserves – Future Cash Flows. (Nature of Interest: non pecuniary – he owns land in the Wollongbar Urban Expansion area and it is mentioned in the report, however the land mentioned is not owned by Cr Worth). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Paul Worth** – declared an interest in Item 11.2 – Wollongbar Sports Fields – Update. (Nature of Interest: non pecuniary – he owns land in the vicinity of this development). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Keith Williams** – declared an interest in Item 10.10 – Delivery Program 2013/14 – 2016/17 and Operational Plan 2013/14. (Nature of Interest: non pecuniary, non significant – he is the Treasurer of a non for profit organisation (Seabird Rescue) which has received financial support from Council in the past). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** – declared an interest in Items 9.5 (Ballina LEP 2012 – Rural Tourism and Eco-tourist Facilities) and 9.6 (Development Control Plan 2012 – Amendment No. 1). (Nature of Interest: non significant, non pecuniary – she is a tourism operator in the Shire). She will be remaining in the meeting while the matters are discussed and voting on the matters.
- **Cr Sharon Cadwallader** – declared an interest in Item 10.9 – Town Centre Management – Options. (Nature of Interest: non significant, non pecuniary – she is a business owner in Ballina). She will be remaining in the meeting while the matter is discussed and voting on the matter.

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- **Cr Paul Worth** – declared an interest in Item 10.9 – Town Centre Management – Options. (Nature of Interest: non significant, non pecuniary – he is a business owner in Alstonville). 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**

- **Tom Muir** – spoke in favour of Item 10.10 – Delivery Program 2013/14 – 2016/17 and Operational Plan 2013/14 and in particular to a donation request from himself (Donation Request No. 17)
- **David Felsch** – spoke in opposition to the recommendation in Item 11.3 – Ferry Fee – Waiver.
- **Karen Wiggins** – spoke in favour of Item 8.1 – DA 2011/105 – Section 96 – Bulk Storage.
- **Ralph Moss** – spoke in opposition to Item 9.2 – Planning Proposal BSCPP 12/005 – Burns Point Ferry Road.

Cr Susan Meehan returned to the meeting at 09:25 am.

- **Ralph Moss** – spoke in favour of Item 10.6 – Local Government NSW – Annual Conference.
- **David Westaway** – spoke in favour of Item 9.2 – Planning Proposal BSCPP 12/005 – Burns Point Ferry Road.
- **Tony Pennisi** – spoke in opposition to Item 11.2 – Wollongbar Sports Fields – Update.
- **Felix Holmer** – spoke in favour of Item 13.1 – Notice of Motion – Villages of Tintenbar and Newrybar – Naming.
- **Nadia Elliott-Burgess, Ballina Chamber of Commerce & Industry** – spoke in favour of Item 10.9 – Town Centre Management – Options.
- **Fiona Folan** – spoke in opposition to Item 8.5 – Development Applications – Works in Progress – June 2013 – and in particular DA 2013/194 and DA 2013/195 – Lennox Head Shared Pathways.

**7. Mayoral Minutes**

Nil items

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**8. Development and Environmental Health Group Reports**

**8.1 DA 2011/105 - Section 96 - Bulk Storage**

**270613/3 RESOLVED**

(Cr Keith Johnson/Cr Sharon Cadwallader)

That the Section 96 1(A) application be deferred particularly in relation to the deletion of Condition 1.5.

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

AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**9.2 Planning Proposal BSCPP 12/005 - Burns Point Ferry Road**

**270613/4 RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

1. That Council endorse the application of an R3 Medium Density Residential zone and 600m<sup>2</sup> minimum lot size for subdivision for Lot 1 DP 522558, No. 6 Burns Point Ferry Road, West Ballina under the Ballina Local Environmental Plan 2012.

2. The Council proceed to finalise and implement Planning Proposal BSCPP 12/005, relating to No. 6 Burns Point Ferry Road, West Ballina, directly in liaison with Parliamentary Counsel.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**13.1 Notice of Motion - Villages of Tintenbar and Newrybar - Naming**

**270613/5 RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council replace the existing village signage for Newrybar and Tintenbar with signs that make reference to the "Village of Tintenbar" and "Newrybar Historic Village".

2. That Council write to the Geographical Names Board to determine whether or not it is possible to obtain formal recognition of these names.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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---

**Adjournment**

The Mayor declared the meeting adjourned at 10.32 am

The Meeting resumed at 10.54 am

**10.9 Town Centre Management - Options**

**270613/6        RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council commence the process of applying to the State Government for a business rate levy of 8% across all Ballina businesses from 2014/15 with the endorsement of Ballina Chamber of Commerce & Industry Inc.
2. Pending endorsement from Alstonville and/or Lennox Head Chamber of Commerce, Council supports broadening the levy to apply to the whole shire (approximately \$280,000 if whole of shire are levied).
3. The funds are to be administered by the Chambers of Commerce proportionate to the number of businesses within their region (i.e. 65% in Ballina, 23% in Alstonville and 12% in Lennox) overseen by the General Manager to ensure transparent and appropriate fund expenditure and adequate acquittals.
4. Activities for the project include marketing, development and promotion activities for all business sectors (including, professional services, hospitality, trade, manufacturing, industry and retail), business development initiatives, and town revitalisation projects.
5. That Council contribute \$50,000 from reserve funds in 2013/14 to the Chambers to be allocated in consultation with the General Manager.
6. That Council retain 10% of the levy funds in the first two years to repay its initial contribution plus interest (approx. \$56,000).

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

**11.6 Tender - Supply and Delivery of Pre-Mixed Concrete 2013/2015**

**270613/7        RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

That this matter be deferred for further advice.

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

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**8.1     Matter of Urgency - DA 2011/105 - Section 96 - Bulk Storage**

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

That a rescission of the resolution for Item 8.1 (DA 2011/105 – Section 96 – Bulk Storage) be dealt with as a matter of urgency.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**14.2   Commercial Services Committee Minutes - 24 June 2013 - Ballina Surf Club - Management and Funding Update**

**270613/8         RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

That Council confirms the minutes of the Commercial Services Committee meeting held 24 June 2013 and that the recommendations contained within the minutes be adopted, subject to the following amendment to item 4.1 - (Ballina Surf Club - Management and Funding Update):

1. That in respect to the occupation of the Ballina Surf Club building, Council approves the offer of a 20 year sub-licence to the Ballina Lighthouse and Lismore Surf Lifesaving Club, based on the standard terms and conditions as outlined within this report. Council approves the attaching of the Council seal to this sub-licence.
2. That Council confirms, subject to further discussion, that this sub-licence agreement will entitle the Ballina Lighthouse and Lismore Surf Lifesaving club the use of the upstairs function / meetings room without paying a hire charge (other costs such as cleaning still applicable) based on one week night per month (Monday to Thursday) and three nights per annum (Friday or Saturday) for presentation etc. and that the use of the upstairs rooms be monitored.
3. That Council notes the occupation of the café and kiosk will be the subject of a further report once the expressions of interest process closes.
4. That Council notes the contents of the current status of the budget for the Ballina Surf Club building.
5. That Council gives in-principle support to the kiosk rental being directed to the Ballina Lighthouse and Lismore Surf Club with this matter to be resolved once Council assesses the expressions of interest for the café

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and kiosk.

6. That due to the high demand for community meeting space in Ballina that the General Manager hold further discussions with the Ballina Lighthouse and Lismore Surf Club regarding the feasibility of relocating the gym from the first floor of the Ballina Surf Lifesaving Club building to the proposed boat shed. This relocation will assist in providing a far clearer delineation of responsibilities between Council (first floor including café) and the Surf Club (ground floor and storage shed).

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

**14.2    Commercial Services Committee Minutes - 24 June 2013 - Ballina Surf Club - Management and Funding Update**

**270613/9        RESOLVED**

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That the building be referred to as the Ballina Surf Club.

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

**8.2       Compliance Work Plan 2012/2013**

**270613/10       RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the final report for the Compliance Work Plan for 2012/13.

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

**8.3       Compliance Work Plan 2013/2014**

**270613/11       RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

That Council endorses the proposed annual Compliance Work Plan for 2013/14 as detailed within this report.

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

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**8.4     Development Consent Statistics - May 2013**

**270613/12     RESOLVED**

(Cr Keith Johnson/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**8.5     Development Applications - Works in Progress - June 2013**

**270613/13     RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**9.     Strategic and Community Facilities Group Reports**

**9.1     LEP Amendment Request and Planning Proposal Status Report**

**270613/14     RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson



**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
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**9.3     LEP Amendment Request - Burns Point Ferry Road, West Ballina**

**270613/15     RESOLVED**

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council defer for up to six months its further consideration of the LEP amendment request relating to Lot 4 DP 537419, Burns Point Ferry Road, West Ballina as submitted by SJ Connelly CPP Pty Ltd on 18 July 2012.
2. That Council awaits confirmation from the NSW Office of Environment and Heritage of the nature and suitability of the proposed Biobanking scheme over part of Lot 4 DP 537419, Burns Point Ferry Road, West Ballina.
3. That, based on the agreement of the proponent in correspondence dated 7 June 2013, Council engage an independent ecologist to undertake a review of the ecology of the land within the proposed urban footprint on Lot 4 DP 537419, Burns Point Ferry Road, West Ballina, with the cost of such engagement to be borne by the proponent.
4. That Council awaits advice from the NSW Department of Planning and Infrastructure in relation to the availability and potential for use of environmental protection zones in the BLEP 2012.
5. That the applicant be informed, that in the event of the planning proposal being approved by the Minister for Planning, that today's resolution should not be interpreted as endorsement of any submitted development proposal.

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

**9.4     LEP Amendment Request - Southern Cross Precinct Expansion**

**270613/16     RESOLVED**

(Cr Susan Meehan/Cr Keith Williams)

1. That the Council endorses the application of a B6 Enterprise Corridor zone and B7 Business Park zone as the basis for a planning proposal for Gateway determination, applying to Part of Lots 3-6 DP 123781; Lots 3-4 DP 872303; Lot 2 DP 833513; Lot 8 DP 793980; Part of Lot 7 DP 1043261 and adjoining Council road reserve (Corks Lane) in Ballina, as shown in Map 3 of the planning proposal contained in Attachment 1.

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40 CHERRY STREET, BALLINA,  
ON 27/06/13 AT 9.00 AM**

---

2. That the Council submit the planning proposal contained in Attachment 1 to the NSW Department of Planning & Infrastructure for review and Gateway determination.
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 be undertaken.
4. That the Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information submitted, and to provide Council with an associated report and recommendations.
5. That a further report be presented to the Council in relation to this matter prior to the commencement of community engagement for the planning proposal.

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

**9.5     Ballina LEP 2012 - Rural Tourism and Eco-tourist Facilities**

**270613/17     RESOLVED**

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. That Council notes the contents of this report relating to the operation of the Ballina Local Environmental Plan 2012 insofar as it applies to tourist oriented development.
2. That Council maintains the existing approach to rural, nature based and eco tourism under the Ballina Local Environmental Plan 2012 as it is considered satisfactory to address the issue of eco-tourism and rural tourism.

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

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**9.6     Development Control Plan 2012 - Amendment No. 1**

**270613/18     RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts Draft Amendment No.1 to the Ballina Shire Development Control Plan 2012 as exhibited for public comment, inclusive of the following additional amendments:
  - The correction of the identified residential dwelling ratio at Skennars Head from 1 dwelling per 250m<sup>2</sup> to 1 dwelling per 300m<sup>2</sup> of site area to reflect the historic ratio applied to this locality.
  - The inclusion of a notation to clarify car parking requirements for shop top housing.
2. That Ballina Shire Development Control Plan 2012 Amendment No.1 takes effect on 8 July 2013.

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

**9.7     NSW Planning Reforms - White Paper**

**270613/19     RESOLVED**

(Cr Susan Meehan/Cr Paul Worth)

1. That Council notes the content of this report in relation to the NSW planning reform process as outlined in the *A New Planning System for NSW* White Paper.
2. That the Council endorses the submission in response to the planning reform White Paper as contained in Attachment One to this report.

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

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40 CHERRY STREET, BALLINA,  
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**9.8     Policy (Review) - Commercial Use of Footpaths**

**270613/20     RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

1. That Council endorses the revised draft Commercial Use of Footpaths Policy, as attached to this report and approves the exhibition of the draft document for public exhibition.
2. That if no submissions by way of objection are received, the revised policy is taken to be adopted at the conclusion of the exhibition period.
3. That upon its adoption, the revised policy supersedes the Commercial Use of Footpaths Policy adopted by the Council on 26 August 2010.

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

**9.9     Aboriginal Community Advisory Committee**

**270613/21     RESOLVED**

(Cr Susan Meehan/Cr Keith Williams)

1. That Council approves the following nominees for inaugural membership of the Ballina Shire Aboriginal Community Advisory Committee:

<u>Name</u>	<u>Representation</u>
Ms Carmel Kapeen	Community Member (Elder)
Mr Troy Anderson	John Bappa Cook Foundation
Ms Susan Anderson	John Bappa Cook Foundation
Ms Samantha Anderson	Community Member (Young person, 18-25yrs)
Ms Dianne Creighton	Community Member (Elder)
Ms Sandra Bolt	JALI Local Aboriginal Land Council (Elder)
Ms Kim Vincent	Envite Employment Ballina (Elder)
Mr Marcus Ferguson	Community Member
Ms Lois Cook	Community Member (Elder)
Ms Lenkunar Hickling	Yarrabee CACPS
Ms Kylie Coldwell	Community Member

2. That Crs Meehan and Williams be appointed as members of the Aboriginal Community Advisory Committee, together with the Mayor Councillor Wright, with such appointments being for the remaining term of this Council.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
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**9.10 Alstonville Leisure & Entertainment Centre - Management Committee**

**270613/22      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That the nomination received from Mr Damon Moloney as a Council-appointed member of the Alstonville Leisure and Entertainment Centre Management Committee be accepted, and apply for the remainder of the current Council term.

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

**10. General Manager's Group Reports**

**10.1 Use of Council Seal**

**270613/23      RESOLVED**

(Cr Robyn Hordern/Cr Keith Williams)

That Council affix the Common Seal to the following documents.

US13/10	Contracts for Sale of Land and Transfers - Council operational land to adjoining land owners as 'land swap' for new road dedication at Teven.  1. Lot 16 DP 1180023 (7,097m <sup>2</sup> ) to Hilton Paul Parry, Helen Maria Parry and Mark Andrew Parry; and  2. Lot 17 DP 1180023 (392.5m <sup>2</sup> ) to Daryl John Spencer and Julie May Spencer.
US13/11	Lease Agreement between Ballina Shire Council and Elmia Air Pty Ltd as Trustee of the Baker Family Trust, ACN 162 294 395 – Lease of Ballina Byron Gateway Airport Café premises (currently trading as 'Café Horizon'). Five Year term 1 July 2013 to 30 June 2018.
US13/12	Deed of Surrender of Lease and Termination Agreement between Ballina Shire Council and The Salvation Army (New South Wales) Property Trust for their lease of Units 1, 2, 2A, 3 and 4 of the Centre Arcade at 78 Tamar Street, Ballina.
US13/13	Deed of Surrender of Lease and Termination Agreement between Ballina Shire Council and Bridgett Kay Currey (trading as 'Hairmoods'), tenant of Units 10 and 11 of the Centre Arcade at 78 Tamar Street, Ballina.
US13/14	Use of Seal: Plan of Consolidation of Lots 1 and 2 in DP 1061771, and Section 88B Instrument – Fawcett Park Café lease area (formerly trading as Pelican 181).

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

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**10.2    Investment Summary - May 2013**

**270613/24       RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

**10.3    Redistribution of Electoral Districts - State Electorate of Ballina**

**270613/25       RESOLVED**

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council notes the contents of this report relating to the proposed boundary changes for the State Electorate of Ballina.

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

**10.4    Legal Costs - Request for Assistance**

**270613/26       RESOLVED**

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council approves the request from LGNSW for a contribution towards Mid-Western Regional Council's legal costs of \$3,777.51.

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

**10.5    Water Charges Write Off - Water Leak**

**270613/27       RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council approves the total write off of \$1,278.21 in water consumption charges in accordance with our Concealed Water Leaks Policy and pursuant to clause 131 of the Local Government (General) Regulation 2005 and section 607 of the Local Government Act 1993 (LGA), as outlined within this report.

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

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**10.6    Local Government NSW - Annual Conference**

**270613/28       RESOLVED**

(Cr Keith Williams/Cr Susan Meehan)

That Council approves the attendance of Crs Wright, Cadwallader, Williams, Meehan and Smith at the Local Government NSW Annual Conference to be held in Sydney from 1 – 3 October 2013.

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

**10.7    Policy (Review) – Investments**

**270613/29       RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

1.    That Council adopt the revised Investment Policy, as attached to this report.
2.    That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

**10.8    Policy (Review) - EEO Management Policy and Plan**

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

That Council endorse the exhibition of the amended EEO Management Policy and Plan, as attached to this report, for public comment, subject to a more detailed reference to the 50:50 gender equity program. If no submissions are received, the policy and plan are considered to be adopted.

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

1.    That Council endorse the exhibition of the amended EEO Management Policy and Plan, as attached to this report, for public comment. If no submissions are received, the policy and plan are considered to be adopted.
2.    That the first paragraph of the Policy statement cease after the word “fairly”.

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

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40 CHERRY STREET, BALLINA,  
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---

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

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

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

**270613/30      RESOLVED**

(Cr Susan Meehan/Cr Keith Williams)

That Council endorse the exhibition of the amended EEO Management Policy and Plan, as attached to this report, for public comment, subject to a more detailed reference to the 50:50 gender equity program. If no submissions are received, the policy and plan are considered to be adopted.

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

**12.      Public Question Time**

**12.1      Ralph Moss - Dredging of the Ballina Bar**

Ralph Moss – has there been any development on the dredging of the Ballina Bar?

Paul Hickey advised that a meeting of the Dredging Taskforce/Port Ballina would be held shortly. We have invited Crown Lands to be in attendance at that meeting and are awaiting their response before a date is set.

**10.10      Delivery Program 2013/14 - 2016/17 and Operational Plan 2013/14**

**270613/31      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the 2013/17 Draft Delivery Program and 2013/14 Operational Plan, as exhibited, inclusive of any amendments determined at this meeting.
2. That Council approves the formation of a Committee of three Councillors, representing each Ward, to consider the applications for donations for 2013/14.



**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 27/06/13 AT 9.00 AM**

3. That Council resolves to make the 2013/14 rates and charges as per the advertised Operational Plan and Delivery Program, inclusive of any amendments adopted at this meeting. That Council resolves to make a base rating structure for the levy of the 2013/14 Ordinary Rate as per the following structure.

<b>Rate Category</b>	<b>Rate in Dollar (cents in \$)</b>	<b>Base Amount (\$)</b>	<b>% Income from Base Amount</b>
Residential	0.161054	420	49.8
Business	0.575440	420	14.8
Farmland	0.130375	420	32.6
Mining	0.575440	420	0.00

4. That Council approves an increase to the electricity budget in Wastewater for the Ballina Treatment Plant by \$320,000.
5. That Council approves an increase to the budget for the Regional Library contribution of \$40,000.
6. That Council approves an increase in funding for the new position in Information Services of \$15,000 with this increase to be offset by savings in that program and contributions from water, wastewater and waste.
7. That Council approves an increase in the estimated income from the Financial Assistance Grant of \$94,000.
8. That Council approves a budget of \$500,000 for the construction of the car parks on the Tamar Street properties funded from section 94 contributions.
9. That Council approves the inclusion of the following budgets for the Alstonville and Ballina Bypass works:

<b>Alstonville Bypass (Old Bruxner Hwy)</b>			
<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
\$600,000	\$60,000	\$130,000	\$20,000

<b>Ballina Bypass (Old Bruxner Hwy)</b>			
<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
\$3,000,000	\$128,000	\$51,000	\$633,000

10. That Council approves changes to the following budgets based on current trends with various other expenditure budgets to be reduced to offset the increases:

<b>Budget Description</b>	<b>Variance \$</b>	<b>Budget (\$)</b>	<b>Revised (\$)</b>
Admin Centre electricity	22,000	78,000	100,000
Open Spaces rates	10,000	46,000	56,000
Public Amenities rates	3,000	17,000	20,000
<b>Total</b>	<b>35,000</b>	<b>141,000</b>	<b>176,000</b>

11. That Council approves the inclusion of any other changes to the 2013/14 budget as resolved by Council at the May or June 2013 Ordinary meetings and as detailed within this report.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 27/06/13 AT 9.00 AM**

---

12. That matters raised in the consultation process that are not otherwise addressed in the report be considered in the first Budget and Operational Plan review for 2013/14.

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

**Wastewater Charges**

**270613/32      RESOLVED**

(Cr Susan Meehan/Cr Paul Worth)

That the wastewater charges increase by 9% in 2013/14.

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

**Newrybar Carpark**

A **Motion** was moved by Cr Sharon Cadwallader

1. That Council commit to an allocation of \$75,000 to assist the development of the Newrybar carpark.
2. That the General Manager be authorised to hold negotiations with Boulderstone and other stakeholders in the T2E works.
3. That outcomes on those negotiations along with the funding source be reported back to Council.

The **Motion LAPSED**.

**Upgrading of Ross Lane**

A **Motion** was moved by Cr Sharon Cadwallader

In regard to upgrading works in Ross Lane, the General Manager identify a funding source of \$40,000 to proceed with the plan for Ross Lane.

The **Motion LAPSED**.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 27/06/13 AT 9.00 AM**

---

**Newrybar Carpark**

**270613/33      RESOLVED**

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That the General Manager be authorised to hold negotiations with Boulderstone and other stakeholders in the T2E works regarding construction of a Newrybar carpark and / or village traffic management works.
2. That outcomes on those negotiations along with any funding source be reported back to Council.

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

**Weed Control – Coast Road**

**270613/34      RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

That Council receive a report on allocating increased funds to improve the level of control and spraying of weeds in the road reserve on the Coast Road between Pat Morton Lookout and Angels Beach.

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

**Adjournment**

The Mayor declared the meeting adjourned at 1.23 pm

The Meeting resumed at 2.01 pm

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 27/06/13 AT 9.00 AM**

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**11. Civil Services Group Reports**

**11.1 Local Traffic Committee Report - June 2013**

**270613/35 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council approves the closure of River Street, Ballina for the purpose of the annual Naidoc Celebration Walk subject to the road closure being conducted in accordance with the Traffic Management Plan, with an additional note on the plan requiring its implementation by authorised traffic controllers and that advertising is in accordance with the Roads Act.
2. That Council approves the closure of Pacific Parade, Lennox Head for the Skullcandy Oz Grom Open on 4 to 9 July 2013 subject to the road closure being conducted in accordance with the Traffic Management Plan, with an additional note on the plan requiring its implementation by authorised traffic controllers and that advertising is in accordance with the Roads Act.
3. That Council approves the closure of Main Street Alstonville for community markets on 20 October 2013 subject to the road closure being conducted in accordance with the Traffic Management Plan, with an additional note on the plan requiring its implementation by authorised traffic controllers and that advertising is in accordance with the Roads Act.
4. That Council approves the road closure of River Street and part of Cherry Street, Ballina for the Ballina Coastal Country Music Festival in October 2013 subject to the road closure being conducted in accordance with the Traffic Management Plan, with an additional note on the plan requiring its implementation by authorised traffic controllers and that advertising is in accordance with the Roads Act.
5. That Council approves the closure of Ballina Street, Lennox Head for the Love Lennox Festival 6 July 2013 subject to the road closure being conducted in accordance with the Traffic Management Plan, with an additional note on the plan requiring its implementation by authorised traffic controllers and that advertising is in accordance with the Roads Act.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT 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 27/06/13 AT 9.00 AM**

---

**11.2 Wollongbar Sports Fields - Update**

**270613/36      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council notes the contents of this status report in relation to the status of the Wollongbar Sports Field project.
2. That Council adopts the proposal to build the shared change room and amenities building at Site A as indicated on the Cardno Masterplan, as attached to this report.
3. At the completion of the detail design, Council receive a further report in relation to the budget for this project, including an analysis of staging options, if required.
4. That Council meet with the Wollongbar Rugby Union Club to address their concerns.

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

**11.3 Ferry Fee - Waiver**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Paul Worth

1. That Council authorise the General Manager to provide Mr David Felsch with an annual ferry pass for 2013/14 to be used for his trailer as support to his provision of charity auto electrical services.
2. That a register be kept by Mr Felsch of names and dates of services provided which is to be submitted to Council at the time of renewal of the annual ferry pass.

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

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

**270613/37      RESOLVED**

(Cr Susan Meehan/Cr Robyn Hordern)

That Council express its appreciation to Mr David Felsch for his desire to support the community by offering charity auto electrical services, however in response to his request for Council assistance, this proposal is declined due to the lack of governance controls available to account for the use of the public monies. The alternative proposal for Mr Felsch is for the charities being provided with this service to directly approach Council.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 27/06/13 AT 9.00 AM**

---

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

**11.4 Proposed Recycled Water Charges**

**270613/38      RESOLVED**

(Cr Keith Johnson/Cr Sharon Cadwallader)

That this item be discussed at a Councillor briefing.

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

**11.11 Road Closing and Purchase - Hewetsons Lane, Rous Mill**

**270613/39      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council endorses the proposal to close and purchase the part of Hewetsons Lane road reserve adjacent to Lot 21 DP 701054 at Rous Mill as detailed within this report.
2. That Council accepts a selling price of \$13,000 (excluding GST if it is applicable) to the owners of Lot 21 DP 701054 for the subject land, as per the valuation provided to Council.
3. That the sale be conditional upon the closed section of road being consolidated in title with the remainder of the Roberts property.

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

**11.5 Tender – New Rural Fire Services Shed / Toilet Newrybar**

**270613/40      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council accepts the tender for the Construction of the Newrybar Rural Fire Service (RFS) Shed and public toilet from All Steel Garages & Sheds Pty Ltd for the amount of \$146,059.00 (inc GST).
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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 27/06/13 AT 9.00 AM**

---

**11.7 Tender - Supply and Delivery of Quarry Products 2013/2015**

**270613/41      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the Tenders of Boral Country Concrete & Quarries, Holcim (Australia) P/L and Northern Rivers Quarry & Asphalt as preferred contractors for the supply of quarry products for the period from 1 July 2013 to 30 June 2015, with the preferred supplier for each order determined by an assessment undertaken by staff having regard to cost and program requirements applicable at the time of the order.
2. That Council also accept the tender from Boral Country Concrete & Quarries, as per point one above, subject to the tenderer's acceptance of the terms and conditions in Council's documentation.
3. That in accordance with the terms of the Contract, the General Manager, or delegate, is authorised to extend the Contract period to 30 June 2016, if that arrangement is to the best advantage of Council.
4. 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

**11.8 Tender - Hire of Truck, Plant & Traffic Control**

**270613/42      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That the tenders received and determined to be compliant by staff with the relevant regulations and Council's specification be accepted, as unit rates, and be implemented on a "best advantage to Council" basis in accordance with the specification and other related tender documents.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT 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 27/06/13 AT 9.00 AM**

---

**11.9    Cumbalum Precinct B - Long Term Options for Ross Lane**

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

That Council proceed with the Ross Lane Study during 2013/14.

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

FOR VOTE - Cr Sharon Cadwallader and Cr Keith Williams

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**270613/43        RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

That Council notes the contents of this report on the long term options for Ross Lane and confirms it will take no further action on this item until the 2013/14 review of the Council's Section 94 Roads Contribution Plan is completed.

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

AGAINST VOTE - Cr Sharon Cadwallader and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**11.10   Asset Management Strategy Review 2013**

**270613/44        RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council adopts the review of the Asset Management Strategy, as attached to this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT 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 27/06/13 AT 9.00 AM**

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**11.12    Development Servicing Plans - Water and Wastewater**

**270613/45        RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1.     The Council approves the exhibition of the draft Development Servicing Plans for Water Supply and Wastewater Infrastructure (2012), as attached to this report, for public comment.
2.     That Council hold a Councillor briefing prior to the exhibition period for the purposes of enabling a response to inquiries by Councillors regarding the information in this report and the draft plans.

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

**13.       Notices of Motion**

**13.2    Notice of Motion - Street Lighting Installation - Parkland Drive**

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

That the street lighting installation scheduled for 2016/17 for Parklands Drive, Alstonville as set out on Page 35 of the Draft Delivery Program be brought forward to financial year 2013/14, and the General Manager be authorised to make the adjustments needed to allow this change.

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

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

**13.3    Notice of Motion - Referendum on Constitutional Recognition**

**270613/46        RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

That Council take a pro-active approach in promoting the benefits of the "Yes" vote for the Federal referendum on the constitutional recognition of local government.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith  
AGAINST VOTE - Cr Keith Johnson  
ABSENT. DID NOT 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 27/06/13 AT 9.00 AM**

---

**14. Advisory Committee Minutes**

**14.1 Facilities Committee Minutes - 18 June 2013**

**270613/47      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the minutes of the Facilities Committee meeting held 18 June 2013 and that the recommendations contained within the minutes be adopted.

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

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

**15.1 Mayoral Meetings**

**270613/48      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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 Keith Williams - Lennox Markets Relocation**

**Cr Keith Williams** – what is the progress with relocation of the Lennox Head markets?

John Truman advised that Council has engaged an independent facilitator to conduct a workshop with key stakeholders. Outcomes from the workshop will be reported to Council.

**16.2 Cr Ken Johnston - Graffiti in Public Areas**

**Cr Ken Johnston** - do we remove graffiti in public areas?

Paul Hickey advised that we have a staff member who is pro-active in removing graffiti from Council property, however if Cr Johnston has any incidents to report he can email them to Council.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 27/06/13 AT 9.00 AM**

---

**16.3    Cr Paul Worth - Tree Replacement - Fox Street Ballina**

**Cr Paul Worth** - what is happening with the replacement of trees recently illegally removed in Fox Street?

John Truman advised that instead of replacing the 30 trees for a third time in Fox Street, they will be replanted in a different location.

**16.4    Cr Paul Worth - Trees in River Street Ballina**

**Cr Paul Worth** – enquired if the work currently being carried out installing root barriers to the Poinciana trees on the southern side of River Street will cease before commencing with installation of root barriers on the trees on the northern side to see if the trees respond?

John Truman advised that the work on the northern side will not commence until there has been an opportunity to review the response of the trees on the southern side.

**16.5    Cr Ben Smith - Saunders Oval Locality - Tree Removal**

**Cr Ben Smith** - can we look at some compensatory planting for the recent tree removal in the Saunders Oval locality?

John Truman advised that information would be provided in a Councillor Bulletin on plans for the area.

**17.      Confidential Session**

**270613/49      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    Senior Staff - Contractual Conditions**

**Reason for Confidentiality**

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

- a) personnel matters concerning particular individuals (other than councillors)

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the report provides details of the personal affairs of staff.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 27/06/13 AT 9.00 AM**

---

**17.2     Mayoral Report - General Manager - Performance Review**

**Reason for Confidentiality**

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

- a) personnel matters concerning particular individuals (other than councillors)

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as discussion may involve specific details of the employee's performance.

(The Council moved into Confidential Session at 3.44 pm).

John Truman, Rod Willis, Steve Barnier and Sandra Bailey left the meeting at 3.44 pm. Paul Hickey left the meeting during the Confidential Session after Item 17.1.

**Open Council**

**270613/50     RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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 4.20 pm).

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

**17.1     Senior Staff - Contractual Conditions**

**CF270613/1     RECOMMENDED**

(Cr Robyn Hordern/Cr Susan Meehan)

That Council notes the contents of the annual report in respect to the employment conditions of senior staff as required by Section 339 of the Local Government Act.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT 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 27/06/13 AT 9.00 AM**

---

**17.2 Mayoral Report - General Manager - Performance Review**

**CF270613/2      RECOMMENDED**

(Cr Robyn Hordern/Cr Ben Smith)

1. That Council adopts the General Manager's Performance Review Committee's evaluation for the General Manager's twelve month performance review for 2012/13 and endorses the Part Two objectives for 2013/14.
2. That Council approves an amendment to the General Manager's TRP as per Option Three of the report, plus 10%.

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

**Adoption of Recommendations from Confidential Session**

**270613/51      RESOLVED**

(Cr Robyn Hordern/Cr Keith Williams)

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**

4.22 pm

The Minutes of the Ordinary Meeting held on 27/06/13 were submitted for confirmation by council on 25 July 2013 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 July 2013.