

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 26/09/13 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 (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 39 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by the RED Inc Choir (Realising Every Dream).

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

260913/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 August 2013.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

- **Cr Keith Williams** – declared an interest in Item 9.1 – Planning Proposal BSCPP 12/002 – Robb Street, Alstonville. (Nature of Interest: non significant, non pecuniary – as Treasurer of Seabird Rescue he has had dealings with Duraplas as a supplier of tanks, but advised that there were no current dealings/orders with the Company). He will be remaining in the meeting while the matter is discussed and voting on the matter.

- **Paul Hickey, General Manager** – declared an interest in Item 11.4 – Tender - Installation of Replacement Water Meters. (Nature of Interest: significant non pecuniary – he is friends with some of the people who are involved in the tender). He will be departing the meeting while the matter is discussed.

There were no reportable political donations.

5.1 North Coast Academy of Sport

John Kincade, Executive Director of the North Coast Academy of Sport, thanked Council for its on-going support of the Academy by way of its donation of \$3,000. John introduced some of the athletes and coaches from the Shire.

6. Deputations

- **Nathan Folks, Mojo Surf** – spoke in favour of Item 10.9 – Policy (Review) – Commercial Activities on Public Land.
- **Dr Paul Earner** – spoke in opposition to Item 9.1 – Planning Proposal BSCPP 12/002 – Robb Street, Alstonville.
- **Rob Van Iersal/John Fleming** – spoke in favour of Item 9.1 – Planning Proposal BSCPP 12/002 – Robb Street, Alstonville.
- **Ralph Moss** – spoke in favour of Item 9.2 – Planning Proposal – Various LEP Amendments.
- **Nadia Elliott-Burgess, Ballina Chamber of Commerce** – spoke in relation to Item 11.1 – Ballina Landscape Entry Treatment Master Plan.
- **Nadia Elliott-Burgess, Ballina Chamber of Commerce** – spoke in opposition to Item 14.2 – Commercial Services Committee Minutes – 17 September 2013 and in particular Item 4.4 of those Minutes - Wigmore Arcade Complex – Redevelopment.

7. Mayoral Minutes

Nil items.

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9. Strategic and Community Facilities Group Reports

9.1 Planning Proposal BSCPP 12/002 - Robb Street, Alstonville

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

1. That the Council confirms its support for the rezoning of part of Lot 1 DP 817406, containing an area of approximately 0.68 hectares. When finalised, the planning proposal would have the effect of rezoning that area to Zone IN1 General Industrial under the *Ballina Local Environmental Plan 2012*.
2. That the necessary documentation be compiled and forwarded to the Department of Planning and Infrastructure to enable the Minister to finalise this planning proposal.

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

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

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

260913/2 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council discontinue support for the planning proposal for the reasons outlined in the report.

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

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

Adjournment

The Mayor declared the meeting adjourned at 10.32 am.

The meeting resumed at 10.52 am

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10.9 Policy (Review) - Commercial Activities on Public Land

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

1. That Council adopts the revised Commercial Activities on Public Land Policy, as exhibited and as attached to this report, subject to the following change:
 - a) Kayak Canoe Tour Student – Teacher ratio to read:

1 instructor per 4 clients - high risk
1 instructor per 12 clients - low risk
 - b) That the number of licences per operator per activity be increased from one to two.
2. That Council approves the issuing of new three licences to the existing licence holders for Surf Schools, Elite Surf Coaching and Stand-up Paddle Boards.
3. That Council confirms that the annual licence fees for year one of the new three year licences are to be as follows (Ex GST):
 - a) Surf Schools - \$3,400
 - b) Elite Surf Coaching - \$1,200
 - c) Stand Up Paddle Boards - \$1,200
4. The fees are subject to annual CPI adjustments.
5. That Council authorises the General Manager to call for expressions of interest for any vacant three year licences based on the amended policy and revised fee structure.

Cr Keith Williams declared that through Australian Seabird Rescue he has had dealings with Mojo, Kool Katz and Summerland Surf Schools – all have taken clients to Seabird Rescue to visit.

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

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

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

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260913/3 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

1. That Council adopts the revised Commercial Activities on Public Land Policy, as exhibited and as attached to this report, subject to the following change:
 - a) Kayak Canoe Tour Student – Teacher ratio to read:
 - 1 instructor per 4 clients - high risk
 - 1 instructor per 12 clients - low risk
2. That Council approves the issuing of new three licences to the existing licence holders for Surf Schools, Elite Surf Coaching and Stand-up Paddle Boards.
3. That Council confirms that the annual licence fees for year one of the new three year licences are to be as follows (Ex GST):
 - a) Surf Schools - \$3,400
 - b) Elite Surf Coaching - \$1,200
 - c) Stand Up Paddle Boards - \$1,200
4. The fees are subject to annual CPI adjustments.
5. That Council authorises the General Manager to call for expressions of interest for any vacant three year licences based on the amended policy and revised fee structure.

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

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11. Civil Services Group Reports

11.1 Ballina Landscape Entry Treatment Master Plan

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

1. That Council adopts the Ballina Landscape Entry Treatment Master Plan as exhibited.
2. That Council support project numbers 4, 6 and 7 and bridge painting, delivered from available funds.

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

1. That Council adopts the Ballina Landscape Entry Treatment Master Plan as exhibited with the sculptures removed.
2. That Council support project numbers 4, 6 and 7 and bridge painting, delivered from available funds.

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

FOR VOTE - Cr Keith Johnson and Cr Paul Worth

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

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Robyn Hordern

1. That Council adopts the Ballina Landscape Entry Treatment Master Plan as exhibited.
2. That Council support project numbers 6 and 7, bridge painting and \$91,000 to be allocated to the landscaping for the Missingham markets project.

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

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

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

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, 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

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260913/4 RESOLVED

(Cr Susan Meehan/Cr Jeff Johnson)

1. That Council adopts the Ballina Landscape Entry Treatment Master Plan as exhibited.
2. That Council support project numbers 4, 6 and 7 and bridge painting, delivered from available funds.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, 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

14.2 Commercial Services Committee Minutes - 17 September 2013

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

That Council confirms the minutes of the Commercial Services Committee meeting held 17 September 2013 and that the recommendations contained within the minutes be adopted.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded Cr Keith Williams

That Council confirms the minutes of the Commercial Services Committee meeting held 17 September 2013 and that the recommendations contained within the minutes be adopted and that it was recognized that in relation to Item 4.3 a motion was moved by Cr Jeff Johnson and seconded by Cr Susan Meehan to refuse a rental relief for Shelly's on the Beach and not dealt with.

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

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

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

AGAINST VOTE - Cr Jeff Johnson

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260913/5 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council confirms the minutes of the Commercial Services Committee meeting held 17 September 2013 and that the recommendations contained within the minutes be adopted.

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

AGAINST VOTE - Cr Jeff Johnson

8. Development and Environmental Health Group Reports

8.1 Bicentennial Park - Draft Concept Plan

260913/6 RESOLVED

(Cr Susan Meehan/Cr Paul Worth)

1. That Council maintain the current status of Bicentennial Park with the roadway and environment properly maintained.
2. That Council improve signage at Bicentennial Park.

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

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

11.2 Coastal Zone Management Plan for the Ballina Shire Coastline

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

1. That Council adopts the Coastal Zone Management Plan, as exhibited, subject to the inclusion of the changes outlined in this report, in response to the comments by Office of Environment and Heritage.
2. That Council prepare an action plan sourced from the Management Actions outlined in the adopted Coastal Zone Management Plan.

An **Amendment** was moved by Cr Jeff Johnson

That Council re-exhibit the Coastline Zone Management Plan and seek a further report back to Council following the exhibition period.

The **Amendment LAPSED.**

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

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

260913/7 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

- . That Council adopts the Coastal Zone Management Plan, as exhibited, subject to the inclusion of the changes outlined in this report, in response to the comments by Office of Environment and Heritage.
2. That Council prepare an action plan sourced from the Management Actions outlined in the adopted Coastal Zone Management Plan.

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

11.3 Tender – Supply of Water Meters

260913/8 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

1. That Council accepts the tender for the supply of various size water meters for a three year period from Elster Metering Pty Ltd based on the rates tendered.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

Paul Hickey declared an interest in Item 11.4 and left the meeting at 12.38 pm

11.4 Tender - Installation of Replacement Water Meters

260913/9 RESOLVED

(Cr Paul Worth/Cr Keith Williams)

That Council decline to accept the tender from Tecton Pty Ltd to undertake the meter replacement program on the basis that there has been a limited market response and that it is likely that better value for money will be achieved through the use of internal resources.

FOR VOTE - All Councillors voted unanimously.

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Paul Hickey returned to the meeting at 12.44 pm

11.5 Tender - Repairs and Alterations - 18 Fawcett Street Ballina

260913/10 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That Council accepts the tender for the repairs and alterations of the restaurant building - 18 Fawcett Street Ballina from Bennett Constructions for the amount of \$269,034.00 (excl GST), subject to points two, three and four.
2. That Council confirms the full value of this contract is not to be accepted and proceed until Council has adequate protection in place (i.e. bond, legal agreement etc) to ensure that the tenant provides the agreed cash contribution for the current shortfall in funding (i.e. \$115,000 ex GST), along with agreement for the proposed lease to proceed.
3. Council also confirms that if the tenant is not prepared to make the contribution outlined in the report to the total tender (i.e. \$115,000 excluding GST), then the contract can only proceed based on Council's contribution being limited to the Council budget of \$153,500 (EX GST). In this instance the General Manager is authorised to vary the contract to ensure that the Council contribution is limited to the Council budget.
4. If Council is not able to reach agreement on negotiations for the works with the tenant than the General Manager is authorised to seek other tenants for the building.
5. Council authorises the Council seal to be attached to any contract documents and to the lease for the building.

FOR VOTE - All Councillors voted unanimously.

12. Public Question Time

Nil

8.2 Development Consent Statistics - August 2013

260913/11 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

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8.3 Development Applications - Works in Progress - September 2013

260913/12 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

9.2 Planning Proposal - Various LEP Amendments

260913/13 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council submit the planning proposal relating to the amendment of various clauses in Council's Standard Instrument Local Environmental Plan (as contained in Attachment One) to the NSW Department of Planning & Infrastructure for review and Gateway determination.
2. That upon an affirmative Gateway determination being received from the Department of Planning & Infrastructure, Council staff will carry out the procedural steps associated with the progress of the planning proposal, including public exhibition.
3. That the matter be reported back for further consideration by the Council following the mandatory public exhibition period.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 1.01 pm

The meeting resumed at 1.48 pm

9.3 Ballina Shire Growth Management Strategy - Review

260913/14 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

That Council notes the contents of this report concerning the review of the Ballina Shire Growth Management Strategy.

FOR VOTE - All Councillors voted unanimously.

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9.4 Aboriginal Community Committee

260913/15 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council approves the application from Bunjum Aboriginal Cooperative Limited for membership of the Ballina Shire Council Aboriginal Community Committee, as per Bunjum's letter dated 5 September 2013.

FOR VOTE - All Councillors voted unanimously.

9.5 Northern Rivers Community Gallery - Update

260913/16 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council hold a Councillor briefing to review the matters raised in this report.

FOR VOTE - All Councillors voted unanimously.

10.16 Ballina Surf Club Cafe and Kiosk - Expression of Interest

260913/17 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council moves into committee of the whole with the meeting closed to the public, to consider presentations from proponents for the lease of the Ballina Surf Club Café and Kiosk in accordance with Section 10A (2) of the Local Government Act 1993.

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it may prejudice Council's negotiations with the proponents which in turn, may not result in the best public interest outcome.

FOR VOTE - All Councillors voted unanimously.

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The Council moved into Confidential session at 2.08 pm
Paul Tsikleas was in attendance during the Confidential Session.

Open Council

260913/18 RESOLVED

(Cr Keith Johnson/Cr Susan Meehan)

That Council move into Open Council and out of Committee of the Whole.

Cr Jeff Johnson left the meeting at 03:49 pm.

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

(The Council moved into Open Council at 3.50 pm).

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

10.16 Ballina Surf Club Cafe and Kiosk - Expression of Interest

CF260913/1 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council authorise the General Manager to finalise the lease arrangements for the Ballina Surf Club Café and Kiosk with proponent number two as the preferred option, with proponent number one also approved if the negotiations with proponent number two are not able to be agreed.

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

AGAINST VOTE - Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Adoption of Recommendation from Confidential Session

260913/19 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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10. General Manager's Group Reports

10.1 Use of Council Seal

260913/20 RESOLVED

(Cr Paul Worth/Cr Robyn Hordern)

That Council affix the Common Seal to the following documents and that Council receive a further report in relation to Item US13/21 of the report.

US13/19	Ballina Shire Council to the Telstra Corporation Limited – 10 year option period lease of part Lot 1 DP 632176 situated at 1A Suvla Street, East Ballina, and being adjacent to the water reservoir at Norm Sharpe Lookout.
US13/20	Ballina Shire Council to Ballina Fox Street Preschool Incorporated – five year lease of Lot 1 DP 781710, No. 84 Fox Street, Ballina being community land for the period of 1 July 2013 to 30 June 2018.

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

10.2 Investment Summary - August 2013

260913/21 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

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

10.3 Councillor Attendance

260913/22 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council approves the attendance of Crs Jeff Johnson and Sharon Cadwallader to the 2013 Coastal Conference to be held in Port Macquarie from 12 – 15 November 2013.

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

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10.4 Ward Committees - Membership

260913/23 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves an additional membership to the "B" Ward Committee from the Lennox Head Alstonville Surf Life Saving Club Inc.

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

10.5 Community Donations

260913/24 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council approves the following donations as per the contents of this report:

- a) Lennox Head Landcare - \$350 (Waterwatch activity)
- b) Ballina RSL Sub-Branch (Youth Club) - \$3,141.83 (2013/14 rates)
- c) Alstonville Community Pre-school - \$600 (DA fees)
- d) Westpac Life Saver Rescue Helicopter - \$1,000 (training costs)

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

10.6 Wardell Hall - Land Classification

260913/25 RESOLVED

(Cr Paul Worth/Cr Keith Johnson)

That based on the contents of this report Council confirms that the classification of Lot 1 DP 312334, once transferred to Council, is to be community land under the Local Government Act 1993.

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

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10.7 Council Land Reclassification - 21 Compton Drive, East Ballina.

260913/26 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council approves the commencement of the process for the reclassification of Lot 1 DP 781542 situated at 21 Compton Drive, East Ballina, from community to operational land.

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

10.8 Lennox Head Bowling Club - Lease

260913/27 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

1. That the General Manager advise Club Lennox that if they are successful in re-opening the Lennox Head Bowling Club Council provides in principle support for a concession of the market value for the land as follows.

Year 1 – 20%, Year 2 – 30% and Year 3 - 50%)

2. That Council ensures that the lease includes security over the poker machine licences.
3. That Council write to Ramsgate seeking compensation (of the difference between the concession amount) for the first two years of the lease period.

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

Cr Robyn Hordern left the meeting at 04:14 pm.

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10.10 Policy (Review) - Councillor Expenses and Facilities

260913/28 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council authorises the exhibition of the amended Councillor Expenses and Facilities Policy, as attached to this report, with an amendment to Section 3.2.1 to clarify that the multi-function centre provides for a telephone and answering machine.

Cr Robyn Hordern returned to the meeting at 04:17 pm.

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

10.11 Policy (Review) - Councillor Training and Development

260913/29 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Councillor Training & Development 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

10.12 Policy (Review) - Donations - Rates and Charges

260913/30 RESOLVED

(Cr Keith Williams/Cr Susan Meehan)

1. That Council approves the donation of the waste and recycling collection service charges applicable for the Volunteer Marine Rescue (VMR) NSW tower property located on Lighthouse Parade East Ballina, effective from 1 October 2013.
2. That due to the nature of service provided by VMR, Council approves their inclusion in category A of the Council's Donations – Rates and Charges Policy.

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

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10.13 Policy (Review) - Local Procurement

260913/31 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council approves the exhibition of the draft Procurement Policy as attached to this report, which supersedes Council's existing policy titled – Tendering and Quotations – Evaluation Criteria.
2. If no submissions are received during the exhibition period the policy is considered to be adopted without further reporting to Council. If any submissions are received they are to be submitted to Council for further consideration of the policy.

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

AGAINST VOTE - Cr Keith Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Jeff Johnson

10.14 Policy (Review) - Public Interest Disclosure

260913/32 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council adopts the amended Public Interest Disclosure Policy, as attached to this report.
2. That Council approves the exhibition of the adopted policy for public comment and if no submissions are received no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

10.15 Deputy Mayor - Election

260913/33 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council elect a Deputy Mayor for the period to September 2014.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

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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40 CHERRY STREET BALLINA,
ON 26/09/13 AT 9.00 AM**

The General Manager advised that nominations had been received from Cr Sharon Cadwallader and Cr Ben Smith.

Following the ballot, the General Manager declared Cr Ben Smith elected as Deputy Mayor for the period to September 2014, by six votes to three.

13. Notices of Motion

13.1 Notice of Motion - Re-print of Three Bridges History Book

260913/34 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That as part of the formulation of the 2014/15 Operational Plan that Council receive a report on the benefits / costs of producing a reprint and an e-book version of "Across Three Bridges – Island Base for Council 1883 – 1983" by Cliff Murray.

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

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

13.2 Notice of Motion - RMS Site

260913/35 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council invite the Hon Duncan Gay, Minister for Roads and Ports to visit Ballina to discuss options in respect to the relocation of the existing RMS depot near the Fishery Creek Trawler Harbour.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

13.3 Notice of Motion - Wardell Bus Shelter

A **Motion** was moved by Cr Ben Smith and seconded by Cr Paul Worth

1. That \$5,000 be allocated from the 2013/14 General Budget for the purpose of installation of a bus shelter within Wardell.
2. That Council seek advertising opportunities from Quit, Liquor Accord and similar agencies.

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An **Amendment** was moved by Cr Keith Williams and seconded by Cr Sue Meehan

1. That \$5,000 be allocated from the Wardell Town Centre budget for the purpose of installation of a bus shelter within Wardell.
2. That Council seek advertising opportunities from Quit, Liquor Accord and similar agencies.

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

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

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

The **Amendment** then became the **Motion** and was amended as follows:

1. That \$5,000 be allocated from the Wardell Town Centre budget for the purpose of installation of a bus shelter within Wardell.
2. That Council seek advertising opportunities from Quit, Liquor Accord and similar agencies.
3. That any funds currently earmarked for Wardell receive a pro-rata share of interest earned for the 2013/14 financial year.

Cr Ken Johnston left the meeting at 05:05 pm.

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Ken Johnston

260913/36 RESOLVED

(Cr Keith Williams/Cr Susan Meehan)

1. That \$5,000 be allocated from the Wardell Town Centre budget for the purpose of installation of a bus shelter within Wardell.
2. That Council seek advertising opportunities from Quit, Liquor Accord and similar agencies.
3. That any funds currently earmarked for Wardell receive a pro-rata share of interest earned for the 2013/14 financial year.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Ken Johnston

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13.4 Notice of Motion - RDA Funding

260913/37 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council write to the newly elected Federal Member for Page, Mr Kevin Hogan and congratulate him on his recent election.
2. That the Mayor/General Manager organise a meeting with Mr Hogan for the purposes of establishing a working relationship and to discuss Ballina Council's priorities for funding under the Regional Development Australia Funding (RDAF) program or any other regional funding package that was promised during the recent Federal Election Campaign.
3. That Council write to the recently appointed Minister for Infrastructure and Regional Development and Deputy Prime Minister Mr Warren Truss and Barnaby Joyce MP, congratulating them on their appointment and invite them to Ballina to address the Council on what their funding priorities for the region are.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Ken Johnston

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 11 September 2013

260913/38 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council confirms the minutes of the Commercial Services Committee meeting held 11 September 2013 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Ken Johnston

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14.3 Facilities Committee Minutes - 17 September 2013

260913/39 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council confirms the minutes of the Facilities Committee meeting held 17 September 2013 and that the recommendations contained within the minutes be adopted.

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

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

15.1 Mayoral Meetings

260913/40 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

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

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

16. Questions Without Notice

16.1 Cr Paul Worth - Public Waste Bin - Wardell Hall

Cr Paul Worth - can a waste collection service (no recycling) be investigated for the Wardell Hall?

Rating staff to follow up.

16.2 Cr Paul Worth - DA 2011/105 - Scaffold Business

Cr Paul Worth – enquired in relation to non-compliance with original conditions of consent for DA 2011/105. There is scaffold stored outside the sheds on the hardstanding area.

Rod Willis advised that an Order is being issued to the applicants to remove the waste material that had been used to create the hardstanding area. This was listed for mention in the Local Court on 24 October 2013. He understood that a Review of Determination for the Application was due to be lodged by the applicant soon. The matter may be submitted back to Council within the next few months.

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16.3 Cr Paul Worth - Noisy Garbage Truck

Cr Paul Worth - can we investigate the screeching sound on the household garbage collection trucks?

John Truman to follow up.

17. Confidential Session

260913/41 RESOLVED

(Cr Keith Johnson/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 Shelly's on the Beach - Rent

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and
- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the release of this information could prejudice both the negotiations currently being held with the owners of the Shelly Beach Cafe and other lease arrangements Council has with tenants.

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

(The Council moved into Confidential Session at 5.23 pm).

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Open Council

260913/42 RESOLVED

(Cr Keith Johnson/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 and Cr Ken Johnston

(The Council moved into Open Council at 5.27 pm).

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

17.1 Shelly's on the Beach - Rent

CF260913/2 RECOMMENDED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to implement option two as per the options section of this report.
2. That Council authorises the Mayor and General Manager to approach the relevant Ministers (i.e. Lands and North Coast) to allow this matter to be resolved in a timely fashion, either by a variation to the existing licence, or completion of the acquisition process.

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

AGAINST VOTE - Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Ken Johnston

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Adoption of Recommendation from Confidential Session

260913/43 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Ken Johnston

MEETING CLOSURE

5.30 pm

The Minutes of the Ordinary Meeting held on 26/09/13 were submitted for confirmation by council on 24 October 2013 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 October 2013.