

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 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, and Ben Smith.

Paul Hickey (General 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 10 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Xavier Catholic 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

An apology was received from Cr Robyn Hordern.

241013/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

4. Confirmation of Minutes

241013/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 September 2013.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

5. Declarations of Interest and Reportable Political Donations

- **Cr Paul Worth** – declared an interest in Item 9.5 – Planning Proposal (BSCPP 13/006) – Plateau Drive, Wollongbar. (Nature of Interest: pecuniary - he is the landowner). He will be departing the meeting while the matter is discussed.
- **Cr Paul Worth** – declared an interest in Item 14.1 – Commercial Services Committee Minutes – 15 October 2013 and in particular in Item 4.2 of those minutes – Residential Land Development – Wollongbar. (Nature of Interest: non pecuniary – he is the owner of land in the Wollongbar Urban Expansion area). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Ben Smith** – declared an interest in Item 9.5 – Planning Proposal (BSCPP 13/006) – Plateau Drive, Wollongbar. (Nature of Interest: non significant, non pecuniary – he owns a block of land in the vicinity). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Paul Worth** – later in the meeting declared an interest in Item 9.1 – LEP Amendment Requests and Planning Proposals – Update. (Nature of Interest: non pecuniary – his subdivision at Plateau Drive (13/006) is noted in the business paper.

There were no reportable political donations.

6. Deputations

- **Damien Chapelle** – spoke in favour of Item 8.1 – DA 2011/105 – 1188 Teven Road, Alstonville.
- **Damien Chapelle** – spoke in favour of Item 9.2 – LEP Amendment Request – Teven Road Transport Facility.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

- **Mike Svikis** – spoke in favour of Item 9.3 – LEP Amendment Request – Bletchingly Street, Wollongbar.
- **Craig Kelly, Ballina Jockey Club** – spoke in favour of Item 10.10 – Ballina Cup 2014.
- **Nadia Elliott-Burgess, Ballina Chamber of Commerce & Industry** – spoke in favour of Item 8.2 – Off Leash Dog Exercise Area – The Spit – Review.

8.1 Review of Determination DA 2011/105 - 1188 Teven Road, Alstonville

A **Motion** was moved by Cr Cadwallader

That in respect to this review of determination, Council adopts the recommendation as contained within the Council report of 22 August 2013 as attached, for APPROVAL subject to the following modifications:

1. Condition 1.1 be amended to incorporate the revised plans and to read as follows:

Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including plans prepared by Amy Campbell, Drawing Nos. A-01 (Site Plan) Revision D, dated 18 September 2013 and A-02 (Proposed Shed and Yard Plan) Revision D, dated 18 September 2013, and the plan prepared by Wide Span Sheds, Reference No PB 1102061-1 (Building Layout), dated 8 February 2011, as amended in red, except as modified by any condition in this consent

2. Deletion of recommendation four for the inclusion of a new condition 2.6A, given the amendment to remove the second driveway.

The **Motion LAPSED.**

241013/3 RESOLVED

(Cr Paul Worth/Cr Jeff Johnson)

That Council refuse the application, as storage will be in the open and will be detrimental to the rural amenity of the locality, it is not considered to be in the public interest and as per other matters raised in the August 2013 refusal.

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

AGAINST VOTE - Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

9.2 LEP Amendment Request - Teven Road Transport Facility

241013/4 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That the Council defer its decision concerning the request from Newton Denny Chapelle to amend the Ballina Local Environmental Plan 2012 to enable freight and logistics land uses on land located between Teven Road and the Ballina Bypass at West Ballina, pending the outcomes of item two below.
2. That Council obtain independent advice in relation to the current and projected need for, and preferred location of, freight and logistics land uses in Ballina Shire.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Robyn Hordern

9.3 LEP Amendment Request - Bletchingly Street, Wollongbar

241013/5 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council prepare a planning proposal for the rezoning of Lot 1 DP 1038613, Bletchingly Street, Wollongbar to enable medium density residential development on the land.
2. That the preparation of the planning proposal include further consideration of:
 - land use zoning options associated with future residential development on the land and
 - land contamination assessment and reporting.
3. That Council confirm its preference is for a mixed R2/R3 zone.

FOR VOTE - 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 Jeff Johnson and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

10.10 Ballina Cup 2014

241013/6 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council confirms its support for the declaration of a part half-day public holiday between the hours of noon and 6 pm throughout the Ballina Shire for the 2014 Ballina Cup.
2. That Council confirms its support for the part day public holiday to be held on a Friday as this represents the most viable option for the Ballina Jockey Club.
3. That Council advise the Ballina Jockey Club of our preference and if the exact date, once determined by the Jockey Club, is consistent with points one and two, Council authorises the General Manager to write to NSW Treasury confirming that date. If the preferred date from the Jockey Club is inconsistent with points one and two a further report will need to be submitted to allow Council to confirm the exact date.

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

7. Mayoral Minutes

7.1 Mayoral Minute - Crown Land Acquisition - Shelly's on the Beach

241013/7 RESOLVED

(Cr David Wright/Cr Ben Smith)

1. That Council authorises acquisition by compulsory process of the land required to allow the expansion of the Shelly's on the Beach Café, as previously resolved by resolution 280213/30, being 129 square metres, Part Lot 402 DP 755684, Shelly Beach Road, East Ballina.
2. That Council authorises the General Manager to make an application to the Minister for Local Government and/or the Governor for the compulsory acquisition of land for the expansion of the Shelly's on the Beach café, being 129 square metres, Part Lot 402 DP 755684, Shelly Beach Road, East Ballina.
3. That Council authorises the Council seal to be attached to any documents relating to this acquisition.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

7.2 Mayoral Minute - Cape Byron Marine Park Advisory Committee

241013/8 RESOLVED

Following the receipt of nominations from Cr Jeff Johnson, Cr Susan Meehan and Cr Keith Williams, a ballot was held by a show of hands.

(Cr Ben Smith/Cr Keith Johnson)

That Council nominate Cr Susan Meehan, with Cr Keith Williams as an alternate nomination to the Cape Byron Marine Park Advisory Committee.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

Adjournment

The Mayor declared the meeting adjourned at 10.46 am

The Meeting resumed at 11.04 am

(Cr Jeff Johnson was not in attendance at this stage.)

8. Development and Environmental Health Group Reports

8.2 Off Leash Dog Exercise Area - The Spit - Review

241013/9 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses The Spit as an off leash dog exercise area.
2. That Council install signage in The Spit area indicating that the area is an off leash dog exercise area. Signage is also to include information on being a responsible dog owner.
3. That Council amend the Companion Animals Management Plan to include The Spit as an off leash dog exercise area.
4. That Council continue to provide information to the community on responsible dog ownership.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson 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 24/10/13 AT 9.00 AM**

8.3 Development Consent Statistics - September 2013

241013/10 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Robyn Hordern

8.4 Development Applications - Works in Progress - October 2013

241013/11 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council notes the contents of the report on the status of outstanding development applications for October 2013.
2. That DA 2013/298 be called in and considered by Council.

Cr Jeff Johnson returned to the meeting at 11:12 am.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

Cr Paul Worth – declared an interest in Item 9.1. (Nature of Interest: non pecuniary – his subdivision at Plateau Drive (13/006) is noted in the business paper. He left the meeting while the matter was discussed at 11.20 am.

9. Strategic and Community Facilities Group Reports

9.1 LEP Amendment Requests and Planning Proposals - Update

241013/12 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Paul Worth and Cr Robyn Hordern

Cr Paul Worth returned to the meeting at 11:22 am.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

9.4 LEP Amendment - Building Height Allowance Provision

241013/13 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council submit the planning proposal relating to the modification or repeal of Clause 4.3A Exceptions to height of buildings under the Ballina Local Environmental Plan 2012 (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 this matter be reported back for further consideration by the Council following the mandatory public exhibition period.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

Cr Paul Worth declared an interest in Item 9.5 and left the meeting at 11:28 am.
Cr Jeff Johnson left the meeting at 11:30 am.

9.5 Planning Proposal (BSCPP 13/006) - Plateau Drive, Wollongbar

241013/14 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

1. That Council endorses the application of the R2 Low Density Residential zone under the Ballina Local Environmental Plan 2012 to land within the approved subdivision of Lot 31 DP 1183600, Mt Moriah Subdivision, Wollongbar (excluding the open space allotment) as shown in Map one of the planning proposal contained in Attachment one.
2. That Council submit the planning proposal BSCPP 13/006 relating to Lot 31 DP 1183600, Mt Moriah Subdivision, Wollongbar to the NSW Department of Planning & Infrastructure to be finalised.
3. That Council advise the NSW Department of Planning & Infrastructure that it does not intend to exercise its delegations with respect to the finalisation of the planning proposal in this case.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson, 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 24/10/13 AT 9.00 AM**

9.6 Growth Management Strategy - Health Care Precinct

241013/15 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report regarding planning provisions associated with a health care precinct in the vicinity of the Ballina Hospital.
2. That the Council, for the time being, take no action to adjust its local planning framework to promote a health care precinct in the vicinity of the Ballina Hospital.

Cr Paul Worth returned to the meeting at 11:31 am.
Cr Jeff Johnson returned to the meeting at 11:31 am.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

9.7 NSW Government Coal Seam Gas Policy

241013/16 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report in relation to Coal Seam Gas Policy in NSW.
2. That the Council make a submission in response to the current public exhibition relating to Coal Seam Gas Policy in NSW, as contained in the attachment to this report, addressing the following issues:
 - The inclusion of the rural settlements of Tintenbar and Newrybar within the proposed CSG exclusion zones; and
 - Identification of all State and Regionally Significant Farmland, as identified in the Northern Rivers Farmland Protection Project, as 'Strategic Agricultural Land' for the purpose of CSG regulations.
 - * To note that Ballina Shire Council does not support Coal Seam Gas mining within the Shire.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

9.8 Aboriginal Community Committee

241013/17 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the application from Bullinah Aboriginal Health Service for membership of the Ballina Shire Council Aboriginal Community Committee, with Ms Denise Duroux being the principal representative of that organisation and Mr Mark Moore being the alternate member.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

10.15 Annual Financial Statements - 2012/13

Council's Auditor, Kevin Franey from Thomas Noble & Russell gave a presentation to Council on the Annual Financial Statements.

241013/18 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council approves the signing of the statements that confirm the Annual Financial Statements are fair and accurate, by the Mayor, one Councillor, the General Manager and the Responsible Accounting Officer.
2. That Council authorises the exhibition of the Annual Financial Statements and Auditor's Reports for the year ended 30 June 2013, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

10. General Manager's Group Reports

10.1 Use of Council Seal

241013/19 RESOLVED

(Cr Paul Worth/Cr Keith Williams)

1. That Council affix the Common Seal to the following document (US13/22).

| | |
|---------|----------------------------|
| US13/22 | Deed of Agreement – CURA A |
|---------|----------------------------|

2. That Council receive a further report on US13/23 as listed in the business paper.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Robyn Hordern

241013/20 RESOLVED

(Cr Susan Meehan/Cr Keith Williams)

That Council move into Committee of the Whole to discuss US13/24.

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

AGAINST VOTE - Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Robyn Hordern

241013/21 RESOLVED

(Cr Susan Meehan/Cr Keith Williams)

That Council move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

241013/22 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following document

| | |
|---------|---|
| US13/24 | Funding Agreement – Local Infrastructure Renewal Scheme (LIRS) Round Two – Division of Local Government - Ballina Heights Drive \$1.3 million |
|---------|---|

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

12. Public Question Time

Nil

10.2 Investment Summary - September 2013

241013/23 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

10.3 Code of Conduct - Reporting

241013/24 RESOLVED

(Cr Paul Worth/Cr Susan Meehan)

That Council notes the contents of this report on Code of Conduct complaints for the period 1 July 2012 to 31 August 2013.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

10.4 Disclosure of Interest Returns

241013/25 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on the disclosure of interest returns for the period 1 July 2012 to 30 June 2013.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

Cr Jeff Johnson left the meeting at 12:52 pm.

10.5 Community Donations

241013/26 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That this item be deferred for consideration with the Rescission Motion on the Lennox Head Markets Relocation at the November Ordinary meeting.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Robyn Hordern

10.6 Flat Rock Tent Park - Fees and Charges 2014/15

241013/27 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council authorises the exhibition of the draft Tent Park Fees for 1 February 2014 to 31 January 2015, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Robyn Hordern

10.7 Policy (Draft) - Christmas to New Year Office Arrangements

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

1. That Council adopts the Christmas and New Year Office Arrangements Policy as attached to this report.
2. That this policy be placed on exhibition for community comment, with the policy to be reported back to the Council for further consideration if any submissions are received. If no submissions are received then no further action is required.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

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

That Council adopts the Christmas and New Year Office Arrangements Policy as attached to this report.

Cr Jeff Johnson returned to the meeting at 01:03 pm.

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

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

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

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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

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

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Robyn Hordern

241013/28 RESOLVED

(Cr Keith Johnson/Cr Paul Worth)

That Council adopts the Christmas and New Year Office Arrangements Policy as attached to this report.

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

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Robyn Hordern

Adjournment

The Mayor declared the meeting adjourned at 1.05 pm

The Meeting resumed at 1.50 pm

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

10.8 Policy (Draft) - Community Groups - Allocation of Land and Buildings

241013/29 RESOLVED

(Cr Susan Meehan/Cr Keith Johnson)

That no further action be taken on the creation of the Community Groups – Allocation of Land and Buildings Policy.

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

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Robyn Hordern

10.9 Policy (Review) - Community Consultation

241013/30 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That the Council adopt the amended Community Consultation Policy, as attached to this report.
2. That this policy be placed on exhibition for community comment, with the policy to be reported back to the Council for further consideration if any submissions are received. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

10.11 Ballina Breakwall - North Wall

241013/31 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council confirms its support for the works on the Ballina Breakwall – North Wall, as proposed by NSW Trade and Investment – Crown Lands, in their correspondence attached to this report.
2. That Council accepts that as part of this agreement we will take responsibility for minor maintenance works on North Wall, with minor maintenance being defined as litter removal and small top ups of gravel.
3. In agreeing to these minor maintenance works the General Manager is to make all efforts possible to ensure those works are clearly defined in any agreement with Crown Lands, along with minimising any insurance risk from Council undertaking the works.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

10.12 Lennox Head Bowling Club - Lease Update

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Jeff Johnson

1. That Council approves the transfer of the existing lease and licence for the Lennox Head Bowling Club from Ramsgate Pty. Ltd. to Club Lennox Ltd, subject to the following amendments:
 - a) Revised rental based on the terms resolved by Council at the September 2013 Ordinary meeting
 - b) A caveat or other appropriate legal restriction being placed over 10 poker machine licences to the benefit of Council.
2. That Council approves the Council seal to be attached to any legal documents associated with this transfer.

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

1. That Council approves the transfer of the existing lease and licence for the Lennox Head Bowling Club from Ramsgate Pty. Ltd. to Club Lennox Ltd, subject to the following amendments:
 - a) Revised rental based on the terms resolved by Council at the September 2013 Ordinary meeting
 - b) A caveat or other appropriate legal restriction being placed over 20 poker machine licences to the benefit of Council.
2. That Council approves the Council seal to be attached to any legal documents associated with this transfer.

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

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

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

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

The **Amendment** then became the **Motion** and was **amended** as follows with the consent of the mover and seconder:

1. That Council approves the transfer of the existing lease and licence for the Lennox Head Bowling Club from Ramsgate Pty. Ltd. to Club Lennox Ltd, subject to the following amendments:
 - a) Revised rental based on the terms resolved by Council at the September 2013 Ordinary meeting
 - b) A caveat or other appropriate legal restriction being placed over 20 poker machine licences to the benefit of Council.
 - c) That the caveat over 10 of the poker machines in point b) will only apply up until 50% rental is being paid.
2. That Council approves the Council seal to be attached to any legal documents associated with this transfer.

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

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

AGAINST VOTE - Cr Keith Williams and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Robyn Hordern

241013/32 RESOLVED

(Cr Paul Worth/Cr Keith Johnson)

1. That Council approves the transfer of the existing lease and licence for the Lennox Head Bowling Club from Ramsgate Pty. Ltd. to Club Lennox Ltd, subject to the following amendments:
 - a) Revised rental based on the terms resolved by Council at the September 2013 Ordinary meeting
 - b) A caveat or other appropriate legal restriction being placed over 20 poker machine licences to the benefit of Council.
 - c) That the caveat over 10 of the poker machines in point b) will only apply up until 50% rental is being paid.
2. That Council approves the Council seal to be attached to any legal documents associated with this transfer.

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

AGAINST VOTE - Cr Keith Williams and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

10.13 Legal Matters - Update

241013/33 RESOLVED

(Cr Paul Worth/Cr Keith Williams)

1. That Council notes the contents of this legal matters update.
2. That Council write to Rous Water seeking reimbursement of the \$176,200 originally paid by Ballina Shire Council from the interest generated on the fluoridation project's capital grant.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

10.14 Car Parking Contributions Plan

241013/34 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council approves the public exhibition of the draft Ballina Shire Car Parking Contributions Plan 2013 as attached to this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

10.16 Delivery Program and Operational Plan - 30 September Review

241013/35 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of the 30 September 2013 review of the Delivery Program and Operational Plan.
2. That Council approves the exhibition of an amendment to our Delivery Program to include references to the proposal to apply for an 8% variation to our rate income from business properties for business promotion and development activities.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

10.17 Capital Expenditure - Quarterly Update

241013/36 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council notes the contents of this report on the status of the capital works program
2. That Council approves the inclusion of the latest financial information, as per the attachments to this report, in our long term financial plan.
3. That Council supply BBQ facilities and bubblers at Pop Denison Park funded by the remaining money following the completion of the maintenance of the former Tintenbar Shire Council Chambers.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

10.18 Financial Review - 30 September 2013

241013/37 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

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

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Robyn Hordern

11. Civil Services Group Reports

11.1 Tender - Provision for Asphalt

241013/38 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That, in relation to Tender RFT 689, Council accepts the tender from Boral Asphalt P/L, in the amount of \$661,420, for the Provision of Asphalt Pavement Repairs and Asphalt Overlays on Kerr Street and Bangalow Road (Separable Portion A).
2. That, in relation to Tender RFT 689, Council accepts the tender from Clark Asphalt P/L, in the amount of \$1,246,738, for the Provision of Asphalt Pavement Repairs, Seals & Asphalt Overlay on Tamarind Drive (Separable Portion B).

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

3. That, in relation to Tender RFT 689, Council accepts the tender from Boral Asphalt P/L, in the amount of \$392,700, for the Provision of Asphalt Pavement Repairs and Asphalt Overlays on Byron Bay Road (Separable Portion C)
4. That Council authorises the Council seal to be attached to the contract documents for the approved tenders for Tender RFT 689.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

11.2 Playground Upgrade and Renewal Program

241013/39 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council approves the public exhibition of the draft Play Equipment Report, attached to this report.
2. That maintenance of existing equipment be a priority over replacement. That the Summerhill Park and Pine Avenue swings be included in the program.
3. That the Four Year Capital Works Program, being appendix six to the attached report, also be placed on public exhibition.
4. If no responses are received to the public exhibition the Play Equipment Report 2013 and the Four Year Capital Works Program, are considered to be adopted by Council without further reporting.

Cr Meehan declared a non pecuniary non significant interest in the swings in the Summerhill Park – this park is located in the vicinity of her dwelling.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

11.3 Developer Funded Infrastructure - Payment

241013/40 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council, based on the contents of this report, approves the payment of \$929,598, being the reimbursement of the costs for the additional sewerage capacity provided by the Ballina Heights Developers, for the Ballina Heights Estate.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

11.4 Development Servicing Plans - Adoption

241013/41 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

That Council endorses the Developer Servicing Plans for registration with NSW Office of Water, subject to the inclusion of the amendments described in the third attachment to this report, along with a review and finalisation of the servicing strategy for the Cumbalum precinct, as outlined within this report.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Robyn Hordern

13. Notices of Motion

13.1 Notice of Motion - Protecting Council's Open Space

241013/42 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council holds a workshop that looks at

- (i) current section 94 developer contributions plan for open spaces.
- (ii) current funding arrangements for open spaces and reserves section.
- (iii) future funding arrangements to increase the open space and reserve budget.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 15 October 2013

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

That Council confirms the minutes of the Commercial Services Committee meeting held 15 October 2013 and that the recommendations contained within the minutes be adopted.

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

That Council confirms the minutes of the Commercial Services Committee meeting held 15 October 2013 and that the recommendations contained within the minutes be adopted, with an amendment to Item 4.2 - Residential Land Development – Wollongbar - that Council seek to sell the parcel of land.

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

FOR VOTE - Cr Jeff Johnson and Cr Ken Johnston

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

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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

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

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Robyn Hordern

241013/43 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the minutes of the Commercial Services Committee meeting held 15 October 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 Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Robyn Hordern

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

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

15.1 Mayoral Meetings

241013/44 RESOLVED

(Cr David Wright/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern

16. Questions Without Notice

16.1 Cr Susan Meehan - Asset Protection Zones

Cr Susan Meehan - enquired if asset protection zones at East Ballina are counted as reserves.

Rod Willis advised that the lands referred to by Cr Meehan are dedicated public open space.

16.2 Cr Keith Williams - Tamar Street Carpark

Cr Keith Williams – could we have an update on timing for the construction of the carpark in Tamar Street?

Paul Hickey advised that works are expected to commence on 4 November. The second carpark may have to have a temporary surface done so that it can be used before Christmas.

16.3 Cr Sharon Cadwallader - Seabreeze Caravan Park

Cr Sharon Cadwallader – can we have an update on Seabreeze Caravan Park?

Rod Willis advised that a report would be submitted to the November Ordinary meeting.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/13 AT 9.00 AM**

16.4 Cr Sharon Cadwallader - Bayview Drive, East Ballina

Cr Sharon Cadwallader - in Bayview Drive, East Ballina at the top of the hill, behind the houses, it appears that people have installed gates so that you can't drive through the area. Can we have a look at that?

Rod Willis to investigate.

16.5 Cr Jeff Johnson - Recreational Pathway

Cr Jeff Johnson - is the pathway DA going to come to Council or has it been delegated to staff?

Rod Willis advised that a Councillor briefing was held on 10 October providing an update. There have been public submissions made on each application and all applications will be reported to Council.

MEETING CLOSURE

5.16 pm

The Minutes of the Ordinary Meeting held on 24/10/13 were submitted for confirmation by council on 28 November 2013 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 November 2013.