

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 27/02/14 AT 9.00 AM**

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**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 14 people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by Ballina High School.

**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**

**270214/1      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 January 2014.

FOR VOTE - All Councillors voted unanimously.

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

- **Paul Hickey** – declared an interest in Item 9.9 – Developer Contributions – Secondary Dwellings. (Nature of Interest: significant non pecuniary – a close friend is pursuing secondary dwelling options). He will be departing the meeting while the matter is discussed.
- **Cr Paul Worth** – declared an interest in Item 9.1 – LEP Amendment Requests and Planning Proposals – Update. (Nature of Interest: non significant non pecuniary - a property owned by him is mentioned in the report). He will be remaining in the meeting while the matter is discussed and voting on the matter as the report is for noting only.
- **Cr Paul Worth** – declared an interest in Item 14.1 – Commercial Services Committee Minutes – 18 February 2014 and in particular Item 4.1 of those Minutes – Wollongbar Residential Estate – Sale of Stage One Lots. (Nature of Interest: a perceived pecuniary interest – he is the owner of land nearby). He will be departing the meeting while the matter is discussed.
- **Cr Susan Meehan** – declared an interest in Item 8.2 – DA 2013/460 – Front Boundary Fencing, 478 River Street, Ballina. (Nature of Interest: non significant non pecuniary – she had previously sought prawn festival sponsorship from one of the parties last year). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Keith Johnson** – declared an interest in Item 8.1 – DA 2012/377 – Lot 2 Teven Road, Alstonville. (Nature of Interest: non significant non pecuniary – the land is adjacent to his property). 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**

- **Ralph Moss** – spoke in opposition to Item 8.3 – DA 2010/962 – Highway Service Centre – Section 96 Amendment.
- **Ralph Moss** – spoke in opposition to Item 9.1 – LEP Amendment Requests and Planning Proposals – Update and in particular to the Burns Point Ferry Road, West Ballina (Ballina Waterways) item.
- **Howard Atkinson** – spoke in opposition to Item 8.1 – DA 2012/377 – Lot 2 Teven Road, Alstonville.
- **Errol Beaumont** – spoke in favour of Item 8.1 – DA 2012/377 – Lot 2 Teven Road, Alstonville.
- **Rob Moir, Northern Rivers Seafood** – spoke in opposition to Item 8.2 – DA 2013/460 – Front Boundary Fencing, 478 River Street, Ballina.

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- **Elizabeth Fletcher** – spoke in favour of recommendation three in Item 11.1 – Jabiru Park – Review of Playground Equipment.
- **Michael Lawson** – spoke in favour of Item 8.2 – DA 2013/460 – Front Boundary Fencing, 478 River Street, Ballina.
- **Steve Connelly** – spoke in favour of Item 8.3 – DA 2010/962 – Highway Service Centre – Section 96 Amendment.
- **Astrid O’Neill** – spoke in favour of Item 13.2 – Notice of Motion – funding Cuts to TAFE.

**7. Mayoral Minutes**

Nil

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

**8.1 DA 2012/377 - Lot 2 Teven Road Alstonville**

**270214/2          RESOLVED**

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council **REFUSE** Development Application 2012/377 for the erection of a single storey dwelling.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, 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

**8.2 DA 2013/460 - Front Boundary Fencing, 478 River Street, Ballina**

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

That Development Application No. 2013/460 be **REFUSED**.

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

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

**270214/3          RESOLVED**

(Cr Paul Worth/Cr Keith Johnson)

That Development Application No. 2013/460 be **APPROVED** subject to the application of Council's standard conditions.

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

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**Adjournment**

The Mayor declared the meeting adjourned at 10.40 am

The meeting resumed at 11.07 am

**8.3 DA 2010/962 - Highway Service Centre - Section 96 Amendment**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Robyn Hordern

That the Application under S96 (1A) of the Environmental Planning and Assessment Act to amend the provisions of Conditions 2.1, 2.9, 3.4, 4.28 & 4.29, 10.10, 10.11 & 10.12 of DA 2010/962 in relation to the land filling, the finished floor levels and the reduction in the number of flood culverts be **APPROVED** subject to compliance with the specified amended conditions as set out below:

- 2.1 Development being carried out generally in accordance with the plans and associated documentation lodged by or on behalf of the applicant, including Drawing No.'s A04.01DA & A00.02DA Issue B Dated 1/3/11, A-A&G-06.01DA Issue A, A-B & C – 06.01DA Issue A, A-E&F – 06.01DA Issue A, A60.01DA Issue A Dated 2/11/2010 and Drawing No. 6151-001 revision A, drawing 6151-006 revision A, drawing 6151-007 revision A dated 18/03/11 prepared by Cardno Eppel Olsen, as modified by Cardno drawings "Floodway Culvert Schematic sketches B1009/23", sheet 7 Rev B, sheet 8 Rev C, sheet 9 Rev B & sheet 10 Rev B dated July 2013, BMT WBM Flood Impact Assessment Report dated January 2009 and associated document dated 13/09/10, BMT WBM report entitled "West Ballina Flood Relief Optimisation Study" dated 1<sup>st</sup> December 2013, Coffey Geotechnical Report & plans "Interim Geotechnical Design for preload works: Ballina Highway Service Centre dated 30 September 2010, and Landscape Plan prepared by Jackie Amos, except as modified by any condition in this consent, and by the reports/details & plans to be carried out in accordance with the deferred commencement conditions of this consent.
- 2.9 No site filling or associated works are to occur on proposed Lot 1 (the Highway Service Centre Site) until all works associated with the construction and establishment of the flood culverts under River Street (Off-site), the associated River Street works and the establishment of a construction access to the site, the floodway and the spine road culvert/bridge(On-site) have been completed in accordance with the design criteria as specified within the BMT WBM Flood Impact Assessment Report for Lot 1 DP 238009 dated January 2009, BMT WBM West Ballina Flood Relief Optimisation Study dated December 2013 and associated documents to the satisfaction of Council and NSW Department Primary Industries (Fisheries). Alternatively if the filling of the site is to be carried out in conjunction with the construction of the culverts, a Flood Gap Strategy Report is

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to be submitted to and approved by Council prior to the issue of the Construction Certificate for on-site works or the issue of the Section 138 Certificate for the off-site works.

- 3.4 The size of the floodway culverts under River Street (the 'Old' Pacific Highway) and the internal access road are to be constructed in accordance with Cardno drawings Floodway Culvert Schematic sketches B1009/23, sheet 7 Rev B, sheet 8 Rev C, sheet 9 Rev B & sheet 10 Rev B dated July 2013. Detailed construction plans are to be submitted to and approved by Council prior to issue of the Section 138 Roads Act approval.
- 4.28 The Highway Service Centre site west of the floodway (inclusive of the spine road) must be filled to a minimum level of RL 2.4 m AHD and the service station, underground fuel tank and fuel bowser areas shall have a minimum finished fill level of 2.7m AHD and a minimum finished floor level of RL 2.9m AHD except where floodway hydraulics and environmental hazards prevail. Masonry retaining walls and dish gutters shall be constructed, and wholly contained, within side and rear boundaries of the site, such that no stormwater is discharged from the site onto the adjoining properties. The adjoining properties shall be drained at the common boundary with the site via a concrete dish drain such that no water ponds on any neighbouring properties due to filling of the site. The stormwater drainage shall be discharged to Council's drainage system. Details are to be submitted to and approved by Council prior to the issue of the On-site Construction Certificate.
- 4.29 The portion of the allotment associated with the Highway Service Centre buildings, underground fuel tanks and fuel bowser area must be filled to a minimum level of RL 2.7m AHD. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the on-site Construction Certificate.
- 10.10 **Minimum fill and floor levels**  
The whole allotment is to be filled to a minimum level of RL 2.4 m AHD and the Highway Service Centre buildings, underground fuel tanks and fuel bowser area shall have a minimum fill level of 2.7m AHD and a finished floor height of the building at RL 2.9 metres AHD. A Surveyor's Certificate verifying compliance with this requirement is to be submitted to the Principal Certifying Authority at completion of footings/slab formwork (prior to concrete pour) or completion of the timber floor.
- 10.11 All site filling shall be to a minimum fill level of RL 2.7 m AHD for the service station, underground fuel tank and fuel bowser portion of the development and shall be in compliance with the requirements of Level 1 geotechnical testing for:  
AS 2870 – 1996 Residential Slabs and Footings Code  
AS 3798 – 1996 Guidelines on Earthworks for Commercial and Residential Developments.

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10.12 The finished floor level of buildings are to be constructed at a minimum RL of 2.9 m AHD. A Surveyor's Certificate verifying compliance with this height is to be submitted to the Principal Certifying Authority at completion of slab formwork stage, prior to concrete pouring, or upon completion of the timber floor prior to work proceeding beyond this stage. Where filling is utilised to raise the slab level and extends to the outside of the building, such filling is to be adequately retained and drained to the stormwater drainage system, to ensure stormwater is not directed onto adjoining properties.

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Keith Johnson

That the Application under S96 (1A) of the Environmental Planning and Assessment Act to amend the provisions of Conditions 2.1, 2.9, 3.4, 4.28 & 4.29, 10.10, 10.11 & 10.12 of DA 2010/962 in relation to the land filling, the finished floor levels and the reduction in the number of flood culverts be **APPROVED** subject to compliance with the specified amended conditions as set out below and amended to provide for a minimum of four culverts in accordance with the documents outlined in the West Ballina Flood Relief Optimisation Study.

2.1 Development being carried out generally in accordance with the plans and associated documentation lodged by or on behalf of the applicant, including Drawing No.'s A04.01DA & A00.02DA Issue B Dated 1/3/11, A-A&G-06.01DA Issue A, A-B & C – 06.01DA Issue A, A-E&F – 06.01DA Issue A, A60.01DA Issue A Dated 2/11/2010 and Drawing No. 6151-001 revision A, drawing 6151-006 revision A, drawing 6151-007 revision A dated 18/03/11 prepared by Cardno Eppel Olsen, as modified by Cardno drawings "Floodway Culvert Schematic sketches B1009/23", sheet 7 Rev B, sheet 8 Rev C, sheet 9 Rev B & sheet 10 Rev B dated July 2013, BMT WBM Flood Impact Assessment Report dated January 2009 and associated document dated 13/09/10, BMT WBM report entitled "West Ballina Flood Relief Optimisation Study" dated 1 December 2013, Coffey Geotechnical Report & plans "Interim Geotechnical Design for preload works: Ballina Highway Service Centre dated 30 September 2010, and Landscape Plan prepared by Jackie Amos, except as modified by any condition in this consent, and by the reports/details & plans to be carried out in accordance with the deferred commencement conditions of this consent.

2.9 No site filling or associated works are to occur on proposed Lot 1 (the Highway Service Centre Site) until all works associated with the construction and establishment of the flood culverts under River Street (Off-site), the associated River Street works and the establishment of a construction access to the site, the floodway and the spine road culvert/bridge(On-site) have been completed in accordance with the design criteria as specified within the BMT WBM Flood Impact Assessment Report for Lot 1 DP 238009 dated January

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2009, BMT WBM West Ballina Flood Relief Optimisation Study dated December 2013 and associated documents to the satisfaction of Council and NSW Department Primary Industries (Fisheries). Alternatively if the filling of the site is to be carried out in conjunction with the construction of the culverts, a Flood Gap Strategy Report is to be submitted to and approved by Council prior to the issue of the Construction Certificate for on-site works or the issue of the Section 138 Certificate for the off-site works.

- 3.4 The size of the floodway culverts under River Street (the 'Old' Pacific Highway) and the internal access road are to be constructed in accordance with Cardno drawings Floodway Culvert Schematic sketches B1009/23, sheet 7 Rev B, sheet 8 Rev C, sheet 9 Rev B & sheet 10 Rev B dated July 2013. Detailed construction plans are to be submitted to and approved by Council prior to issue of the Section 138 Roads Act approval.
- 4.28 The Highway Service Centre site west of the floodway (inclusive of the spine road) must be filled to a minimum level of RL 2.4 m AHD and the service station, underground fuel tank and fuel bowser areas shall have a minimum finished fill level of 2.7m AHD and a minimum finished floor level of RL 2.9m AHD except where floodway hydraulics and environmental hazards prevail. Masonry retaining walls and dish gutters shall be constructed, and wholly contained, within side and rear boundaries of the site, such that no stormwater is discharged from the site onto the adjoining properties. The adjoining properties shall be drained at the common boundary with the site via a concrete dish drain such that no water ponds on any neighbouring properties due to filling of the site. The stormwater drainage shall be discharged to Council's drainage system. Details are to be submitted to and approved by Council prior to the issue of the On-site Construction Certificate.
- 4.29 The portion of the allotment associated with the Highway Service Centre buildings, underground fuel tanks and fuel bowser area must be filled to a minimum level of RL 2.7m AHD. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the on-site Construction Certificate.
- 10.10 **Minimum fill and floor levels**  
The whole allotment is to be filled to a minimum level of RL 2.4 m AHD and the Highway Service Centre buildings, underground fuel tanks and fuel bowser area shall have a minimum fill level of 2.7m AHD and a finished floor height of the building at RL 2.9 metres AHD. A Surveyor's Certificate verifying compliance with this requirement is to be submitted to the Principal Certifying Authority at completion of footings/slab formwork (prior to concrete pour) or completion of the timber floor.
- 10.11 All site filling shall be to a minimum fill level of RL 2.7 m AHD for the service station, underground fuel tank and fuel bowser portion of the development and shall be in compliance with the requirements of Level 1 geotechnical testing for:

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AS 2870 – 1996 Residential Slabs and Footings Code

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- 10.12 The finished floor level of buildings are to be constructed at a minimum RL of 2.9 m AHD. A Surveyor's Certificate verifying compliance with this height is to be submitted to the Principal Certifying Authority at completion of slab formwork stage, prior to concrete pouring, or upon completion of the timber floor prior to work proceeding beyond this stage. Where filling is utilised to raise the slab level and extends to the outside of the building, such filling is to be adequately retained and drained to the stormwater drainage system, to ensure stormwater is not directed onto adjoining properties.

The **Amendment** 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

The **Amendment** then became the **Motion** and 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

**270214/4        RESOLVED**

(Cr Keith Williams/Cr Keith Johnson)

That the Application under S96 (1A) of the Environmental Planning and Assessment Act to amend the provisions of Conditions 2.1, 2.9, 3.4, 4.28 & 4.29, 10.10, 10.11 & 10.12 of DA 2010/962 in relation to the land filling, the finished floor levels and the reduction in the number of flood culverts be **APPROVED** subject to compliance with the specified amended conditions as set out below and amended to provide for a minimum of four culverts in accordance with the documents outlined in the West Ballina Flood Relief Optimisation Study.

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- 9 Rev B & sheet 10 Rev B dated July 2013, BMT WBM Flood Impact Assessment Report dated January 2009 and associated document dated 13/09/10, BMT WBM report entitled "West Ballina Flood Relief Optimisation Study" dated 1 December 2013, Coffey Geotechnical Report & plans "Interim Geotechnical Design for preload works: Ballina Highway Service Centre dated 30 September 2010, and Landscape Plan prepared by Jackie Amos, except as modified by any condition in this consent, and by the reports/details & plans to be carried out in accordance with the deferred commencement conditions of this consent.
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4.29 The portion of the allotment associated with the Highway Service Centre buildings, underground fuel tanks and fuel bowser area must be filled to a minimum level of RL 2.7m AHD. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the on-site Construction Certificate.

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10.11 All site filling shall be to a minimum fill level of RL 2.7 m AHD for the service station, underground fuel tank and fuel bowser portion of the development and shall be in compliance with the requirements of Level 1 geotechnical testing for:

AS 2870 – 1996 Residential Slabs and Footings Code

AS 3798 – 1996 Guidelines on Earthworks for Commercial and Residential Developments.

10.12 The finished floor level of buildings are to be constructed at a minimum RL of 2.9 m AHD. A Surveyor's Certificate verifying compliance with this height is to be submitted to the Principal Certifying Authority at completion of slab formwork stage, prior to concrete pouring, or upon completion of the timber floor prior to work proceeding beyond this stage. Where filling is utilised to raise the slab level and extends to the outside of the building, such filling is to be adequately retained and drained to the stormwater drainage system, to ensure stormwater is not directed onto adjoining properties.

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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**11.1 Jabiru Park - Review of Playground Equipment**

**270214/5      RESOLVED**

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That a climbing structure/slide and seating be installed at Jabiru Park to replace the equipment that has recently been removed.
2. That Council conduct a workshop and receive a further report on the draft PURP, prior to exhibition, to consider the overall service standards, along with clarification as to the works and timeliness of the provision of equipment for Summerhill Crescent and Pine Avenue.

FOR VOTE - All Councillors voted unanimously.

**8.4 Policy (Review) - Erosion and Sediment Control**

**270214/6      RESOLVED**

(Cr Ben Smith/Cr Paul Worth)

That Council's Erosion and Sedimentation Policy E01 be withdrawn as the information in the policy has been superseded by other documentation such as the Council's Development Control 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

**8.5 Development Consent Statistics - January 2014**

**270214/7      RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

That Council notes the contents of the report on development consent statistics for 1 January 2014 to 31 January 2014.

FOR VOTE - All Councillors voted unanimously.

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**8.6 Development Applications - Works in Progress - February 2014**

**270214/8      RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

That Council notes the contents of the report on the status of outstanding development applications for February 2014.

FOR VOTE - All Councillors voted unanimously.

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

**9.1 LEP Amendment Requests and Planning Proposals - Update**

**270214/9      RESOLVED**

(Cr Sharon Cadwallader/Cr Susan Meehan)

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.

**9.2 LEP Amendment Request - Teven Road Transport Facility**

**270214/10      RESOLVED**

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council endorses the preparation of a planning proposal which proposes the insertion of freight transport facilities, warehouse or distribution centre land uses as additional permitted uses within Schedule 1 of Ballina LEP 2012, in relation to Lots 2 and 3 DP 749680, Lot 5 and 12 DP 1031875, Lots 227, 228 and 229 DP 1121079 and Lot 12 DP 1011575, Teven Road, West Ballina.
2. That the proponent be requested to supply flood modelling information which details the impact of filling the subject lots to the 1:100 year flood level of RL 2.7 AHD, and a detailed traffic study which examines the issues specified by the RMS. Further, that additional technical studies be requested of the proponent in the event that Council staff form a view that additional environmental constraints may materially restrict the use of the land for the nominated purposes. This information is to be provided to advance the preparation of the planning proposal.
3. That the Council give further consideration to the planning proposal upon the submission of information referred to in point two above.

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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

**9.3 Planning Proposal 13/003 - 31 and 32 Tara Downs, Lennox Head**

**270214/11      RESOLVED**

(Cr Ben Smith/Cr Paul Worth)

1. That Council endorses the application of an R2 Low Density Residential zone and associated minimum lot standard for subdivision of 800m<sup>2</sup> over Lots 31 and 32 DP 837448, Tara Downs, Lennox Head.
2. That Council proceed to finalise and implement Planning Proposal BSCPP 13/003, directly in liaison with Parliamentary Counsel.

FOR VOTE - All Councillors voted unanimously.

**9.4 Planning Proposal 13/009 - General Amendments**

**270214/12      RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

1. That Council endorses the following amendments in relation to the BLEP 2012 (as outlined in the planning proposal contained in Attachment 1):
  - Amendment to clause 6.3 of the BLEP 2012 to clarify the exceptions to the requirements for the preparation of a development control plan (DCP) for urban release areas.
  - Amendment to the Lot Size Map in relation to land at West Ballina to apply a 600m<sup>2</sup> minimum lot size standard to land currently subject to an 800m<sup>2</sup> standard.
  - Amendment to clause 3.1 Schedule 2 – Exempt Development – subclauses 9, 11, 12 to clarify the intent of these subclauses.
  - Amendment to the flood mapping associated with clause 7.3 Flood Planning to reflect the provisions of the Ballina Shire Development Control Plan 2012.
2. That Council proceed to finalise and implement Planning Proposal BSCPP 13/009, relating to various minor amendments to the BLEP 2012, directly in liaison with Parliamentary Counsel.

FOR VOTE - All Councillors voted unanimously.

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40 CHERRY STREET BALLINA,  
ON 27/02/14 AT 9.00 AM**

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**9.5 Planning Proposal 13/010 - Building Height Allowance Provision**

**270214/13      RESOLVED**

(Cr Susan Meehan/Cr Paul Worth)

1. That Council endorses the amendment of clause 4.3A of the Ballina Local Environmental Plan 2012 and the legend contained within the Building Height Allowance Map as documented within Planning Proposal BSCPP 13/010.
2. That Council proceed to finalise and implement Planning Proposal BSCPP 13/010, directly in liaison with Parliamentary Counsel.

FOR VOTE - All Councillors voted unanimously.

**9.6 Planning Proposal 13/011 - Ballina Heights Estate Stage 7a**

**270214/14      RESOLVED**

(Cr Paul Worth/Cr Susan Meehan)

1. That Council endorses the rezoning of the identified lots in DP 1189179 to R2 Low Density Residential (28 lots) and R3 Medium Density Residential (2 lots) consistent with the approved subdivision plan for Stage 7a of the Ballina Heights Estate (as detailed in the planning proposal contained in Attachment 1).
2. That Council endorses adjustments to the floor space ratio, height of buildings and minimum lot size standards associated with the amended zoning under item 1 (as detailed in the planning proposal contained in Attachment 1).
3. That Council proceed to finalise and implement Planning Proposal BSCPP 13/011, relating to Stage 7a of the Ballina Heights Estate, Cumbalum, directly in liaison with Parliamentary Counsel.
4. That Council receive a report in respect to the drainage and flooding issues in this entire locality.

FOR VOTE - All Councillors voted unanimously.

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**9.7 Land Reclassification - Lot 5 DP 843369, Old Bagotville Road**

**270214/15 RESOLVED**

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That Council endorses an operational land classification for Lot 5 DP 843369 Old Bagotville Road, Wardell.
2. That the necessary documentation be compiled and forwarded to the Department of Planning and Infrastructure to enable the Minister to finalise the planning proposal (BSCPP 13/007).
3. That Council revisit the reclassification to community land following the finalisation of any potential acquisition negotiations with the RMS.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

**12. Public Question Time**

Nil

**9.8 Ballina - Major Regional Centre Strategy**

**270214/16 RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

1. That the Council notes the information contained in this report in relation to the Ballina Major Regional Centre Strategy project and provides its approval for the project to proceed.
2. That Council approves the inclusion of the following grant contributions and matching expenditure in the Long Term Financial Plan for this project

<b>Year</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
Grant	60,000	120,000	20,000
Expense	60,000	120,000	20,000

FOR VOTE - All Councillors voted unanimously.

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Paul Hickey declared an interest in Item 9.9 and left the meeting at 1.01 pm

**9.9 Developer Contributions - Secondary Dwellings**

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

1. That Council waive developer contributions for secondary dwellings for an initial period of two years where:
  - The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m<sup>2</sup>.
  - The floor space ratio of the principal and secondary dwelling does not to exceed 0.5:1.
  - A maximum of 2 bedrooms are contained within the secondary dwelling and 5 bedrooms 3 water closets and 2 laundries on the total site.
  - Compliance is achieved with all other requirements relating to secondary dwellings contained within the Affordable Rental Housing SEPP.
2. That the waiving of developer contributions and charges for secondary dwellings be in relation to contributions and charges contained within Ballina Shire Contributions Plan 2008, Roads Contribution Plan 2010, Water Supply Servicing Plan 2004 and Sewerage Infrastructure Development Servicing Plan 2004.
3. The assessment criteria agreed with Rous Water for the calculation of equivalent tenements applicable to secondary dwellings be implemented for charges applicable under the Rous Water Development Servicing Plan – Bulk Supply Services.
4. That this policy change be incorporated into Council's developer contribution plans and servicing plans when they are next revised.
5. That public notice be given of this policy change and an information sheet be prepared to explain the changes.

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

1. That Council waive developer contributions for secondary dwellings for an initial period of four years where:
  - The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m<sup>2</sup>.
  - The floor space ratio of the principal and secondary dwelling does not to exceed 0.5:1.
  - A maximum of 2 bedrooms are contained within the secondary dwelling and 5 bedrooms 3 water closets and 2 laundries on the total site.



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- Compliance is achieved with all other requirements relating to secondary dwellings contained within the Affordable Rental Housing SEPP.
- 2. That the waiving of developer contributions and charges for secondary dwellings be in relation to contributions and charges contained within Ballina Shire Contributions Plan 2008, Roads Contribution Plan 2010, Water Supply Servicing Plan 2004 and Sewerage Infrastructure Development Servicing Plan 2004.
- 3. The assessment criteria agreed with Rous Water for the calculation of equivalent tenements applicable to secondary dwellings be implemented for charges applicable under the Rous Water Development Servicing Plan – Bulk Supply Services.
- 4. That this policy change be incorporated into Council's developer contribution plans and servicing plans when they are next revised.
- 5. That public notice be given of this policy change and an information sheet be prepared to explain the changes.

The **Amendment LAPSED**.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Keith Williams

1. That Council waive developer contributions for secondary dwellings for an initial period of two years where:
  - The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m<sup>2</sup>.
  - The floor space ratio of the principal and secondary dwelling does not to exceed 0.5:1.
  - A maximum of 2 bedrooms are contained within the secondary dwelling and 5 bedrooms 3 water closets and 2 laundries on the total site.
  - Compliance is achieved with all other requirements relating to secondary dwellings contained within the Affordable Rental Housing SEPP.
2. That the waiving of developer contributions and charges for secondary dwellings be in relation to contributions and charges contained within Ballina Shire Contributions Plan 2008, Roads Contribution Plan 2010, Water Supply Servicing Plan 2004 and Sewerage Infrastructure Development Servicing Plan 2004, subject to point six below.
3. The assessment criteria agreed with Rous Water for the calculation of equivalent tenements applicable to secondary dwellings be implemented for charges applicable under the Rous Water Development Servicing Plan – Bulk Supply Services.

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4. That this policy change be incorporated into Council's developer contribution plans and servicing plans when they are next revised.
5. That public notice be given of this policy change and an information sheet be prepared to explain the changes.
6. That Council waive all developer contributions except for Open Spaces and Community Facilities.

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

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

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

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

- That Council waive developer contributions for secondary dwellings for an initial period of two years where:
  - The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m<sup>2</sup>.
  - The floor space ratio of the principal and secondary dwelling does not to exceed 0.5:1.
  - A maximum of 2 bedrooms are contained within the secondary dwelling and 5 bedrooms 3 water closets and 2 laundries on the total site.
  - Compliance is achieved with all other requirements relating to secondary dwellings contained within the Affordable Rental Housing SEPP.
- 2. That the waiving of developer contributions and charges for secondary dwellings be in relation to a 50% reduction in contributions and charges contained within Ballina Shire Contributions Plan 2008, Roads Contribution Plan 2010, Water Supply Servicing Plan 2004 and Sewerage Infrastructure Development Servicing Plan 2004.
- 3. The assessment criteria agreed with Rous Water for the calculation of equivalent tenements applicable to secondary dwellings be implemented for charges applicable under the Rous Water Development Servicing Plan – Bulk Supply Services.
- 4. That this policy change be incorporated into Council's developer contribution plans and servicing plans when they are next revised.
- 5. That public notice be given of this policy change and an information sheet be prepared to explain the changes.

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

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FOR VOTE - Cr Jeff Johnson, Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston

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

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston

**270214/17      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council waive developer contributions for secondary dwellings for an initial period of two years where:
  - The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m<sup>2</sup>.
  - The floor space ratio of the principal and secondary dwelling does not to exceed 0.5:1.
  - A maximum of 2 bedrooms are contained within the secondary dwelling and 5 bedrooms 3 water closets and 2 laundries on the total site.
  - Compliance is achieved with all other requirements relating to secondary dwellings contained within the Affordable Rental Housing SEPP.
2. That the waiving of developer contributions and charges for secondary dwellings be in relation to contributions and charges contained within Ballina Shire Contributions Plan 2008, Roads Contribution Plan 2010, Water Supply Servicing Plan 2004 and Sewerage Infrastructure Development Servicing Plan 2004.
3. The assessment criteria agreed with Rous Water for the calculation of equivalent tenements applicable to secondary dwellings be implemented for charges applicable under the Rous Water Development Servicing Plan – Bulk Supply Services.
4. That this policy change be incorporated into Council's developer contribution plans and servicing plans when they are next revised.
5. That public notice be given of this policy change and an information sheet be prepared to explain the changes.

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

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston

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**Adjournment**

The Mayor declared the meeting adjourned at 1.29 pm

The meeting resumed at 2.05 pm

Paul Hickey was in attendance at this stage.

**9.10 Destination Management Plan - Draft**

**270214/18      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council endorses the draft destination management plan *Ballina Coast & Hinterland Destination Management Plan 2014 - 2020* for public exhibition and that this matter be reported to the Council again at the conclusion of the exhibition period, inclusive of the following amendments:
  - a. That Council establish a Taskforce made up of the stakeholders as mentioned in Section 2.2 – “Key Stakeholders”.
  - b. Page 33 –add to Clause 4.2 – Alstonville’s Main Street for Level 2 or 3 Visitor Services.
  - c. Page 36 Grey Nomads – highlight that Grey Nomads are to be included in volunteer programs.
  - d. Page 37 - Promote Industry and service-oriented training for industry staff including TAFE.
  - e. Correction of any formatting errors

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

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**9.11 Australia Day - Review**

**270214/19      RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

That the period for the Australia Day Award nominations commence in April each year (or earlier if possible), concluding in December. The purpose of the extended period is to provide increased opportunities for nominations and for promotion of the awards.

Cr Susan Meehan left the meeting at 02:40 pm.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Susan Meehan

Cr Susan Meehan returned to the meeting at 02:41 pm.

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

**10.1 Use of Council Seal**

**270214/20      RESOLVED**

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following documents.

US14/02	Deed of indemnity between Ballina Shire Council and Trent Shane Currey and Bridgett Kay Currey for property known as Lot 5 DP 719072, No. 7 Lovegroves Lane, Uralba.  A charge in favour of Ballina Shire Council over Lot 5 DP 719072, No. 7 Lovegroves Lane, Uralba showing the new purchaser as the charger.  A discharge of charge for the previous owner of Lot 5 DP 719072, No. 7 Lovegroves Lane, Uralba.
US 14/03	Deed of Consent and Assignment of Lease for Lot 1 DP 1045699, Ballina Byron Gateway Airport from DP Kirwan to Orion Aviation Pty Ltd

FOR VOTE - All Councillors voted unanimously.

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**10.2 Investment Summary - January 2014**

**270214/21      RESOLVED**

(Cr Keith Williams/Cr Ben Smith)

That Council notes the record of banking and investments for January 2014.

FOR VOTE - All Councillors voted unanimously.

**10.3 Community Donations**

**270214/22      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council approves the Australian representation donation (approximately \$420) to Jan Saul to assist with costs associated with her selection in the Masters Hockey World Cup.
2. That Council approves the donation request (approximately \$60) to the Wardell Recreation Ground Trust for 30 tube stock of Lilly Pilly trees.
  - That Council approves the transfer of the Lennox Head Lions Club room hire credit at the Lennox Head Cultural and Community Centre for 2013/14 to the North Coast Baby Health Service for the balance of 2013/14.

FOR VOTE - All Councillors voted unanimously.

**10.4 Council Meeting Recordings**

**270214/23      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council endorses the use of an online streaming provider to improve public access to recordings of Council meetings.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, 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

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**10.5 Policy (Review) - Councillor Expenses and Facilities**

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

That Council notes the contents of this report in respect to the January 2014 resolution to review the existing Councillor Expenses and Facilities Policy.

An **Amendment** was moved by Cr Susan Meehan and seconded by Cr Robyn Hordern

1. That the Council Expenses Policy be amended to provide for expenses for travel, accommodation and incidentals related to Councillors holding positions on Executives or Board members only being reimbursed where Council has resolved to appoint or nominate that Councillor to these positions.
2. That Council advertise this change for public comment.

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

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

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

An **Amendment** was moved by Cr Robyn Hordern and seconded by Cr Keith Williams

1. That the Council Expenses Policy be amended to provide for a maximum allowance of \$5,000 (EX GST) per Councillor for conferences and associated travel per financial year.
2. That Council advertise this change for public comment.

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

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

AGAINST VOTE - Cr Sharon Cadwallader and Cr Ken Johnston

The **Amendment** then became the **Motion**.

An **Amendment** was moved by Cr Robyn Hordern and seconded by Cr Keith Williams

1. That the Council Expenses Policy be amended to not allow the reimbursement of alcohol related expenses.
2. That Council advertise this change for public comment.

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

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

AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Susan Meehan, Cr Ken Johnston and Cr Ben Smith and the casting vote of the Mayor

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

FOR VOTE - All Councillors voted unanimously.

**270214/24      RESOLVED**

(Cr Robyn Hordern/Cr Keith Williams)

1. That the Council Expenses Policy be amended to provide for a maximum allowance of \$5,000 (EX GST) per Councillor for conferences and associated travel per financial year.
2. That Council advertise this change for public comment.

FOR VOTE - All Councillors voted unanimously.

**10.6    Independent Local Government Review Panel - Final Report**

**270214/25      RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

1. That Council notes the contents of this report in respect to the final reports from the NSW Independent Local Government Review Panel and the Local Government Acts Taskforce and that Council not support the Joint Organisation concept.
2. That Council's submission include a statement designed to encourage greater participation by women in Local Government.

FOR VOTE - 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 David Wright and Cr Susan Meehan



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**10.7 Better Boating Program – Grants**

A **Motion** was moved by Cr Keith Williams and seconded by Cr Paul Worth

1. That Council confirms its acceptance of the Better Boating Program grant of \$40,000 for the Martin Street Boatharbour Concept Study with Council's matching funding to be sourced from the Civil Services Stormwater Management Plan Reserve.
2. That Council confirms its acceptance of the Better Boating Program grant of \$30,000 for the Keith Hall Boat Ramp Facility with Council's matching funding to be sourced from the Civil Services Single Invitation Contract Reserve.
3. That Council declines to accept the Better Boating Program grant of \$157,750 for the Fishery Creek Boat Ramp and Car Park Upgrade due to limitations on the funding available to provide Council's matching contribution to the grant.
4. That Council approves the inclusion of the grant funds and matching Council funding in the 2013/14 budget as per points one to three.
5. That staff assess whether or not a barrier can be reinstalled at the southern end of the informal car park at the Boatharbour to stop traffic movements.

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

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

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

**270214/26      RESOLVED**

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council confirms its acceptance of the Better Boating Program grant of \$40,000 for the Martin Street Boatharbour Concept Study with Council's matching funding to be identified in a future report.
2. That Council confirms its acceptance of the Better Boating Program grant of \$30,000 for the Keith Hall Boat Ramp Facility with Council's matching funding to be sourced from the Civil Services Single Invitation Contract Reserve.
3. That Council confirms its acceptance of the Better Boating Program grant of \$157,750 for the Fishery Creek Boat Ramp and Car Park Upgrade with Council's matching funding to be sourced from the Civil Works Contingency Reserve.

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4. That Council approves the inclusion of the grant funds and matching Council funding in the 2013/14 budget as per points one to three.

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

AGAINST VOTE - Cr Keith Williams and Cr Paul Worth

**10.8 Delivery Program and Operational Plan - December Review**

**270214/27      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of the 31 December 2013 review of the Delivery Program and Operational Plan.
2. That Council receive a report as part of the 2014/15 budget deliberations on options to reduce the current water loss percentage.

FOR VOTE - All Councillors voted unanimously.

**10.9 Financial Review - 31 December 2013**

**270214/28      RESOLVED**

(Cr Ben Smith/Cr Paul Worth)

1. That Council notes the contents of the December 2013 Quarterly Budget Review and approves the changes identified within this report.
2. That Council authorises the recruitment of a permanent GIS staff member to replace the position currently being undertaken on a casual basis within the Civil Services Group.

FOR VOTE - All Councillors voted unanimously.

**10.10 Capital Expenditure - Quarterly Update**

**270214/29      RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

1. That Council notes the contents of this report on the status of the capital works program.
2. That Council approves the transfer of funding for the following General Fund projects, as outlined in the "New Variations" column, as per the attachments to this report.

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Item	Current Budget	Revised 2013/14	Revised 2014/15
<b>Open Spaces</b>			
Fripp Oval Drainage	90,000	0	90,000
Wollongbar Sports Fields	5,246,900	365,000	4,881,900
<b>Waste Management</b>			
Biochar Facility	705,000	400,000	305,000
DWM Truck	350,000	0	350,000
<b>Engineering Works</b>			
River / Moon Street Roundabout	1,300,000	100,000	1,200,000
Drainage – Angels Beach Drive	0	135,000	0
Drainage – Tresise Place	85,000	0	0
Drainage – Allens Parade	50,000	0	0
Drainage – Grant Street	125,800	80,800	0
Drainage – Brunswick Street	100,000	145,000	0
<b>Operations Support</b>			
Ballina Sports and Leisure Centre	383,000	100,000	283,000

3. That Council approves the allocation of \$400,000 in available Roads to Recovery monies for rehabilitation works on Angels Beach Drive as per the following summary:

Item	2013/14 Budget	Revised 2013/14
<b>Project</b>		
Angels Beach Drive	0	400,000
<b>Funding</b>		
Roads to Recovery	0	400,000

4. That Council approves the allocation of the \$550,000 Local Infrastructure Renewal Scheme monies to the construction of the Tamar / Cherry Street roundabout, based on a revised total budget of \$570,000 as per the following summary:

Item	2013/14 Budget	Revised 2013/14	Revised 2014/15
<b>Project</b>			
Tamar / Cherry Street Roundabout	550,000	50,000	520,000
<b>Funding</b>			
LIRS Loan	550,000	50,000	500,000
Sec 94 Roads Conts	0	0	20,000

5. That Council confirms the allocation of \$255,000 from Section 94 car parking contributions for the construction of public toilets on the Tamar Street car parks.
6. That Council approves the transfer of funding for the following Water and Wastewater projects, as outlined in the “New Variations” column, as per the attachments to this report.

Item	Current Budget	Revised 2013/14	Revised 2014/15
<b>Water</b>			
Pumping Stations – East Ballina	85,000	40,000	45,000
Trunk Mains – East Ballina	500,000	120,000	380,000
Fluoride Dosing Plant – Marom Ck	0	250,000	0

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<b>Wastewater</b>			
Ballina Upgrade – Post Completion	230,000	0	230,000
Lennox Upgrade – Post Completion	97,000	0	97,000
UDR – Recycled Water Comm	165,000	20,000	145,000
Re-use – Skennars Fields Shed	58,000	0	58,000
Reverse Osmosis Plant	0	50,000	1,950,000
Pumping Stations (Various)	2,519,800	410,900	2,108,900
Trunk Main – Duplicate Gravity	59,800	0	59,800
WUEA Line	80,000	0	0

7. That as part of the 2014/15 budget deliberations for the March 2014 Finance Committee meetings Council receive a report on the financial implications of the commencement of the fluoride dosing and reverse osmosis plants.
8. That Council include an allowance of \$38,000 in the capital expenditure program for a wastewater tank at Alstonville Pool with the General Manager to report the funding source to a future meeting of Council.
9. That Council include funding of \$7,000 in the capital expenditure program to allow for the finalisation of the Williams Reserve Clubhouse works, as outlined in this report, with the General Manager to offset this increase with savings in other capital projects.

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

AGAINST VOTE - Cr Paul Worth

**270214/30      RESOLVED**

(Cr Robyn Hordern/Cr Susan Meehan)

1. That Council include an allowance of \$8,000 in the capital expenditure program for the provision of electricity at Williams Reserve with the General Manager to offset this increase with savings in other capital budgets.
2. That Council investigate a public art wall for the eastern end of the Tamar Street carpark to improve the visual amenity of this precinct.

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

AGAINST VOTE - Cr Keith Williams, Cr Paul Worth and Cr Ben Smith

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

That Council hold separate Finance Committee meetings to consider the Delivery Program and Quarterly Financial Review.

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

That Council hold separate Council meetings to consider the Delivery Program and Quarterly Financial Review.

The **Amendment LAPSED.**

The **Motion was LOST.**

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Paul Worth and Cr Robyn Hordern

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

**10.11 Section 94 Car Parking Contributions Plan**

**270214/31      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council not adopt the Ballina Shire Car Parking Contributions Plan 2013, as previously exhibited, and authorises the amended document, as attached to this report, to be exhibited for public comment.

FOR VOTE - All Councillors voted unanimously.

**11.    Civil Services Group Reports**

**11.2 Weed Control - Coast Road**

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

1. That Council approves the implementation of a four year road side vegetation improvement program for the Coast Road between Pat Morton Lookout and North Angels Beach Roundabout.
2. The funding allocation to support the program in point one is to be \$20,000 for the first year and \$5,000 thereafter.
3. That funds be reallocated within the existing 2014/2015 road maintenance budget, and thereafter to support this program.

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

1. That Council approves the implementation of a four year road side vegetation improvement program for the Coast Road between Headlands Drive and Angels Beach.

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2. The funding allocation to support the program in point one is to be \$20,000 for the first year and \$5,000 thereafter.
3. That funds be reallocated within the existing 2014/2015 road maintenance budget, and thereafter to support this program.
4. That the re-plantings are low and preserve ocean views.

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

FOR VOTE - Cr Jeff Johnson

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

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

FOR VOTE - All Councillors voted unanimously.

**270214/32      RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

1. That Council approves the implementation of a four year road side vegetation improvement program for the Coast Road between Pat Morton Lookout and North Angels Beach Roundabout.
2. The funding allocation to support the program in point one is to be \$20,000 for the first year and \$5,000 thereafter.
3. That funds be reallocated within the existing 2014/2015 road maintenance budget, and thereafter to support this program.

FOR VOTE - All Councillors voted unanimously.

**11.3      Tender - Civil Works - Plateau Drive Wollongbar**

**270214/33      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council accepts the tender for the 15 Lot Subdivision Development at Southside Plateau Drive Wollongbar from John Cormack Earthmoving for the amount of \$824,472.00 (inc GST).
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

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**11.4 Lismore City Council - Material Recovery Facility and Glass Plant**

**270214/34      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council hold a workshop on this matter.

FOR VOTE - All Councillors voted unanimously.

**11.5 Smith Drive - Water Main Renewal**

**270214/35      RESOLVED**

(Cr Paul Worth/Cr Susan Meehan)

1. That Council confirms the scope of the Smith Drive Water Main Replacement Project is to include the section of main servicing properties to the east of Emigrant Creek stopping at the House of Golf, with the remainder of the main to be decommissioned as appropriate.
2. That the General Manager advise affected residents of Council's decision to terminate the water service and undertake a consultation in respect of the impacts of that decision.
3. The General Manager prepare a report reviewing the feedback from the consultation in point two above, including an assessment of the costs of any requests by land owners to be provided with alternate water supplies. It is noted that in undertaking this consultation, Council is not making any commitment to providing an alternate supply, rather the purpose of the consultation is to enable Council to give consideration to requests for assistance in response to its decision.
4. That Council call for tenders for the construction of the Smith Drive Water Main Renewal Project, with the scope of works based on point one above.
3. That Council partner with Rous Water to investigate rebates and assistance.

FOR VOTE - Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

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

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**11.6 Ballina Town Entry Masterplan - Review**

**270214/36      RESOLVED**

(Cr Susan Meehan/Cr Keith Johnson)

1. That Council confirms the proposed colour scheme for the Fishery Creek Bridge is to be as per the adopted Ballina Town Centre Entry Masterplan and the advice attached to this report.
2. That, in relation to the street tree selection for the adopted Ballina Town Centre Entry Masterplan, Council confirms the following amendments;
  - For large tree planting on road edges *Melaleuca leucadendra* (Weeping Paperbark) replace the *Caesalpinnea ferrea* (Leopard Tree)
  - For the large tree for centre median planting *Brachychiton acerifolius* (Flame Tree) be interspersed with two *Elaeocarpus eumundii* (Smooth Leaved Quandong)
  - For the small road edge planting Buckingham Celssissima (Ivory Curl Flower) be retained.

FOR VOTE - All Councillors voted unanimously.

**11.7 Policy (Review) - Asset Management Policy**

**270214/37      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Asset Management 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.

Cr Susan Meehan left the meeting at 05:32 pm.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Susan Meehan



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**11.8 Rous Water - Future Water Strategy**

**270214/38      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council record its current in principle support to the proposals contained in the Rous Water draft Future Water Strategy and that Council confirm its interest in continuing to work with Rous Water, including the review of community feedback, to finalise the strategy.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Susan Meehan

**13.      Notices of Motion**

**13.1 Notice of Motion - Container Deposit Legislation**

**270214/39      RESOLVED**

(Cr Jeff Johnson/Cr Keith Williams)

1. That Ballina Shire Council acknowledges the significant environmental and economic benefits to ratepayers of adopting a Container Deposit Scheme in NSW.
2. That Ballina Shire Council write to the NSW Premier, Mr Barry O'Farrell, Environment Minister Ms Robyn Parker, and the Minister for the North Coast and Local Government, Mr Don Page, urging them to support and implement Container Deposit Legislation in NSW.

Cr Susan Meehan returned to the meeting at 05:33 pm.

FOR VOTE - All Councillors voted unanimously.

**13.2 Notice of Motion - Funding Cuts to TAFE**

**270214/40      RESOLVED**

(Cr Jeff Johnson/Cr Susan Meehan)

That Ballina Shire Council write to the NSW Minister for Education Mr Adrian Piccoli, NSW Premier, Mr Barry O'Farrell and the NSW Minister for the North Coast, Mr Don Page expressing our concerns about the ongoing funding cuts to the NSW TAFE system, and in particular the North Coast TAFE Institute's campuses in Ballina and Wollongbar.

FOR VOTE - All Councillors voted unanimously.

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**13.3 Filming – Ferry Passes - Motion of Urgency**

**270214/41      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

That the matter of providing temporary ferry passes for filming at South Ballina be dealt with as a matter of urgency as the filming will take place prior to the next Council meeting.

FOR VOTE - All Councillors voted unanimously

**270214/42      RESOLVED**

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council provide at no cost, to Chris Blackburn, Producer of Burns Point – Feature Film, four temporary ferry passes for the month of March for filming of “Burns Point” feature film.

FOR VOTE - All Councillors voted unanimously

Cr Robyn Hordern left the meeting at 5.43 pm

Cr Paul Worth left the meeting at 5:44 pm.

**13.4 Councillor Attendance – Motion of Urgency**

**270214/43      RESOLVED**

(Cr Jeff Johnson/Cr Susan Meehan)

That the matter of attendance by Cr Cadwallader at the Minister for Local Government’s Women in Local Government Award ceremony be dealt with as a matter of urgency due to the approval being sought is for 5 March 2014 which is prior to the next Council meeting.

FOR VOTE - All Councillors voted unanimously.

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

**270214/44      RESOLVED**

(Cr Jeff Johnson/Cr Keith Williams)

That Council authorises the attendance of Cr Cadwallader at the Minister for Local Government’s Women in Local Government Award ceremony in Sydney on Wednesday 5 March 2014.

FOR VOTE - All Councillors voted unanimously.

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

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**14. Advisory Committee Minutes**

**14.1 Commercial Services Committee Minutes - 18 February 2014**

**270214/45 RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

That Council confirms the minutes of the Commercial Services Committee meeting held 18 February 2014 and that the recommendations contained within the minutes be adopted, with a change to Item 4.1 – Wollongbar Residential Estate – Sale of Stage One Lots, second recommendation, as follows.

Item 4.1 (second recommendation) - That the allotment on which the teak tree is located be divided so that the tree is on a separate lot.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Paul Worth

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

**15.1 Mayoral Meetings**

**270214/46 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Paul Worth

**16. Questions Without Notice**

**16.1 Cr Robyn Hordern - Derelict Pontoon and Jetty/Fence Across Boundary**

**Cr Robyn Hordern** – brought to the Council's attention that at 140 Kalinga Street, West Ballina the pontoon and jetty are in a derelict condition and a potential danger to members of the public and that at 15 Burns Point Ferry Road there is a fence across the boundary line.

John Truman will investigate both matters.

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**16.2 Cr Robyn Hordern - Condition of Tamar Street Carpark**

**Cr Robyn Hordern** – advised that Council's Tamar Street carpark (off Moon Street) is in an untidy condition and needs a clean up.

John Truman will investigate.

**16.3 Cr Paul Worth - Lot 2 Teven Road, Alstonville**

**Cr Paul Worth** – Earlier today we dealt with a Development Application for this property. Can Council investigate rubbish (piles of concrete) which have recently been placed on this property.

Rod Willis will investigate.

**16.4 Cr Susan Meehan - Fishing in Shaws Bay**

**Cr Susan Meehan** – notes recent media articles about calls from the public to ban fishing in Shaws Bay. Can we stop fishing in Shaws Bay?

Steve Barnier advised that this is the responsibility of NSW Fisheries and that Council does not have management responsibility for Shaws Bay.

**16.5 Cr Susan Meehan - Ballina Surf Club - Aboriginal Nippers Involvement**

**Cr Susan Meehan** – what is happening with Ballina Surf Club involvement with Aboriginal nippers as part of negotiations with the Ballina Surf Club?

Paul Hickey will follow this matter up.

**16.6 Cr Sharon Cadwallader - Playground Equipment - Softfall**

**Cr Sharon Cadwallader** - queried the provision of softfall in Spoonbill Crescent Reserve at Lennox. Can we look at the same surface at Jabiru Park replacement as a cheaper option?

John Truman advised that rubber softfall and bark softfall will both be assessed as part of our design process for Jabiru Park.

**16.7 Cr Jeff Johnson - Aboriginal Matters**

**Cr Jeff Johnson** - noticed the Aboriginal flag now flying in the Council Chambers. Are minutes of the Aboriginal Committee distributed to all Councillors?

Paul Hickey advised that minutes are distributed to Councillors via the Councillor bulletin.

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..... MAYOR

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**16.8 Cr Jeff Johnson - Waste Disposal**

**Cr Jeff Johnson** – enquired on behalf of a constituent who was charged to dispose of aluminium at the Waste Management Centre.

John Truman advised that this was correct procedure.

**16.9 Cr Jeff Johnson - Lake Ainsworth Master Plan**

**Cr Jeff Johnson** - asked when the Lake Ainsworth Master Plan would be submitted to Council.

Paul Hickey advised that it would be submitted to a Councillor workshop/briefing prior to being submitted to Council.

**16.1 Cr Jeff Johnson - Koala Briefing**

**0**

**Cr Jeff Johnson** – are all Councillors happy to have a Councillor briefing next week from Dr Steve Phillips.

General consensus was to hold a briefing. Paul Hickey to co-ordinate briefing.

**MEETING CLOSURE**

6.01 pm

The Minutes of the Ordinary Meeting held on 27/02/14 were submitted for confirmation by council on 27 March 2014 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 March 2014.