

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 27/03/14 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), Vince Hunt (Acting Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 18 people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by Southern Cross K-12 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**

**270314/1      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 February 2014.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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**2014 Australian Coastal Councils Conference**

The Mayor thanked Council staff who assisted with organising the 2014 Australian Coastal Councils Conference held in Ballina this week, which was an outstanding success.

Cr Jeff Johnson arrived at the meeting at 09:02 am.

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

- **Sandra Bailey** – declared an interest in Item 8.1 – DA 2013/385 – 59 Teakwood Drive, Alstonville. (Nature of Interest: non significant, non pecuniary – the property adjoins property owned by her). She will be departing the meeting while the matter is discussed.
- **Cr Robyn Hordern** – declared an interest in Item 9.6 – Planning Proposal – Reclassification of Council Owned Waterways. (Nature of Interest: non significant non pecuniary – she is the owner of a property on Ballina Quays). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Paul Worth** – declared an interest in Item 9.7 – Ballina Shire Development Control Plan 2012 – Amendment 3. (Nature of Interest: non significant, non pecuniary – he is owner of the Alstonville Butter Factory). He will be departing the meeting while the matter is discussed.
- **Cr Paul Worth** – advised in relation to Item 8.1 – DA 2013/385 – 59 Teakwood Drive, Alstonville that during the 1990’s he was involved with the development of the estate as a joint venture. He is stating for the public record that he no longer has any interest in this estate. He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Susan Meehan** - declared an interest in Item 9.1 – LEP Amendment Request – North Creek Foreshore, Ballina. (Nature of Interest: non significant, non pecuniary - she owns a property on land affected by river erosion) She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Keith Williams** – declared an interest in Item 11.7 – Policy (Review) – Waste Disposal Fees for Not-For-Profit Groups. (Nature of Interest: non significant, non pecuniary - due to the scope of policy and its application to disposal fees for non-for-profit rescue groups. He is the Treasurer of Australian Seabird Rescue). He will be departing the meeting while the matter is discussed.

There were no reportable political donations.

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**6. Deputations**

- **Jan Brady** – spoke in favour of Item 13.1 – Notice of Motion – Fishing – Shaws Bay.
- **David Fuller** – spoke in opposition to Item 14.1 – Finance Committee Minutes – 4 March 2014 and in particular to Item 4.3 of those Minutes – Community Infrastructure – Non-recurrent Capital Projects.
- **David Fuller** – spoke in opposition to Item 14.2 – Finance Committee Minutes – 18 March 2014 and in particular to Item 4.7 of those Minutes – Coastal Recreation Path/Walk Projects – Funding Update.
- **Peter Carmont** – spoke in favour of Item 9.7 – Ballina Shire Development Control Plan 2012 – Amendment 3 – and in particular to Adaptable Housing.
- **Peter Carmont, Ballina Chamber of Commerce** – spoke in favour of Item 14.2 – Finance Committee Minutes – 18 March 2014 and in particular to Item 4.7 of those Minutes – Coastal Recreation Path/Walk Projects – Funding Update.
- **Jean Law** – spoke in opposition to Item 9.8 – Alstonville Skate Park – Preferred Location.

Sandra Bailey declared an interest in Item 8.1 and left the meeting at 9.18 am

- **Wayne Moss** – spoke in favour of Item 8.1 – DA 2013/385 – 59 Teakwood Drive, Alstonville.

Sandra Bailey returned to the meeting at 9.24 am

- **Dam McOmish/Richard Crandon** – spoke in opposition to Item 9.6 – Planning Proposal – Reclassification of Council Owned Waterways.

**Extension of Deputation**

**270314/2      RESOLVED**

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Mr McOmish and Mr Crandon be granted an extension of time for their deputation.

FOR VOTE - All Councillors voted unanimously.

- **Tony Cromack** – spoke in opposition to Item 11.2 – Water Service – 2 Ascot Place, Ballina.

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**9.6 Planning Proposal - Reclassification of Council Owned Waterways**  
A **Motion** was moved by Cr Sharon Cadwallader

That this matter be deferred.

The **Motion LAPSED.**

**270314/3        MOTION**

(Cr Ben Smith/Cr Keith Williams)

1. That Council endorses the reclassification of the land containing the Ballina Quays canals (Lot 63 DP 263861 & Lot 132 DP 775228) and Banyanda Lake (Lot 50 DP 259593) from community land to operational land for the purpose of the Local Government Act 1993.
2. That the necessary documentation be compiled and forwarded to NSW Planning and Infrastructure to enable the Minister to finalise the planning proposal (BSCPP 13/008).
3. That Council modify the Generic Plan of Management for Community Land to acknowledge this amendment.

FOR VOTE - All Councillors voted unanimously.

**13.1 Notice of Motion - Fishing - Shaws Bay**

**270314/4        RESOLVED**

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to write to NSW Department of Primary Industries (Fisheries) requesting that the Department evaluate the fishing situation at Shaws Bay and invite an appropriate officer to inspect the area and discuss issues regarding the waterbody. Then to consider the making of a declaration under the Fisheries Management Act 1994 which would have the effect of prohibiting the *taking* of fish from Shaws Bay, Ballina.
2. Further, that Council report on the existing Shaws Bay Management Plan, outlining activities completed and activities planned for the area, ensuring the plan reflects actions which may be taken by NSW Department of Primary Industries (Fisheries) to protect marine life.

FOR VOTE - All Councillors voted unanimously.

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**14. Advisory Committee Minutes**

**14.1 Finance Committee Minutes - 4 March 2014**

**270314/5      RESOLVED**

(Cr Susan Meehan/Cr Keith Williams)

1. That Council confirms the minutes of the Finance Committee meeting held 4 March 2014 and that the recommendations contained within the minutes be adopted, with an amendment to the first recommendation in Item 4.3 – Community Infrastructure – Non-recurrent Capital Projects as follows:

That Council confirms its No. 1 priority for the funding proposal outlined in this report is for the coastal Shared Path segments from Angels Beach to Sharpes Beach (referred to as Section B), with this information and funding to be included in the 2014/15 budget.

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

**14.2 Finance Committee Minutes - 18 March 2014**

**270314/6      RESOLVED**

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council confirms the minutes of the Finance Committee meeting held 18 March 2014 and that the recommendations contained within the minutes be adopted, with an amendment to Item 4.10 – Long Term Financial Plan – General Fund, and Item 4.7 – Coastal Recreation Path/Walk Projects – Funding Update, as follows:
2. That the \$15,000 remaining from the Gallery refurbishment in 2013/14 be reallocated to the upgrade of the Lennox Head public toilets at the bus stop in Ballina Street.
3. That Council review the construction of the 140 metre section on the Coast Road at Southern Angels Beach prior to any physical works taking place.

FOR VOTE - All Councillors voted unanimously.

Cr Paul Worth declared an interest in Item 9.7 and left the meeting at 10:29 am.

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**9.7 Ballina Shire Development Control Plan 2012 - Amendment 3**

**270314/7          RESOLVED**

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council proceed to undertake the public exhibition of Draft Amendment No. 3 to the Ballina Shire Development Control Plan 2012, to achieve the particular planning outcomes identified in the attachment to this report, in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Paul Worth

Cr Paul Worth returned to the meeting at 10:32 am.

**9.8 Alstonville Skate Park - Preferred Location**

**270314/8          RESOLVED**

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That based on the feedback received to date Council cease investigations into a site for a skate park at Alstonville for the time being and endorses the investigation of a consolidated skate park facility servicing the Alstonville Plateau within the Wollongbar Urban Expansion Area.
2. That Council undertakes this additional investigation as part of the current master planning process being undertaken for Council-owned land in the Wollongbar Urban Expansion Area.

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

**Adjournment**

The Mayor declared the meeting adjourned at 10.38 am

The meeting resumed at 10.57 am

Sandra Bailey declared an interest in Item 8.1 and departed the meeting at 10.57 am

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

**8.1 DA 2013/385- 59 Teakwood Drive, Alstonville**

**270314/9 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Development Application 2013/385 for the Change of Use of the existing farm shed to a Dwelling at Lot 1 DP 856017, No. 59 Teakwood Drive, Alstonville, be **APPROVED** subject to appropriate conditions of consent.

FOR VOTE - All Councillors voted unanimously.

Sandra Bailey returned to the meeting at 11.11 am

**11.2 Water Service - 2 Ascot Place, Ballina**

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

That Council advise Ardill Payne and Partners that it does not accept liability for the provision of a fire service at Lot 71, DP 749501, 2 Ascot Place for the reasons as outlined within this report.

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

That Council consider some responsibility as the original developer and approval authority, but recognise the responsibilities of the owner under "buyer beware" principals, and carry out the works to the drinking water system through a shared cost arrangement (50:50) with the owner.

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

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

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

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

That this matter be deferred to a Councillor briefing.

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson and Cr Paul Worth and the casting vote of the Mayor

AGAINST VOTE - Cr Sharon Cadwallader, Cr Susan Meehan, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson and Cr Paul Worth and the casting vote of the Mayor

AGAINST VOTE - Cr Sharon Cadwallader, Cr Susan Meehan, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

**270314/10      RESOLVED**

(Cr Keith Johnson/Cr Paul Worth)

That this matter be deferred to a Councillor briefing.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Keith Johnson and Cr Paul Worth and the casting vote of the Mayor

AGAINST VOTE - Cr Sharon Cadwallader, Cr Susan Meehan, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

**7.      Mayoral Minutes**

**7.1      Mayoral Minute - Pacific Highway Upgrade**

**270314/11      RESOLVED**

(Cr David Wright)

1. That Council write to the various State and Federal Agencies and Ministers responsible for oversight and approval of the Pacific Highway re-alignment between Woodburn and Ballina, advising that if the preferred option for the realignment is deemed to be the current proposal, that Council requests significant flora and fauna protection measures to be undertaken as part of the works, particularly with respect to koalas.

2. Those measures are to include, but not be limited to:

- a) immediate planting of koala food trees to allow the trees to mature prior to physical commencement of the works – the planting of mature trees is preferred to minimise the growth time needed
- b) A substantial increase in culverts and overhead bridges in the identified high koala activity area to mitigate any impacts on the movements of koalas, with that infrastructure increase to be developed in consultation with Council and with reference to the Ballina Shire Koala Habitat Study
- c) Compensatory plantings of least 50% greater than the flora removed.
- d) Koala fencing prior to any construction activities along the route, where appropriate

FOR VOTE - All Councillors voted unanimously.

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**9.5 LEP Amendment Request - Teven Road Transport and Logistics Precinct**

**270314/12      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council authorises the submission of a planning proposal which provides for the insertion of freight transport facilities and warehouse or distribution centre land uses as additional permitted uses within Schedule 1 of Ballina LEP 2012 to NSW Planning and Infrastructure for review and Gateway determination.
2. That upon an affirmative Gateway determination being received from NSW Planning & Infrastructure, the proponent be required to submit the technical documentation necessary to enable a comprehensive assessment of the proposal and potential environmental, social and economic implications.
3. That a further report be presented to the Council in relation to this matter prior to proceeding to public exhibition.

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

**8.2 Development Consent Statistics - February 2014**

**270314/13      RESOLVED**

(Cr Ben Smith/Cr Keith Johnson)

That Council notes the contents of the report on development consent statistics for 1 February 2014 to 28 February 2014.

FOR VOTE - All Councillors voted unanimously.

**8.3 Development Applications - Works in Progress - March 2014**

**270314/14      RESOLVED**

(Cr Ben Smith/Cr Keith Johnson)

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

FOR VOTE - All Councillors voted unanimously.

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

**9.1 LEP Amendment Request - North Creek Foreshore, Ballina**

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

1. That Council endorses the preparation of a planning proposal that will adjust the current R2 Low Density Residential and W1 Natural Waterway zone boundary on Lot 10 DP 1126929 (No. 2 Skinner Street), Lot 1 DP 1119099 (No. 5 Camden Lane), Lot 3 DP 1079380 (No. 3 Camden Lane) and Lot 33 DP 872966 (No. 1 Camden Street).
2. That the planning proposal be based on the realignment of the R2 boundary to the landward side of the North Creek shoreline, generally in accordance with the zone arrangement shown in Attachment 9.

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

That Council defer this matter until after a Councillor briefing is held on coastal protection measures in North Creek.

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

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

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

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

**270314/15      RESOLVED**

(Cr Keith Williams/Cr Jeff Johnson)

That Council defer this matter until after a Councillor briefing is held on coastal protection measures in North Creek.

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

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**9.2 LEP Amendment Request - 16 Tara Downs, Lennox Head**

**270314/16      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council prepare a planning proposal for the application of an R2 Low Density Residential zone relating to Lot 12 DP 813210, being No 16 Tara Downs, Lennox Head.
2. That the subdivision potential and associated minimum lot size for subdivision of Lot 12 DP 813210 be determined following assessment of additional technical information.
3. That a further report be submitted to the Council documenting the planning proposal.

FOR VOTE - All Councillors voted unanimously.

**9.3 LEP Amendment Request - Aspects Estate Dual Occupancy Lots**

**270314/17      RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

1. That the Council endorses the application of the R3 Medium Density Residential zone under the provisions of the Ballina Local Environmental Plan 2012 for Lots 29 and 31 in DP 1121058 as the basis for a planning proposal (as shown in the site plan contained in Attachment 2). Such action is to enable development of the land in a manner envisaged under the development consent which was previously granted for the subdivision which contains the allotments.
2. That the Council authorises the submission of the planning proposal relating to Lots 29 and 31 in DP 1121058 (as contained in Attachment Two) to NSW Planning and Infrastructure for review and Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department of Planning & Infrastructure, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
4. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.

FOR VOTE - All Councillors voted unanimously.

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**9.4 LEP Amendment Request - Reservoir Hill Site, Lennox Head**

**270314/18      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That, with respect to Lot 1 DP 517111, Council endorses the application of a mixed R2 Low Density Residential and R3 Medium Density Residential zone, and an open space and/or an environmental protection zone being applied to the land as the basis for a planning proposal (as contained in Attachment 3).
2. That Council authorises the submission of the planning proposal relating to Lot 1 DP 517111 to NSW Planning and Infrastructure for review and Gateway determination.
3. That upon an affirmative Gateway determination being received from Planning & Infrastructure, Council initiates a third party review and preparation of an environmental study for the land.
4. That Council receive a further report on the outcomes of the third party review process prior to public exhibition of the planning proposal.
5. That Council confirms that it does not support the current concept plan based on layout, high density, lack of open space and road network etc.

FOR VOTE - All Councillors voted unanimously.

**12. Public Question Time**

Nil

**9.9 Sustain Northern Rivers**

**270314/19      RESOLVED**

(Cr Ben Smith/Cr Jeff Johnson)

That Council endorses the continued staff participation in the Sustain Northern Rivers working groups to support opportunities for regional co-operation relating to environmental matters where consistent with the delivery of Council's operational plan and other endorsed programs.

Cr Keith Johnson left the meeting at 12:53 pm.

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

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**9.10 Policy (Review) - Filming on Public Land**

**270314/20      RESOLVED**

(Cr Susan Meehan/Cr Paul Worth)

1. That Council adopts the amended Filming on Public Land Policy, as attached to this report.
2. That Council place the amended policy on exhibition for public comment, with any submissions received to be reported to Council. If no submissions are received then no further action is required.

Cr Keith Johnson returned to the meeting at 12:55 pm.

FOR VOTE - All Councillors voted unanimously.

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

**10.1 Investment Summary - February 2014**

**270314/21      RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

**10.2 Community Donations**

**270314/22      RESOLVED**

(Cr Susan Meehan/Cr Robyn Hordern)

That Council approves the Australian representation donation (approximately \$420) to Scott Hamilton to assist with costs associated with his selection in the Masters Hockey World Cup.

FOR VOTE - All Councillors voted unanimously.

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

**270314/23      RESOLVED**

(Cr Ben Smith/Cr Jeff Johnson)

That Council confirms that the exhibition of the amendment to the Councillor Expenses and Facilities Policy, as resolved at the February 2014 Ordinary meeting, which sets a maximum allowance of \$5,000 (Ex GST) per Councillor for conferences and associated travel per financial year, will also include an amendment that approval for conferences and travel, both inside and outside the NOROC region, will be approved by the Mayor and / or General Manager, in accordance with Council policies.

Cr Paul Worth left the meeting at 12:59 pm.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Paul Worth

**Adjournment**

The Mayor declared the meeting adjourned at 1.01 pm

The meeting resumed at 2.05 pm  
Cr Paul Worth was in attendance at this stage.

**10.4 NSW Public Library Funding**

**270314/24      RESOLVED**

(Cr Sharon Cadwallader/Cr Paul Worth)

That Council confirms its support for the campaign mounted by the NSW Public Library Associations for increased State funding to Local Government for public libraries by:

- a) making representations to the local State Member in relation to the need for additional funding from the NSW State Government for the provision of public library services
- b) writing to the Hon. George Souris, Minister for the Arts, calling upon the Government to implement the Reforming Public Library Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries
- c) approving the distribution of NSW Public Library Associations' campaign information in the Council libraries and
- d) taking a lead role in activating the campaign locally.

FOR VOTE - All Councillors voted unanimously.

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**10.5 Land Acquisition - Shared Path**

**270314/25      RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

1. That Council approves the acquisition of land described as Part Lot 2 DP 1184436, being an area of approximately 48.6 square metres, as per the second attachment to this report, for the purchase price of \$2,200.
2. That Council authorises the Council seal to be attached to the purchase contract and any other associated documentation.
3. This land is to be dedicated as public road once acquired.

FOR VOTE - All Councillors voted unanimously.

**11. Civil Services Group Reports**

**11.1 Roadside Vegetation Management Plan**

**270314/26      RESOLVED**

(Cr Keith Williams/Cr Ben Smith)

1. That Council adopts the Roadside Vegetation Management Plan, as attached to this report.
2. That Council endorses the acceptance of a grant of \$47,780 from LGA NSW and, as per the grant application, approves the implementation of the higher priority actions within the Roadside Vegetation Management Plan, subject to resource availability and required approvals.
3. That Council continue to pursue additional grant funding to resurvey, update and implement the plan.

FOR VOTE - All Councillors voted unanimously.

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**11.3 Tender - Transport of Kerbside Garden and Organic Waste**

**270314/27      RESOLVED**

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council accepts the tender for the transport of kerbside garden & organic waste from Solo Resources Recovery Group based on the alternative tender one of the tender submission, as detailed within this report.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

**11.4 Tender - Provision for Labour Hire Services**

**270314/28      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the tenders for the provision of labour hire services for a five year period from JHA Recruitment & Staff @ Work Pty Ltd and North Coast Recruitment.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

**11.5 Tender - Provision for Design and Publishing Services**

**270314/29      RESOLVED**

(Cr Robyn Hordern/Cr Susan Meehan)

1. That Council accepts the tender for the provision of design and publishing services for a two year period from the The Ad Agency.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

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**11.6 Policy (Review) - B Double and 4.6m High Vehicle Route Assessment**

**270314/30      RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

1. That Council adopts the amended B Double & 4.6m High Vehicle Route Assessment for Regional and Local Roads Policy, as attached to this report.
2. That Council place the amended policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

Cr Keith Williams declared an interest in Item 11.7 and left the meeting at 02:39 pm.

**11.7 Policy (Review) - Waste Disposal Fees for Not-for-Profit Groups**

**270314/31      RESOLVED**

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council adopts the amended 'Donations – Waste Disposal Fees for Not-for-Profit Groups' Policy, as attached to this report.
2. That Council place the amended policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Keith Williams

Cr Keith Williams returned to the meeting at 02:46 pm.

**11.8 Road Closing Application - Dalwood**

**270314/32      RESOLVED**

(Cr Paul Worth/Cr Keith Williams)

That Council advise Crown Lands that it does not support the road closing application for the land at Dalwood as per this report.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 27/03/14 AT 9.00 AM**

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**11.9 Rescuing Our Waterways - Grant Program**

**270314/33      RESOLVED**

(Cr Robyn Hordern/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to make an application to the Rescuing our Waterways Program for the dredging of North Creek, Ballina.
2. Council's application may be inclusive of a Council commitment, if required, of an amount up to \$150,000, with this funding sourced from the Council's quarry reserve, as detailed within this report.
3. That the General Manager review options to obtain matching funds for other priority dredging projects in the shire based on Council's planned expenditure on dredging.
4. That the General Manager be authorised to make application for funding if a suitable project can be identified.

FOR VOTE - All Councillors voted unanimously.

**11.10 ARC Blackwater Linkage Grant - Review of Funding Arrangements**

**270314/34      RESOLVED**

(Cr Keith Williams/Cr Keith Johnson)

1. That Council write to Richmond River County Council and request that, in collaboration, we conduct a review of the County Council's infrastructure renewal program with the view to identifying a strategy that can meet the infrastructure needs of the Council and address the funding issue associated with the ARC Blackwater project.
2. That Council receive an update on recent costs and outcomes achieved by Richmond River County Council.

FOR VOTE - All Councillors voted unanimously.

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**Matter of Urgency - Tender - Replacement of Asbestos Materials -  
Ballina Naval Museum**

**270314/35      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

That this matter be dealt with as a matter of urgency due to the fact that Council may lose the State Government Community Building Partnership grant of \$95,000 if the works do not commence shortly and are not completed by 31 May 2014.

FOR VOTE - All Councillors voted unanimously.

**11.11    Tender - Replacement of Asbestos Materials - Ballina Naval Museum**

**270314/36      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council, in accordance with section 55 (3)(i) of the Local Government Act, not invite public tenders to undertake the Removal and Replacement of Asbestos Materials - Ballina Naval Museum.
2. That Council records the reason for the decision in point one is to ensure compliance with the \$95,000 grant funding opportunity awarded to Council which requires the project to be completed by the end of May 2014.
3. That Council notes the shortened tender period and the selective tendering method adopted to invite tender submissions for this project, with the reason for this approach being the grant funding conditions as per point two.
4. That Council accepts the tender for the Removal and Replacement of Asbestos Materials - Ballina Naval Museum from HBI Australia Pty Ltd for the amount of \$195,992 (ex GST).
5. That Council authorises the Council seal to be attached to the contract documents.
6. That Council approves a transfer of \$10,000 from the Council Administration Centre Capital Improvement budget to the Naval Museum budget to meet the cost of this contract.

FOR VOTE - All Councillors voted unanimously.

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**13. Notices of Motion**

**13.2 Notice of Motion - Protection of Aquifers from Coal Seam Gas Mining**

A **Motion** was moved by Cr Keith Williams and seconded by Cr Jeff Johnson

1. As Rous Water has determined that utilising groundwater resources could be critical to its 'Future Water Strategy' for providing potable water to its growing customer base of 100,000 people in the Northern Rivers.
2. Ballina Shire Council and Rous Water ask the Premier and Minister for the North Coast, Don Page MP to commit themselves to protecting the water resources of the region and that the Office of Water (NSW) and the Minister for Resources and Energy immediately ban unconventional gas mining in areas that may contaminate underground water sources that could be required for the future water needs of Rous consumers.

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

That Ballina Shire Council and Rous Water ask the Premier and Minister for the North Coast, Don Page MP to commit themselves to protecting the water resources of the region and immediately ban gas mining in areas that may contaminate underground water sources that could be required for the future water needs of Rous consumers.

The **Amendment LAPSED.**

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Robyn Hordern

That Council support Rous Water's position in relation to its Future Water Strategy – Groundwater Resources.

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

FOR VOTE - All Councillors voted unanimously.

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

FOR VOTE - All Councillors voted unanimously.

**270314/37      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council support Rous Water's position in relation to its Future Water Strategy – Groundwater Resources.

FOR VOTE - All Councillors voted unanimously.

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

**15.1 Mayoral Meetings**

**270314/38 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

**16. Questions Without Notice**

**16.1 Cr Paul Worth - Car Parking - Cnr Bugden Lane and South Street, Alstonville**

**Cr Paul Worth** - can Council investigate the parking problems in Alstonville on the corner of Bugden Lane and South Street?

John Truman to investigate.

**16.2 Cr Susan Meehan - Southern Cross University - Rising Stars Scholarship**

**Cr Susan Meehan** – was proud to present Council's Rising Star scholarship for this year and has received a certificate of appreciation on behalf of Council from Southern Cross University.

**16.3 Cr Keith Williams - Water Reservoir at Lennox Head**

**Cr Keith Williams** - enquired about the new water reservoir at Lennox and if we have any plans to paint the reservoir. Is this a possible community art project?

John Truman advised that the landscape design had been finalised for the area. What is proposed for the tank is a specific artistic design by an artist which will try and match the colour scheme with playground.

**16.4 Cr Sharon Cadwallader - Bus Shelters - Tamar Street and Airport**

**Cr Sharon Cadwallader** – she has had a request from a resident for the perspex sheets in the bus shelters at the interchange in Tamar Street and also at the Airport to be cleaned or replaced.

John Truman to follow up.

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**MEETING CLOSURE**

3.39 pm

The Minutes of the Ordinary Meeting held on 27/03/14 were submitted for confirmation by council on 24 April 2014 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 April 2014.