

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 24/04/14 AT 9.00 AM**

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**Attendance**

Crs David Wright (Mayor - in the chair), Jeff Johnson (arrived at 9.04 am), 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), Andrew Smith (Manager Development Services), 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 Sing Australia.

**2. Acknowledgement of Country**

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

**3. Apologies**

An apology was received from Cr Paul Worth.

**240414/1 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Paul Worth

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**4. Confirmation of Minutes**

**240414/2        RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

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

**Cr Susan Meehan** – declared an interest in Item 8.1 – DA 2013/381 – Shop Top Housing (Reside Living), River Street, Ballina. (Nature of Interest: non significant, non pecuniary– she is the owner of a property in the vicinity). She will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Robyn Hordern** – later in the meeting declared an interest in Item 10.6 – Alstonville Community Preschool. (Nature of Interest: non significant, non pecuniary – her daughter lives in the vicinity). She will remain in the meeting while the matter is discussed and voting on the matter.

**Cr Robyn Hordern** – later in the meeting declared an interest in Item 10.7 – Council Owned Waterways – Structures. (Nature of Interest: non significant, non pecuniary - she is the owner of a property in the vicinity). She will remain in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

**6. Deputations**

**Melanie Evans, Byron Explorer** – spoke in favour of Item 10.13 – Policy (Review) – Commercial Activities on Public Land.

Cr Jeff Johnson arrived at the meeting at 09:04 am.

**Simon Freeden, Summerland Surf School** – spoke in opposition to Item 10.13 – Policy (Review) – Commercial Activities on Public Land.

**Katherine Buckley** – spoke in favour of Item 10.6 – Alstonville Community Preschool.

Cr Jeff Johnson left the meeting at 09:16 am.

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**Denis Magnay** – advised that due to the Notice of Motion being withdrawn by Cr Ken Johnston that he would not be making a deputation on Item 13.2 – Notice of Motion – Shared Pathway.

**Ian Duncan** – spoke in favour of Item 14.1 – Finance Committee Minutes 8 April 2014 and in particular to Item 4.7 – Draft 2014/15 General Fund Budget – Other Considerations (Newrybar Parking and Traffic).

Cr Jeff Johnson returned to the meeting at 09:18 am.

**Paul Connellan/Simon Davis** – spoke in favour of Item 13.3 – Notice of Motion – Sailing Club Boat Ramp.

**Ralph Moss** – spoke in opposition to Item 8.3 – DA 2012/452 – Section 96 – Men's Shed, Fishery Creek Road, Ballina.

**Lorraine Vass** – spoke in favour of Item 13.1 – Notice of Motion – Pacific Highway Upgrade Woodburn to Wardell.

**7. Mayoral Minutes**

Nil items

**13.1 Notice of Motion - Pacific Highway Upgrade Woodburn to Wardell**

**240414/3      RESOLVED**

(Cr Jeff Johnson/Cr Susan Meehan)

1. Council write to the relevant State and Federal Ministers and Mr Bob Higgins (RMS) calling for a reconsideration of the proposed highway upgrade route between Broadwater and Wardell (Section 10).
2. It is Council's informed opinion that if the RMS' preferred route goes ahead as planned it will significantly impact on a number of threatened species and likely lead to the demise of a nationally significant Koala population.
3. There are a number of highway route options that don't impact on the Blackwall Range or this important wildlife corridor and these should be investigated further.
4. That the government considers protecting the area as a Koala Sanctuary and where possible plant additional Koala food trees.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Paul Worth

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**10.13 Policy (Review) - Commercial Activities on Public Land**

**240414/4            RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1. That based on the feedback from organisations such as Australian Lifeguard Service and Ballina Jet Boat Rescue, Council approves the deletion of the requirement for the Advanced Resuscitation Certificate from the operating guidelines for kayak licences.
2. That Council consult with other licensing authorities such as the Office of Environment and Heritage in order to ensure as much consistency as practical in the issuing of licences for similar activities.
3. That Council approves an amendment to the Commercial Activities on Public Land Policy to allow three Stand Up Paddle Board licences, as this is consistent with the original intent of this policy.
4. That Council call expressions of interest for this additional licence with the General Manager authorised to issue this licence based on the contents of the policy.
6. That Council approves the deletion of the final paragraph from clause 5.8 of the existing policy, as attached, as this paragraph only duplicates the information included in the table in clause 5.5
6. That the issue of transfer of licences be referred to a Councillor briefing.

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

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**10.6 Alstonville Community PreSchool**

**240414/5      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

- 1B. That Council confirms that it will provide a maximum financial contribution of \$120,000 (excluding GST) to the construction of the Alstonville Preschool, with those monies to be sourced from the deferral of other infrastructure related projects that form part of the 2014/15 Engineering Works construction program. Council is to receive a report prior to the adoption of the 2014/15 Delivery Program and Operational Plan confirming which projects will be delayed, or deleted, to offset this \$120,000 contribution.
  
2. That Council confirms for the purposes of the exhibition of the draft 2014/15 Delivery Program and Operational Plan that the \$50,000 required for additional Playground Equipment and the \$30,000 required for car parking works at Newrybar is to be financed through a reduction in the Canal Road reconstruction budget from \$132,400 to \$52,400.

Cr Hordern declared a non pecuniary non significant interest in this matter – her daughter lives in the vicinity, remained in the meeting and voted on the matter.

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

**13.3 Notice of Motion - Sailing Club Boat Ramp**

**240414/6      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council undertake appropriate maintenance works to remove sand at the Sailing Club Boat Ramp area so that it becomes a more attractive launch site for personal water craft (pwc), with part of the funding sourced from any remaining donations monies.
  
2. That the General Manager review the possibility of appropriate management strategies for pwc for North Creek.

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

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**Adjournment**

The Mayor declared the meeting resumed at 11.03 am

The meeting resumed at 11.27 am

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

**8.1 DA 2013/381 - Shop Top Housing (Reside Living), River Street, Ballina  
240414/7      **RESOLVED****

(Cr Sharon Cadwallader/Cr Susan Meehan)

That DA 2013/381 to undertake the following development:

- Demolition of the Existing Sundowner Motel and Restaurant;
- Erection and Strata Title Subdivision of a Multi-Level Mixed Commercial and Residential Building (Shop Top Housing) with an Overall Height of 23.6m Australian Height Datum (AHD), comprising:
  - Six Commercial Tenancies (Business and Retail Premises) at Ground Level facing River Street and the Richmond River,
  - A Restaurant at Ground Level facing the Richmond River,
  - 34 Residential Apartments (Dwellings) located on Levels Two to Six,
  - Two Levels of Car Parking and Site Access from Kerr Street;
- The Dedication of Land for Foreshore Public Access, involving the Construction of a Public Walkway; and
- Vegetation Management Works involving the Removal of One Norfolk Island Pine Tree,

at Lot 1 DP 499510 and Lot 10 DP 244352, No. 274 River Street, Ballina be **APPROVED** subject to the imposition of the attached recommended non-standard conditions.

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

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**8.2     DA 2011/506 - Section 96 - South Ballina Beach Caravan Park**

**240414/8           RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That the Section 96 modification application to DA 2011/506 to delete Condition No's 8, 11 and 34 from the consent in their entirety relating to the creation of an additional 123 short term accommodation sites (65 being caravan/recreational vehicle sites and 58 being camping sites), indoor recreation hall and associated amenities building, additional deck adjoining the existing kiosk/shop and office/reception, manager's cabin, associated facilities, infrastructure and rehabilitation works on Lot 1712 DP 597523 & Lot 1 DP 1186674, No. 440 South Ballina Beach Road, South Ballina be **REFUSED** for the following reasons:

1. The approved development, if modified, does not meet and is inconsistent with the objectives of the Ballina Local Environmental Plan 1987 and the 7(f) – Environmental Protection (Coastal Lands) Zone of the Ballina Local Environmental Plan 1987.
2. The approved development, if modified, is inconsistent with Council's Development Control Plan 2012.
3. The approved development, if modified, is inconsistent with Council's Contributions Plans.
4. The approved development, if modified, will have a significant impact on threatened shorebirds and the Glossy Black Cockatoo.
5. The approved development, if modified, could pose a risk to public health and safety.
6. The approved development, if modified, will be inconsistent with existing approvals applying to the site.
7. The approved development, if modified, is not in the public interest
8. Council is of the opinion that the development contributions levied are reasonable in this instance.

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

AGAINST VOTE - Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Paul Worth

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**8.3     DA 2012/452 - Section 96 - Men's Shed, Fishery Creek Road, Ballina  
240414/9       **RESOLVED****

(Cr Ben Smith/Cr Sharon Cadwallader)

That the Application under Section 96(1A) of the Environmental Planning and Assessment Act 1979 to amend Condition 35 of DA2012/452 in relation to the finished floor level of the new building (shed) be **APPROVED** as follows:

35.     The whole of the building envelope for the proposed shed is to be filled to a minimum level of RL 2.6m AHD with the finished floor height of the building at RL 2.8m AHD. A surveyor's certificate verifying compliance with this height is to be submitted to the Principal Certifying Authority (PCA) at completion of the footings/slab formwork (prior to concrete pour). All filling under the building is to be carried out in accordance with *Australian Standard AS2870*.

FOR VOTE - 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 David Wright and Cr Jeff Johnson  
ABSENT. DID NOT VOTE - Cr Paul Worth

**8.4     Development Consent Statistics - March 2014  
240414/10       **RESOLVED****

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

**8.5     Development Applications - Works in Progress - April 2014  
240414/11       **RESOLVED****

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

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

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

**240414/12 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1. That the Council authorises the submission of the planning proposal (contained in attachment One) which provides for the application of an R2 Low Density Residential zone over Lot 12 DP 813210, being No 16 Tara Downs, Lennox Head 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, including a determination of minimum lot size provisions.
3. That a further report be presented to the Council in relation to this matter following the mandatory community and government agency consultation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Paul Worth

**9.2 Cumalum Precinct B Development Control Plan**

**240414/13 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopt Amendment No.2 to the Ballina Development Control Plan 2012 (Cumalum Precinct B), with minor amendments, as outlined in this report.
2. That the provisions for Cumalum Precinct B under Amendment No.2 to the Ballina Development Control Plan 2012 take effect on 12 May 2014.
3. That the restriction imposed by Clause 4.5 of the Cumalum Precinct B Voluntary Planning Agreement, placed on landholders to prevent the lodgement of applications for the development of the land, be removed, effective from the date the development control plan begins to operate.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Paul Worth

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**9.3 Pacific Pines Development**

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

1. That the Council accepts, in principle, the dedication of the conservation zone area within the Pacific Pines development into Council ownership following compliance with the relevant conditions of development approval (State and Federal) and subject to the proponent providing a commitment to work collaboratively with Council in relation to the ultimate handover of the land.
2. That the Council authorises the General Manager to liaise with the proponent to establish a positive covenant over the conservation zone area benefitting Ballina Shire Council based on the principle of achieving compliance with the applicable conditions of approval, recognition of the desired environmental outcomes and flexibility in the way in which Council can manage the land once its comes into public ownership.
3. That the Council endorse the provision of a revised playing fields configuration based on the alternate design illustrated in Attachment Four (but not necessarily excluding a hard stand playing surface) through the application of the provisions of the Infrastructure SEPP.
4. That, in conjunction with the revised playing fields configuration, Council maintains a requirement for the provision of a road access corridor between Pacific Pines Estate and the Henderson Farm.
5. That the Council declines the offer from the Royal Bank of Scotland and Lend Lease to enter into a voluntary planning agreement with respect to the delivery of the Pacific Pines Estate playing fields.

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

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Susan Meehan

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

ABSENT. DID NOT VOTE - Cr Paul Worth

**240414/14      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1. That the Council accepts, in principle, the dedication of the conservation zone area within the Pacific Pines development into Council ownership following compliance with the relevant conditions of development approval (State and Federal) and subject to the proponent providing a commitment to work collaboratively with Council in relation to the ultimate handover of the land.

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2. That the Council authorises the General Manager to liaise with the proponent to establish a positive covenant over the conservation zone area benefitting Ballina Shire Council based on the principle of achieving compliance with the applicable conditions of approval, recognition of the desired environmental outcomes and flexibility in the way in which Council can manage the land once its comes into public ownership.
3. That the Council endorse the provision of a revised sporting facility configuration based on the alternate design illustrated in Attachment Four (but not necessarily excluding a hard stand playing surface) through the application of the provisions of the Infrastructure SEPP.
4. That, in conjunction with the revised playing fields configuration, Council maintains a requirement for the provision of a road access corridor between Pacific Pines Estate and the Henderson Farm.
5. That the Council provides in principle support to the offer from the Royal Bank of Scotland and Lend Lease to enter into a voluntary planning agreement with respect to the delivery of the Pacific Pines Estate playing fields and authorises the General Manager to enter into negotiations in this regard consistent with the sentiments expressed in this report. Further, that following negotiations this matter be reported to the Council for further deliberation, with Council not to consider any waiver of contributions.

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

**12. Public Question Time**

**12.1 Noel Warr - Marina**

Noel Warr – what has Council done about a marina? Has it done anything and what does it think will happen?

Paul Hickey advised that over the past six years Council has actively pursued Crown Lands with the Regatta Avenue and Trawler Harbour sites.

The Port Ballina Taskforce has met with various organisations to date to actively pursue a marina, however Council is not prepared to fund a marina itself.

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**12.2 Noel Warr - Swimming Pool Redevelopment**

Noel Warr – has there been any drawings done in relation to the Ballina pool redevelopment?

Paul Hickey advised that Council had prepared a Pool Options Report but was not aware of any plans being drawn.

Council has resolved to pursue a rate increase in 2016/17 to fund pool upgrades. There is an allocation in next year's budget to appoint a consultant.

**9.4 Heritage and Culture Program – Update**

**240414/15      RESOLVED**

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in relation to the progress of Council-initiated heritage and cultural related projects over the last 18 months.
2. That Council include the Las Balsa 40<sup>th</sup> year celebration as an activity which we have undertaken in the last year.

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

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

**10.1 Use of Council Seal**

**240414/16      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council affix the Common Seal to the following document.

US14/04	Licence Agreement between Ballina Shire Council and Surf Life Saving New South Wales for the use of part of Suvla Street, East Ballina for the purposes of a private utility pole.
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FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Paul Worth

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**10.2 Investment Summary - March 2014**

**240414/17      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

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

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

**10.3 Councillor Attendance**

**240414/18      RESOLVED**

(Cr Sharon Cadwallader/Cr Ken Johnston)

That Council authorises the attendance of Crs Meehan, Jeff Johnson and Cadwallader at the National General Assembly of Local Government from 15 - 18 June 2014 in Canberra.

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

**10.4 Community Donations**

**240414/19      RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

That Council approve the request from Ballina High School.

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

**10.5 Ballina Jockey Club - Ballina Race Day Cup 2014**

**240414/20      RESOLVED**

(Cr Susan Meehan/Cr Robyn Hordern)

That Council confirms its support for the declaration of a part half-day public holiday between the hours of noon and 6 pm throughout the Ballina Shire on Friday 12 September 2014 for the 2014 Ballina Cup.

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

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**Adjournment**

The Mayor declared the meeting adjourned at 1.03 pm

The meeting resumed at 1.47 pm

**Councillor Attendance**

**240414/21      RESOLVED**

(Cr Jeff Johnson/Cr Ken Johnston)

That Council authorise the attendance of Cr Cadwallader at an ALGWA Executive meeting in Wollongong on 3 May 2014.

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

**10.7    Council Owned Waterways - Structures**

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

1. That Council notes the contents of this report and acknowledges that a further report will be submitted to Council in the near future to provide policy guidelines for the future management of structures on the Council owned waterways.
2. That in the interim, until the policy in point one is adopted, Council authorises the General Manager to sign development applications for structures on the Council owned waterways, subject to any consents issued for those applications acknowledging, as a minimum, the following conditions:
  - a) Council will require some form of legal tenure such as a lease, licence or permit for the use of the Council owned land
  - b) Insurance coverage to the satisfaction of Council will be required to recognize that the structure is on public land
  - c) Council reserves the right to charge a fee for the administration or use of this Council owned land.

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

That this matter be deferred.

The **Amendment LAPSED.**

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Cr Robyn Hordern declared a non significant, non pecuniary interest in this item. She is the owner of a property in the vicinity. She will be remaining in the meeting and voting on the matter.

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

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

**240414/22      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report and acknowledges that a further report will be submitted to Council in the near future to provide policy guidelines for the future management of structures on the Council owned waterways.
2. That in the interim, until the policy in point one is adopted, Council authorises the General Manager to sign development applications for structures on the Council owned waterways, subject to any consents issued for those applications acknowledging, as a minimum, the following conditions:
  - a) Council will require some form of legal tenure such as a lease, licence or permit for the use of the Council owned land
  - b) Insurance coverage to the satisfaction of Council will be required to recognize that the structure is on public land
  - c) Council reserves the right to charge a fee for the administration or use of this Council owned land.

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

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**10.8 Section 94 Car Parking Contributions Plan**

**240414/23      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the Ballina Shire Car Parking Contributions Plan 2014, as re-exhibited, subject to any amendments to appendices B and C to reflect the final designs for the car parks at 74 and 78 Tamar Street.
2. The adopted Car Parking Contributions Plan is to commence operation on the date the notice appears in the local newspaper(s).
3. That Council endorses a further review of the Ballina Town Centre Car Parking Study with information obtained from that study to assist with further refinements to the Ballina Shire Car Parking Contributions Plan.

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

**10.9 Local Infrastructure Renewal Scheme - Allocation of Funds**

**240414/24      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

In order to take up the Round Two Local Infrastructure Renewal Scheme Loan of \$1.2 million, Council endorses a revised funding mix for the Ballina Heights Drive and River / Moon and Cherry / Tamar Street roundabout projects as per the following table:

<b>Table Three – Road Funding</b>	<b>BHD (\$'000)</b>	<b>River / Moon (\$'000)</b>	<b>Tamar / Cherry (\$'000)</b>
BBRC Grant	5,000	0	0
BBRC Grant – Interest Accrued	13	0	0
LIRS Monies	1,200	0	0
Section 94 Road Contributions Held	1,139	743	411
Section 94 Road Conts Recouped	0	557	159
Contribution from Developers	388	0	0
Contribution from Wastewater	260	0	0
<b>Total</b>	<b>8,000</b>	<b>1,300</b>	<b>570</b>

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

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**10.10 Waste Operations - Long Term Financial Plan**

**240414/25      RESOLVED**

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council approves the exhibition of a second set of waste management charges in the 2014/15 Delivery Program and Operational Plan, based on the contents of this report, to recognize that the introduction of an annual waste management levy may be required to ensure the financial sustainability of Council's waste operations, along with options available to Council if the waste levy is introduced from 1 September 2014.

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

**10.11 Legal Matters - Update**

**240414/26      RESOLVED**

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council notes the contents of this legal matters update.

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

**10.12 Policy (Review) - Pensioner Concessions - Rates and Charges**

**240414/27      RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

1. That Council adopts the amended Pensioner Concessions – Rates and Charges Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 24/04/14 AT 9.00 AM**

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**10.14 Policy (Review) - Concealed Water Leaks**

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Sharon Cadwallader

1. That Council adopts the amended Concealed Water Leaks 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.
3. That applications received prior to the adoption of this review are to be assessed under the policy in force at the time the application was received by Council.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Keith Williams

1. That Council adopts the amended Concealed Water Leaks 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.
3. That the amended policy apply to any undetermined applications.

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

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

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

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

**240414/28      RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

1. That Council adopts the amended Concealed Water Leaks 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.

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3. That the amended policy apply to any undetermined applications.

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

AGAINST VOTE - Cr Keith Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Paul Worth

**10.15 Delivery Program Review - 31 March 2014**

**240414/29      RESOLVED**

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council notes the contents of this report on the 31 March 2014 review of the Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Paul Worth

**10.16 Capital Expenditure Review - 31 March 2014**

**240414/30      RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

1. That Council notes the contents of the 31 March 2014 Quarterly Review 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.

Item	Current Budget	Revised 2013/14	Revised 2014/15
<b>Engineering Works</b>			
Drainage – Allens Parade	30,000	60,000	0
Drainage – Grant Street	80,800	50,800	0
Alstonville Bypass (monies transferred back to Reserve)	220,000	0	0
Shared Path – Lennox / Pat Morton	9,000	44,000	0
Recreational Path – Pre construct	186,100	151,100	0
Shared Path – Pre construct	134,200	169,800	0
Shared Path – Headlands Drive	35,600	0	0
Footpath – Byron Street	68,100	33,100	0
Footpath – Grant Street	32,000	67,000	0
<b>Operations Support</b>			
Ballina Surf Club	973,000	573,000	400,000
Lenox Head Surf Club	400,000	50,000	350,000

3. 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.

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Item	Current Budget	Revised 2013/14	Revised 2014/15
<b>Water</b>			
Telemetry Installation	0	70,000	0
<b>Wastewater</b>			
Re-use – Skennars Fields Shed	0	50,000	0
Telemetry Program	125,000	160,000	0

4. That \$15,000 be transferred from the Sports and Leisure Centre investigation budget to the Northern Rivers Community Gallery to complete the foyer refurbishment works.

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

**11. Civil Services Group Reports**

**11.1 Procurement - Bus Shelter - Swift Street Interchange Upgrade**

**240414/31 RESOLVED**

(Cr Robyn Hordern/Cr Keith Williams)

1. That Council, for the purposes of the requirements under section 55 of the Local Government Act, endorse the purchases of bus shelter infrastructure from Hub Street Furniture for the price of \$268,502 exclusive of GST.
2. That Council record the reasons that a satisfactory result would not have been achieved by seeking tenders for this work include;
  - limited available market of suppliers.
  - time requirements to enable installation in accordance with project management agreement.
  - time requirements to enable installation to be undertaken in school holidays which provides safety benefits, costs savings and minimises disruptions.
  - the full cost of the purchase is to be met by Transport for NSW who have advised of their agreement.
  - competitive market pricing was still able to be obtained.

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

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

**240414/32      RESOLVED**

(Cr Robyn Hordern/Cr Keith Johnson)

1. That Council agrees to the request to fund 50% of the costs to provide a fire service to 2 Ascot Place for the reasons outlined within this report.
2. That Council's contribution is capped at a maximum of \$18,000.

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

**11.3 Local Traffic Committee Report - April 2014**

**240414/33      RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

1. That approval be granted to close Main Street (Bugden Avenue to Elizabeth Brown Park) Alstonville on Friday 25 April 2014, in accordance with the submitted Traffic Management Plan for the duration of the annual ANZAC Day parade.
2. That approval be granted to close River Street (Martin to Grant Streets) Ballina on Friday 25 April 2014, in accordance with the submitted Traffic Management Plan for the duration of the annual ANZAC Day parade.
3. That Council request the RMS to undertake speed zone assessments for the existing 60 km/hr speed zones in the Ballina and Lennox Head urban areas (with the exception of the old Pacific Highway and Southern Cross Drive).

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

**11.4 Wastewater Treatment Plants Upgrade – Update**

**240414/34      RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

That Council notes the contents of the progress report on the upgrade of the Ballina and Lennox Head Waste Water Treatment Plants.

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

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**11.5 Policy (Review) - Private Structures on Public Land and Roads**

**240414/35      RESOLVED**

(Cr Robyn Hordern/Cr Ben Smith)

1. That Council adopts the amended Private Structures on Public Land and Roads 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
3. That the General Manager organise the removal of the shipping container in Fawcett Street, Ballina by the next Ordinary meeting.

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

**13. Notices of Motion**

**13.2 Notice of Motion - Shared Pathway**

Cr Ken Johnston withdrew this Notice of Motion.

**14. Advisory Committee Minutes**

**14.1 Finance Committee Minutes - 8 April 2014**

**240414/36      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the minutes of the Finance Committee meeting held 8 April 2014 and that the recommendations contained within the minutes be adopted with the following amendments:

Item 4.4 – Waste Operations – Long Term Financial Plan – the LRM Waste Charges to reflect an 8% increase

**LRM Waste Charges**

Charge Type	2013/14 Charge \$	2014/15 Charge \$	% Increase
Kerbside Non Domestic Mixed Waste (Annual)	333	360	8
Kerbside Non Domestic Recycling (Annual)	165	178	8
Kerbside Non Domestic Green Waste (Annual)	292	315	8
DWM Gate Fee Mixed Waste	245/tonne	264/tonne	8

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Self Haul Mixed Waste Under 300kg	200/tonne	216/tonne	8
Over 300kg	217/tonne	250/tonne	15
DWM Gate Fee Recyclates	194/tonne	210/tonne	8
Self Haul Recyclates	79/tonne	87/tonne	8
DWM Green Waste	245/tonne	264/tonne	8
Self Haul Green Waste	63/tonne	73/tonne	8
Remaining Gate Fees	Various	Various up to 10	Up to 8

Addition to Item 4.3 – Fees and Charges – 2014/15

That Council receive a report on introducing fees for the use of Council road and other associated infrastructure for construction related works.

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

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

**15.1 Mayoral Meetings**

**240414/37 RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

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

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

**16. Questions Without Notice**

**16.1 Cr Sharon Cadwallader - Median Strip - Tamarind Drive**

**Cr Sharon Cadwallader** – the matting on the median strip near the BP on Tamarind Drive is ripped and flapping. Can Council look at repairing or removing this, with its preference to remove.

John Truman to investigate.

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**16.2 Cr Keith Williams - Richmond River County Council - Newrybar Floodplain Study**

**Cr Keith Williams** - believes that the Newrybar Floodplain Study has been released by the Richmond River County Council.

Does Council intend to make comment on this study?

John Truman suggested that the constituent who has been in contact with Cr Williams make their comment to the Richmond River County Council with a copy to this Council.

**16.3 Cr Robyn Hordern - Fawcett Street Timed Parking**

**Cr Robyn Hordern** – is Council able to conduct a public education process to educate members of the public that the two hour parking limit in Fawcett Street is for customers, not staff from businesses?

**16.4 Cr Ben Smith - Don Page, Member for Ballina**

**Cr Ben Smith** – suggested that we invite Don Page to a Council meeting lunch.

The Mayor to follow up.

**16.4 Cr David Wright - Ross Lane Roundabout/Teven Road Roundabout/RMS Compound**

**Cr David Wright** – advised that the roundabouts at Ross Lane and Teven Road require maintenance.

He also asked if we could request the RMS to tidy up their compound at the Teven Road interchange.

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**17. Confidential Session**

**240414/38 RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

**17.1 Legal Matters - Cost Recovery - Fluoride Appeal**

**Reason for Confidentiality**

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as this could prejudice the action Council is currently taking to recover costs from the Land and Environment Court case undertaken with Mr Alan Oshlack, resulting in a lower cost recovery to the community.

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

(The Council moved into Confidential Session at 3.21 pm).

**Open Council**

**240414/39 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

(The Council moved into Open Council at 3.36 pm).

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

**17.1 Legal Matters - Cost Recovery - Fluoride Appeal**

**CF240414/1 RECOMMENDED**

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council accept the recommendation from Ashurst Lawyers, as set out in this report, in relation to the process for recovering costs in relation to the Land and Environment Court proceedings regarding the fluoridation of the water supply with the removal of the words "water fluoridation", subject to legal advice.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Paul Worth

**Adoption of Recommendation from Confidential Session**

**240414/40 RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Williams)

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

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

AGAINST VOTE - Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Paul Worth

**MEETING CLOSURE**

3.38 pm

The Minutes of the Ordinary Meeting held on 24/04/14 were submitted for confirmation by council on 22 May 2014 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 22 May 2014.