

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/05/14 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth and Ben Smith.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager – afternoon session only), 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 53 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Richmond Christian College.

2. Acknowledgement of Country

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

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

3. Apologies

An apology was received from Cr Robyn Hordern.

220514/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That such apology be accepted.

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

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4. Confirmation of Minutes

220514/2 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 April 2014.

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

5. Declarations of Interest and Reportable Political Donations

Cr Jeff Johnson – declared an interest in Item 8.1 – DA 2014/91 – 9 Killarney Crescent, Skennars Head. (Nature of Interest: non significant, non pecuniary – he is a family friend of the applicant). He will be departing the meeting while the matter is discussed.

Cr Meehan - later in the meeting declared an interest in Item 10.8 – Sundry Debtor – Write Off. (Nature of Interest: non significant, non pecuniary– the debtor is a parent of a student at the school where she works). She remained in the meeting while the matter was discussed and voted on the matter.

There were no reportable political donations.

6. Deputations

- **Simon Freeden, Summerland Surf School** – spoke in opposition to Item 10.7 – Policy (Review) – Commercial Activities on Public Land.
- **Jim Johnson** – spoke in opposition to Item 11.1 – Pimlico-Uralba Water Main.
- **Shaun Eastment** – spoke in favour of Item 13.3 – Notice of Motion – Lake Ainsworth Remedial Works.
- **Christina Haywood** – spoke in favour of Item 13.4 – Notice of Motion – Support for a Gasfield Free Northern Rivers.
- **Ralph Moss** – spoke in favour of Item 10.5 – Port Ballina Taskforce – Membership.

Cr Jeff Johnson declared an interest in Item 8.1 and remained in the meeting for the deputation.

- **Tony Bortolin** – spoke in favour of Item 8.1 – DA 2014/91 – 9 Killarney Crescent, Skennars Head.

7. Mayoral Minutes

Nil items.

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Cr Jeff Johnson declared an interest in Item 8.1 and left the meeting at 09:23 am.

8. Development and Environmental Health Group Reports

8.1 DA 2014/91 - 9 Killarney Crescent, Skennars Head

220514/3 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Development Application 2014/91 be **APPROVED** subject to the application of Council's standard conditions.

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

AGAINST VOTE - Cr Keith Williams

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

Cr Jeff Johnson returned to the meeting at 09:37 am.

10.5 Port Ballina Taskforce - Membership

220514/4 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That the membership of the Port Ballina Taskforce be amended to include one representative from a recreational fishing group, with Council calling Expressions of Interest to fill that position on the Taskforce.

2. The appointment of that position is to be made by the General Manager, in consultation with the Taskforce.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

13.4 Notice of Motion - Support for a Gasfield Free Northern Rivers

220514/5 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

That Council write to the NSW Premier, Mr Mike Baird, NSW Planning Minister, Ms Pru Goward, Member for Ballina, Mr Don Page, and cc all NSW Government MP's calling for all PELs (Petroleum Exploration Licences) in the Northern Rivers to be revoked and the region declared Gasfield Free.

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

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

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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10.7 Policy (Review) - Commercial Activities on Public Land

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

That in respect to the proposal for Simon Freeden (trading as Summerland Surf School) to transfer / sell his licence to Mojo Surf, Council confirms that it has no role to play in the transfer of one business operations to another, however the transfer of the licence is not approved for the following reasons:

- a) It is inconsistent with the licence agreement and the Council policy which does not permit the sale of licences
- b) It results in one operator having more than one licence in a particular class of activity
- c) It can result in inflated market values for what are non-tangible assets
- d) Council's preference is to call expressions of interest for vacated licences to ensure a fair and transparent process is conducted in the allocation of licences.

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

That in respect to the proposal for Simon Freeden (trading as Summerland Surf School) to transfer / sell his licence to Mojo Surf, Council confirms that it has no role to play in the transfer of one business operations to another, however the transfer of the licence is not approved for the following reasons:

- a) It is inconsistent with the licence agreement and the Council policy which does not permit the sale of licences
- b) It can result in inflated market values for what are non-tangible assets
- c) Council's preference is to call expressions of interest for vacated licences to ensure a fair and transparent process is conducted in the allocation of licences.

That the policy be amended to enable a business to hold no more than two licences in any given activity.

The **Amendment LAPSED.**

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

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

AGAINST VOTE - Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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220514/6 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That in respect to the proposal for Simon Freeden (trading as Summerland Surf School) to transfer / sell his licence to Mojo Surf, Council confirms that it has no role to play in the transfer of one business operations to another, however the transfer of the licence is not approved for the following reasons:

- a) It is inconsistent with the licence agreement and the Council policy which does not permit the sale of licences
- b) It results in one operator having more than one licence in a particular class of activity
- c) It can result in inflated market values for what are non-tangible assets
- d) Council's preference is to call expressions of interest for vacated licences to ensure a fair and transparent process is conducted in the allocation of licences.

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

AGAINST VOTE - Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Robyn Hordern

11.1 Pimilico - Uralba Water Main

220514/7 RESOLVED

(Cr Paul Worth/Cr Keith Williams)

1. That Council undertake further consultation with affected property owners seeking feedback in respect of option three as outlined in this report with a 50% contribution payable up to a 20 year period from landowners with feedback from that consultation to be reported back to Council.
2. That the consultation be based on
 - (a) the net cost not being reduced by the compensation previously offered for water tanks
 - (b) the net cost being reduced by the predicted water saving cost for that section of main
 - (c) contributions to include an interest component

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

AGAINST VOTE - Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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Adjournment

The Mayor declared the meeting adjourned at 10.43 am.

The meeting resumed at 11.06 am.

13.3 Notice of Motion - Lake Ainsworth Remedial Works

220514/8 RESOLVED

(Cr Jeff Johnson/Cr Susan Meehan)

That Council transfer the estimated savings (\$10,000) from the Councillor Training and Development budget for 2013/14 to allow the surplus funds to be expended on urgent remedial works to the south eastern precinct of Lake Ainsworth.

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

8.2 Legal Proceedings - Entry onto Private Property to Remove Waste

220514/9 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That based on the contents of this report Council endorses option two to continue with action to require the removal of the waste materials from 883-891 Pimlico Road, Pimlico, in line with Council's existing Order as soon as possible.

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

8.3 Development Consent Statistics - April 2014

220514/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent statistics for 1 April 2014 to 30 April 2014.

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

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8.4 Development Applications - Works in Progress - May 2014

220514/11 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

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

9. Strategic and Community Facilities Group Reports

9.1 LEP Amendment Request - 44 - 52 Blue Seas Parade, Lennox Head

220514/12 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council prepare a planning proposal for the application of an R2 Low Density Residential zone over that part of Lot 1 DP 1165957 designated as a Strategic Urban Growth Area in Ballina LEP 2012.
2. That the subdivision potential and associated minimum lot size for the future development of Lot 1 DP 1165957 be determined following assessment of additional technical information.
3. That a further report be presented to the Council documenting the planning proposal when prepared for submission for Gateway determination.
4. For the purpose of further investigation the planning proposal shall include a minimum lot size of 600 m².

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

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9.2 Policy (Review) - University Scholarship

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

1. That Council adopts the amended University Scholarship Policy, as attached to this report, subject to points three and four below.
2. That the revised policy be placed on exhibition for public comment, with any submissions received to be reported back to the Council. If no submissions are received then no further action is required.
3. That the policy be amended to reinforce eligibility to be for a Ballina Shire resident with a preference being for school leavers and indigenous people.
4. Retention of "usually a Credit average" be maintained in the policy.

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

1. That Council adopts the amended University Scholarship Policy, as attached to this report, subject to point three below.
2. That the revised policy be placed on exhibition for public comment, with any submissions received to be reported back to the Council. If no submissions are received then no further action is required.
3. That the policy be amended to reinforce eligibility to be for a Ballina Shire resident with a preference being for school leavers and indigenous people.

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

FOR VOTE - Cr Keith Williams and Cr Ben Smith

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

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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220514/13 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. That Council adopts the amended University Scholarship Policy, as attached to this report, subject to points three and four below.
2. That the revised policy be placed on exhibition for public comment, with any submissions received to be reported back to the Council. If no submissions are received then no further action is required.
3. That the policy be amended to reinforce eligibility to be for a Ballina Shire resident with a preference being for school leavers and indigenous people.
4. Retention of “usually a Credit average” be maintained in the policy.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

9.3 Policy (Review) - Festival and Events - Council Support

220514/14 RESOLVED

(Cr Ben Smith/Cr Jeff Johnson)

1. That Council adopts the amended Festivals and Events – Council Support Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be presented by way of further to the Council. If no submissions are received then no further action is required.
3. That the Festival and Events funding for the Ballina and Lennox Head Carols events be reallocated to the 2014/15 Community Donations budget.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

9.4 Policy (Review) - Richmond Room Hiring Conditions

220514/15 RESOLVED

(Cr Keith Johnson/Cr Jeff Johnson)

That Council rescinds the Richmond Room Hiring Conditions Policy on the basis that the relevant hiring information for that facility is now contained in the Ballina Shire Council Community Facilities Guidebook.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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9.5 Cumalum Precinct B Locality - Naming

220514/16 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council notes the contents of this report regarding the process involved in identifying an alternative name for Cumalum Precinct B for the purpose of future geographical reference.
2. That Council initiate action to adjust the locality boundaries for the purpose of establishing a new locality based on the area shaded yellow on the map at Attachment No.2 to this report. Further, that community feedback be sought for this proposal, and that nominations for a name for the new locality also be invited.
3. That the Council's further consideration of the proposed boundary adjustments and the proposed new locality naming will be based on the relevant guidelines supplied by the Geographical Names Board of New South Wales.

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

10. General Manager's Group Reports

10.1 Use of Council Seal

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

That Council affix the Common Seal to the following documents.

US13/16	Sublease between Ballina Shire Council and Thea Woznitza at Parts Lot 321 DP 55745 & Lot 7003 DP 92641 being that part of the building and surrounds known as the "Old Tintenbar Council Chambers" sitting upon Reserve Number D57675 dedicated for Town Hall site notified 11 October 1895 and called Areas 3 and 4 for a period of three years with a two year option for a commencing rent of \$5,148 pa + GST.
US13/17	Section 34A Licence agreement for the occupation of a portion of Crown Land at the Ballina Byron Gateway Airport.
US13/18	Sublease between Ballina Shire Council and Arts Northern Rivers Incorporated at Parts Lot 321 DP 55745 & Lot 7003 DP 92641 being that part of the building and surrounds known as the "Old Tintenbar Council Chambers" sitting upon Reserve Number D57675 dedicated for Town Hall site notified 11 October 1895 and called Area 1 for a period of three years with a two year option for a commencing rent of \$10,764 pa + GST.

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US13/19	Transfer of Sublease from M & K Hamblin to A Foukkare for premises known as Ballina Gallery Café, for Part Lot 1 DP 1153927, being that part of the building and surrounds known as the "Old Council Chambers".
US13/20	Loan Agreement – Local Infrastructure Renewal Scheme Round 2 - \$1.2 million loan funding – Ballina Heights Drive
US13/21	Plan of Subdivision and Section 88B Instrument for Lot 2 DP 1171927 owned by J I Sheather.
US13/22	Plan of Subdivision, Section 88B Instrument, Real Property Act Lease and Mortgage on Lease to create a new lot within Crawford Park for the purposes of registration of the lease to the Alstonville Community Pre School.
US13/23	Letter to Cumbalum Precinct B proponents advising that the restriction imposed by Clause 4.5 of the Cumbalum Precinct B Voluntary Planning Agreement, placed on landholders to prevent the lodgement of applications for the development of the land, has been removed.

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

That US 13/21 and US13/22 be considered separately.

The **Amendment LAPSED**.

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

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

AGAINST VOTE - Cr Jeff Johnson and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Robyn Hordern

220514/17 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following document.

US13/16	Sublease between Ballina Shire Council and Thea Woznitza at Parts Lot 321 DP 55745 & Lot 7003 DP 92641 being that part of the building and surrounds known as the "Old Tintenbar Council Chambers" sitting upon Reserve Number D57675 dedicated for Town Hall site notified 11 October 1895 and called Areas 3 and 4 for a period of three years with a two year option for a commencing rent of \$5,148 pa + GST.
US13/17	Section 34A Licence agreement for the occupation of a portion of Crown Land at the Ballina Byron Gateway Airport.
US13/18	Sublease between Ballina Shire Council and Arts Northern Rivers Incorporated at Parts Lot 321 DP 55745 & Lot 7003 DP 92641 being that part of the building and surrounds known as the "Old Tintenbar Council Chambers" sitting upon Reserve Number D57675 dedicated for Town Hall site notified 11 October 1895 and called Area 1 for a period of three years with a two year option for a commencing rent of \$10,764 pa + GST.

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US13/19	Transfer of Sublease from M & K Hamblin to A Foukkare for premises known as Ballina Gallery Café, for Part Lot 1 DP 1153927, being that part of the building and surrounds known as the "Old Council Chambers".
US13/20	Loan Agreement – Local Infrastructure Renewal Scheme Round 2 - \$1.2 million loan funding – Ballina Heights Drive
US13/21	Plan of Subdivision and Section 88B Instrument for Lot 2 DP 1171927 owned by J I Sheather.
US13/22	Plan of Subdivision, Section 88B Instrument, Real Property Act Lease and Mortgage on Lease to create a new lot within Crawford Park for the purposes of registration of the lease to the Alstonville Community Pre School.
US13/23	Letter to Cumbalum Precinct B proponents advising that the restriction imposed by Clause 4.5 of the Cumbalum Precinct B Voluntary Planning Agreement, placed on landholders to prevent the lodgement of applications for the development of the land, has been removed.

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

10.2 Councillor Attendance

220514/18 RESOLVED

(Cr Jeff Johnson/Cr Susan Meehan)

That Council approves Cr Cadwallader's travel to attend Executive Meetings and Conferences of the Australian Local Government Women's Association for 2014/15, subject to the \$5,000 annual limit per Councillor as adopted at the February 2014 meeting.

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

12. Public Question Time

12.1 Ballina Surf Club - Access

Noel Warr – enquired about access arrangements to the Ballina Surf Club building via the lift. The entry is closed and the lift has to be operated by one of the café staff. He believed the lift capacity is one wheel chair and the person operating the lift.

Can the main entry be left open?
What can Council do in regards to the lift?

Paul Hickey advised that access to the lift was via part of the Surf Club leased area. The pathway to the café entrance meets all of the disabled access standards with the lift being another access option.

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Noel Warr - Why can't the lift be operated by the public?

Steve Barnier will investigate this matter.

10.3 Investment Summary - April 2014

220514/19 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern keith Johnson out

Adjournment

The Mayor declared the meeting adjourned at 1.00 pm

The meeting resumed at 1.42 pm

Cr Jeff Johnson was not in attendance at this stage.

10.4 Arts Northern Rivers - Delegates

220514/20 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council approves the appointment of Cr Keith Williams as the alternate delegate to Arts Northern Rivers.

FOR VOTE - All Councillors voted unanimously.

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

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10.6 Community Donations

220514/21 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That the Mayor provide media support for the Hope Road Walk project.
2. That Council decline the request from Boshena Warzecha/Tim Apps.

Cr Jeff Johnson returned to the meeting at 01:46 pm.

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

AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Johnson and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Robyn Hordern

10.8 Sundry Debtor - Write Off

220514/22 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council approves the write off of the debt for Mr Ephraim Isaac, as detailed in this report, totaling \$2,800, as the further pursuit of this debt is not considered economical.

Cr Meehan declared a non significant non pecuniary interest in this matter – the debtor is a parent of a student at the school where she works.

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

AGAINST VOTE - Cr David Wright and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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10.9 Write-offs - Concealed Water Leaks

A **Motion** was moved by Cr Keith Williams and seconded by Cr Ben Smith

- That Council approves the total write-off of \$10,714.40 in water consumption charges, in accordance with Council's current Concealed Water Leaks Policy, and pursuant to section 607 of the Local Government Act 1993 (LGA) and clause 131 of the Local Government (General) Regulation 2005, as outlined in the following table:

Council Assessment Number	Write Off Amount (\$)	Property Details and Eligibility Summary
195376	1,037.18	Mr BJ & Mrs Y Bowen Skennars Head Road SKENNARS HEAD
255118	1,117.82	Mr S Benhayon Converys Lane WOLLONGBAR
181961	1,477.50	Beare Investments Pty Ltd Broadwater Place WEST BALLINA
227319	1,477.50	Roman Catholic Church Isabella Drive SKENNARS HEAD
290778	1,266.62	Mr MD Graveson Rifle Range Road WOLLONGBAR
271237	1,382.78	Stojon No. 9 Pty Ltd Alstonville Plaza Main Street ALSTONVILLE
153366	1,477.50	PPS Nominees Pty Ltd Ballina Fair Kerr Street BALLINA
Total	9,236.90	

- The reason for not writing off the following item is that the leakage problem has not been rectified.

405488	1,477.50	Harbig Pty Ltd Ballina Bayside Fox Street BALLINA
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The **Motion** was **LOST**.

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

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220514/23 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council approves the total write-off of \$10,714.40 in water consumption charges, in accordance with Council's current Concealed Water Leaks Policy, and pursuant to section 607 of the Local Government Act 1993 (LGA) and clause 131 of the Local Government (General) Regulation 2005, as outlined in the following table:

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290778	1,266.62	Mr MD Graveson Rifle Range Road WOLLONGBAR
271237	1,382.78	Stojon No. 9 Pty Ltd Alstonville Plaza Main Street ALSTONVILLE
153366	1,477.50	PPS Nominees Pty Ltd Ballina Fair Kerr Street BALLINA
405488	1,477.50	Harbig Pty Ltd Ballina Bayside Fox Street BALLINA
Total	10,714.40	

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

220514/24 RESOLVED

(Cr Paul Worth/Cr Keith Johnson)

That the Concealed Water Leaks Policy be rescinded.

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

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10.10 Financial Review - Quarter Ended 31 March 2014

220514/25 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of the 31 March 2014 Quarterly Budget Review and approves the changes identified within this report.

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

10.11 Lease Terms - Shop 151 River Street, Ballina - Summary

A **Motion** was moved by Cr Ben Smith and seconded by Cr Keith Johnson

That Council notes the contents of this report, which provides a summary of the contents of the confidential report, regarding the leasing terms for Shop 151, River Street, Ballina.

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

1. That Council notes the contents of this report, which provides a summary of the contents of the confidential report, regarding the leasing terms for Shop 151, River Street, Ballina.
2. That Council receive a briefing on opportunities to stimulate economic activity to offer shorter lease terms on some Council properties.

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

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

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

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

220514/26 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council notes the contents of this report, which provides a summary of the contents of the confidential report, regarding the leasing terms for Shop 151, River Street, Ballina.

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

10.12 Land Sale - Old Tintenbar Quarry - Summary

220514/27 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council notes the contents of this report, which provides a summary of the contents of the confidential report, regarding the sale of surplus Council land, being the Old Tintenbar Quarry.

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

11. Civil Services Group Reports

11.2 Tamar Street Fig Trees

220514/28 RESOLVED

(Cr Susan Meehan/Cr Paul Worth)

1. That Council notes the contents of this report in respect to the Fig tree concerns for 77 Tamar Street, Ballina.
2. That in accordance with the adopted Urban Vegetation and Tree Management policy, Council continues to undertake regular inspections and maintenance of the Tamar Street Fig trees, however no additional specific actions are to be taken to reduce leaf drop or maintain the private property due to the points raised as per the contents of this report.

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

11.3 Tender - Removal of Biosolids from Wastewater Treatment Plants.

220514/29 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That Council accepts the tender for the removal of biosolids from from the Ballina, Lennox Head and Alstonville Wastewater Treatment Plants (WWTP) for a period of three years from Compass Equipment Hire.
2. That Council authorises the Council seal to be attached to the contract documents.

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

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11.4 Tender - Security Screening Services - Ballina Byron Gateway Airport

220514/30 RESOLVED

(Cr Susan Meehan/Cr Paul Worth)

1. That Council accepts the tender from MSS Security Pty Ltd, for the provision of aviation security and screening services at Ballina Byron Gateway Airport, for a period of five years commencing 1 July, 2014.
2. That Council authorises the Council seal to be attached to the contract documents.

Cr Sharon Cadwallader left the meeting at 03:03 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern

11.5 Tender - Supply of Fill Sand

220514/31 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council accepts the tender from Ballina Sands Pty Ltd as preferred contractor for the supply of sand for the period to 30 June 2015.
2. In accordance with the terms of the Contract, the General Manager or delegate is authorised to extend the Contract period to 30 June 2016, if desirable.
3. That Council authorises the Council seal to be attached to the contract documents.

Cr Sharon Cadwallader returned to the meeting at 03:04 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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11.6 Policy (Review) - Footpaths & Cycleways - Inspection

220514/32 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Footpaths and Cycleways – Inspection, Evaluation and Maintenance Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be presented by way of further to the Council. If no submissions are received then no further action is required.

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

11.7 Policy (Review) - Alcohol Regulation on Public Land

220514/33 RESOLVED

(Cr Ben Smith/Cr Jeff Johnson)

1. That Council adopts the amended Alcohol Regulation on Public Land 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 the policy will be determined to be adopted by Council.

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

11.8 EOI - Extracting Sand from North Creek

220514/34 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council notes the contents of this report, which provides a summary of the expression of interest process currently being conducted by the NSW State Government, to extract sand from North Creek.

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

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13. Notices of Motion

13.1 Notice of Motion - Ballina Byron Gateway Airport - ATM Facilities

220514/35 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

1. That the General Manager conduct enquiries regarding general leasing conditions.
2. Following these enquiries, the General Manager hold discussions with the cafe operator to ask them to consider a revenue share agreement in relation to the existing two installed ATMs at Ballina Byron Gateway Airport.

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

AGAINST VOTE - Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Robyn Hordern

13.2 Notice of Motion - Crawford House Signage

220514/36 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council install appropriate directional signage for Crawford House in Alstonville.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

13.5 Notice of Motion - Save Ballina's Koala Campaign

220514/37 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

That Council approve the installation of 'Save Ballina's Koalas' information signs at any vacant Council community events signage stations until a decision on the preferred Pacific Highway re-alignment is made by the NSW State Government.

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

AGAINST VOTE - Cr Keith Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Robyn Hordern

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

That Council waives the fees associated with 'signage collection' to enable the impounded 'Save Ballina's Koalas' signs to be collected.

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

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

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

That Council defer the removal of 'Save Ballina's Koalas' signs until a decision has been made by the NSW State Government in regards to the preferred Pacific Highway re-alignment.

Cr Susan Meehan left the meeting at 03:54 pm.

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

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

Cr Susan Meehan returned to the meeting at 03:55 pm.

13.6 Notice of Motion - Financial Assistance Grant - Federal Budget

220514/38 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That Council write to NOROC, Local Government NSW and all relevant Ministers expressing Council's concerns in respect to the proposal not to apply indexation to the Federal Financial Assistance Grants for the next three financial years.

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

14. Advisory Committee Minutes

Nil Items

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

15.1 Mayoral Meetings

220514/39 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

16. Questions Without Notice

16.1 Cr Ken Johnston - Shared Recreational Pathway

Cr Ken Johnston – what is the latest progress with the shared recreational pathway?

Paul Hickey advised that it was expected that the eastern side Part V application would be submitted to the June Ordinary Council meeting.

16.2 Cr Keith Johnson - Old Bagotville Road - Potholes

Cr Keith Johnson – has had reports that Old Bagotville Road has lots of potholes.

John Truman to investigate.

16.3 Cr Keith Johnson - Whipps Avenue, Alstonville - Potholes

Cr Keith Johnson – has had reports that Whipps Avenue, Alstonville has lots of potholes.

John Truman to investigate.

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16.4 Cr Susan Meehan - North Creek Road - Storage of Material

Cr Susan Meehan – has noticed that along North Creek Road where the oyster lease is there is a huge amount of stored material piled up next to the creek. Can someone have a look and see if it is legitimate?

Rod Willis to investigate.

16.5 Cr Sharon Cadwallader - Fawcett Street Cafe

Cr Sharon Cadwallader – enquired if the tenants of the Fawcett Street Café have commenced paying rent.

Paul Hickey confirmed the status of the lease. The shipping container has been removed from Fawcett Street.

16.6 Cr Jeff Johnson - Pacific Highway Off Ramp - Ross Lane

Cr Jeff Johnson – he has noted that the off ramp from Lennox Head to the Pacific Highway has been mown. Are there any plants to be placed there?

John Truman advised he is to inspect the area with staff to assess the cope of any further landscaping work.

16.7 Cr Jeff Johnson - Response from RMS - Pacific Highway Upgrade

Cr Jeff Johnson – The response received from RMS (Bob Higgins) dated 17 April mentions holding workshops with Council. Have any been organised?

Paul Hickey advised that none had been organised as he believed these had been deferred pending the highway route selection.

16.8 Cr Jeff Johnson - NOROC - Rail Trails Decision

Cr Jeff Johnson – queried the Mayor in relation to the decision by NOROC to support rail trails.

The Mayor advised that NOROC had supported rail trails and his understanding was that trains will still be able to use the tracks if the State Government ever funds the upgrades needed.

16.9 Cr Sharon Cadwallader - Tintenbar Bridge - Maintenance

Cr Sharon Cadwallader – the bridge at Tintenbar is filthy and needs a clean and tidy up.

John Truman to follow up.

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17. Confidential Session

220514/40 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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 Pimilico - Uralba Water Main - Legal Advice

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 The decision in this matter may be the subject of a court appeal..

17.2 EOI - Extracting Sand from North Creek - Commercial Aspects

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it will put Council at a disadvantage in providing a confidential response to the expression of interest process being conducted by the NSW State Government for a licence to extract sand from North Creek.

17.3 Lease Terms - Shop 151 River Street, Ballina - Negotiation Details

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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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 due to financial information supplied.

17.4 Land Sale - Old Tintenbar Quarry - Sale Price

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and 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 due to negotiations on sale price.

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

(The Council moved into Confidential Session at 4.31 pm).

Open Council

220514/41 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 Robyn Hordern

(The Council moved into Open Council at 4.48 pm).

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

17.1 Pimilico - Uralba Water Main - Legal Advice

CF220514/1 RECOMMENDED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the legal advice for the decommissioning of the Pimilico to Uralba water main.

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

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17.2 EOI - Extracting Sand from North Creek - Commercial Aspects

CF220514/2 RECOMMENDED

(Cr Paul Worth/Cr Keith Williams)

That Council notes the contents of this report in respect to the commercial terms to be offered to the State Government for the expression of interest for extracting sand from North Creek.

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

17.3 Lease Terms - Shop 151 River Street, Ballina - Negotiation Details

CF220514/3 RECOMMENDED

(Cr Keith Johnson/Cr Ben Smith)

That Council authorises the General Manager to resolve this matter as per Council's correspondence to Ms Hayes dated 9 May 2014.

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

17.4 Land Sale - Old Tintenbar Quarry - Sale Price

CF220514/4 RECOMMENDED

(Cr Paul Worth/Cr Ben Smith)

1. That Council approves the sale of the property (Lot 3 DP 532703 and Lot 1 DP 597343) to the party identified in this report at the price negotiated and outlined in the report.
2. Council authorizes the General Manager to finalise negotiations, execute a contract for sale and affix the Council seal to same.

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

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Adoption of Recommendations from Confidential Session

220514/42 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern

MEETING CLOSURE

4.49 pm

The Minutes of the Ordinary Meeting held on 22/05/14 were submitted for confirmation by council on 26 June 2014 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 26 June 2014.