

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 26/06/14 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, Robyn Hordern and Ben Smith.

Paul Hickey (General Manager), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 27 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Ballina Public School.

Congratulations - Order of Australia Medals

The Mayor advised that the former Mayor, Phillip Silver and Alstonville resident, Kevin Gray, had received Order of Australia Medals over the Queens Birthday Long Weekend. The Mayor had given both his congratulations.

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

260614/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 May 2014.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

- **Cr Paul Worth** – declared an interest in Item 9.4 – LEP Amendment Request- Rifle Range Road and Plateau Drive. (Nature of Interest: non significant, non pecuniary – he is a land owner in the Wollongbar Urban Expansion Area). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Ben Smith** – declared an interest in Item 9.4 – LEP Amendment Request- Rifle Range Road and Plateau Drive. (Nature of Interest: non significant, non pecuniary – he is a land owner in Plateau Drive). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Keith Williams** – declared an interest in Item 10.7 – Delivery Program 2014/15 to 2017/18 and Operational Plan 2014/15 and in particular to the donation request from Australian Seabird Rescue. (Nature of Interest: non significant, non pecuniary – he is the Treasurer of Australian Seabird Rescue). He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Robyn Sparkes** – spoke in favour of Item 10.7 – Delivery Program 2014/15 to 2017/18 and Operational Plan 2014/15 and in particular the donation requests from the Ballina Breast Cancer Support Group and Ballina General Cancer Support Group.
- **Lyn Walker** – spoke in opposition to Item 14.1 – Facilities Committee Minutes – 19 June 2014 – and in particular Item 4.1 of those Minutes – Lake Ainsworth – South Eastern Precinct – Options.
- **Denis Magnay** – spoke in favour of Item 8.3 – Part 5 Project – Ballina to Lennox Head Recreational Path.
- **Lindy O'Brien** – spoke in favour of Item 9.12 Cawarra Park – Kawaihae Outrigger Canoe Club.
- **Ralph Moss** – spoke in favour of the recommendation in Item 8.2 – DA 2010/962 – Highway Service Centre – Section 96 Amendment No. 11.
- **Ralph Moss** – spoke in favour of Item 10.3 – Local Government NSW – Annual Conference.
- **Ron Birch** – spoke in favour of Item 9.1 – Department of Planning and Environment – E Zone Review.
- **Steve Connelly** – spoke in opposition to the recommendation in Item 8.2 – DA 2010/962 – Highway Service Centre – Section 96 Amendment No. 11.
- **Peter Carmont** – spoke in favour of Item 9.3 – LEP Amendment Request – North Creek Foreshore, Ballina.
- **Paola Rickard** – spoke in relation to Item 7.1 – Mayoral Minute – Pacific Highway Upgrade.
- **Terry Prendergast** – spoke in relation to Item 10.6 – Risk Management – Dalwood, Tosha and Killen Falls.

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Extension of Deputation

260614/2 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Mr Prendergast be granted an extension of time for his deputation.

FOR VOTE - All Councillors voted unanimously.

7. Mayoral Minutes

7.1 Mayoral Minute - Pacific Highway Upgrade

260614/3 RESOLVED

(Cr David Wright)

That Council write to all relevant State and Federal bodies and Ministers to confirm that in the consideration of alternative routes for the highway upgrade at Wardell due to representations already made concerning protection measures for the koala population, that the existing corridor along the present alignment of the Pacific Highway through Wardell and east of Wardell not be considered.

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

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

Adjournment

The Mayor declared the meeting adjourned at 10.38 am.

The meeting resumed at 10.58 am

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14. Advisory Committee Minutes

14.1 Facilities Committee Minutes - 19 June 2014

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

That Council confirms the minutes of the Facilities Committee meeting held 19 June 2014 and that the recommendations contained within the minutes be adopted.

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

That Council confirms the minutes of the Facilities Committee meeting held 19 June 2014 and that the recommendations contained within the minutes be adopted, with an addition to Item 4.1 – Lake Ainsworth – South Eastern Precinct – Options (D Precinct Plan Community Consultation Options):

That as part of the public exhibition materials for the Lake Ainsworth precinct, that Council also exhibit the preferred road layout option as per the endorsed 2005 Lake Ainsworth Master Plan, particularly in regard to the eastern road, with this information exhibited in a reader friendly format.

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

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

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

An **Amendment** was moved by Cr Susan Meehan and seconded by Cr Ben Smith

That Council confirms the minutes of the Facilities Committee meeting held 19 June 2014 and that the recommendations contained within the minutes be adopted, along with the following additions

- a) Item 4.1 – Lake Ainsworth – South Eastern Precinct – Options (D Precinct Plan Community Consultation Options):

That as part of the public exhibition materials for the Lake Ainsworth precinct, that Council also exhibit the preferred road layout option as per the endorsed 2005 Lake Ainsworth Master Plan, particularly in regard to the eastern road, with this information exhibited in a reader friendly format.

- b) Item 4.5 – Ballina Surf Club - Project Update

That the need for additional change space continue to be monitored, with Council's preference for a stand alone structure, along with the minimisation of the footprint for Building B (storage shed).

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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.

260614/4 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

That Council confirms the minutes of the Facilities Committee meeting held 19 June 2014 and that the recommendations contained within the minutes be adopted, along with the following additions

- a) Item 4.1 – Lake Ainsworth – South Eastern Precinct – Options (D Precinct Plan Community Consultation Options):

That as part of the public exhibition materials for the Lake Ainsworth precinct, that Council also exhibit the preferred road layout option as per the endorsed 2005 Lake Ainsworth Master Plan, particularly in regard to the eastern road, with this information exhibited in a reader friendly format.

- b) Item 4.5 – Ballina Surf Club - Project Update

That the need for additional change space continue to be monitored, with Council's preference for a stand alone structure, along with the minimisation of the footprint for Building B (storage shed).

FOR VOTE - All Councillors voted unanimously.

8.3 Part 5 Project - Ballina to Lennox Head Recreational Path

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

1. That Part 5 Project, No. 2013/0009, for the Coastal Recreational Pathway from Angels Beach, East Ballina to Pat Morton Lookout, Lennox Head be **APPROVED** subject to the mitigation/ameliorative measures attached.
2. That Council meet in its role as Reserve Trust Manager of the Ballina Coastal Reserve (1010068) and request Crown Lands to either:
 - (i) Close any unformed Crown Road Reserves upon which the CRP will traverse and include these lands in R1010068 (Ballina Coastal Reserve); OR
 - (ii) Transfer the Crown Road Reserves to Council's control for continued management consistent with the Reserve Trust's plans.

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3. That Council consider the use of mutual respect signage (bikes/ walkers / wheelchairs – keep left) on this and other shared pathways.

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

1. That Part 5 Project, No. 2013/0009, for the Coastal Recreational Pathway from Angels Beach, East Ballina to Pat Morton Lookout, Lennox Head be **APPROVED** subject to the mitigation/ameliorative measures attached.
2. That Council meet in its role as Reserve Trust Manager of the Ballina Coastal Reserve (1010068) and request Crown Lands to either:
 - (i) Close any unformed Crown Road Reserves upon which the CRP will traverse and include these lands in R1010068 (Ballina Coastal Reserve); OR
 - (ii) Transfer the Crown Road Reserves to Council's control for continued management consistent with the Reserve Trust's plans.
3. That Council consider the use of mutual respect signage (bikes/ walkers/wheelchairs – keep left) on this and other shared pathways.
4. That dogs generally be excluded from the CRP except in areas designated as dog off leash areas.

260614/5 RESOLVED

(Cr Keith Johnson)

That the Amendment be put.

FOR VOTE - All Councillors voted unanimously.

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

FOR VOTE - Cr Jeff Johnson and Cr Keith Williams

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

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

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

AGAINST VOTE - Cr Jeff Johnson

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260614/6 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Part 5 Project, No. 2013/0009, for the Coastal Recreational Pathway from Angels Beach, East Ballina to Pat Morton Lookout, Lennox Head be **APPROVED** subject to the mitigation/ameliorative measures attached.
2. That Council meet in its role as Reserve Trust Manager of the Ballina Coastal Reserve (1010068) and request Crown Lands to either:
 - (i) Close any unformed Crown Road Reserves upon which the CRP will traverse and include these lands in R1010068 (Ballina Coastal Reserve); OR
 - (ii) Transfer the Crown Road Reserves to Council's control for continued management consistent with the Reserve Trust's plans.
3. That Council consider the use of mutual respect signage (bikes/ walkers / wheelchairs – keep left) on this and other shared pathways.

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

The Mayor welcomed students from Alstonville Public School Year 6 who were the winners of "Debate the Change 2014". The students presented to Council their thoughts on Littering, Fluoridation and Weeds.

9.12 Cawarra Park - Kawaihae Outrigger Canoe Club

260614/7 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That the Council provides support for the use of the eastern portion of Cawarra Park in Ballina by the Kawaihae Outrigger Canoe Club for the establishment of a craft and equipment storage compound, as outlined within this report.
2. The General Manager is authorised to permit the lodgement of a development application by the Club for establishment and operation of a new facility within the park.
3. Should development consent be granted for the Club's proposed facility, the General Manager is authorised to grant to the Club a licence or lease for an initial period of three years, at a peppercorn rental, with the Council Seal being affixed to the related documents.

FOR VOTE - All Councillors voted unanimously.

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8.2 DA 2010/962 - Highway Service Centre - Section 96 Amendment No.11

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

That the application (Amendment No. 11) under S96 (1A) of the Environmental Planning and Assessment Act to amend the provisions of Condition 5.23 of DA 2010/962 in relation to reducing the Section 94 contribution for the North & West Ballina Roads levy be **REFUSED** for the following reasons:

1. The requirement for the additional two culverts has been imposed as a condition of consent and the cost of the culverts should not be deducted from the Ballina Shire Roads Contribution Plan 2010 in accordance with Clause 2.10 of the Plan;
 - a) as the works do not relate to the works schedule in the plan; and
 - b) Council remains of the opinion that four culverts is required to mitigate the direct impacts of DA 2010/962
2. The circumstances of the application are considered by Council not to be in the public interest.

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

That this matter be deferred to seek legal advice in respect to the consent condition requiring the applicants to pay for the four culverts on the existing consent.

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

FOR VOTE - Cr Sharon Cadwallader and Cr Keith Johnson

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

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston and the casting vote of the Mayor

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

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260614/8 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

That the application (Amendment No. 11) under S96 (1A) of the Environmental Planning and Assessment Act to amend the provisions of Condition 5.23 of DA 2010/962 in relation to reducing the Section 94 contribution for the North & West Ballina Roads levy be **REFUSED** for the following reasons:

1. The requirement for the additional two culverts has been imposed as a condition of consent and the cost of the culverts should not be deducted from the Ballina Shire Roads Contribution Plan 2010 in accordance with Clause 2.10 of the Plan;
 - a) as the works do not relate to the works schedule in the plan; and
 - b) Council remains of the opinion that four culverts is required to mitigate the direct impacts of DA 2010/962
2. The circumstances of the application are considered by Council not to be in the public interest.

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

12. Public Question Time

12.1 Ralph Moss - Flooding

Ralph Moss – When is Council going to open this subject up to the public about the flood channel that feeds into the box culverts to go under the highway?

Paul Hickey advised that Council had had a number of meetings that have been open to the public, documents have been placed on public exhibition and submissions have been made by members of the public. Mr Moss and others are welcome to continue to liaise with Council on this important issue.

12.2 Marilyn Perkins - E Zones Review

Marilyn Perkins – will Council consider approaching the Minister in its E Zone review resolution today?

The Mayor replied yes.

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12.3 Wendy Craig-Duncan – Metgasco

Wendy Craig-Duncan – Do we know that Metgasco was getting rid of waste material at the Casino Treatment Plant and then filling sports fields etc in other areas of the North Coast?

Rod Willis to provide response.

10.3 Local Government NSW - Annual Conference

260614/9 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

1. That Council approves the attendance of Crs Meehan and Hordern at the Local Government NSW Annual Conference to be held in Coffs Harbour from 19 – 21 October 2014.
2. That Council authorises the General Manager to prepare a submission to the conference, along with a possible notice of motion, on the State wide implications of the current E Zone review, with that information to be distributed to Councillors for comment prior to forwarding to LGNSW.

FOR VOTE - All Councillors voted unanimously.

9.1 Department of Planning and Environment - E Zone Review

260614/10 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council endorses the submission relating to the review of environmental zones on the Far North Coast contained in Attachment One for lodgment with the Department of Planning and Environment.
2. That a copy of the Council's endorsed submission be forwarded to the State Member for Ballina and Local Government NSW for their information.
3. That a deputation from Ballina Shire Council arrange a meeting with the relevant Ministers.
4. That Council issue a fact sheet outlining the key issues.

FOR VOTE - All Councillors voted unanimously.

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9.3 LEP Amendment Request - North Creek Foreshore, Ballina

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

1. That the Council submit a planning proposal (as contained in Attachment Two) for the adjustment of the R2 Low Density zone and W1 Natural Waterway zone under the provisions of the *Ballina Local Environmental Plan 2012* for Lot 10 DP 1126929, Lot 1 DP 1119099, Lot 3 DP 1079380 and Lot 33 DP 872966 (Camden Street, Camden Lane and Skinner Street, Ballina) to the Department of Planning and Environment for review and Gateway determination.
2. The adjusted zone boundary referred to under (1) is to approximate the top of the current bank of North Creek that traverses the subject sites as detailed in the planning proposal contained in Attachment Two.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, 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.

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

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson and Cr Paul Worth

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

260614/11 RESOLVED

(Cr Susan Meehan/Cr Keith Williams)

1. That the Council submit a planning proposal to amend Schedule 1 of the *Ballina Local Environmental Plan 2012* and insert 'coastal protection works' as an additional permitted use (with consent) for Lot 10 DP 1126929, Lot 1 DP 1119099, Lot 3 DP 1079380 and Lot 33 DP 872966 (Camden Street, Camden Lane and Skinner Street, Ballina) to the Department of Planning and Environment for review and Gateway determination.
2. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
3. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.

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

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson, Cr Paul Worth and Cr Robyn Hordern

10.6 Risk Management - Dalwood, Tosha and Killen Falls

260614/12 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of this report regarding the current risk management situation for the Council owned properties referred to as Dalwood, Tosha and Killen Falls.

FOR VOTE - All Councillors voted unanimously.

260614/13 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That for Dalwood Falls, Council notes the contents of the report, agrees to maintain the existing practices, supports extra signage and removal of trees, along with possible removal of the concrete block and track that people use to exit the water.

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

260614/14 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That for Tosha Falls, in respect to the risk management options, Council authorises the General Manager to enhance our existing risk management practices by:

- a) Establishing an inspection and maintenance system to ensure access is maintained to a pre-determined standard.
- b) Place additional hazard warning signage at different points along the pedestrian easement access.
- c) Consulting with adjoining landowners to minimise the incident and impact of trespassing from people accessing the falls through private land and also to improve the locality.

FOR VOTE - All Councillors voted unanimously.

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260614/15 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That for Killen Falls, in respect to the risk management options, Council authorises the General Manager to:
 - a) hold discussions with Rous Water to determine whether there is interest in Rous obtaining some form of ownership to ensure more consistent management practices with this property and their adjoining land.
 - b) allocate any surplus monies from the Statewide Risk Management bonus for 2014/15 to improved risk management infrastructure at this location.
2. That Council accept the need to upgrade the access track to Killen Falls as outlined in the report and that the pathway be completed if any additional savings can be achieved in the 2014/15 budget.

FOR VOTE - All Councillors voted unanimously.

260614/16 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That for the Council owned falls, the General Manager investigate management options that support improved tourism attractions for the sites.

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

AGAINST VOTE - Cr Keith Williams and Cr Paul Worth

Adjournment

The Mayor declared the meeting adjourned at 1.54 pm

The meeting resumed at 2.42 pm

(Cr Williams and Cr Jeff Johnson were not in attendance at this stage.)

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8. Development and Environmental Health Group Reports

8.1 DA 2013/473 - Two Dwelling House Pad Sites - 219 Sneebys Lane

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

That Staged Development Application 2013/473 for the establishment of two dwelling house pad sites and associated asset protection zones and access on Lots 1, 2 and 3 DP 809785, 219 Sneebys Lane East Wardell, be **APPROVED** subject to applicable environmental planning conditions of consent including those referred to in the report.

Cr Jeff Johnson returned to the meeting at 02:43 pm.
Cr Keith Williams returned to the meeting at 02:44 pm.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

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

260614/17 RESOLVED

(Cr Keith Johnson/Cr Jeff Johnson)

That Staged Development Application 2013/473 for the establishment of two dwelling house pad sites and associated asset protection zones and access on Lots 1, 2 and 3 DP 809785, 219 Sneebys Lane East Wardell, be **REFUSED** for the following reasons:

The application does not comply with the provisions of Chapter 7 of the Ballina Shire Development Control Plan 2012 , and would consequently present an unacceptable restriction of, and risk to, the on-going environmental protection programs on adjoining public lands and the approval of the dwelling house pad sites and associated asset protection zones would not be in the public interest.

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

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

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8.4 Compliance Work Plan 2013/14 - Finalisation

260614/18 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the outcomes from the Compliance Work Plan for the 2013/14 financial year.

FOR VOTE - All Councillors voted unanimously.

8.5 Compliance Work Plan 2014/15 - Proposed Program

260614/19 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council endorses the proposed annual Compliance Work Plan for 2014/15 as detailed within this report.

FOR VOTE - All Councillors voted unanimously.

8.6 Development Applications - Works in Progress - June 2014

260614/20 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

8.7 Development Consent Statistics - May 2014

260614/21 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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9. Strategic and Community Facilities Group Reports

9.2 LEP Amendment Requests and Planning Proposals - Update

260614/22 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

9.4 LEP Amendment Request - Rifle Range Road and Plateau Drive

260614/23 RESOLVED

(Cr Paul Worth/Cr Keith Williams)

1. That the Council submit the planning proposal (Attachment Two) addressing the following changes to the Ballina Local Environmental Plan 2012 to the Department of Planning and Environment for review and Gateway determination:
 - Reconfiguration of the boundaries of the RE1 – Public Recreation and R3 – Medium Density Residential zones, as they affect Lots 5 and 6 DP 1161720, Rifle Range Road and Plateau Drive, Wollongbar, and
 - Rezoning of the road widening affecting Lot 6 DP 1161720 to R2 Low Density Residential.
2. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
3. That the feasibility of siting a skate park within the proposed public recreation land within Lots 5 and 6 be further investigated, as well as in the Wollongbar sporting fields, through a requirement for the preparation of a preliminary design concept plan and an acoustic impact evaluation, if necessary.
4. That following completion of the skate park feasibility investigation as part of the planning proposal, and prior to public exhibition of the planning proposal, a Councillor briefing be held.
5. That a further report be presented to the Council in relation to the planning proposal following mandatory community consultation.

FOR VOTE - All Councillors voted unanimously.

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9.5 Planning Proposal (BSCPP14/003) - Dual Occupancy Lots, Lennox Head
A **Motion** was moved by Cr Sharon Cadwallader

1. That the Council endorses the amendment of the Ballina Local Environmental Plan 2012 to apply the R3 Medium Density Residential zone and an 800m² minimum lot size standard for subdivision to Lots 29 and 31 in DP 1121058 as documented within Planning Proposal BSCPP 14/003.
2. That the Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 14/003 directly in liaison with Parliamentary Counsel.

The **Motion LAPSED.**

260614/24 RESOLVED

(Cr Keith Johnson/Cr Paul Worth)

1. That Council proceed with an amendment to the Ballina Local Environmental Plan 2012 to enable only dual occupancy development as an additional permitted use on Lots 29 and 31 in DP 1121058.
2. That the General Manager is authorised to liaise with the Department of Planning and Environment to determine a suitable approach to achieve the outcome identified in item (1).
3. That the Council's preference is to enable dual occupancy development on Lots 29 and 31 in DP 1121058 by using Schedule 1 Additional Permitted Uses of the Ballina Local Environmental Plan 2012 and applying an 800m² minimum lot size standard to the land.

FOR VOTE - All Councillors voted unanimously.

9.6 Ballina Shire Development Control Plan 2012 - Amendment No 3

260614/25 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That the Council adopt Draft Amendment No.3 to the Ballina Shire Development Control Plan 2012 as exhibited for public comment, inclusive of the following additional changes:
 - Inclusion of the following words in control i. 'optional for secondary dwellings' after the words Residential accommodation where they appear in Control i., Chapter 4, Element C – Building Envelopes.
 - Inclusion of an advisory note within Chapter 2, following clause 3.9, relating to the availability of standard stormwater management plans on Council's web site.

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- Inclusion of an advisory note within Chapter 2, following clause 3.7.3, relating to the Policy for Waste Management in Multi Unit Developments.
 - Clarify that the parking rate for Health Consulting Rooms within Ballina Town Centre is 3 spaces per consulting room or surgery.
 - Amendment of Chapter 2b – Floodplain Management, clauses 3.3 and 3.4, as detailed in Attachment Five so as to clarify the site filling requirements applicable to secondary dwelling development within the flood plain.
 - Amendment of Chapter 4 – Residential and Tourist Development by replacing Figure 4.2 Building Envelope Variations, Figure 4.3 Articulation Zones, and Figure 4.4 Articulation Zone Elevation View with the revised figures contained within Attachment Four.
 - Amendment of Chapter 4 – Residential and Tourist Development clause 3.1.3 – Element E – Building Lines by permitting balconies to project up to 300mm forward of the articulation zone.
2. That public notice of the adoption of Ballina Shire Development Control Plan Amendment No. 3 be given, with the amendment DCP taking effect on 16 July 2014.

FOR VOTE - All Councillors voted unanimously.

9.7 Clark Street Precinct Structure Plan and Land Use Review

260614/26 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That the Council notes the contents of this report concerning the preparation of the Structure Plan and Land Use Review relating to the Clark Street Precinct in Ballina.

FOR VOTE - All Councillors voted unanimously.

9.8 Classification of Land - Bolwarra Circuit, Wollongbar

260614/27 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That the Council classify the land identified as Nos. 4 and 10 Bolwarra Circuit, Wollongbar (Lots 62 and 63 in DP 1190477) as operational land under the provisions of the *Local Government Act* 1993 and that this classification takes effect immediately.

FOR VOTE - All Councillors voted unanimously.

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9.9 Our Community: Our Culture - Ballina Shire Cultural Plan

260614/28 RESOLVED

(Cr Susan Meehan/Cr Jeff Johnson)

That the Council adopts the *Our Community: Our Culture Ballina Shire Cultural Plan 2014 -2020* as attached to this report.

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

AGAINST VOTE - Cr Keith Williams

9.10 Wardell and District War Memorial Hall

260614/29 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report relating to options for the future management of the Wardell and District War Memorial Hall.
2. That the Wardell and District Progress Association Inc. be invited to accept an offer to manage the Wardell and District War Memorial Hall under the terms of a standard Council lease agreement for halls of this type. Council authorises the Council seal to be attached to this lease.

FOR VOTE - All Councillors voted unanimously.

9.11 Lennox Head Cultural and Community Centre - Insurance Claim

260614/30 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council notes the contents of this report regarding the insurance claim for the design of the Lennox Head Cultural and Community Centre.

FOR VOTE - All Councillors voted unanimously.

9.13 Policy (New) - Local Directional Signage within Road Reserves

260614/31 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That the Council adopts the draft Local Directional Signage Within Road Reserves Policy, as attached to this report.
2. That the Council adopts the associated fee of \$450 (inc gst) per sign to accompany the policy.

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3. That the Council place the draft policy and recommended fee on exhibition for public comment, with any submissions received to be presented back to the Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

9.14 Destination Management Plan

A **Motion** was moved by Cr Sharon Cadwallader

1. That the Council adopts the amended draft Destination Management Plan for the Ballina Coast and Hinterland 2014-2020, as attached to this report.
2. That a letter of appreciation be conveyed to those individuals and businesses who contributed to the preparation of the plan.
3. That Council endorses the formation of a Destination Management Taskforce based on the following Terms of Reference:

Objective

The objective of the Destination Management Plan Taskforce is to monitor the delivery of the aims, goals and objectives of the Ballina Shire Destination Management Plan through increased consultation with key tourism stakeholders the Ballina Shire.

Membership

As per section 2.2 of the Destination Management Plan

Meetings

Three monthly or as required

Delegations

Nil

The **Motion LAPSED.**

260614/32 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

1. That the Council adopts the amended draft Destination Management Plan for the Ballina Coast and Hinterland 2014-2020, as attached to this report.
2. That a letter of appreciation be conveyed to those individuals and businesses who contributed to the preparation of the plan.

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3. That Council not proceed with the formation of a Destination Management Plan Taskforce, due to the wide range of existing consultation methods and organisations already in place, as detailed within this report.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, 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 Sharon Cadwallader

10. General Manager's Group Reports

10.1 Use of Council Seal

260614/33 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That Council affix the Common Seal to the following documents.

US13/24	Plan of Subdivision, Administration Sheet and Section 88B Instrument for Proposed Lots 30 and 31 being resubdivision of Lot 211 DP 755684 for Leasehold Purposes
US13/25	Plan of Consolidation and Administration Sheet for consolidation of Lot 1 DP 918596 and Lot 1 DP 784894 being the Newrybar Community Hall and the Newrybar Rural Fire Service Shed.
US13/26	Licence Agreement between Crown Lands and Ballina Shire Council for occupation of the Old Depot site at Tamarind Drive, Ballina.
US13/27	Deed of Assignment for Shell Aviation Australia Pty Ltd for Registered Lease No. AE503601 in respect of Ballina Byron Gateway Airport being Lot 6 in DP 1043261, Parish of Ballina, County of Rous dated 27 January 2009. Deed of Variation to Lease for Shell Aviation Australia Pty Ltd for Registered Lease No. AE503601 in respect of Ballina Byron Gateway Airport being Lot 6 in DP 1043261, Parish of Ballina, County of Rous dated 27 January 2009.

FOR VOTE - All Councillors voted unanimously.

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10.2 Investment Summary - May 2014

260614/34 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

10.4 Policy (Review) - Councillor Expenses and Facilities

260614/35 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

That Council adopts the amended Councillor Expenses and Facilities Policy, as exhibited, with additional wording to be included that confirms that the \$5,000 limit will also apply to expenses relating to Councillors being elected / nominated to the Executive / Boards of industry and other associations.

FOR VOTE - All Councillors voted unanimously.

10.5 Community Donations

260614/36 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Council approves the request from Mr Grant Smith for Australian selection.

FOR VOTE - All Councillors voted unanimously.

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

That Council approves the request from Ms Dorothy Fingleton for a swimming pool season ticket due to her advanced age.

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

FOR VOTE – Cr David Wright, Cr Keith Johnson, Cr Ken Johnston and Cr Paul Worth

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

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A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Ken Johnston

That Council approves the request from the Ballina Hospital Auxiliary Branch for free hire of the Lennox Head Cultural and Community Centre.

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

FOR VOTE - Cr Sharon Cadwallader and Cr Ken Johnston

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

10.7 Delivery Program 2014/15 to 2017/18 and Operational Plan 2014/15

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

1. That Council adopts the 2014/15 to 2017/18 Draft Delivery Program and 2014/15 Operational Plan, and associated documents, as exhibited, inclusive of any amendments determined at this meeting or at the May Ordinary meeting, whilst the documents were on exhibition.
2. That Council approves the formation of a Committee comprising all Councillors, to consider the applications for general and hall donations for 2014/15.
3. That in respect to the various submissions for fees and charges and works and services Council endorses the following actions, subject to any further changes at this meeting:
 - a) Leona Ross – Noted with a reduction in the water charges recommended (reduction in water charges approved later in meeting)
 - b) Max Moffitt – Noted with no change.
 - a) Far North Coast Lifesaving – Lifesaver patrols – Defer until tender completed
 - b) Far North Coast Lifesaving – Shelly Beach Surf Club – No action as priorities already determined (funding approved later in meeting)
 - c) South Ballina Residents Association – Actions noted as per contents of this report.
 - d) Richmond River County Council – Include additional funding of \$35,000 in 2014/15 funded from General Revenue, with this funding only available if all constituent councils contribute.
 - e) Alstonville Plateau Historical Society – Noted with no change.
 - f) Ballina Environment Society – Noted with no change.
 - g) Womensport NSW – Inclusion of an additional Operational Plan action to improve our measurement of women and girls participation in sport
 - h) Lennox Head Residents Association – Actions noted as per contents of this report.
 - i) David Felsch – noted with no change.

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-
4. That Council based on the feedback from the public meeting held at Wardell Hall include the following additional action in the 2014/15 Operational Plan:

Analyse options for the delivery of affordable housing in Wardell.
 5. That Council notes the overview provided of the changes to the Long Term Financial Plan, with the General Fund now predicting a working capital deficit of \$95,300 for 2014/15, subject to any further changes resolved as part of this report.
 6. That Council approves the gate fees at the waste centre for 100% sorted reusable waste (clean topsoil and fill) to be increased from \$53/tonne to \$66/tonne.
 7. That Council approves the gate fees at the waste centre for 100% recyclable inert (clean bricks, tiles rock) to be increased from \$64/tonne to \$86/tonne.
 8. That Council approves the gate fees at the waste centre for excavated material (clean excavated natural material) to be increased from \$49/tonne to \$66/tonne.
 9. That Council approves the introduction of a new fee titled 'missed collection charge' for instances when the customer has not presented their bin for collection and subsequently ask for the bin to be collected. The fee will be based on a 'price on application' calculation.
 10. That Council approves amendments to the gate fees at the waste management centre such that any pricing referencing a sedan or station wagon is amended to include the words 'minimum fee'.
 11. That Council based on the information contained in this report and the latest water consumption figures approves an amendment to the 2014/15 water annual and consumption charges as per the following table:

Charge Type	2013/14	2014/15 (6%)
Water Access Charge - 20mm meter	178	189
Water Consumption under 350kl	1.91	2.02
Water Consumption over 350kl	2.87	3.04
Vacant Land Charge	178	189

12. That Council notes the comments in this report in respect to the application of the Hoarding Fee.
13. That Council resolves to make a base rating structure for the levy of the 2014/15 Ordinary Rate as per the following structure.

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Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.165306	429	49.85
Business	0.604521	429	14.74
Farmland	0.133971	429	32.64
Mining	0.604521	429	00.00

14. That Council resolves to make the 2014/15 rates and charges as per the advertised Operational Plan and Delivery Program, inclusive of any amendments adopted at this meeting.

15. That Council approves the addition of the following measurement in the 2014/15 Operational Plan as identified within this report:

Customer requests are dealt with effectively and promptly	% completed within allocated timeframe (Target > 85%)	Governance and Finance
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An **Amendment** was moved by Cr Jeff Johnson

That items 6, 7 and 8 be deleted and that \$1.4 be deleted for the coastal recreational pathway and \$1.4 million (approx.) for Wigmore Arcade redevelopment.

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 Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

260614/37 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That Council adopts the 2014/15 to 2017/18 Draft Delivery Program and 2014/15 Operational Plan, and associated documents, as exhibited, inclusive of any amendments determined at this meeting or at the May Ordinary meeting, whilst the documents were on exhibition.
2. That Council approves the formation of a Committee comprising all Councillors, to consider the applications for general and hall donations for 2014/15.
3. That in respect to the various submissions for fees and charges and works and services Council endorses the following actions, subject to any further changes at this meeting:

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- a) Leona Ross – Noted with a reduction in the water charges recommended (reduction in water charges approved later in meeting)
 - b) Max Moffitt – Noted with no change.
 - a) Far North Coast Lifesaving – Lifesaver patrols – Defer until tender completed
 - b) Far North Coast Lifesaving – Shelly Beach Surf Club – No action as priorities already determined (funding approved later in meeting)
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 - d) Richmond River County Council – Include additional funding of \$35,000 in 2014/15 funded from General Revenue, with this funding only available if all constituent councils contribute.
 - e) Alstonville Plateau Historical Society – Noted with no change.
 - f) Ballina Environment Society – Noted with no change.
 - g) Womensport NSW – Inclusion of an additional Operational Plan action to improve our measurement of women and girls participation in sport
 - h) Lennox Head Residents Association – Actions noted as per contents of this report.
 - i) David Felsch – noted with no change.
4. That Council based on the feedback from the public meeting held at Wardell Hall include the following additional action in the 2014/15 Operational Plan:
- Analyse options for the delivery of affordable housing in Wardell.*
5. That Council notes the overview provided of the changes to the Long Term Financial Plan, with the General Fund now predicting a working capital deficit of \$95,300 for 2014/15, subject to any further changes resolved as part of this report.
6. That Council approves the gate fees at the waste centre for 100% sorted reusable waste (clean topsoil and fill) to be increased from \$53/tonne to \$66/tonne.
7. That Council approves the gate fees at the waste centre for 100% recyclable inert (clean bricks, tiles rock) to be increased from \$64/tonne to \$86/tonne.
8. That Council approves the gate fees at the waste centre for excavated material (clean excavated natural material) to be increased from \$49/tonne to \$66/tonne.
9. That Council approves the introduction of a new fee titled 'missed collection charge' for instances when the customer has not presented their bin for collection and subsequently ask for the bin to be collected. The fee will be based on a 'price on application' calculation.
10. That Council approves amendments to the gate fees at the waste management centre such that any pricing referencing a sedan or station wagon is amended to include the words 'minimum fee'.

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11. That Council based on the information contained in this report and the latest water consumption figures approves an amendment to the 2014/15 water annual and consumption charges as per the following table:

Charge Type	2013/14	2014/15 (6%)
Water Access Charge - 20mm meter	178	189
Water Consumption under 350kl	1.91	2.02
Water Consumption over 350kl	2.87	3.04
Vacant Land Charge	178	189

12. That Council notes the comments in this report in respect to the application of the Hoarding Fee.
13. That Council resolves to make a base rating structure for the levy of the 2014/15 Ordinary Rate as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.165306	429	49.85
Business	0.604521	429	14.74
Farmland	0.133971	429	32.64
Mining	0.604521	429	00.00

14. That Council resolves to make the 2014/15 rates and charges as per the advertised Operational Plan and Delivery Program, inclusive of any amendments adopted at this meeting.
15. That Council approves the addition of the following measurement in the 2014/15 Operational Plan as identified within this report:

Customer requests are dealt with effectively and promptly	% completed within allocated timeframe (Target > 85%)	Governance and Finance
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FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

260614/38 RESOLVED

(Cr Susan Meehan/Cr Keith Williams)

That the impact on our long term financial plan from the Federal Government's termination of the 5% rebate for pensioners and the freeze for three years of the Financial Assistance Grant be clearly communicated to our community.

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

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

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260614/39 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

Far North Coast Lifesaving – Shelly Beach Surf Club – Reallocate \$30,000 from the item titled “Administration Building - Air Conditioning Transfer to Reserve” to the Toilets at Shelly Beach Surf Club.

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

AGAINST VOTE - Cr Paul Worth

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

That Council include \$6,000 funded from recurrent revenue, for printing of the Blackwall Bugle.

Cr Jeff Johnson left the meeting at 04:25 pm.

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

FOR VOTE - Cr Sharon Cadwallader

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Cr Jeff Johnson returned to the meeting at 04:26 pm.

10.8 Senior Staff Contracts and General Manager Annual Review

260614/40 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council notes the contents of this report relating to the senior staff contracts and the General Manager’s annual performance review.

FOR VOTE - All Councillors voted unanimously.

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11. Civil Services Group Reports

11.1 Ballina RSL Land Swap - Update

260614/41 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council notes the contents of this report regarding the proposed land swap and rezoning with the Ballina RSL Club.
2. That Council authorises the attachment of the Council Seal upon any documents required to effect the cenotaph relocation, the land swap and the rezoning.

FOR VOTE - All Councillors voted unanimously.

13. Notices of Motion

13.1 Notice of Motion - Proposed Fishing Licence Reforms

260614/42 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

That Ballina Shire Council write to the Minister for Primary Industries and the Member for Ballina, to express Council's concern at the potential impact of the proposed NSW State Government fishing industry reforms on the local Ballina fishing industry and the Ballina Fish Cooperative and request that further consultation be undertaken with industry bodies prior to the implementation of any reform package.

FOR VOTE - All Councillors voted unanimously.

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

15.1 Mayoral Meetings

260614/43 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

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16. Questions Without Notice

16.1 Cr Paul Worth - Temporary Fencing - Coast Road, Lennox Head

Cr Paul Worth - can the green mesh type temporary fence south of Ross Lane on the Coast Road at Lennox Head be removed?

Steve Barnier advised that he believed this fence was a condition of consent for the intersection reconstruction some years ago and believed it was a frog protection barrier.

Rod Willis to follow up.

16.2 Cr Paul Worth - Pimlico Water Main

Cr Paul Worth – is there an update on the Uralba/Pimlico Water main issue?

Paul Hickey advised that a meeting was held on Monday with all landholders as part of the consultation process. Landowners were united in their view that they wanted the water main extended with no additional charges imposed on the residents. A further report will be submitted to the next meeting of Council.

16.3 Cr Sharon Cadwallader - Jetskis - Cleaning up of Sailing Club Area

Cr Sharon Cadwallader – is there an update on the use of jetskis in North Creek and the remediation work at the Sailing Club?

John Truman to follow up.

Cr Williams advised that he believed that NSW Maritime were trying to organise a meeting of river users to consider speed restrictions.

16.4 Cr Susan Meehan - Shaws Bay

Cr Susan Meehan - is there an update on patrols of Shaws Bay by NSW Maritime?

Graham Plumb to follow up.

16.5 Cr Robyn Hordern – Café

Cr Robyn Hordern – asked if we knew when the Fawcett Park Cafe would be opening and what is happening to Tony's Café in Compton Drive.

Paul Hickey advised that the Fawcett Street Café is still undertaking renovations with a lease signed by the tenant. Tony's café is in private ownership.

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16.6 Cr Robyn Hordern - Education Programs

Cr Robyn Hordern – believed that the debate today from Alstonville Public School students identified that an education program on fluoride and weeds would be a good idea to all schools in the shire.

Cr Hordern will follow up with Far North Coast Weeds and Cr Meehan with Rous Water.

17. Confidential Session

260614/44 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

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 Lennox Head Cultural and Community Centre - Insurance Claim

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 it could impact on Council's ability to settle this claim and may impact on the amount of the final settlement.

17.2 Senior Staff - Contract Conditions

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors)

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 the report provides details of the personal affairs of staff.

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17.3 Mayoral Report - General Manager - Performance Review

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors)

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 discussion may involve specific details of the employee's performance.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 4.44 pm).

Cr Ben Smith left the meeting at 4:45 pm and returned at 4:48 pm during Item 17.1 of the Confidential session.

Rod Willis and Steve Barnier left the meeting at 4.54 pm after Item 17.1 of the Confidential session.

Paul Hickey and Sandra Bailey left the meeting at 4.58 pm after Item 17.2 of the Confidential session.

Cr Jeff Johnson left the meeting at 5:08 pm and returned at 5.09 pm during Item 17.3 of the Confidential session.

Open Council

260614/45 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 5.53 pm).

Paul Hickey, Rod Willis and Steve Barnier were not in attendance at this stage. Sandra Bailey was in attendance at this stage.

Cr Jeff Johnson left the meeting at 5.53 pm.

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40 CHERRY STREET BALLINA,
ON 26/06/14 AT 9.00 AM**

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

17.1 Lennox Head Cultural and Community Centre - Insurance Claim

CF260614/1 RECOMMENDED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council authorises the General Manager to settle the Lennox Head Cultural and Community Centre insurance claim, as per the contents of the confidential advice from Maddocks Solicitors, as attached to this report. The Council seal is authorised to be attached to any documents associated with this settlement.

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

17.2 Senior Staff - Contract Conditions

CF260614/2 RECOMMENDED

(Cr Susan Meehan/Cr Paul Worth)

That Council notes the contents of the annual report in respect to the employment conditions of senior staff as required by Section 339 of the Local Government Act.

FOR VOTE - All Councillors voted unanimously.

17.3 Mayoral Report - General Manager - Performance Review

CF260614/3 RECOMMENDED

(Cr Robyn Hordern/Cr Susan Meehan)

1. That Council adopts the General Manager's Performance Review Committee's evaluation for the General Manager's twelve month performance review for 2013/14 as attached to this report.
2. That Council adopts options three as per the tabled advice from the Mayor as provided by Council's Manager – Human Resources and Risk.
3. That Council investigate options of providing additional support to the General Manager and Assistant.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 26/06/14 AT 9.00 AM**

Adoption of Recommendations from Confidential Session

260614/48 RESOLVED

(Cr Robyn Hordern/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

MEETING CLOSURE

5.55 pm

The Minutes of the Ordinary Meeting held on 26/06/14 were submitted for confirmation by council on 24 July 2014 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 July 2014.