

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 25/02/16 AT 9.00 AM**

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**Attendance**

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

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Andrew Smith (Acting Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 41 people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by Councillors and staff.

**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 Susan Meehan.

**250216/1 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted.

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

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**4. Confirmation of Minutes**

**250216/2      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 January 2016.

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

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

- **Paul Hickey, General Manager** – declared an interest in Item 11.2 – Megan Crescent Sports Fields – Request for Funding. (Nature of Interest: non significant, non pecuniary – he is a member of the Lennox Cricket Club). He will be remaining in the meeting while the matter is discussed.
- **Cr David Wright** – declared an interest in Item 11.1 – Plateau Drive Wollongbar – Skatepark and Masterplan. (Nature of Interest: non significant, non pecuniary – he lives 200 metres from the 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 11.1 – Plateau Drive Wollongbar – Skatepark and Masterplan. (Nature of Interest: non significant, non pecuniary – he lives in the vicinity of the area). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Robyn Hordern** – declared an interest in Item 8.4 – Failure to Comply with Order – Wedding Function Venue. (Nature of Interest: non significant, non pecuniary - her son on occasions drives smaller buses to and from the function centre.). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** – declared an interest in Item 8.4 – Failure to Comply with Order – Wedding Function Venue. (Nature of Interest: non significant, non pecuniary - she is a civil celebrant, but has never performed a wedding at the venue.) She will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

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**6. Deputations**

- **Bianca Urbina (Wollongbar/Alstonville Skatepark Group)**– spoke in favour of Item 11.1 – Plateau Drive Wollongbar – Skatepark and Masterplan.
- **Ron Birch** – spoke in opposition to Item 11.1 – Plateau Drive Wollongbar – Skatepark and Masterplan.
- **Ron Birch** – spoke in favour of Item 8.3 – Ballina Uniting Church – Structural Inadequacy.
- **Denis Magnay (Water Inc)** – spoke in opposition to Item 8.1 – DA 2015/138 – Coastal Protection, Skinner and Camden Streets.
- **Tony Kratz** – spoke in opposition to Item 8.4 – Failure to Comply with Order – Wedding Function Venue.

**Deputation - Extension of Time**

**250216/3      RESOLVED**

(Cr Keith Johnson/Cr Ben Smith)

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

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

- **Julie Casey** – spoke in opposition to Item 8.2 – DA 2015/27 – 12 Shelly Beach Road – Compliance Status.
- **Pat Carney** – spoke in favour of Item 13.1 – Rescission Motion – Koala Fencing.
- **Doug Stinson** – spoke in favour of Item 13.2 – Notice of Motion – Shade Structures – Children’s Playgrounds.
- **Monica Wilcox** – spoke in favour of Item 13.4 – Notice of Motion – Gibbon Street – Traffic Management.
- **Ralph Moss** – spoke in opposition to Item 9.2 – Planning Proposal (BSCPP 14/001) – Logistics Precinct, Teven.
- **Robbie Orr** – spoke in favour of Item 8.4 – Failure to Comply with Order – Wedding Function Venue.

**7. Mayoral Minutes**

Nil

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**11.1 Plateau Drive Wollongbar - Skatepark and Masterplan**

**250216/4      RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

1. That Council acknowledges the large number of submissions both in support and against the draft Concept Masterplan for the Plateau Drive Wollongbar Open Space.
2. That Council adopts the Concept Masterplan as exhibited, whilst also acknowledging that a higher level of embellishment may be preferred for the site, subject to detail design and funds being available for that embellishment.
3. The detail design process for the Concept Masterplan is to consider a higher level of embellishment for the open space.
4. That Council authorises the General Manager to commence the detailed design phase required for the implementation of the Masterplan, with the Wollongbar Skatepark to be constructed as the first priority, as funding was already allocated for this project in the 2015/16 Operational Plan.

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

AGAINST VOTE - Cr David Wright

ABSENT. DID NOT VOTE - Cr Susan Meehan

**8.3 Ballina Uniting Church - Structural Inadequacy**

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

That Council indicate its preference is for the Church to remain and ask the Church if there are any financial arrangements that can be made, with the matter to be reported back to Council in three months.

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

That Council indicate its preference is for the Church to remain and ask the Church if there are any financial arrangements that can be made, with the matter to be reported back to Council in one month.

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

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

AGAINST VOTE - Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Susan Meehan

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

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

**250216/5        RESOLVED**

(Cr Robyn Hordern/Cr Ben Smith)

That Council indicate its preference is for the Church to remain and ask the Church if there are any financial arrangements that can be made, with the matter to be reported back to Council in one month.

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

**Adjournment**

The Mayor declared the meeting adjourned at 10.47 pm

The meeting resumed at 11.10 am

**8.1    DA 2015/138 - Coastal Protection, Skinner and Camden Streets**

**250216/6        RESOLVED**

(Cr Sharon Cadwallader/Cr Ken Johnston)

That Development Application 2015/138 seeking consent to undertake coastal protection works comprising a dry rock revetment wall within the eastern boundaries of Lot 10 DP 1126929, Lot 1 DP 1119099, Lot 3 DP 1079380, No. 2 Skinner Street and Nos. 3 & 5 Camden Lane, Ballina, be **REFUSED** due to the lack of suitable and legally binding public access along the foreshore being provided to satisfy the provision of the Coastal Protection Act 1979, State Environmental Planning Policy No. 71 Coastal Protection and NSW Coastal Policy.

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

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**Adjournment**

The Mayor declared the meeting adjourned 11.35 am

The meeting resumed at 11.46 am

**8.4 Failure to Comply with Order - Wedding Function Venue**

**250216/7        RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That Council take no further action in relation to the operation of a wedding function venue within the subject premises with the matter to be reviewed in three months.

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

**8.2 DA 2015/27 - 12 Shelly Beach Road - Compliance Status**

**250216/8        RESOLVED**

(Cr Sharon Cadwallader/Cr Paul Worth)

That Council notes the contents of the report and the status of the ongoing enforcement action in respect to development application 2015/27 – 12 Shelly Beach Road.

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

**13.1 Rescission Motion - Koala Fencing**

**250216/9        RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

That Resolution 280116/24, as follows, be rescinded:

*That Council*

- 1. urgently seek funding from the RMS or other NSW or Federal Government Department to install Koala fences on local roads in and around the identified nationally important Koala population.*
- 2. liaise with the Friends of the Koala to identify the priority roll out of these fences.*
- 3. investigates the costs involved with installing effective Koala fences and provides matching funding if necessary.*

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

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**13.2 Notice of Motion - Shade Structures - Children's Playgrounds**

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

That Council

1. provide in principle support for the provision of shade structures for children's playgrounds (equipment) within the Ballina Shire.
2. receive a report as part of its 2016/17 budget deliberations providing a cost estimate for installing shade structures for the playgrounds that currently don't have them.
3. receive a report on amending its Playground policy to require all new playground installations to include a shade structure, including conditions of Development consent.
4. liaise with the Cancer Council and local Chambers of Commerce to investigate other ways to fund or partly fund, shade structures, including advertising.

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Ken Johnston

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

ABSENT. DID NOT VOTE - Cr Susan Meehan

**250216/10      RESOLVED**

(Cr Keith Johnson/Cr Keith Williams)

That Council hold a briefing to review the existing policies on sun protection generally, with the aim being to devise policy statements that ensure robust shire wide actions are developed and applied in respect to sun protection.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Susan Meehan

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**13.4 Notice of Motion - Gibbon Street - Traffic Management**

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

That Council's Finance Committee receive a report advising of a concept design and cost estimate to improve traffic management and pedestrian safety in Gibbon Street, Lennox Head and that this information is considered by Council in regards to the option of including these improvements in the roads program.

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

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

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

ABSENT. DID NOT VOTE - Cr Susan Meehan

**12. Public Question Time**

**12.1 Terry Prenderast - Tosha Falls**

**Terry Prendergast** – spoke in relation to trespassers on his land to obtain access to Tosha Falls. When will the meeting be held with Police in relation to this matter?

John Truman advised that Council referred his request to the Police. The meeting was delayed until the end of January by the Police due to leave. The Police met with residents and have asked Council's senior management to consider the advice from that meeting.

**12.2 Doug Stinson - Cancer Council Partnership**

**Doug Stinson** – is Council aware of the partnership with Cancer Council NSW – does Council still have that partnership?

Paul Hickey advised that we are well aware that the Cancer Council uses our facilities on a monthly basis and that we respond when needed. Yes - fully aware of the partnership.

**12.3 Matthew Monk - Wardell Issues**

**Matthew Monk** - How come Wardell doesn't get money spent on infrastructure when other towns do?

Cr David Wright advised that there were only two towns in the Shire allocated money for main street upgrades and they were Wardell and Alstonville. There were a whole range of matters that money has been spent on in Wardell. The Mayor suggested that he attend the Wardell Progress Association meeting.



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**Adjournment**

The Mayor declared the meeting adjourned at 1.07 pm  
Cr Keith Johnson left the meeting at 01.07 pm

The meeting resumed at 1.48 pm

**9.2 Planning Proposal (BSCPP 14/001) - Logistics Precinct, Teven**

**250216/11      RESOLVED**

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That the planning proposal (BSCPP 14/001) and the associated draft voluntary planning agreement, as attached to this report, be placed on public exhibition for a minimum period of 28 days.
2. That the matter be reported for further consideration by Council following the mandatory public exhibition period.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

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

**8.5      Failure to Comply with Emergency Order - Trev's Garden Centre**

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

That this matter be deferred to allow time to meet with the planner appointed by Mr Murray.

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

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Ken Johnston

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

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**250216/12      RESOLVED**

(Cr Robyn Hordern/Cr Ben Smith)

1. That Council endorses options six and seven, as detailed in this report and as outlined below, to pursue legal proceedings in the Land and Environment Court against Mr Trevor Murray for the offence of operating a plant nursery without the requisite development consent and for the failure to comply with Council's Emergency Order as served; i.e.

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- Option Six - Commence proceedings in the Land and Environment Court seeking to enforce the Council Order as served on the landowner
  - Option Seven - Commence legal proceedings in the Land and Environment Court, seeking an injunction against the tenant continuing to operate a plant nursery without the prior consent of Ballina Shire Council.
2. This action is subject to the General Manager monitoring the actions being taken by Mr Murray.

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

**8.6 Compliance - Seabreeze Holiday Park**

**250216/13      RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of this open Council report in respect to compliance at the Seabreeze Holiday Park.

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

**8.7 Local Development Performance Data Release - Overview**

**250216/14      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the overview of the Local Development Performance Data Release report for 2014/15.

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

**8.8 Development Consent and Infrastructure Approvals - January 2016**

**250216/15      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 January 2016 to 31 January 2016.

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

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**8.9 Development Applications - Works in Progress - February 2016**

**250216/16      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on the status of outstanding development applications for February 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

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

**9.1 LEP Amendments and Planning Proposals - Status**

**250216/17      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head**

**250216/18      RESOLVED**

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That the planning proposal relating to land comprising Lot 1 DP 517111, North Creek Road, Lennox Head be amended to make provision for the altered zoning regime as shown in Diagram 5 within this report as well as the incorporation of the reservoir site (Lot 2, DP 517111) with an R3 zone, and public roads which adjoin the site to be assigned the nearest proposed zone and associated planning provisions.
2. The planning proposal be amended to provide for a minimum lot size of 600m<sup>2</sup> for all proposed R2 and R3 zoned areas.
3. The existing maximum building height of 8.5 metres applicable to the site be retained.
4. Following the amendment of the planning proposal, it be submitted to the NSW Department of Planning and Environment for an altered Gateway determination and an extension of time request.

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5. Upon an altered Gateway determination being received, Council authorise the public exhibition of the planning proposal for a minimum period of 28 days.
6. That the matter be reported for further consideration by Council following the mandatory public exhibition period.
7. That issues relating to the negotiation process for the acquisition of the road corridors associated with the realignment of North Creek Road and the extension of Hutley Drive, as well as any associated land swap proposals, be reported to Council for consideration once the negotiation process has reached a stage where a firm proposal requires consideration.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**9.4 Developer Contributions Policy - Secondary Dwellings**

**250216/19 RESOLVED**

(Cr Paul Worth/Cr Keith Williams)

That this matter be discussed at a Councillor briefing, with the existing arrangements to remain in place until this matter is reported back to Council

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

AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Robyn Hordern

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**9.5 Missingham Markets - Market Manager - Registrations of Interest**

**250216/20 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council authorises the General Manager to negotiate with Mr Burless and Mr Bridge regarding the management of the market, consistent with the sentiments expressed in this report.
2. That if the negotiations conducted under point one are satisfactory for the parties involved, that Council (in its capacity as Reserve Trust Manager) appoints Mr Burless and Mr Bridge as the market manager for a period of 12 months under a reserve trust temporary licence.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

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**9.6 Pimlico Hall - Management**

**250216/21      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council authorises the removal of the 99 year registered lease over the property which comprises the Pimlico Hall. Further, that the General Manager is authorised to affix the Council Seal to any documentation required to achieve this outcome.
2. That the Council receives a further report regarding the options for future use and management of the property comprising the Pimlico Hall following community consultation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

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

**10.1 Investment Summary - January 2016**

**250216/22      RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

That Council notes the record of banking and investments for January 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**10.2 Australia Day - Review**

**250216/23      RESOLVED**

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council confirms that the categories for the 2017 Ballina Shire Australia Day Awards are to remain unchanged; i.e.
  - Young Citizen of the Year (30 years or under)
  - Senior Citizen of the Year (65 years or over)
  - Sports Award
  - Arts/Cultural Award
  - Local Hero Award (ie Volunteer, contribution to the community)
  - Community Event of the Year
2. That Council confirms that the Citizen of the Year is to be selected from the nominations for all the Award categories, with all nomination forms and associated correspondence to clarify this selection process.

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3. That Council open the nominations for the 2017 Australia Day Awards in April 2016.

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

**10.3 Financial Review - 31 December 2015**

**250216/24      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the December 2015 Quarterly Budget Review and approves the changes identified within this report.

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

**11. Civil Services Group Reports**

**11.2 Megan Crescent Sports Fields - Request for Funding**

**250216/25      RESOLVED**

(Cr Jeff Johnson/Cr Keith Williams)

That Council approve the request for funding with the project funded from savings from the Open Spaces operational budget and Working Capital.

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

**11.3 Bicycle Track Project - Lennox Head**

**250216/26      RESOLVED**

(Cr Paul Worth/Cr Jeff Johnson)

That Council confirms Ocean Breeze Reserve as the selected site for the proposed Lennox Head cycle track and proceed to invite volunteers to complete the detail design.

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

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**11.4 Road Closing Proposal - Unnamed Road off Freeborn Place**

**250216/27      RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

1. That Council endorses the proposal to close the unused Council public road adjacent to Lot 25 and 27 in DP 246774 at Alstonville, as per the contents of this report, to facilitate the redevelopment of the Alstonville Swimming Pool Complex.
2. That Council authorises the Council seal to be attached to the road closing application and any associated documents for the consolidation of the closed road into the adjoining land parcels.
3. That upon the closure, the land currently comprising the road be classified as operational land for the purpose of the *Local Government Act 1993*.

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

**11.5 Policy (Review) - Naming of Roads, Bridges and Public Places**

**250216/28      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council place the amended Naming of Roads, Bridges and Public Places Policy, as attached to this report, on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will be the subject of a further report to Council.

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

**11.6 Policy (Review) - Road Closing Applications for Public Roads**

**250216/29      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council place the amended Road Closing Applications for Public Roads Policy, as attached to this report, on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will be the subject of a further report to Council.

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

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**11.7 Policy (Review) - Pressure Sewer Policy**

**250216/30      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council place the amended Pressure Sewer Policy, as attached to this report, on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will be the subject of a further report to Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**13.      Notices of Motion**

**13.3 Notice of Motion - Killen Falls**

**250216/31      RESOLVED**

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council receive a report, as part of the 2016/17 budget deliberations, on the possibility of funding toilet facilities (eg possibly a compost toilet), improving visitor facilities and the associated costs at Killen Falls. This report is to consider whether Rous Water will assist with this funding.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**13.5 Notice of Motion - Footpath - Links Avenue**

**250216/32      RESOLVED**

(Cr Robyn Hordern/Cr Keith Williams)

That, as part of the 2016/17 budget deliberations, Council receive a report on amending its existing footpath construction program to allow a footpath to be installed between Chickiba Avenue and the northern side of Links Avenue to connect the existing Chickiba Avenue footpath to the pedestrian crossing at Southern Cross School.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan



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**13.6 Notice of Motion - Container Deposit Scheme**

**250216/33      RESOLVED**

(Cr Keith Williams/Cr Jeff Johnson)

That Council make a submission to the Independent Review for a NSW Container Deposit Scheme, supporting the Refund CDS model proposed by the review.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**14. Advisory Committee Minutes**

**14.1 Facilities Committee Minutes -15 February 2016**

**250216/34      RESOLVED**

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council confirms the minutes of the Facilities Committee meeting held 15 February 2016 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**14.2 Commercial Services Committee Minutes - 16 February 2016**

**250216/35      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the minutes of the Commercial Services Committee meeting held 16 February 2016 and that the recommendations contained within the minutes be adopted.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

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

**15.1 Mayoral Meetings**

**250216/36 RESOLVED**

(Cr Paul Worth/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

**16. Questions Without Notice**

**16.1 Cr Cadwallader - Liberty Swing - Missingham Park**

**Cr Cadwallader** – The Liberty Swing at Missingham Park is closed and locked and was also closed during the Prawn Festival. Can we receive a report so that this swing can be better used, particularly on festival days?

John Truman to follow up.

**16.2 Cr Cadwallader - Beach Wheelchair**

**Cr Cadwallader** – we have two beach wheelchairs – one at the Visitor Information Centre and one at Shelly Beach Surf Club. Can we get another for the Lennox Surf Club? Can we include this in a report to the Finance Committee?

John Truman will follow this up.

**16.3 Cr Williams - Teven Road**

**Cr Williams** – where is Teven Road project up to and is the road opened?

John Truman advised that the road should have been opened yesterday. There were a few delays with the contractor on the revetment wall.

**16.4 Cr Keith Williams - Cr Williams - Shark Spotters**

**Cr Keith Williams** - a group called Shark Spotters are coming to Ballina. They are a volunteer group from South Africa. The Group has offered to meet with Councillors and/or staff if interested.

Cr Williams will provide information so that it can be included in the councillor bulletin.

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**16.5 Cr Ken Johnston - Cr Ken Johnston - Reclassification of Land**

**Cr Ken Johnston** – enquired about the reclassification of parks from community land to operational land. Was there a general “rezoning” for some reason?

Steve Barnier advised that there is no “rezoning” for parks. It is a miscellaneous amendment to the Ballina LEP for some Council properties. Advertisements were placed and letters written to affected owners. A mandatory public hearing is to be held in early March.

Cr Ken Johnston enquired about land behind Seeds Early Childhood Centre in Westlands Drive.

Steve Barnier confirmed that this parcel of land was included and that members of the public can attend the public hearing.

**16.6 Cr Paul Worth - Cr Paul Worth - Teven Road Contractor**

**Cr Paul Worth** – enquired if the Queensland company used for the Teven Road project was obtained through a tender process.

John Truman advised that the retaining wall was done by a company we have used before on Hill Street. Their previous work for Council was acceptable.

**16.7 Cr Paul Worth - Cr Paul Worth - Coastal Recreational Path**

**Cr Paul Worth** – it was mentioned earlier in the meeting that the coastal recreational path was commencing next week.

Paul Hickey advised that he had been advised by staff that the contractor was expected to be on site next week setting up.

**16.8 Cr Robyn Hordern - Cr Hordern - Fire Truck Exit - Tamarind Drive**

**Cr Robyn Hordern** – she was in Tamarind Drive last week when the Fire Truck was trying to exit onto Tamarind Drive from the new fire station. They had their sirens going and three cars in front of her did not stop to let the fire truck exit on to the roadway. Can we assist in some way?

John Truman advised that he will speak to NSW Fire Brigades.

**16.9 Cr Robyn Hordern - Cr Robyn Hordern - Wigmore Arcade Toilets**

**Cr Robyn Hordern** – it has been reported to her that the new toilets/parents room in Wigmore Arcade seem to be closed. Why are the toilets closed?

Staff will take that question on notice.

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**16.10 Cr Ben Smith - Cr Ben Smith - Secondary Dwellings**

**Cr Ben Smith** - can we do something for secondary dwellings similar to BBRC to say secondary dwelling is for affordable housing?

Paul Hickey advised that during a DA process we don't ask for people's financial information and the BBRC involves a solicitor confirming details. We will try and obtain relevant information for the briefing.

**16.1 Cr Ben Smith - Cr Ben Smith - Footpath in Sneaths Road Wollongbar**

**1**

**Cr Ben Smith** – thought we included money in the budget to construct a section of footpath in Sneaths Road from Plateau Drive to link to the path across from the TAFE.

John Truman will check on when this section is to be completed.

**16.1 Cr Jeff Johnson - Cr Jeff Johnson - Asbestos Removal**

**2**

**Cr Jeff Johnson** – when is the removal of the asbestos in Brighton Street happening?

John Truman advised that specialised contractors were being co-ordinated and pre-constructions activities currently underway.

**17. Confidential Session**

**250216/37 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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 Compliance - Seabreeze Holiday Park**

**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 relates to potential litigation..

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

(The Council moved into Confidential Session at 3.45 pm).

**Open Council**

**250216/38      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 Keith Johnson and Cr Susan Meehan

(The Council moved into Open Council at 3.49 pm).

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

**17.1    Compliance - Seabreeze Holiday Park**

**CF250216/1    RECOMMENDED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council endorses the instigation of legal proceedings against the owner(s) of the Seabreeze Holiday Park seeking compliance with the issued Order, being the completion of the program of works under the amended Approval To Operate, should such action become necessary.

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

**Adoption of Recommendation from Confidential Session**

**250216/39      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

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**MEETING CLOSURE**

3.50 pm

The Minutes of the Ordinary Meeting held on 25/02/16 were submitted for confirmation by council on 24 March 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 March 2016.