

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/04/16 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson (arrived at 9.08 am), Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Robyn Hordern and Ben Smith.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), 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 44 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Sing Australia.

2. Acknowledgement of Country

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

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

3. Apologies

An apology was received from Cr Jeff Johnson who indicated he would be late to the meeting.

280416/1 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That such apology be accepted.

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

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4. Confirmation of Minutes

280416/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 March 2016.

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

5. Declarations of Interest and Reportable Political Donations

- **Cr Sharon Cadwallader** – declared an interest in Item 8.2 – Policy (Review) – Vehicle Signs. (Nature of Interest: non significant, non pecuniary, perceived pecuniary - she is an accommodation provider). She will be departing the meeting while the matter is discussed.
- **Cr Sharon Cadwallader** – declared an interest in Item 11.1 – Road Closing – Brighton Street (Bonview Street and The Serpentine. (Nature of Interest: non significant, non pecuniary – the property is close by her property but is not associated with her property). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Susan Meehan** – declared an interest in Item 9.1 – Planning Proposal – Stoneyhurst Drive, Lennox Head. (Nature of Interest: non significant, non pecuniary - a work colleague of hers is involved). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Susan Meehan** – declared an interest in Item 11.1 – Road Closing – Brighton Street (Bonview Street and The Serpentine. (Nature of Interest: non pecuniary but a perceived conflict of interest – a close personal friend adjoins the subject property). She will be departing the meeting while the matter is discussed.
- **Cr Ben Smith** – declared an interest in Item 13.2 – Rescission Motion – Wollongbar Skate Park. (Nature of Interest: non significant, non pecuniary – he is a resident of Plateau Drive). He 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** – spoke in opposition to Item 13.2 – Rescission Motion – Wollongbar Skate Park.

Cr Jeff Johnson arrived at the meeting at 09:08 am.

- **Ron Birch/Vanessa Barrett** – spoke in favour of Item 13.2 Rescission Motion – Wollongbar Skate Park.
- **Graham Shaw** – spoke in favour of Item 7.1 – Mayoral Minute – Lake Ainsworth South Eastern Precinct.
- **Shaun Eastment, Lennox Landcare, Lennox Residents Association and Ballina Environment Society** – spoke in opposition to Item 13.1 – Rescission Motion – Lake Ainsworth South Eastern Precinct.
- **Pip Carter** – spoke in favour of Item 13.1 – Rescission Motion – Lake Ainsworth South Eastern Precinct.
- **Hugh McCaffery** – spoke in opposition to Item 9.2 – Planning Proposal – General Mapping Amendments and in particular to Item 6 of that report – Blue Seas Parade, Lennox Head.
- **David Felsch** – spoke in favour of Item 13.5 – Notice of Motion – Ferry Operational Matters.
- **Ralph Moss** – spoke in opposition to Item 9.2 – Planning Proposal – General Mapping Amendments and in particular to Items 3 (River Street, West Ballina) and 5 (Tamarind Drive, Ballina) of that report.

13.2 Rescission Motion - Wollongbar Skate Park

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

That Council resolution 250216/4, as follows, be rescinded:

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.

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

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FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston

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

Adjournment

The Mayor declared the meeting adjourned at 10.54 am

The meeting resumed at 11.17 am

7. Mayoral Minutes

7.1 Mayoral Minute - Lake Ainsworth South Eastern Precinct

280416/3 RESOLVED

(Cr David Wright)

That Council receive a report on funding options to fast track the implementation of the southern road section of the Lake Ainsworth Master Plan, with the works priority being the formalisation of the car parking spaces proposed in this location.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 11.30 am for the meeting of the Reserve Trust.

The meeting resumed at 11.32 am

13.1 Rescission Motion - Lake Ainsworth South Eastern Precinct

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

That point one of Council resolution 240316/8, as follows, be rescinded:

1. That the concept plan, as attached to this report, for the Lake Ainsworth South Eastern Precinct Upgrade Project be adopted for implementation.

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

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

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

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9.2 Planning Proposal - General Mapping Amendments

280416/4 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Item 3 be omitted from the BSCPP 16/001 and that the landholders be invited to submit a separate planning proposal request.
2. That planning proposal BSCPP 16/001 be amended to apply an 8.5m building height standard on the Building Height Map in relation to Item 11.
3. That Council forward Planning Proposal BSCPP 16/001 to the Department of Planning and Infrastructure requesting that the amendment be finalised.
4. That Council write to the Roads and Maritime Service inviting the submission of digital mapping data to enable the consideration of a separate planning proposal involving the zoning of state road infrastructure SP2 Special Uses zone under the terms of the *Ballina Local Environmental Plan 2012*.
5. That Item 6 (Blue Seas Parade, Lennox Head) be deferred to a confidential Councillor briefing.

FOR VOTE - All Councillors voted unanimously.

13.5 Notice of Motion - Ferry Operational Matters

280416/5 RESOLVED

(Cr Ken Johnston/Cr Sharon Cadwallader)

That Council receive a report which has the objective of reviewing the following matters concerning residents using the South Ballina Ferry;

1. The provision of turn around area to service the southern approach during periods when the ferry is not operating.
2. Improved street lighting for the southern approach.
3. A review of the excessive time and cost servicing the boom gate.

FOR VOTE - All Councillors voted unanimously.

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12. Public Question Time

12.1 John Waygood - Ocean Breeze Reserve - Bicycle Track

John Waygood – prior to December 2015 is there any Council member that had any involvement with any person or any record of anyone lobbying for a bicycle track in this area?

Cr Jeff Johnson answered yes.

Mr Waygood handed a plan to Councillors. This plan was handed out at the Residents Association meeting. It's a mud map from the designer. Mr Waygood understood that it was to be a very simple small track but this map shows a 200 metre straight and the track takes on the area the size of the Council Chambers and the foyer area. Can Cr Johnson show us now where the overwhelming support for this proposal is and where it has all come from seeing that the two students who originally bought this idea to Council are no longer involved?

Cr Jeff Johnson replied that he had not seen the drawing handed out by Mr Waygood.

John Truman advised that Council hasn't received the design and when we receive the design Council will be reviewing it to consider points raised by objectors.

12.2 Graham Shaw - Lennox Village Renewal Project

Graham Shaw – at the last Finance Committee the funding for the Lennox Village Renewal Project was rejected. When or how will funding be allocated to this important project?

Paul Hickey advised that no costings have been done for the works and no detailed estimates have been received. Once received these will be submitted to Council to consider options for funding. There is no funding in Council's Long Term Financial Plan at this time for this project.

12.3 Denis Magnay - Public Reserve Management Fund Grant Applications

Denis Magnay – at the last meeting Council decided to reallocate \$850,000 to the coastal recreational path from the coastal cycleway. Council was also lodging an application for grant funding from the Public Reserve Management Fund. How is that going, has there been any response?

Paul Hickey advised that funding applications closed in early April and Council submitted its application. It could be two or three months or more before a result is known.

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12.4 Denis Magnay - 4WD Track at Angels Beach

Denis Magnay – The 4WD track at Angels Beach – has Council made adequate provision to do that track now that we have started the recreational path?

John Truman advised that the 4WD access at Angels Beach will be closed. The reason for this is to ensure the safety of path users. Access will continue to be available for 4WD vehicles from the existing point at Sharpes Beach. The Council was previously consulted in regards to this decision and the construction is being completed in accordance with the approval for this project and the design previously supplied to Mr Magnay.

12.5 Denis Magnay - DA 2015/138 - Coastal Protection Works - Skinner and Camden Streets

Denis Magnay – believed the Court case in this matter was held on Tuesday. Can someone give him details of the outcome?

Rod Willis advised that the Court case hasn't been completed. There has been an arrangement made through the Court, where the applicants were required to have the rock wall designed by a specialist engineer on the basis that they would submit an engineering design to Council.

The initial design has been submitted to Council however this was not satisfactory and has been referred back to the proponents with an agreement that the company, Hydrosphere be engaged to look at the design.

John Truman – the report sought by Council on options to provide public access to the waterfront in general has been commenced.

12.6 Terry Prendergast - Tosha Falls

Terry Prendergast – there was to be a management committee meeting regarding consultation with the participating landowners to occur. To date this hasn't happened? When will it happen?

John Truman advised that Inspector McKenna from the Police has been contacted to arrange that meeting. He is still to get back to John with a date. John will follow him up.

Terry Prendergast - Does the Council have an operational plan on the management of Tosha Falls?

Steve Barnier advised that he was not aware of any management plan for Tosha Falls. Steve advised that he wasn't sure if Council had responsibility for management of Tosha Falls.

Terry Prendergast - Does the Ballina Shire Council feel that waterfalls in the Shire are a tourist attraction and if so, could a management plan be implemented on the four known waterfalls on Ballina Shire owned land?

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Paul Hickey advised that Council resolved to look at these matters previously and an internal staff team had met. It is problematic in how we would manage them. There is also the problem that Steve Barnier mentioned about responsibility for management of the falls.. There are cost implications on the tourism side of things and Council has not allocated resources for this.

Terry Prendergast - In 1976 this was sorted out by Peter Thorpe (former staff member) and four adjacent owners.

Paul Hickey advised that we are now wearing that legacy today given that legislation has changed.

12.7 Ralph Moss - Median Strip - River Street

Ralph Moss – the median strip works recently completed in River Street – was that done under a Development Application and when was it heard before the Council?

John Truman advised that Council received a Federal Government grant (Black Spot funding) for these works. Development consent was not required, however the matter was submitted to the Local Traffic Committee for approval. Staff normally advise the Council internally when we are successful in receiving these types of grants. The grant was received given the extended accident history in that area.

Ralph Moss – In cases of emergencies what happens to Ambulances heading west - was that taken into consideration?

John Truman replied yes.

Adjournment

The Mayor declared the meeting adjourned at 1.01 pm

The meeting resumed at 1.50 pm
Cr Jeff Johnson was not in attendance at this stage.

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8. Development and Environmental Health Group Reports

8.1 Extraction Rates for Quarries - Haulage Contributions

280416/6 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council notes the contents of this report in respect to the extraction rates for quarries.
2. That Council confirms its preferred audit option for the management of extraction rates is as per option three of this report, which imposes a consent condition that requires an annual quantitative / volumetric survey conducted by a registered certified practicing surveyor, or similar.
3. That Council require any survey required in line with point 6.7 of the report to be by three dimensional mapping.
4. That Council obtain pricing for conducting an audit of one quarry utilising remote sensing from a commercial provider.

Cr Jeff Johnson returned to the meeting at 01:51 pm.

FOR VOTE - All Councillors voted unanimously.

Cr Sharon Cadwallader declared an interest in Item 8.2 left the meeting at 01:58 pm.

8.2 Policy (Review) - Vehicle Signs

280416/7 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That due to the limited take-up, along with opportunities for alternative methods of advertising, Council approves the revocation of the Vehicle Signs Policy, and advises the relevant vehicle sign owners accordingly.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

Cr Sharon Cadwallader returned to the meeting at 02:03 pm.

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8.3 Development Consent and Infrastructure Approvals - March 2016

280416/8 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

8.4 Development Applications - Works in Progress - April 2016

280416/9 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

9. Strategic and Community Facilities Group Reports

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

280416/10 RESOLVED

(Cr Keith Johnson/Cr Susan Meehan)

1. That Council submit the planning proposal for the amendment of the *Ballina Local Environmental Plan 2012 (Attachment Two)*, relating to the application of a residential zone and provision for subdivision of land in the Stoneyhurst Drive precinct in Lennox Head, to the NSW Department of Planning & Environment for Gateway determination.
2. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
3. That Council invite the Stoneyhurst Drive landholders to submit technical information required to support residential zoning and application of an appropriate minimum lot size standard, under the terms of the *Ballina Local Environmental Plan 2012*, for all land within the Stoneyhurst Drive precinct.
4. That the matter be reported for further consideration by the Council prior to the mandatory public exhibition period.

FOR VOTE - All Councillors voted unanimously.

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9.3 Local Environmental Plan - Environmental Protection Zones

280416/11 RESOLVED

(Cr Paul Worth/Cr Susan Meehan)

1. That Council addresses the outcomes of the Northern Councils E Zone Review Recommendations Report by undertaking a staged approach to the integration of deferred matters into to Ballina Local Environmental Plan 2012. The staged approach is to be based on Table 1 contained in this report.
2. That Council writes to the Department of Planning and Environment to seek funding support for the integration of the deferred areas into the Ballina Local Environmental Plan 2012 given the State Government's decision to intervene in the process and apply a different set of requirements for environmental protection zones to the northern councils compared to the rest of NSW.

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

9.4 Strategic Plan - Alstonville and Wollongbar

280416/12 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council proceed with the preparation of place-based strategic plans for the urban areas of Alstonville and Wollongbar as per the contents of this report.

FOR VOTE - All Councillors voted unanimously.

9.5 Ballina Twilight and Alstonville Farmers Markets

280416/13 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

1. That Council notes the content of this report concerning the outcomes of the Ballina Twilight Market 2015/16 and the cessation of the Alstonville Farmers' Market.
2. That Council does not commit further resources to the operation of the Ballina Twilight Market on Fawcett Park or the Alstonville Farmers' Market within the Bugden Lane Carpark unless approached by an operator with a clearly defined proposal and business plan that is suitable to Council.

FOR VOTE - All Councillors voted unanimously.

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9.6 Commercial Use of Public Land Adjoining Commercial Premises

280416/14 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Council take no further action for the time being on the preparation of a new or revised policy for the commercial use of public land associated with adjoining commercial premises (outdoor dining and the like).

FOR VOTE - All Councillors voted unanimously.

10. General Manager's Group Reports

10.1 Use of Council Seal

280416/15 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council affix the Common Seal to the following document.

US16/04	Deed of Consent – Lessor National Australia Bank for mortgage of lease for Shop 7 Wigmore Arcade Ballina.
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FOR VOTE - All Councillors voted unanimously.

10.2 Investment Summary - March 2016

280416/16 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

10.3 151 River Street - Leasing Proposal

280416/17 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report in respect to the lease negotiations for 151 River Street in the Wigmore Arcade complex.

FOR VOTE - All Councillors voted unanimously.

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10.4 Policy (Review) - Investments Policy

280416/18 RESOLVED

(Cr Paul Worth/Cr Susan Meehan)

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

FOR VOTE - All Councillors voted unanimously.

10.5 Tender - Management of Flat Rock Tent Park

280416/19 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

1. That Council accepts the tender for the Management of Flat Rock Tent Park from DK Hally Corporations Pty Ltd for the amount of \$468,120 (inclusive of projected CPI increases over five years) plus GST plus 15% of operating income.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

10.6 Capital Expenditure Program - 31 March 2016 Review

280416/20 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of this status report on the 2015/16 capital expenditure program.

FOR VOTE - All Councillors voted unanimously.

10.7 Delivery Program and Operational Plan - 31 March 2016 Review

280416/21 RESOLVED

(Cr Susan Meehan/Cr Paul Worth)

That Council notes the contents of the 31 March 2016 review of the Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

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11. Civil Services Group Reports

Cr Susan Meehan declared an interest in Item 11.1 and left the meeting at 03:15 pm.

11.1 Road Closing - Brighton Street (Bonview Street and The Serpentine)

280416/22 RESOLVED

(Cr Keith Williams/Cr Jeff Johnson)

That this matter be deferred until further information is provided.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Susan Meehan

11.2 Policy (Review) - Water Metering

280416/23 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Susan Meehan

Cr Susan Meehan returned to the meeting at 03:20 pm.

13. Notices of Motion

13.3 Notice of Motion - Wicked Campers

280416/24 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

1. That Council write to the relevant State and Federal Ministers to encourage and support any actions or legislative changes that can or are to be taken to remove or ban the inappropriate messages that are printed on Wicked Camper vans.
2. That Council submit this matter as a late motion to the National General Assembly of Local Government.

FOR VOTE - All Councillors voted unanimously.

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13.4 Notice of Motion - Gasfield Free Northern Rivers

280416/25 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

1. Ballina Shire Council calls on the NSW State Government to declare the Northern Rivers a CSG/Unconventional gas exclusion zone similar to those in the Hunter Valley protecting the wine and horse training industries.
2. Ballina Shire Council write to the Minister for Planning and Environment, the Minister for Trade and Industry and the Premier to reaffirm our opposition to any form of CSG/unconventional Gas mining in the Northern Rivers.

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

AGAINST VOTE - Cr Keith Johnson and Cr Paul Worth

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 12 April 2016

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

That Council confirms the minutes of the Finance Committee meeting held 12 April 2016 and that the recommendations contained within the minutes be adopted, subject to the following amendments:

- Item 4.14 (part) - Council receive a report on funding options for the Lennox Head Village Renewal project.
- Item 4.10 – Coastal Zone Management – Beach Nourishment, Seven Mile Beach – point two to read “That Council approves funding of \$30,000 from the Landfill and Resource Recovery Reserve, as our initial offer, to support this work”, rather than the Quarry Reserve.

An **Amendment** was moved by Cr Paul Worth and seconded by Cr Keith Williams

That Council confirms the minutes of the Finance Committee meeting held 12 April 2016 and that the recommendations contained within the minutes be adopted, subject to point two of Item 4.10 (Coastal Zone Management – Beach Nourishment, Seven Mile Beach) to read – “That Council approves funding of \$30,000 from the Landfill and Resource Recovery Reserve, as our initial offer, to support this work, rather than the Quarry Reserve.

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

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

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

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

280416/26 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council confirms the minutes of the Finance Committee meeting held 12
April 2016 and that the recommendations contained within the minutes be
adopted, subject to the following amendments:

- Item 4.14 (part) - Council receive a report on funding options for the
Lennox Head Village Renewal project.
- Item 4.10 – Coastal Zone Management – Beach Nourishment, Seven
Mile Beach – point two to read “That Council approves funding of
\$30,000 from the Landfill and Resource Recovery Reserve, as our
initial offer, to support this work”, rather than the Quarry Reserve.

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

14.2 Commercial Services Committee Minutes - 20 April 2016

280416/27 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council confirms the minutes of the Commercial Services Committee
meeting held 20 April 2016 and that the recommendations contained within
the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

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

15.1 Mayoral Meetings

280416/28 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

16. Questions Without Notice

16.1 Cr Jeff Johnson - Lake Ainsworth South Eastern Precinct

Cr Jeff Johnson – the works endorsed today – is there a timeframe for commencement? Can we make this a priority given the “Save our Road” Group are saying they are going to continue with their campaign to keep the road open?

John Truman confirmed that the design works have been given a very high priority and we have been progressing as quickly as possible. The current work involves chasing down utility locations, the civil work design drawings, assessment of material options, quantity calculations, preparation of planning approval documentation, confirming costs etc. The availability of the landscape architect assisting us has also impacted on the time to complete the design.

At this point in time, we are hopeful of completing the planning approval application over the next few weeks. We will then finalise the design concurrent with the planning assessment phase. We have programmed our resources to commence the construction in early August, however that timeframe will be dependent on the outcomes of the regulatory assessment. If at all possible we will bring forward early works and consideration is being given to a staged planning approval to support this approach.

While it is a right of the Council to confirm the high priority for this work, the Council also needs to be mindful our design team comprises of two designers who are required to support the extensive capital works program. Our works scheduling is a complex task as we aim to balance a range of factors including availability of resources, environmental conditions on some projects that prevent works within various seasons, the timing of approvals, meeting grant deadlines and conditions, weather, holiday seasons and so forth.

Staff will continue to ensure Council is informed in regards to our progress to implement this program as quickly as possible.

Cr Paul Worth left the meeting at 03:40 pm.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/04/16 AT 9.00 AM**

16.2 Cr Keith Williams - Tintenbar Oval – Pavillion

Cr Keith Williams – can we have an update on where this project is up to with procurement?

John Truman advised that a quotation had been accepted, and the order issued. It is up to the builder to commence the works. He will follow that up.

16.3 Cr Robyn Hordern - Roundabout - Moon and Fawcett Street

Cr Robyn Hordern – believes the directional signage (black arrows) on the roundabout at the corner of Moon and Fawcett Street, is confusing, especially the sign on the western side of the roundabout.

John Truman to investigate.

16.4 Cr Robyn Hordern - Entrance to Ballina Signage

Cr Robyn Hordern – how can we advance the matter of an entrance to Ballina sign similar to those provided by the RMS at Wollongbar and Alstonville?

Paul Hickey advised a Notice of Motion would need to be submitted to a Council meeting.

17. Confidential Session

280416/29 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

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.

17.1 151 River Street - Leasing Terms

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

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and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the on-going commercial negotiations and the release of any information could prejudice those negotiations.

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

(The Council moved into Confidential Session at 3.46 pm).

Open Council

280416/30 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

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

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

(The Council moved into Open Council at 3.45 pm).

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

17.1 151 River Street - Leasing Terms

CF280416/1 RECOMMENDED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council authorises the General Manager to finalise negotiations with the prospective tenant for 151 River Street, based on the terms and conditions outlined within this report.
2. That Council authorises the Council seal to be attached to any lease documentation.

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

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Adoption of Recommendation from Confidential Session

280416/31 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Paul Worth

MEETING CLOSURE

3.47 pm

The Minutes of the Ordinary Meeting held on 28/04/16 were submitted for confirmation by council on 26 May 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 26 May 2016.