

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/11/14 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson (arrived at 9.03 am), Sharon Cadwallader, Keith Williams, 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 18 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Councillors.

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 Keith Johnson.

271114/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, and Cr Keith Johnson

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4. Confirmation of Minutes

271114/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 October 2014.

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

5. Declarations of Interest and Reportable Political Donations

Nil

There were no reportable political donations.

6. Deputations

- **Damien Chapelle** – spoke in favour of Item 8.2 – DA 2014/31 – Residential Subdivision – Henderson Farm

Cr Jeff Johnson arrived at the meeting at 09:03 am.

- **Stephen Fletcher** – spoke in favour of Item 8.3 – DA 2014/383 – Lot 2 Teven Road, Alstonville
- **Marilyn Perkins, Wollongbar Progress Association** – spoke in opposition to Item 9.2 – Planning Proposal – Rifle Range Road and Plateau Drive
- **Matthew Bertram, Ballina Jockey Club** – spoke in favour of Item 10.8 – Ballina Cup 2015.
- **Ralph Moss** – spoke in opposition to Item 11.1 – DA 2010/962 – Sec 96 Amendment No. 12 – Highway Service Centre.
- **Ralph Moss** – spoke in favour of Item 11.8 – Floodplain Risk Management Study and Plan
- **Steve Connelly** – spoke in opposition to Item 9.1 – Cumbalum Precinct A – Contributions Plan and DCP Provisions.
- **Steve Connelly** – spoke in opposition to Item 11.1 – DA 2010/962 – Sec 96 Amendment No. 12 – Highway Service Centre.
- **Eva Ramsey** – spoke in opposition to Item 10.11 – Special Rate Variation – Swimming Pool Upgrades – Consultation.
- **Anne Marchment** – spoke in favour of Item 10.11 – Special Rate Variation – Swimming Pool Upgrades – Consultation.
- **Fred Goodman** – spoke in opposition to Item 11.2 – Recycled Water Scheme – Kings Park Embellishment Project.

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7. Mayoral Minutes

Nil items

8.2 DA 2014/31 - Residential Subdivision - Henderson Farm

271114/3 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That DA 2014/31 to undertake a staged development application pursuant to S.83B of the Environmental Planning and Assessment Act 1979 for a residential subdivision comprising two stages, with stage one including 159 residential lots, five public reserve lots, tree removal, civil infrastructure works and associated easements and stage two consisting of concept approval for nine residential lots and one public reserve lot at Lot 1 DP 1070446, No. 78 Hutley Drive, Lennox Head be **APPROVED** by way of a Deferred Commencement Consent subject to the imposition of the recommended conditions as distributed to Councillors on 26 November 2014 (document 14/84727), with an amendment to Deferred Commencement Condition B – last paragraph - to now read “This deferred commencement consent will lapse if the above requirements are not complied with to the satisfaction of Council by 27 November 2017”.

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

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

ABSENT. DID NOT VOTE - Cr Keith Johnson

8.3 DA 2014/383 - Lot 2 Teven Road, Alstonville

271114/4 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

That DA 2014/383 for the construction of a dwelling on rural zoned land at Lot 2, Teven Road, Alstonville, be **APPROVED** with standard conditions as deemed appropriate by the General Manager, along with special conditions as described below:

- a) An all-weather, dust free, vehicular access driveway is to be provided to the dwelling that extends from the sealed edge of the public road to the carparking spaces on the site. The access shall not exceed a grade of 25% and is to be sealed for any section that exceeds 12% gradient. Details are to be included in the plans to be issued with the Construction Certificate.

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- b) Electricity and telecommunications connection to the dwelling is to be via underground services from the respective local authority connection point the dwelling.
- c) All external timber doors are to be solid core doors with a minimum thickness of 40mm thick and be fitted with acoustic seals. Details are to be included in the plans to be issued with the Construction Certificate.
- d) Glazing to all bedroom windows is to be laminated glass with a minimum thickness of 6mm and be fitted with acoustic seals. Details are to be included in the plans to be issued with the Construction Certificate.
- e) All internal living areas are to be provided with reverse cycle air conditioning. Details are to be included in the plans to be issued with the Construction Certificate. The inclusion of the air conditioning system is to be in accordance with the energy efficiency provisions of BASIX.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Johnson

9.2 Planning Proposal - Rifle Range Road and Plateau Drive

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

- 1. That Council endorses the reconfiguration of the RE1 and R3 zone boundaries, amend the minimum lot size map and rezone land designated for road widening from RE1 to R2 with respect to Lots 5 and 6 DP 1161720 and the adjoining road as indicated in the planning proposal (BSCPP 14/006).
- 2. That the necessary documentation be forwarded to the Department of Planning and Environment to enable the Minister to finalise the planning proposal (BSCPP 14/006).

An **Amendment** was Cr Paul Worth and seconded by Cr Ken Johnston

- 1. That Council endorses the reconfiguration of the RE1 and R3 zone boundaries, amend the minimum lot size map and rezone land designated for road widening from RE1 to R2 with respect to Lots 5 and 6 DP 1161720 and the adjoining road as indicated in the planning proposal (BSCPP 14/006).
- 2. That the necessary documentation be forwarded to the Department of Planning and Environment to enable the Minister to finalise the planning proposal (BSCPP 14/006).

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3. That Council further consider the appropriateness of locating a skate park facility within the reconfigured RE1 zone during the preparation of a landscape masterplan for the proposed reserve.

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

FOR VOTE - Cr Jeff Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Paul Worth

AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Robyn Hordern and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Keith Johnson

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

FOR VOTE – Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Keith Johnson

271114/5 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the reconfiguration of the RE1 and R3 zone boundaries, amend the minimum lot size map and rezone land designated for road widening from RE1 to R2 with respect to Lots 5 and 6 DP 1161720 and the adjoining road as indicated in the planning proposal (BSCPP 14/006).
2. That the necessary documentation be forwarded to the Department of Planning and Environment to enable the Minister to finalise the planning proposal (BSCPP 14/006).

FOR VOTE – Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Keith Johnson

Adjournment

The Mayor declared the meeting adjourned at 10.49 am

The Meeting resumed at 11.09 am

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10.8 Ballina Cup 2015

A **Motion** was moved by Cr Paul Worth and seconded by Cr Robyn Hordern

That Council confirms its support for the declaration of a half day Local Event Day for Thursday 10 September 2015 for the 2015 Ballina Cup, with the General Manager authorised to make an application to the NSW State Government.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Ben Smith

That Council confirms its support for the declaration of a quarter day public holiday between the hours of noon and 6 pm throughout the Ballina Shire for Thursday 10 September 2015 for the 2015 Ballina Cup, with the General Manager authorised to make an application to the NSW State Government for this holiday.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, 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

ABSENT. DID NOT VOTE - Cr Keith Johnson

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

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, 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

ABSENT. DID NOT VOTE - Cr Keith Johnson

271114/6 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms its support for the declaration of a quarter day public holiday between the hours of noon and 6 pm throughout the Ballina Shire for Thursday 10 September 2015 for the 2015 Ballina Cup, with the General Manager authorised to make an application to the NSW State Government for this holiday.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, 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

ABSENT. DID NOT VOTE - Cr Keith Johnson

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11.1 DA 2010/962 - Sec 96 Amendment No.12 - Highway Service Centre

271114/7 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That delegation be granted to the General Manager to determine the subject application (Amendment No 12) to DA 2010/892 under Section 96 (1A) of the Environmental Planning and Assessment Act 1979 to amend Condition 5.22 to reduce the number of culverts required from four to three.
2. That Council records that it considers it is reasonable for the applicant to meet the full cost of the three culverts in point one for the following reasons.
 - The culvert system is not included in any strategic works program of the Council and the works are only necessary at this point in time to mitigate the impacts of this development.
 - The third culvert is required to ensure the public interest is protected from the risks associated with flood modelling uncertainty and the risks of reduced culvert capacity that can arise from accumulated flood debris.
3. If agreement cannot be reached with the applicant in respect to point one, the General Manager is authorised to refuse the subject application as the application is inconsistent with Council's preferred culvert configuration.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Johnson

11.8 Floodplain Risk Management Study and Plan

271114/8 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That the draft Ballina Floodplain Risk Management Plan and Chapter 2b – Floodplain Management Development Control Plan be placed on public exhibition in accordance with the requirement of the Environment Planning and Assessment Act 1979.
2. That prior to the commencement of the public exhibition in point one above, a workshop is conducted to assist Councillors in their further familiarisation of the plans that are the subject of this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

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9.1 Cumbalum Precinct A - Contributions Plan and DCP Provisions

271114/9 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That the draft s.94 developer contributions plan for CURA Precinct A, as attached, be placed on public exhibition, in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.
2. That the draft development control plan amendment for "Cumbalum Views" (DCP Amendment No.4), as attached, be placed on public exhibition, in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.
3. That Council receive a further report addressing the exhibition and submissions received following the conclusion of the public exhibition period.
4. That Council consider the inclusion of an upgrade of Sandy Flat Road in the review of the Shire Wide Section 94 Roads Contribution Plan.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Johnson

10.11 Special Rate Variation - Swimming Pool Upgrades - Consultation

271114/10 RESOLVED

(Cr Paul Worth/Cr Robyn Hordern)

1. That Council acknowledges the feedback from the community consultation process undertaken for the special rate variation application for upgrades to the Ballina and Alstonville swimming pools.
2. In acknowledging this consultation Council remains of the opinion that additional funds are needed to upgrade these pools for the following reasons:
 - a) the ever growing need for refurbishment of the pools due to the condition of the existing infrastructure
 - b) the increasing operating costs
 - c) the potential operating efficiencies to be gained through pool upgrades and the use of modern technologies
 - d) the push by the Office of Local Government for councils to concentrate on asset renewal

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- e) the Council's comparatively low rate base and
 - f) the additional funds help to improve Council's overall financial position in respect to our operating result.
3. That based on points one and two Council authorises the General Manager to submit an application to IPART for a special rate variation, however the application is to be varied from that proposed in the community consultation, with the amended percentages being 5.41% for 2015/16 and 5.34% for 2016/17, based on the latest available rating information as per Table Six.

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

12. Public Question Time

12.1 Dr Lyn Walker - Coastal Recreational Pathway Realignment

The GHD route selection report for cycleway/shared path when it was a single path went on public display in 2009. Geolink analysed the public submissions to what Cr Worth describes as the "correct path". 67% were opposed, 27% supported . My question to Cr Worth is "where is the evidence of his firm and often repeated assertion in last month's Ordinary Council meeting (23 October) that 99% of the community wanted this route and only a tiny minority opposed it"? Can Cr Worth answer the question.

Cr Worth thanked Dr Lyn Walker for putting her question in writing.

12.2 Edward Walsh - Proposed Special Rate Variation

Advised that he was a new resident to the Shire and this is the first Council meeting he has attended. He was delighted with what he has heard today. Well done.

How much would the proposed rate rise produce? And how much is the cost of renovation of the pools?

Paul Hickey advised that the indicative budget is \$4m for each pool, loan funded. Depending on loan rates, repayments would be around \$800,000 to \$900,000 per annum.

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12.3 Pat Carney - Former Wardell Landfill

Is there any chance that the former landfill site at Wardell could be rehabilitated so that it doesn't look untidy.

John Truman advised that a rehabilitation plan has been prepared for that site.

11.2 Recycled Water Scheme - Kings Park Embellishment Project

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

1. That Council adopts the concept plan for Kings Court Reserve Embellishment Project as exhibited, subject to the reinstatement of the playground equipment.
2. That Council endorses the decision to remove the play equipment at Victor Place in accordance with the findings of the recent Playground Equipment Audit, with this to be removed following the installation of the playground equipment in point one.
3. That the 2014/15 budget be amended to include the playground equipment (\$65,000).

An **Amendment** was moved by Cr Paul Worth and seconded by Cr Robyn Hordern

That this matter be deferred to a Councillor briefing.

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

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

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

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

271114/11 RESOLVED

(Cr Paul Worth/Cr Robyn Hordern)

That this matter be deferred to a Councillor briefing.

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

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Adjournment

The Mayor declared the meeting adjourned at 2.05 pm

The Meeting resumed at 2.43 pm

(Cr Jeff Johnson was not in attendance at this stage).

8. Development and Environmental Health Group Reports

8.1 DA 2010/1061 - Section 96 - 27 Ross Street, Ballina

271114/12 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council defer the determination of the subject application (Amendment No. 1) to Development Consent 2010/1061 under Section 96 (1A) of the Environmental Planning and Assessment Act 1979 to enable the owner/builder to amend the proposed materials for the privacy screens and balustrading as detailed within this report, with a further opportunity for review by the submitters and that delegation be granted to the General Manager to determine the application.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

8.4 DA 2014/416 - 998 River Drive, Keith Hall

271114/13 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council defer the determination of the subject application (DA2014/416) and the applicant be advised that Council does not support any proposal to vary the Flood Plain Management policy in this instance for the reasons that the site can be reasonably filled to meet the DCP standards and the policy has been consistently applied for a substantial time.
2. The applicant is offered the opportunity to submit amended plans proposing compliance with the requirements of Chapter 2b of DCP 2012., however if amended plans are not proposed within 21 days, the General Manager is authorised to refuse the application for the reasons outlined in point one above.

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

AGAINST VOTE - Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

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8.5 Development Applications - Works in Progress - November 2014

271114/14 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

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

Cr Jeff Johnson returned to the meeting at 2.55 pm

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

8.6 Development Consent Statistics - October 2014

271114/15 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

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

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

9. Strategic and Community Facilities Group Reports

9.3 Planning Proposal - North Creek Foreshore (Camden Lane), Ballina

271114/16 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to add coastal protection works as an additional permitted use (subject to development consent) on Lot 10 DP 1126929, Lot 1 DP 1119099, Lot 3 DP 1079380 and Lot 33 DP 872966 (1 Camden Street, 3 & 5 Camden Lane and 2 Skinner Street, Ballina) as documented within Planning Proposal BSCPP 14/007.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 14/007 directly in liaison with Parliamentary Counsel.

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

AGAINST VOTE - Cr Jeff Johnson
ABSENT. DID NOT VOTE - Cr Keith Johnson

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9.4 Planning Proposal - Special Events (Exempt Development)

271114/17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the designation of special events on public land as exempt development within Schedule 2 of Ballina LEP 2012.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 14/003 directly in liaison with Parliamentary Counsel.

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

9.5 Commercial Use of Road Reserve - West Ballina

271114/18 RESOLVED

(Cr Paul Worth/Cr Susan Meehan)

1. That Council notes the contents of this report concerning the use of the River Street road reserve in West Ballina by motor dealerships.
2. That Council provides in principle support, for the continuation of this use, for the time being, and subject to points three to five as follows.
3. That the respective motor dealerships be advised that they must seek development consent from Council if it is their desire to use part of the road reserve for the purposes of display and sales of motor vehicles associated with their business. The General Manager is authorized to endorse the lodgement of development applications on behalf of Council, as the owner of the land.
4. In the event that development consent for the use of the land is granted, the General Manager is authorized to enter into a lease or licence with the respective parties, for a period that is considered appropriate, for the use of the land for the purpose approved under the development consent.
5. That a rental under the lease be on a commercial basis, as determined through a formal valuation of the approved area, obtained by Council.
6. The General Manager is authorised to apply the Council Seal, if required, to any documents associated with the grant of tenure over the land.
7. That Council investigate other anomalies in the Shire, particularly along River Street.

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

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9.6 Rural Settlement Character Statements - Public Exhibition

271114/19 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council endorses the rural settlement character statements, as exhibited, as per the contents of this report, for Newrybar, Tintenbar, Fernleigh, Meerschaum Vale, Rous, Rous Mill, Patches Beach, Empire Vale/Keith Hall and South Ballina for use in Council's local planning framework.

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

9.7 Wardell Strategic Planning Framework - Review

271114/20 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report concerning the Wardell environmental study and strategic plan review project.
2. That Council endorses the suggested scope of the Wardell environmental study and strategic plan review project as outlined in this report.

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

AGAINST VOTE - Cr Jeff Johnson
ABSENT. DID NOT VOTE - Cr Keith Johnson

9.8 Land Transfer - NSW Department of Education and Communities

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

That Council defer consideration of the matter pending further information being provided by the NSW Department of Education and Communities.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Paul Worth

1. That Council approves the closure and transfer of ownership of the residue of the road, as detailed within this report, to the NSW Department of Education and Communities.
2. That the compensation payable to Council for the transfer of the land shall be an amount of \$33,650 as assessed by the independent firm Eighty8 Valuers dated 20 August 2014 (Job no. 1278PO. Further, that the NSW Department of Education and Communities is responsible for costs in relation to the proposed closure and transfer.

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3. The General Manager is authorised to affix the Council Seal in respect of any documentation associated with the proposed road closure and transfer.

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

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

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Williams, Cr Susan Meehan and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Keith Johnson

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

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

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Williams, Cr Susan Meehan and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Keith Johnson

271114/21 RESOLVED

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That Council approves the closure and transfer of ownership of the residue of the road, as detailed within this report, to the NSW Department of Education and Communities.
2. That the compensation payable to Council for the transfer of the land shall be an amount of \$33,650 as assessed by the independent firm Eighty8 Valuers dated 20 August 2014 (Job no. 1278PO. Further, that the NSW Department of Education and Communities is responsible for costs in relation to the proposed closure and transfer.
3. The General Manager is authorised to affix the Council Seal in respect of any documentation associated with the proposed road closure and transfer.

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

AGAINST VOTE - Cr Jeff Johnson, Cr Keith Williams, Cr Susan Meehan and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Keith Johnson

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10. General Manager's Group Reports

10.1 Use of Council Seal

271114/22 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following documents.

US13/37	Ballina Shire Council Lease to Airservices Australia (ASA) – Lot 30 DP 1198817, Ballina Byron Gateway Airport, for a Non-Directional Beacon (NDB) enclosed by a 2.4m high security fence, for a period of 5 years with two further options of 5 years at a rental of \$1.00 p.a. if required.
US13/38	Transfer of closed road - Lots 16 & 17 DP 1180023 - to adjoining land owners as a land swap for land dedicated as road.
US13/39	Ballina Shire Council Sublease to Ballina Lighthouse and Lismore Surf Lifesaving Club (BLLSLC) – Lot 1 in DP 1197191, No. 65 Lighthouse Parade, East Ballina from 19 June 2014 to 22 June 2033 at a rental of \$1 if required.
US13/40	Ballina Shire Council lease to A Eames for Shop 149 River Street, Ballina for a term of two years with a two + one year option at a rental to be advised at the meeting.

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

10.2 Investment Summary - October 2014

271114/23 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council notes the record of banking and investments for October 2014.
2. That Council receive a report on options for the disposal of floating rate notes.

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

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10.3 Community Donations

A **Motion** was moved by Cr Robyn Hordern and seconded by Cr Ben Smith

That Council approves the donation request from the NSW Spectacles Program (Tracey Parish), with it to be reviewed in the next round of donation funding allocations.

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

That this matter be deferred and Council offer assistance in finding alternative partnership arrangements.

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

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

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

ABSENT. DID NOT VOTE - Cr Keith Johnson

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

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

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

ABSENT. DID NOT VOTE - Cr Keith Johnson

271114/24 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That this matter be deferred and Council offer assistance in finding alternative partnership arrangements.

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

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

ABSENT. DID NOT VOTE - Cr Keith Johnson

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10.4 Community Satisfaction Survey

271114/25 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report on the 2014 Micromex Community Satisfaction Survey.

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

10.5 Ward Boundaries

271114/26 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That based on the limited feedback from the exhibition process Council adopts the transfer of census collection districts 1071807 and 1071804 from B to C Ward for the purposes of future local government elections.

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

10.6 Classification of Land - Lot 1 DP 1192961 Shelly Beach Road

271114/27 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council classify the land identified as Lot 1 DP 1192961 as operational land under the provisions of the Local Government Act 1993 and that this classification takes effect immediately.
2. That Council amalgamate Lot 1 DP 1192961 with the adjoining lot if practicable.

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

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10.7 Policy (Review) - Sponsorship To and By Council

271114/28 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council adopts the amended Sponsorship 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 Keith Johnson

10.9 Financial Statements 2014

271114/29 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council adopts the annual financial reports and auditor's reports for the financial year ended 30 June 2014, as publicly advertised, inclusive of the correction described in this report concerning the categorisation of a \$369,000 contribution from operating to capital income.

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

10.10 Financial Review - 30 September 2014

271114/30 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of the September 2014 Quarterly Budget Review and approves the changes identified within this report.
2. That Council notes the conservative assumptions applied in the water consumption forecasts for 2014/15.

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

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11. Civil Services Group Reports

11.3 Fees - Amendments for Inspection of Engineering Works

271114/31 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the exhibition of the amendments to the adopted 2014/15 fees and charges for certification of Engineering works as detailed in Table Two of this report for a minimum period of 28 days, prior to implementation, in accordance with Section 610F of the Local government Act.

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

11.4 Tuckombil and Stokers Quarries - Operational Status Report

271114/32 RESOLVED

(Cr Paul Worth/Cr Robyn Hordern)

That Council notes the contents of this report regarding the operating lease for the Tuckombil and Stokers Quarry.

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

11.5 Policy (Review) - B Double & 4.6m High Vehicle Route Assessment

271114/33 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended B-Double & 4.6m High Vehicle Route Assessment for Regional & Local Roads Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

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One Minute's Silence

The Council observed one minute's silence as a mark of respect to Phillip Hughes, Australian Cricketer who passed away after receiving an injury earlier this week.

11.6 Policy (Review) - Donations - Insurance for Environmental Groups

271114/34 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council adopts the amended Donations – Insurance for Environmental Volunteer Groups 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 Keith Johnson

11.7 Pavement of The Ridgeway, Cumbalum

271114/35 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That this matter be deferred to a Councillor briefing.

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

13.3 Notice of Motion - Old Depot Site

271114/36 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council write to the State Local Member (Mr Don Page), Labor candidate (Mr Paul Spooner) and Greens candidate (Ms Tamara Smith) seeking endorsement that the State Government will transfer ownership of the land described as the Old Depot Site (i.e. Off Tamarind Drive, Ballina) to Council or alternatively provide Council with a long term lease (i.e. 20 years plus) at a peppercorn rental to allow Council to actively progress the provision of an indoor sports centre for Ballina.

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

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11.9 Tender - Canal Dredging - Ballina Quays and Lake Banyanda

271114/37 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council resolves not to accept the tender for canal dredging due to the lack of competitive tenders and on the basis that the tender received was substantially in excess of the available budget.
2. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council authorises the General Manager to enter into direct negotiations with Sandpiper Dredging Pty Ltd regarding the tender price.
3. Should negotiations with Sandpiper Dredging Pty Ltd fail to achieve a satisfactory tender price, Council authorises the General Manager to negotiate with other suitable contractors.
4. If the final negotiated tender price exceeds the available budget, a portion of the work is to be deferred and Council consider providing the funds required for any deferred work in the 2015/16 budget.
5. In respect of point four above, Council notes that the work recommended for deferral is the Banyanda Lake portion of this project.
6. That during the preparation of the 2015/16 Delivery Plan, Council consider an increase in the funds transferred to reserve each year for canal dredging to ensure sufficient financial resources are available for future projects.
7. That Council authorises the seal to be attached to any contract documents.

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

Cr Jeff Johnson left the meeting at 04:54 pm.

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11.10 Tender - Ballina Heights Boosted Pump Station

271114/38 RESOLVED

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council accepts the tender from Electrical Workshop Australia Pty Ltd for the Ballina Heights Boosted Pump Station for the amount of \$369,526.00 inclusive of GST.
2. That Council authorises the seal to be attached to the contract documents.

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

11.11 Tender - Wollongbar Sporting Fields and Supporting Infrastructure

271114/39 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council resolves not to accept any tender for the construction of the Wollongbar sporting fields and the supporting infrastructure on the basis that all of the tenders are substantially in excess of the available budget.
2. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council authorises the General Manager to enter into direct negotiations in with Synergy Resource Management Pty Ltd.
3. That the General Manager be authorised to execute a contract with Synergy Resource Management Pty Ltd, subject to the negotiations in point two above confirming the project is able to proceed in accordance with the current approved budget.
4. In the event that point three above is not able to be achieved, a further report is to be submitted to Council to review the options for this project.
5. That Council authorises the seal to be attached to any contract documents.

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

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11.12 Tender - Upgrade of Ballina and Alstonville Swimming Pools

271114/40 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council accepts the tender from Ridgemill Pty Ltd for the provision of services for stage one of the Request for Tender No. 781 as the acceptance of this tender has been assessed as being the most advantageous to Council.
2. That Council authorises the seal to be attached to any contract documents.

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

13. Notices of Motion

13.1 Notice of Motion - Road Naming

271114/41 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That the unnamed lane between Shelly Beach Road and Pacific Terrace, Shelly Beach be named "Ian Byrne Lane".
2. That Council investigate the options for the road reserve which fronts Shelly Beach Road.

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

13.2 Notice of Motion - Martin Street Boatharbour

271114/42 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council contact Roads and Maritime Services, and State Member Mr Don Page demand urgent remediation of the small Martin Street Boatharbour in Ballina town centre.

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

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14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 18 November 2014

271114/43 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

That Council confirms the minutes of the Commercial Services Committee meeting held 18 November 2014 and that the recommendations contained within the minutes be adopted.

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

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

15.1 Mayoral Meetings

271114/44 RESOLVED

(Cr David Wright/Cr Susan Meehan)

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

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

16. Questions Without Notice

16.1 Cr Sharon Cadwallader - White Ribbon Day

Cr Sharon Cadwallader - can Council support staff next year on 25 November 2015 in participating in the White Ribbon Day March. Cr Cadwallader congratulated Roberto Kenk and Jordan Robinson in the co-ordination of the march this year.

Paul Hickey will look at options for staff participation next year.

16.2 Cr Sharon Cadwallader - DA - Adam Garvin

Cr Sharon Cadwallader – enquired if a DA for Adam Garven at Tara Downs would be coming before Council?

Staff were unaware of any current DA.

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16.2 Cr Keith Williams - Rail Trail

Cr Keith Williams – spoke in relation to the proposed rail trail and enquired about the landholder status of the former rail corridor that ran between Ballina and Booyong. Is there any chance of reinstating the corridor so that the rail trail can come to Ballina?

Steve Barnier advised that he believed that the land had been transferred to private ownership many years ago.

16.3 Cr Susan Meehan - Weed Management along Coast Road

Cr Susan Meehan – believed that Council was to undertake weed control on the eastern side of the Coast Road between Headlands Drive and Flat Rock.

Paul Hickey advised that money had been allocated in this year's budget. John Truman to confirm if the work has been undertaken.

16.4 Cr Ken Johnston - Men's Shed Premises

Cr Ken Johnston – now that the Men's Shed were interested in premises in North Creek Road, enquired about what will happen to the existing premises occupied at Fishery Creek.

Steve Barnier advised that the premises at Fishery Creek are currently leased to the Men's Shed. They would have to relinquish their lease when the premises become vacant.

16.5 Cr Ken Johnston - Airport Leasing

Cr Ken Johnston – asked for an update with the Airport leasing tender.

Paul Hickey advised that tenders had closed with approximately 10 tenders received. A report on these should be submitted to the December Ordinary meeting.

16.6 Cr Robyn Hordern - Prawn Festival

Cr Robyn Hordern – understood that there was no drop off point at Missingham Park for disabled/mobility impaired people during the recent Prawn Festival.

Steve Barnier will communicate this to the event organisers?

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- 16.7 Cr Robyn Hordern - Roundabout Cnr Cherry and Tamar Streets, Ballina**
Cr Robyn Hordern – believed that the barricades around the roundabout currently under construction at the corner of Cherry and Tamar Streets require a Give Way or other signage at the end of the barricade. Traffic driving north in Cherry Street from River Street can't see through the fencing and believe that Tamar Street from the east is closed off completely.

John Truman to review.

- 16.8 Cr Robyn Hordern - Clem MacMahon**
Cr Robyn Hordern – spoke in relation to the late Clem MacMahon and his long involvement with the Maritime Museum. Could we have some name attachment to the Maritime Museum?

Steve Barnier to discuss options with the Maritime Museum.

MEETING CLOSURE

5.30 pm

The Minutes of the Ordinary Meeting held on 27/11/14 were submitted for confirmation by council on 18 December 2014 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 18 December 2014.