

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 26/03/15 AT 9.00 AM**

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**Attendance**

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, and Robyn Hordern and Ben Smith (arrived at 9.05 am).

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 Sarah Carden (Secretary) were in attendance.

There were 13 people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by Southern Cross K-12 students.

**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**

**260315/1 RESOLVED**

(Cr Robyn Hordern/Cr Sharon Cadwallader)

Cr Ben Smith indicated he would arrive late to the meeting.

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Ben Smith

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**4. Confirmation of Minutes**

**260315/2 RESOLVED**

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 February 2015.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Ben Smith

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

**Cr Paul Worth** - declared an interest in Item 9.3 – Planning Proposal Ballina LEP 2012, General Amendments. (Nature of interest: non-significant, non-pecuniary - he owns property mentioned in the report for noting). He will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Susan Meehan** - declared an interest in Item 10.3 – Community Donations. (Nature of interest: non-significant, non-pecuniary – she works with Georgia Quinn’s mother). She will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

Cr Ben Smith arrived at the meeting at 09:05 am.

**6. Deputations**

- **Isabel Perdriau from FSGA** – spoke in relation to Item 14.1 – Finance Committee Minutes – 11 March 2015 and in particular Item 4.5 of those minutes – Occupation of Council Owned Property.
- **Steve Connelly** – spoke in favour of Item 8.1 – DA 2014/609 45-49 Ballina Street, Lennox Head.
- **Ralph Moss** – spoke in opposition to Item 9.1 – LEP Amendment Bruxner Highway/Pacific Highway.
- **Tony Chavez** – spoke in relation to Item 13.1 Rescission Motion - Fair Go Skateboarding Event.
- **Terry Prendergast** – spoke in relation to Item 13.2 – Tanamera Drain – Upgrade Proposal and Item 11.1 – Clondale Park – Management.
- **Fred Goodman** – spoke in opposition to Item 8.1 – DA 2014/609 – 45-49 Ballina Street, Lennox Head.

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**7. Mayoral Minutes**

Nil Items

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

**8.1 DA 2014/609 - 45-49 Ballina Street, Lennox Head**

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Keith Williams.

That the determination of development application 2014/609 for the construction and strata title subdivision of a two storey mixed use development providing commercial/food and drink premises/offices (Building A fronting Ballina Street) and three storey shop top housing (Building B fronting Rayner Lane) with centralized open car park, landscaping and associated infrastructure on the subject lands be **DEFERRED** and that Council:

- (a) Request the applicant to revise the application to revert the proposed offices fronting Ballina Street to short term tourist units or shop top housing and,
- (b) Request the applicant to reduce the bulk and scale of Building B to ensure it meets the seaside village character.
- (c) Request the Strategic and Community Facilities Group to review the provisions of Chapter 6c of the DCP having regard for the specific issues raised by this report.

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

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

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

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

That, having regard for all the circumstances of the case, Council resolve to issue development consent to DA 2014/609 subject to the preparation of appropriate conditions of development consent and including:

- a) no shop frontage to Rayner's Lane
- b) no signage from Rayner's Lane
- c) landscaping as per concept plans

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

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

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

**260315/3        RESOLVED**

(Cr Susan Meehan/Cr Keith Williams)

That the determination of development application 2014/609 for the construction and strata title subdivision of a two storey mixed use development providing commercial/food and drink premises/offices (Building A fronting Ballina Street) and three storey shop top housing (Building B fronting Rayner Lane) with centralized open car park, landscaping and associated infrastructure on the subject lands be **DEFERRED** and that Council:

- (a) Request the applicant to revise the application to reconsider the proposed offices fronting Ballina Street from short term tourist units or shop top housing and,
- (b) Request the applicant to reduce the bulk and scale of Building B to ensure it meets the seaside village character.
- (c) Request the Strategic and Community Facilities Group to review the provisions of Chapter 6c of the DCP having regard for the specific issues raised by this report
- (d) and that a Councillor briefing be held prior to this matter being reported back to Council.

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

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

**Adjournment**

The Mayor declared the meeting adjourned at 10.30am

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The Meeting resumed at 10.52am.

**14. Advisory Committee Minutes**

**14.1 Finance Committee Minutes - 11 March 2015**

**260315/4 RESOLVED**

(Cr Susan Meehan/Cr Ben Smith)

That Council confirms the minutes of the Finance Committee meeting held 11 March 2015 and that the recommendations contained within the minutes be adopted, with the exception that Council delete Item 4 from Item 4.7 – Community Infrastructure – Recurrent Projects relating to the need for a design of the Beachfront Parade Footpath works.

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

**9.1 LEP Amendment - Bruxner Highway / Pacific Highway, Ballina**

**260315/5 RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

Cr Keith Williams left the meeting at 10:59 am.

1. That Council authorises the submission of a planning proposal to amend the Ballina Local Environmental Plan 2012 to reconfigure the RMS owned land at the Teven interchange at West Ballina, that is subject to additional use provisions for a highway service centre, to the Department of Planning and Environment for review and Gateway determination.
2. That upon an affirmative Gateway determination being received, the procedural steps associated with the progression of the planning proposal, including public exhibition, be undertaken.
3. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.
4. That the Department of Planning and Environment be advised that at this stage of the process it is the Council's intention to exercise its delegated plan making functions.

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

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**13. Notices of Motion**

**13.1 Rescission Motion - Fair Go Skateboarding Event**

**260315/6 RESOLVED**

(Cr Susan Meehan/Cr Paul Worth)

That Resolution 260215/15, as follows, be rescinded:

1. That Council enters into a one year sponsorship agreement with Ownlife for the management and coordination of Ballina's Fair Go Skateboarding event in 2015. This arrangement to be reviewed annually subject to successful outcomes of the event.
2. That Council provides \$10,000 cash sponsorship in 2015, as provided for in its current budget, for the Ballina Fair Go event to Ownlife.

Cr Keith Williams returned to the meeting at 10:59 am.

FOR VOTE - All Councillors voted unanimously.

**260315/7 RESOLVED**

(Cr Susan Meehan/Cr Paul Worth)

1. That Council support a skate competition in 2015 through support to the value of \$4,000.
2. That Council reallocate the \$10,000 previously available for this competition towards the progression of a skatepark facility in the Alstonville / Wollongbar area.

FOR VOTE - All Councillors voted unanimously.

**260315/8 RESOLVED**

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council call for expressions of interest for the management and coordination of a Ballina Skateboarding event in 2015.

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

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**13.2 Notice of Motion - Tanamera Drain - Upgrade Proposal**

**260315/9        RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

That Item 4.7 Community Infrastructure – Recurrent Projects in the minutes of the Finance Committee held 11 March 2015, which endorses stormwater infrastructure priorities for inclusion in the draft 2015/16 Delivery Program for exhibition, be amended by replacing the project for Stormwater Asset Data Collection with a project to upgrade the Tanamera Creek stormwater drain.

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

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

**11.1 Clondale Park – Management**

**260315/10        RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

That Council retain the current open space and install a rock treatment to stop vehicle access to Clondale Park.

FOR VOTE - All Councillors voted unanimously.

**8.2 Development Consent Statistics - February 2015**

**260315/11        RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent statistics for 1 February 2015 to 28 February 2015.

FOR VOTE - All Councillors voted unanimously.

**8.3 Development Applications - Works in Progress - March 2015**

**260315/12        RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the status of outstanding development applications for March 2015.

FOR VOTE - All Councillors voted unanimously.

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

**9.2 LEP Amendment - Greenwood Place, Lennox Head**

**260315/13 RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

1. That Council authorises the submission of a planning proposal, to amend the Ballina Local Environmental Plans 1987 and 2012, to apply an R2 Residential zone over Lot 12 DP 581159 and part of Lot 21 DP 1007134, and alter the Strategic Urban Growth Area boundaries including buffer areas, as indicated in maps which form a part of the planning proposal, to the Department of Planning and Environment for review and Gateway determination.
2. The planning proposal to make provision for the proposed R2 zone being subject to a minimum lot size of 800m<sup>2</sup> and the ultimate minimum lot size being subject to further investigation and determination by the Council after public exhibition.
3. That upon an affirmative Gateway determination being received, the procedural steps associated with the progression of the planning proposal, including public exhibition, be undertaken.
4. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.
5. That the Department of Planning and Environment be advised that, at this stage of the process, it is the Council's intention to exercise its delegated plan making functions.

FOR VOTE - All Councillors voted unanimously.

**9.3 Planning Proposal - Ballina LEP 2012, General Amendments (2)**

**260315/14 RESOLVED**

(Cr Ben Smith/Cr Keith Johnson)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to undertake a variety of minor amendments and adjustments as documented in Planning Proposal BSCPP 14/010.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 14/010 directly in liaison with Parliamentary Counsel.

FOR VOTE - All Councillors voted unanimously.



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**9.4     Cumbalum Precinct B Locality Naming**

**260315/15     RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report concerning a proposal to change existing locality boundaries and establish a new locality in the vicinity of Cumbalum and Tintenbar.
2. That Council proceed with this proposal, as illustrated in the plans accompanying this report, and that an application be made to the NSW Geographical Names Board with a view to that Authority being invited to take the necessary action to effect these changes.
3. That the Geographical Names Board be advised that Kinvara is the Council's preferred and recommended name for the newly established locality.
4. That a letter of thanks from Council be conveyed to those members of the community who made a submission in respect of Council's public exhibition of the proposed locality changes.

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

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

**10.1 Use of Council Seal**

**260315/16 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following documents.

US15/04	LPI request forms seeking the correction of land owner details recorded on the Certificates of Title for historical land parcels for: <ul style="list-style-type: none"><li>• AC 3362-51 (Ross Park, Lennox Head) (received by Tintenbar Shire Council on 11/11/1930); and</li><li>• 121/296544 (Drainage Easement at Dress Circle Drive, Lennox Head) (received by Tintenbar Shire Council on 14/11/1958).</li></ul>
US15/05	Ballina Shire Council Lease to Louise Rizzo T/a L A Hair Design Ballina for Shop 153 River Street, Ballina for a term of two years with a 2 + 1 year option.

FOR VOTE - All Councillors voted unanimously.

**10.2 Investment Summary - February 2015**

**260315/17 RESOLVED**

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for February 2015.

Cr Keith Williams left the meeting at 11:57 am.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

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**10.3 Community Donations**

**260315/18      RESOLVED**

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council approves the request from the Lennox Head Playgroup for a contribution of \$5,000 towards additional softfall.

Cr Susan Meehan - declared an interest in this item. (Nature of Interest: non-significant, non-pecuniary – she is a member of the Lennox Head Playgroup). She will be remaining in the meeting and voting on the matter.

Cr Keith Williams returned to the meeting at 11:58 am.

FOR VOTE - All Councillors voted unanimously.

**260315/19      RESOLVED**

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council approves request from the Georgia Quinn for fund raising for the MLC cancer campaign for an amount of \$1,000.

FOR VOTE - All Councillors voted unanimously.

**260315/20      RESOLVED**

(Cr Keith Johnson/Cr Susan Meehan)

That Council approves the request from the Westpac Life Saver Rescue Helicopter Service for financial assistance of \$1,000 towards the purchase of a mobile defibrillator unit.

FOR VOTE - All Councillors voted unanimously.

**260315/21      RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

That Council approves the request from the Alstonville Preschool to waive the Council Planning Fees as detailed within this report (excluding the Long Service Leave Levy if approved), along with waiving the Civil Services Fees being the Civil Inspection Fee and Construction Certificate – Civil Works, for which they are also liable.

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

AGAINST VOTE - Cr Keith Williams

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**260315/22      RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

That Council approves the request from the Alstonville Preschool to waive the construction bond relating to condition 14 of their development consent.

FOR VOTE - All Councillors voted unanimously.

**10.4      Request for Debtor Write-off**

**260315/23      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of this report in respect to the details of the outstanding debt.

FOR VOTE - All Councillors voted unanimously.

**10.5      Old Tintenbar Quarry - Purchase and Sale**

**260315/24      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the purchase of Part Lot 1 DP 597343 from ASIC as per the contents of this report.
2. That Council authorises the General Manager to sign and affix the Seal of Council to all relevant documentation to complete the purchase.
3. That upon acquisition of Part Lot 1 DP 597343 Council classify the land as operational land under the provisions of the Local Government Act 1993 by undertaking the necessary publication notification process. The land will be considered as operational if no objections are received during the public notification period, however if objections are received the matter is to be reported back to Council.
4. That as the net sale proceeds of the sale of the Old Tintenbar Quarry are allocated to funding the construction of the Ballina Surf Club Building B, any shortfall in the original estimate for the net sale proceeds is to be sourced from the Property Development Reserve to ensure that Ballina Surf Club Building B remains fully funded.

FOR VOTE - All Councillors voted unanimously.

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**11. Civil Services Group Reports**

**11.2 Tuckombil and Stokers Quarries - Lease**

**260315/25 RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

That Council notes the contents of this report in relation to the lease to Lismore City Council to operate the Council's quarries and request to vary the lease terms be dealt with in the confidential report elsewhere in this agenda.

FOR VOTE - All Councillors voted unanimously.

**11.3 Ballina Heights Drive - Contract Dispute**

**260315/26 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report in relation to the Ballina Heights Drive contract, with the contract dispute details to be dealt with in the confidential report elsewhere in this agenda.

FOR VOTE - All Councillors voted unanimously.

**12. Public Question Time**

**12.1 Ralph Moss - Town Entry Statement Program**

Ralph Moss enquired what has become of the idea for a second bridge over the canal at the entrance to Ballina. And what trees will be used for the entry statement plantings on River Street?

John Truman advised the two species being used are Melaleuca and Ivory Curl with root barriers.

**12.2 Megan Myers – Winton Lane Parking**

Megan Myers, a resident of Winton Lane is concerned Council has been advising the public that parking is available on Winton Lane as an alternative to loss of parking in River Street from planned tree plantings.

John Truman advised Winton Lane is an access road for properties. Also the Town Entry Statement Master Plan was on public exhibition and consultation regarding tree planting and car parking has taken place with the River Street property owners.

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**12.3 Colin McInnes - Hackett Lane Traffic Issues**

Colin McInnes advised that residents have concerns in regards to traffic and parking issues in Hackett Lane, Ballina. The residents request that Council consider a portion of the lane being converted into one way direction.

John Truman will arrange staff to contact Mr McInnes to enable further consideration of this request.

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

**15.1 Mayoral Meetings**

**260315/27 RESOLVED**

(Cr Sharon Cadwallader/Cr Paul Worth)

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

FOR VOTE - All Councillors voted unanimously.

**16. Questions Without Notice**

**16.1 Cr Robyn Hordern - Pat Morton Lookout Fencing**

**Cr Robyn Hordern** – enquired on behalf of a resident who had concerns that the existing fencing at Pat Morton Lookout is inadequate for restraining children. Or could it be removed entirely?

John Truman to follow up.

**16.2 Cr Robyn Hordern - Disabled Parking Spaces**

**Cr Robyn Hordern** – raised the issue of misuse of disabled parking at Ballina Fair and disabled parking in general in the Shire.

John Truman to follow up.

Cr Jeff Johnson left the meeting at 12:22 pm.

**16.3 Cr Paul Worth - Election Signage**

**Cr Paul Worth** – enquired if staff can remove asap election corflute signs that have been placed on Council land and infrastructure unlawfully.

Rod Willis advised signs are generally being removed and penalty infringement notices have been issued, however Council staff are unable to remove signs placed above a certain height on electricity poles.

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**16.4 Cr Keith Williams - Teven-Tintenbar Public School Advertising Signage**

**Cr Keith Williams** – enquired on behalf of Teven-Tintenbar Public School if they can erect directional signage near the bypass.

John Truman advised they should make an application to Council or contact him directly.

**16.5 Cr David Wright - Moscow Circus**

**Cr David Wright** – Moscow Circus has asked to establish on Ballina High School site for 5 days during April school holidays.

Rod Willis advised a DA has not been lodged to date and is concerned there is insufficient time for staff to process their application.

**260315/28      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council consider the matter of the Moscow Circus as a matter of urgency as the event is scheduled before the next Council meeting.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Robyn Hordern

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

ABSENT DID NOT VOTE: Cr Jeff Johnson

Cr Jeff Johnson returned to the meeting at 12:35 pm.

**260315/29      RESOLVED**

(Cr Sharon Cadwallader/Cr Keith Johnson)

That the General Manager allocate sufficient resources for processing an application for the Moscow Circus, if required.

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

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

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**16.6 Cr David Wright - Ballina Entrance Treatment Program**

**Cr David Wright** – Almare Motel and Mobil Service Station have concerns regarding parking and bus access as a result of the proposed planting of trees as part of the Ballina Entrance Treatment Program.

John Truman advised works can be deferred if required, or works can start on the Southern side of River Street while discussions take place with property owners and Council will retain the tree plantings where possible. Works will commence on southern side, with some further discussion with owners on the northern side.

**17. Confidential Session**

**260315/30 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

**17.1 Request for Debtor Write-off - Debtor Details**

**Reason for Confidentiality**

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

- b) the personal hardship of any resident or ratepayer

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 nature of the personal matter.

**17.2 Tuckombil and Stokers Quarries - Lease Offer Details**

**Reason for Confidentiality**

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

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

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 negotiations between the parties are not complete.



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**17.3     Ballina Heights Drive - Contract Dispute**

**Reason for Confidentiality**

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as this matter involves legal claims against the Council.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 12:56).

**Open Council**

**260315/31     RESOLVED**

(Cr Robyn Hordern/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 1.26pm).

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

**17.1     Request for Debtor Write-off - Debtor Details**

**CF260315/32   RECOMMENDED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the request for write off of the remaining debt of \$10,891.67.

FOR VOTE - All Councillors voted unanimously.

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ON 26/03/15 AT 9.00 AM**

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**17.2 Tuckombil and Stokers Quarries - Lease Offer Details**

**CF260315/33 RECOMMENDED**

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That the proposal from Lismore City Council, as per attachment one to this report, be accepted subject to an annual review of market conditions and the reported operating result of the Lismore City Council quarry operations, and subject to the following points.
2. Following an annual review conducted as per point one above, the General Manager be delegated authority to adjust the agreement to vary the lease subject to such an adjustment representing an increase in the return to Council based on an equitable sharing of any improvements to the operating result of the Lismore City Council quarry operations.
3. Council also reserves the right to make its own sales of overburden direct to customers, with all sales of overburden, above a limit to be determined by the General Manager, to be referred to Ballina Council for approval.

Cr Jeff Johnson left the meeting at 01:05 pm.

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

**17.3 Ballina Heights Drive - Contract Dispute**

**CF260315/34 RECOMMENDED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council authorises the General Manager to seek to resolve this matter by negotiation as per the closing paragraph of this report.

Cr Jeff Johnson returned to the meeting at 01:18 pm.

FOR VOTE - All Councillors voted unanimously.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 26/03/15 AT 9.00 AM**

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**Adoption of Recommendations from Confidential Session**

**260315/35      RESOLVED**

(Cr Robyn Hordern/Cr Keith Williams)

That the recommendations made whilst in Confidential Session be adopted.

FOR VOTE - All Councillors voted unanimously.

**MEETING CLOSURE**

1.26pm

The Minutes of the Ordinary Meeting held on 26/03/15 were submitted for confirmation by council on 23 April 2015 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 23 April 2015