

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 17/12/15 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 (arrived at 9.41 am) , 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 46 people in the gallery at this time.

**1. Australian National Anthem**

The National Anthem was performed by Councillors and staff.

**2. Acknowledgement of Country**

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

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

**3. Apologies**

Cr Susan Meehan indicated that she would be late to the meeting.

**4. Confirmation of Minutes**

**171215/1      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

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

Nil

There were no reportable political donations

**6. Deputations**

- **Jacqueline Crompton, Visionstream** – spoke in favour of Item 8.1 – DA 2014/387 – Sec 96 – Dees Lane Lynwood – Telecommunications.
- **Peter Carmont** – spoke in opposition to Item 8.1 – DA 2014/387 – Sec 96 – Dees Lane Lynwood – Telecommunications.
- **Peter Carmont** – spoke in favour of Item 8.4 – DA 2015/138 – Coastal Protection Works, Skinner and Camden Streets.
- **Jenny Morgan** – spoke in opposition to Item 8.4 – DA 2015/138 – Coastal Protection Works, Skinner and Camden Streets.
- **Lachlan Forsyth** – spoke in favour of Item 8.2 – DA 2009/664 – Sec 96 – Modify Subdivision – Bolwarra Circuit, Wollongbar.
- **Ralph Moss** – spoke in opposition to Item 9.1 – Development Control Plan 2012 – Amendment No. 6
- **Tamsin Jackson** – spoke in opposition to Item 8.3 – DA 2015/320 – Sec 96 – 18 Northcott Crescent, Alstonville.

Cr Susan Meehan arrived at the meeting at 09:41 am.

**7. Mayoral Minutes**

Nil

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

**8.1 DA 2014/387 - Sec 96 - Dees Lane Lynwood - Telecommunications**

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

That the Section 96 application to remove deferred commencement Condition 1 and Condition 9 of development application 2014/387 applying to 11 Dees Lane, Lynwood, be **APPROVED**.

Cr Keith Johnson moved a point of order in relation to a foreshadowed motion by Cr Jeff Johnson that looked at alternative sites, believing that the motion was an illegal motion.

The Mayor ruled that the motion could be considered.

Cr Keith Johnson moved a motion of dissent from the ruling of the Mayor – seconded by Cr Keith Williams

The **Motion of Dissent** was **CARRIED**.

FOR VOTE - Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

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

**171215/2        RESOLVED**

(Cr Paul Worth/Cr Keith Williams)

That the Section 96 application to remove deferred commencement Condition 1 and Condition 9 of development application 2014/387 applying to 11 Dees Lane, Lynwood, be **APPROVED**.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Robyn Hordern

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**8.2     DA 2009/664 - Sec 96 - Modify Subdivision - Bolwarra Circuit, Wollongbar**

**171215/3       RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

1.     That Council notes that the application has been withdrawn by the applicant.
2.     That Council provides in principle support for the Willowbank Landcare Group to rehabilitate the area.

FOR VOTE - All Councillors voted unanimously.

**8.3     DA 2015/320 - Sec 96 - 18 Northcott Crescent, Alstonville**

**171215/4       RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

That the Section 96 Modification Application to DA 2015/320 at Lot 71 DP 800199, No. 18 Northcott Crescent, Alstonville to modify Condition No. 3 of the issued consent to allow for Colorbond Sheeting construction of the front elevation of the approved Self-Storage Sheds rather than the required masonry construction be **APPROVED** subject to the façade being constructed of texture board and rendered.

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 and Cr Keith Johnson

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

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

That Council refuses the development noting the wall is considered to be similar to a retaining wall (ie not a “coastal protection work”) and not permissible within the zone or under Schedule 1 of the BLEP 2012.

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

FOR VOTE - Cr Susan Meehan, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

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

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**171215/5      RESOLVED**

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council defer consideration of this matter asking that the applicant's consider the creation of an easement for public and access and subject to that easement being provided that the matter be determined by the General Manager under delegated authority.

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

**10.3    Long Serving Employees - Recognition**

**171215/6      RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council acknowledges, congratulates and thanks the staff members outlined in this report on their service with Council.

FOR VOTE - All Councillors voted unanimously.

**Adjournment**

The Meeting declared the meeting adjourned at 11.07 am

The meeting resumed at 11.35 am  
Cr Keith Johnson left the meeting at 11:35 am.

**9.1    Development Control Plan 2012 - Amendment No 6**

**171215/7      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That the Council adopts Draft Amendment No.6 to the Ballina Shire Development Control Plan 2012, excluding proposed changes to Chapter 2b Floodplain Management, as exhibited for public comment, inclusive of the following additional changes:

- Car parking requirements for Live / Work development nominated in Table 2.3 of DCP Chapter 2 delete the reference to West Ballina Enterprise Corridor Precinct.
- Amend the Building Line Map as it applies to Condon Drive, East Ballina, so as to incorporate the 4 metre building line approved in Development Consent No 2014/266.

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- Incorporate as point i. in clause 3.9.3, under the heading of E. Standards, a reference to the *Ballina Shire Council Stormwater Management Standards for Development* being the primary standard and deletion of the *Note* as contained within the exhibited draft DCP documentation.
- 2. That Council provide a copy of Ballina Shire DCP 2012, once amended, to the NSW Department of Planning and Environment as required by the Environmental Planning and Assessment Regulation.
- 3. That Council provide public notice of the adoption of Ballina Shire Development Control Plan Amendment No. 6, with the amended DCP taking effect on 1 February 2016.
- 4. That the following matters be reconsidered
  - Reword the objectives paragraph of Chapter 2, Section 3.9 - Stormwater Management to clarify the distinction between objectives and controls including reword of objective (c) by deleting the words "not exceed pre development values" and replacing with "ensure no significant adverse downstream flooding or ecological impacts".
  - Reword Section 3.9.3C (Manage Stormwater Runoff from Development) by deleting the word "mitigated" and inserting the word "significant" before the words "adverse flooding or ecological impacts"

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

**9.2 Pop Denison Park, East Ballina - Draft Master Plan**

**171215/8      RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

1. That Council, including Council in its role as Trust Manager for the Ballina Shaws Bay Reserve Trust, adopts the Pop Denison Park Master Plan as exhibited for community comment, subject to incorporation of the following amendments:
  - Remove the pontoon shown within the north-eastern corner of Shaws Bay.
  - Provide for a kiosk and storage facilities in the design of the proposed new toilet facility and that this be recognised in the indicative staging and cost plan with a revised costing of \$100,000.
  - Indicative staging and costing plan to make provision for shade structures over senior and junior playground areas to the value of \$90,000 within Stage 2.
  - Areas suitable for potential future car parking within the park and on Fenwick Drive to be shown in the Master Plan.

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- Petanque piste site within Stage 3 be labelled as a potential site.
  - The Master Plan to incorporate a reference to appropriate inclusion measures being considered during the detailed design stages, as suggested by Aspect Community Connections.
  - The Master plan to include appropriate references to existing management plans for the Shaws Bay precinct and references to the *Crown Lands Act* 1989 and the Principles of Crown Land Management.
2. That Council provide a copy of the finalised Master Plan to the NSW Department of Primary Industries - Lands for information.
3. The funding of the Pop Denison Master Plan is to be incorporated into Council's Long Term Financial Plan as part of the formulation of the 2016/17 Delivery Program.

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

**9.3 Classification of Land - Selkirk Place Wollongbar**

**171215/9      RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

That Council classify the land identified as Lot 76 DP 1213425, Selkirk Place, Wollongbar as operational land under the provisions of the *Local Government Act* 1993 and that this classification takes effect immediately.

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

**8.5 DA 2015/402 - Secondary Dwelling, 6 Shelly Beach Road, East Ballina**

**171215/10      RESOLVED**

(Cr Keith Williams/Cr Paul Worth)

That Council confirms the determination of Development Application 2015/402 for the conversion of an existing detached shed to a Secondary Dwelling at Lot 6 DP 758047 6 Shelly Beach Road, East Ballina as **REFUSAL** for the reasons stated in the Notice of Determination dated 25 September 2015.

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

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**8.6 Compliance Work Plan 2015/16 Half Yearly Update**

**171215/11      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of this report on the status of the Compliance Work Plan for 2015/16.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

**8.7 Development Consent and Infrastructure Approvals - November 2015**

**171215/12      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 November 2015 to 30 November 2015.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

**8.8 Development Applications - Works in Progress - December 2015**

**171215/13      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson



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

**9.4 Private Structures within Council Owned Waterways - Management**

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

1. That the attached draft policy in relation to the management of private structures within Council owned waterways be placed on public exhibition for a period of six weeks.
2. That in conjunction with the public exhibition of the draft policy referred to in point 1, Council also publicly exhibits the proposed licence fees to be levied, which are as follows:
  - Application for new structures and Licence Transfer  
fee \$132 (inclusive GST)
  - Annual Licence Fee \$220 (inclusive GST)With the initial application period having an incentive free period of three months.
3. That following the conclusion of the public exhibition period the Council receive a further report on the matter including a review of the content of any submissions received.

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

1. That the attached draft policy in relation to the management of private structures within Council owned waterways be placed on public exhibition for a period of six weeks.
2. That in conjunction with the public exhibition of the draft policy referred to in point 1, Council also publicly exhibits the proposed licence fees to be levied, which are as follows:
  - Application for new structures and Licence Transfer  
fee \$132 (inclusive GST)
  - Annual Licence Fee \$128 (inclusive GST)With the initial application period having an incentive free period of three months.
3. That following the conclusion of the public exhibition period the Council receive a further report on the matter including a review of the content of any submissions received.

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

FOR VOTE - Cr Keith Williams

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

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ABSENT. DID NOT VOTE - Cr Keith Johnson

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

**171215/14 RESOLVED**

(Cr Paul Worth/Cr Robyn Hordern)

1. That the attached draft policy in relation to the management of private structures within Council owned waterways be placed on public exhibition for a period of six weeks.
2. That in conjunction with the public exhibition of the draft policy referred to in point 1, Council also publicly exhibits the proposed licence fees to be levied, which are as follows:
  - Application for new structures and Licence Transfer fee \$132 (inclusive GST)
  - Annual Licence Fee \$220 (inclusive GST)With the initial application period having an incentive free period of three months.
3. That following the conclusion of the public exhibition period the Council receive a further report on the matter including a review of the content of any submissions received.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

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

**10.1 Use of Council Seal**

**171215/15 RESOLVED**

(Cr Paul Worth/Cr Ben Smith)

That Council affix the Common Seal to the following documents.

US15/17	Ballina Shire Council Variation of Lease to The Australian Steel Company (Operations) Pty Ltd for Lot 871 DP 1158234, 6 Cessna Crescent, Ballina.
US15/18	Transfer Releasing Easement for Water Supply – Lot 5, DP536003, Smith Drive, Pimlico to Margitta Fitzner.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

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**10.2 Investment Summary - November 2015**

**171215/16      RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

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

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

**10.4 Flat Rock Tent Park - Adoption of Fees and Charges 2016/17**

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Robyn Hordern

That Council adopts the draft Flat Rock Tent Park fees and associated notes, as exhibited for 2016/17.

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

1. That Council adopts the draft Flat Rock Tent Park fees and associated notes, as exhibited for 2016/17.
2. That Council as part of the 2016/17 Delivery Program consider the installation of teepees/permanent tents at Flat Rock Tent Park.

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

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

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

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

**171215/17      RESOLVED**

(Cr Susan Meehan/Cr Robyn Hordern)

That Council adopts the draft Flat Rock Tent Park fees and associated notes, as exhibited for 2016/17.

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

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**11. Civil Services Group Reports**

**11.1 Tender - Construction of Coastal Recreational Path (part of Section One)**

**171215/18 RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

1. The tender from B&S Landscaping & Earthworks for \$419,515 with an option for the Flat Rock deviation section of \$102,596 (exclusive of GST) for the construction of part of the Coastal Recreational Path (CRP), Section 1 between Angels Beach and Sharpes Beach, in accordance with RFT817, be accepted.
2. The General Manager and Mayor be authorised to sign and seal any contract documents required for the implementation of point one above.
3. The Council endorse the following table as the revised project budget and funding sources for the Coastal Recreational Path (CRP), Section 1 between Angels Beach and Sharpes Beach.

Current 2015/2016 operational plan budget (available funds)	\$1,340,000
Coastal path reserve	\$ 130,000
Civil works reserve (roads contingency)	\$ 330,000
Roads s94 internal recoupment reserve	\$ 100,000
Total	<b><u>\$1,800,000</u></b>
4. The scope of works for Coastal Recreational Path (CRP), Section 1 between Angels Beach and Sharpes Beach, be adjusted by the deletion of the “finger” path at Sharpes Beach.
5. That Council extend the works to the Sharpes Beach underpass at an estimated cost of \$75,000 with the funding to be determined by the General Manager.

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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**11.2 Tender - Construction Amenities Building - Wollongbar Sporting Fields**

**171215/19      RESOLVED**

(Cr Ben Smith/Cr Susan Meehan)

1. That in accordance with the provisions contained in Clause 178 of the Local Government (General) Regulations 2005, as no complying tenders were received for the Construction of the Amenities Building for the Wollongbar Sports Fields, Council resolves to enter into direct negotiations with Greg Clark Building, Bennett Constructions and John Eggins Constructions for the pricing of a proposed contract.
2. Subject to a satisfactory outcome being achieved through the negotiation process in point one above, and the cost estimate remains within the available budget, Council authorises the General Manager to execute a contract with either Greg Clark Building, Bennett Constructions or John Eggins Constructions to undertake the construction of the amenities building for the Wollongbar sports fields, along with attaching the Council seal.

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

**11.3 Tender - Construction of the Search and Rescue Co-Ordination Centre**

**171215/20      RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council accepts the tender for the construction of a new Search and Rescue Co-Ordination Centre from Woollam Constructions.
2. That Council authorises the Council seal to be attached to the contract documents.

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

**11.4 Tuckombil and Stokers Quarries - Operating Lease**

**171215/21      RESOLVED**

(Cr Keith Williams/Cr Paul Worth)

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

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

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**13. Notices of Motion**

Nil Items

**14. Advisory Committee Minutes**

**14.1 Environmental and Sustainability Committee Minutes - 2 December 2015**

**171215/22 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the minutes of the Environmental & Sustainability Committee meeting held 2 December 2015 and that the recommendations contained within the minutes be adopted.

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

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

**15.1 Mayoral Meetings**

**171215/23 RESOLVED**

(Cr Robyn Hordern/Cr Sharon Cadwallader)

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

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

**16. Questions Without Notice**

**16.1 Cr Robyn Hordern - Memorial Seat Repairs**

**Cr Robyn Hordern** – the Doug Sharp memorial seat at the lookout near Lighthouse Beach has been hit by a car and damaged and the plaque is missing. Are we able to repair the seat and replace the plaque?

John Truman to investigate.

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**16.2 Cr Robyn Hordern - Car Parking Arrangements - Office Building, Cnr Cherry & Tamar Streets, Ballina**

**Cr Robyn Hordern** – asked in relation to the car parking arrangements for the office building directly opposite the Council Chambers and if members of the public were able to use the car park on the top floor.

Rod Willis advised that the building was given approval for roof top parking to the public on an unrestricted basis. It was apparently closed at some stage because of vandalism. An application has been submitted to Council by the applicant to amend the conditions for parking. This application will be coming before the Council for consideration.

**16.3 Cr Robyn Hordern - Black Head Rehabilitation**

**Cr Robyn Hordern** – has been approached by members of the public stating that any proposed ocean pool should be located at Black Head and not Shelly Beach but they also suggested that Black Head should be rehabilitated.

Paul Hickey advised that Council has no money in its long term financial plan to rehabilitate the area. The Crown also appears to have no obligation to rehabilitate the area.

**16.4 Cr Paul Worth - Marine Rescue Tower - Plaque**

**Cr Paul Worth** – will the new Marine Rescue Tower, when constructed, continue to carry the Dave Wardell plaque on the new tower?

Paul Hickey asked if Councillors would like it to be continued through to the new tower. The reply was yes.

Paul Hickey advised that Council's preference for the plaque to be relocated was noted, once the new building was completed.

**16.5 Cr Keith Williams - Wollongbar Sporting Fields**

**Cr Keith Williams** – advised that he had the opportunity to visit the Wollongbar Sporting Fields site yesterday. The site was looking very impressive.

**16.6 Cr Sharon Cadwallader - Russellton and Southern Cross Industrial Estates - Development Applications**

**Cr Sharon Cadwallader** - can we have a report on how many Development Applications have been submitted and approved for these two industrial estate since the new DCP in 2012?

Rod Willis to provide this information.

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**16.7 Cr Sharon Cadwallader - Hill Street Plantings**

**Cr Sharon Cadwallader** – can we try and replant the area behind the retaining wall on the southern side of Hill Street, Ballina?

John Truman to investigate.

**16.8 Cr Jeff Johnson - St Vincent De Paul Charity Bins**

**Cr Jeff Johnson** - Is there a requirement that the charity bins be emptied prior to the shop being closed each day?

Rod Willis advised that there is no DA consent condition that requires that, but extensive consultation has taken place between Council and St. Vincent De Paul to alleviate the problem. St Vincent De Paul has a management plan in place to manage those charity bins.

**16.9 Cr David Wright - Scope Club - Shelter Over Seats**

**Cr David Wright** – advised that the Scope Club were currently raising funds to put shelter over some of the metal seats in town.

**12. Public Question Time**

**12.1 David Fuller - Coastal Recreational Path**

**David Fuller** – asked if the deletion of the finger path from Section 1 of the Coastal Recreational Path between Angels Beach and Sharpes Beach also included deletion of the viewing deck as well.

**David Fuller** – When will we see works commencing on the coastal recreational path?

John Truman advised that he will check and advise David, but he was of the opinion that the viewing deck was removed as well. He advised that mid to late January should see commencement of the project.

**12.2 Denis Magnay – Waterways**

**Denis Magnay** – could he have an update (or be shown where to find an update) on pollution levels of the water around Ballina Island, Canal, Fishery Creek and North Creek. He was anxious to find out if pollution levels have improved in the last few years with the new technology. He was concerned with mud crabs, oysters and fish.

Where does effluent now go and to what extent are the watercourses polluted?

Rod Willis advised that in relation to measured parameters – every summer bathing areas in the North Creek estuary are tested and results are reported on the Beachwatch page on Council's website. Other areas which aren't bathing areas, are not covered by the Beachwatch program.



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John Truman will show Denis where we publish test results from discharge points from the Wastewater Treatment Plant. In summary, the licence conditions for the new treatment plant have been met.

Denis Magnay - does the effluent still run into Fishery Creek?

John Truman advised that the discharge point is still the same however the conditions of use are different – e.g. when recycled water is turned on, the discharge amount is reduced.

**17. Confidential Session**

**171215/24 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

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

**17.1 Tuckombil and Stokers Quarry - Operating Lease (confidential)**

**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 the report contains information pertaining to commercial negotiations and a possible legal dispute.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

(The Council moved into Confidential Session at 12.39 pm).

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 17/12/15 AT 9.00 AM**

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**Open Council**

**171215/25      RESOLVED**

(Cr Ben Smith/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 Keith Johnson

(The Council moved into Open Council at 1.24 pm).

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

**17.1    Tuckombil and Stokers Quarry - Operating Lease (confidential)**

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

That at the earliest convenient date in 2016 that Council hold a briefing to fully discuss this matter in greater detail.

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

1. The General Manager is authorised to accept the proposal from Lismore City Council, as per attachment one to this report, to terminate the lease for the operation of the Tuckombil and Stokers Quarries subject to the minimum royalty period being a maximum period of twelve months, or less if another operator is installed within that period.
2. That Council hold a briefing early in 2016 to assess the preferred management option being lessee or operating the quarry ourselves.

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

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

AGAINST VOTE - Cr Paul Worth

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

AGAINST VOTE - Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Keith Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 17/12/15 AT 9.00 AM**

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**CF171215/1    RESOLVED**

(Cr Keith Williams/Cr Jeff Johnson)

1. The General Manager is authorised to accept the proposal from Lismore City Council, as per attachment one to this report, to terminate the lease for the operation of the Tuckombil and Stokers Quarries subject to the minimum royalty period being a maximum period of twelve months or less if another operator is installed within that period.
2. That Council hold a briefing early in 2016 to assess the preferred management option being lessee or operating the quarry ourselves.

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

AGAINST VOTE - Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Keith Johnson

**Adoption of Recommendations from Confidential Session**

**171215/26    RESOLVED**

(Cr Keith Williams/Cr Ben Smith)

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

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

AGAINST VOTE - Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Keith Johnson

**MEETING CLOSURE**

1.26 pm

The Minutes of the Ordinary Meeting held on 17/12/15 were submitted for confirmation by council on 28 January 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 January 2016.