

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/11/11 AT 9.10 AM**

Attendance

Cr P W Silver (Mayor - in the chair), S L Cadwallader, B C Smith, K H Johnson, R A Hordern, D E Wright, J L Johnson, A J Brown and S M Meehan.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Regulatory Services Group Manager), Steve Barnier (Strategic Services 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 St Francis Xavier School.

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 Peter Moore.

241111/ 1 RESOLVED

(Cr David Wright/Cr Ben Smith)

That such apology be accepted.
FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore

4. Confirmation of Minutes

241111/ 2 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 October 2011.

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

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5. Declarations of Interest and Reportable Political Donations

Cr Hordern – declared an interest in Item 9.7 – Alstonville Community Preschool. (Nature of Interest: non-pecuniary - a family member lives in close proximity). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr K Johnson – declared an interest in Item 13.1 – Notice of Motion – Coal Seam Gas. (Nature of Interest: pecuniary – shareholder in Metagasco). He will be departing the meeting while the matter is discussed.

Cr Meehan – declared an interest in Item 11.5 – Policy (Draft Review) – Pressure Sewer. (Nature of Interest: non significant, non pecuniary – her house is serviced by a pressure sewer service). She will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

One Minute's Silence

One minute's silence was observed in recognition of the late Annette Potts, local Lennox Head historian who passed away recently.

6. Deputations

- **Rod Johnston, Environment Manager, Boral** – spoke in favour of Item 8.2 – DA 1995/292 – S96AA Boral Quarry, North Teven Road.
- **Chris Pratt, Planning Solutions** – spoke in favour of Item 9.2 – Cumbalum Precinct B Planning Proposal.
- **John Heaton** – spoke in favour of Item 13.1 – Notice of Motion – Coal Seam Gas.
- **Ralph Moss** – spoke in relation to Item 7.1 – Mayoral Minute – Richmond River Taskforce.
- **Stephen Williams, Parklands Estate Residents** – spoke in opposition to Item 9.7 – Alstonville Community Preschool.
- **Paul Snellgrove** – spoke in favour of Item 9.1 – Cumbalum Precinct A Planning Proposal.
- **Fiona Folan, Ballina Environment Society** – spoke in opposition to Item 8.2 - DA 1995/292 – S96AA Boral Quarry, North Teven Road.
- **Troy Anderson** – spoke in relation to Item 9.4 – Shire Wide Aboriginal Heritage Study.
- **Tony Puglisi, Chairman, Ballina Fishermens Co-operative** – spoke in support of Item 7.1 – Mayoral Minute – Richmond River Taskforce.

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Change to Order of Business

A **Motion** was moved by Cr Jeff Johnson

That Item 13.1 – Notice of Motion – Coal Seam Gas, be brought forward and dealt with at this stage.

The **Motion LAPSED**.

A **Motion** was moved by Cr Keith Johnson and seconded by Cr David Wright.

That Item 9.7 – Alstonville Community Preschool, be brought forward and dealt with at this stage.

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

FOR VOTE - Cr Silver, Cr Cadwallader, Cr Hordern, Cr J Johnson, Cr Brown, Cr Meehan

AGAINST VOTE - Cr K Johnson, Cr Smith, Cr Wright

ABSENT. DID NOT VOTE - Cr Moore

7. Mayoral Minutes

7.1 Mayoral Minute - Richmond River Taskforce

241111/ 3 RESOLVED

(Cr Phillip Silver)

1. That Ballina Council approves the formation of Taskforce, consisting of one or two representatives from the Ballina Fishermens Co-operative and the Ballina Chamber of Commerce, plus the Mayor or alternate, to expedite the environmental and funding issues presently preventing the dredging of the Richmond River Bar, North Creek and the Ballina Boat Harbour.
2. That Council as part of the 2012/13 budget give consideration to increased funding for water quality related matters in respect to the Richmond River.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

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8. Regulatory Services Group Reports

8.1 DA 2003/413 - S96 Application Ballina Heights Estate (Stages 5 to 8)

File Reference	DA 2003/413
Applicant	Ardill Payne & Partners (on behalf of Vixsun Pty Ltd and Catholic Church – St Francis Xavier’s Parish)
Property	Lot 330 DP 1166991, Chilcott Crescent and Lot 319 DP 1167397, Unara Parkway, Cumbalum
Proposal	To seek a modification to DA 2003/413 – 189 urban (residential) allotments, being Stages 5 to 8 of the Ballina Heights Estate (amend consent condition 1.3A – provision of Structured Open Space Area)
Effect of Planning Instrument	The land is zoned part 1(b) – Rural (Secondary Agricultural Land), part 1(d) – Rural (Urban Investigation), part 2(b) – Village Area and part 7(l) – Environmental Protection (Habitat) under the provisions of the Ballina LEP. The Structured Open Space Area is to be located entirely within the 2(b) – Village Area zone.

241111/ 4 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council grant consent to the proposed modification to consent condition 1.3A of Development Consent 2003/413 (To Undertake a Torrens Title Subdivision to Create 189 Urban (Residential) Allotments, Being Stages 5-8 of the Ballina Heights Estate) at Lot 330 DP 1166991, Chilcott Crescent and Lot 319 DP 1167397, Unara Parkway, Cumbalum:
2. The amended consent condition 1.3A is to read as follows:

The proposed Structured Open Space Area (as defined in Policy Statement No. 14 – Ballina Heights Estate of Chapter 1 – Urban Land within the Ballina Shire Combined Development Control Plan) shall be completed and dedicated to Council prior to the issue of the Subdivision Certificate for the 399th residential lot or no later than 31 March 2013.

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

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8.2 DA 1995/292 - S96AA Boral Quarry, North Teven Road

File Reference	DA 1995/292
Applicant	Boral Resources (Country) Pty Limited C/- Mr John Worden Operations Manager
Property	Lot 105 DP 1038360, No. 348 North Teven Road, Teven
Proposal	Section 96AA application to amend consent No. 1995/292 issued by the Court
Effect of Planning Instrument	The land is zoned part 1(e) Rural (Extractive and Mineral Resources) and 1(b) Rural (Secondary Agricultural Land) under the provisions of the Ballina LEP 1987.

241111/ 5 RESOLVED

(Cr Sharon Cadwallader /Cr Keith Johnson)

That the Section 96AA modification seeking to amend DA 1995/292 at Lot 105 DP 1038360, No. 348 North Teven Road, Teven by bringing forward and increasing the time permitted to carry out the subsequent re-examination process for the termination date of the quarry be **APPROVED**.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Wright, Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore

8.3 Development Applications - Works in Progress as at November 2011

241111/ 6 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That Council notes the contents of the report on the status of development applications under assessment as at November 2011.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

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8.4 Development Consent Statistics - October 2011

241111/ 7 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That Council notes the contents of the report on development consent statistics for 1 October 2011 to 31 October 2011.

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

9. Strategic & Community Services Group Reports

9.1 Cumbalum Precinct A Planning Proposal

241111/ 8 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. That Council place the Cumbalum Precinct A draft Planning Proposal on public exhibition for a period of 28 days, commencing in early 2012.
2. Following the conclusion of the exhibition period, Council is to receive a further report regarding submissions and outcomes of the exhibition.
3. That Council advise the proponent and NSW Department of Planning that notwithstanding the Council's endorsement for the public exhibition in point one above, the Council will not proceed further with any consideration of the draft proposal until a strategy is confirmed that satisfactorily addresses Council's significant concerns in relation to infrastructure servicing issues.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern,
Cr Wright, Cr Brown, Cr Meehan
AGAINST VOTE - Cr J Johnson
ABSENT. DID NOT VOTE - Cr Moore

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9.2 Cumbalum Precinct B Planning Proposal

241111/ 9 RESOLVED

(Cr Sharon Cadwallader /Cr Alan Brown)

1. That Council place the Cumbalum Precinct B draft Planning Proposal on public exhibition for a period of 42 days, as soon as possible.
2. Following the conclusion of the exhibition period, Council is to receive a further report regarding submissions and outcomes of the exhibition.
3. That the proponents for Cumbalum Precinct B be invited to provide further information relating to the stormwater treatment issues outlined in this report, prior to Council receiving a further report following public exhibition.
4. That Council advise the proponent and the NSW Department of Planning that notwithstanding the Council's endorsement for the public exhibition in point one above, the Council will not proceed further with any consideration of the draft proposal until a strategy is confirmed that satisfactorily addresses Council's significant concerns in relation to infrastructure servicing issues.

FOR VOTE - Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr Brown

AGAINST VOTE - Cr Silver, Cr J Johnson, Cr Meehan

ABSENT. DID NOT VOTE - Cr Moore

Adjournment

The Mayor declared the meeting adjourned at 11.26 am.

The meeting resumed at 11.50 am

9.7 Alstonville Community Preschool

241111/ 10 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

1. That Council authorises the General Manager to conduct a community consultation process, as required by the Local Government Act, in respect to a proposal to alter that part of Crawford Park that would be required for the Alstonville Pre-school from sports ground to general community use.
2. This consultation is to be conducted following discussions with the proponents of the pre-school and the sporting clubs currently utilising Crawford Park to determine the appropriate size and location of the area for the pre-school.
3. That Cooke Park be removed from the list of potential sites for the proposed Alstonville Preschool.

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FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern,
Cr Wright, Cr Brown, Cr Meehan
AGAINST VOTE - Cr J Johnson
ABSENT. DID NOT VOTE - Cr Moore

Cr K Johnson declared a pecuniary interest in Item 13.1 and left the meeting at 12:04 PM.

13.1 Notice of Motion - Coal Seam Gas

241111/ 11 RESOLVED

(Cr Jeff Johnson/Cr Susan Meehan)

That pending further guidelines from the State or Federal Governments, any application made to Council for testing or exploration for CSG on Council owned or administered land be reported to the elected Council.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr K Johnson, Cr Moore

Cr K Johnson returned at 12:19 PM

9.3 Ballina LEP - Amendment No.90 - Stewart Farm, Skennars Head

A **Motion** was moved by Cr Ben Smith and seconded by Cr David Wright.

That Council cease further processing of Draft LEP Amendment No. 90 for, but not limited to, the following reasons:

- Uncertainties with respect to land dedication
- Scenic Zone
- Council liability for infrastructure
- Inability to negotiate with a single owner
- Outstanding fees

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Alan Brown

That Council defer processing of Draft LEP Amendment No. 90 until we receive a Voluntary Planning Agreement that addresses the outstanding matters as outlined within the report.

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

FOR VOTE - Cr Cadwallader, Cr Hordern, Cr Brown, Cr Meehan
AGAINST VOTE - Cr Silver, Cr K Johnson, Cr Smith, Cr Wright, Cr J Johnson
ABSENT. DID NOT VOTE - Cr Moore

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The **Motion** was **CARRIED**, therefore it was

241111/ 12 RESOLVED

(Cr Ben Smith/Cr David Wright)

That Council cease further processing of Draft LEP Amendment No. 90 for, but not limited to, the following reasons:

- Uncertainties with respect to land dedication
- Scenic Zone
- Council liability for infrastructure
- Inability to negotiate with a single owner
- Outstanding fees

FOR VOTE - Cr Silver, Cr K Johnson, Cr Smith, Cr Wright, Cr J Johnson
AGAINST VOTE - Cr Cadwallader, Cr Hordern, Cr Brown, Cr Meehan
ABSENT. DID NOT VOTE - Cr Moore

12. Public Question Time

12.1 Ralph Moss - Ballina to Woolgoolga Pacific Highway Upgrade

Ralph Moss – enquired in relation to an RTA meeting held recently at Wardell Hall relating to flooding issues and the Pacific Highway Upgrade. No Council representatives from Ballina Shire Council, Richmond Valley Council or Rous Water were in attendance. Mr Moss advised that the RTA were after information on future works and excess flooding.

John Truman advised that he believed that this was a public consultation meeting conducted by the RTA. If asked for information by the RTA, Council is able to supply that information.

9.4 Shire Wide Aboriginal Heritage Study

241111/ 13 RESOLVED

(Cr Keith Johnson/Cr Susan Meehan)

1. That Council notes the contents of this report relating to the Ballina Shire Aboriginal Heritage Study process and outcomes.
2. That Council confirms that it will accept further information to add to the Study from Mr Troy Anderson and other interested parties at any time.

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

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9.5 Ballina Community Services Centre - Renaming

A **Motion** was moved by Cr Keith Johnson and seconded by Cr David Wright.

1. That Council provides, in principle support, for the Ballina Community Services Centre located on Bangalow Road, Ballina to be re-named 'The Bernice Kentwell Community Services Centre'.
2. The Centre is being named after Ms Bernice Kentwell, who was a long term supporter of the concept for the centre and provided a significant financial contribution to the construction of the centre through her Estate.
3. The Centre is being renamed due to the clash of the current name with the Ballina Community Services Centre building at 89 Tamar Street, Ballina.
4. That the proposal to re-name the Centre be exhibited for public comment. If no objections are received, the name is considered to be adopted.

An **Amendment** was moved by Cr Sharon Cadwallader

1. That Council provides, in principle support, for the Ballina Community Services Centre located on Bangalow Road, Ballina to be re-named 'The Kentwell Centre on Treelands'.
2. The Centre is being named after Ms Bernice Kentwell, who was a long term supporter of the concept for the centre and provided a significant financial contribution to the construction of the centre through her Estate.
3. The Centre is being renamed due to the clash of the current name with the Ballina Community Services Centre building at 89 Tamar Street, Ballina.

The **Amendment LAPSED**.

The **Motion** was **CARRIED**, therefore it was

241111/ 14 RESOLVED

(Cr Keith Johnson/Cr David Wright)

1. That Council provides, in principle support, for the Ballina Community Services Centre located on Bangalow Road, Ballina to be re-named 'The Bernice Kentwell Community Services Centre'.
2. The Centre is being named after Ms Bernice Kentwell, who was a long term supporter of the concept for the centre and provided a significant financial contribution to the construction of the centre through her Estate.
3. The Centre is being renamed due to the clash of the current name with the Ballina Community Services Centre building at 89 Tamar Street, Ballina.

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4. That the proposal to re-name the Centre be exhibited for public comment.
If no objections are received, the name is considered to be adopted.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern,
Cr Wright, Cr Brown, Cr Meehan
AGAINST VOTE - Cr J Johnson
ABSENT. DID NOT VOTE - Cr Moore

Adjournment

The Mayor declared the meeting adjourned at 1.11 pm.

The meeting resumed at 1.56 pm
Cr Meehan left the meeting during the adjournment break.

9.6 Lennox Head Cultural and Community Centre - Waiver of Fees

A **Motion** was moved by Cr David Wright and seconded by Cr Robyn Hordern.

1. That due to the significant one-off contribution paid by the Lennox Head Recreation and Social Club to Council due to the closure of the former Recreation Hall (being \$36,219.54) that Council approves the implementation of a transitional arrangement to the payment of full fees for hire of the hall at the Lennox Head Community and Cultural Centre as per the following table:

Financial Year	% to be Paid
11/12	12.50
12/13	25.00
13/14	37.50
14/15	50.00
15/16	62.50
16/17	75.00
17/18	87.50
18/19	100.00

2. This agreement is based on a maximum of three hours per day hire for the hall, for a maximum of two days per week, in non peak times. Any hire in excess of this will be at full fees.
3. This arrangement not only recognises the Club's financial contribution as per point one, but also allows the Club to re-establish itself following their move from the former recreation hall.
4. That the discount provided by Council through this arrangement be recorded as a donation in Council's donation budget with the contra entry being shown as revenue in the Lennox Head Cultural and Community Centre budget. This then ensures that the income received and forgone by the Lennox Head Cultural and Community Centre is being accurately recorded.

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An **Amendment** was moved by Cr Ben Smith and seconded by Cr Keith Johnson

1. That due to the significant one-off contribution paid by the Lennox Head Recreation and Social Club to Council due to the closure of the former Recreation Hall (being \$36,219.54) that Council approves the implementation of a transitional arrangement to the payment of full fees for hire of the hall at the Lennox Head Community and Cultural Centre as per the following table:

Financial Year	% to be Paid
11/12	12.50
12/13	25.00
13/14	37.50
14/15	50.00
15/16	62.50
16/17	75.00
17/18	87.50
18/19	100.00

2. This agreement is based on a maximum of three hours per day hire for the hall, for a maximum of two days per week, in non peak times. Any hire in excess of this will be at full fees.
3. This arrangement not only recognises the Club's financial contribution as per point one, but also allows the Club to re-establish itself following their move from the former recreation hall.
4. That the discount provided by Council through this arrangement be recorded as a donation in Council's donation budget with the contra entry being shown as revenue in the Lennox Head Cultural and Community Centre budget. This then ensures that the income received and forgone by the Lennox Head Cultural and Community Centre is being accurately recorded.
5. That the program in point one can be accelerated if the Club so wishes.
6. If the membership of the Social Club reduces to unsustainable numbers Council reserves the right to review this arrangement.

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

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

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The **Amendment** then became the **Motion** and was **CARRIED**, therefore it was

241111/ 15 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

1. That due to the significant one-off contribution paid by the Lennox Head Recreation and Social Club to Council due to the closure of the former Recreation Hall (being \$36,219.54) that Council approves the implementation of a transitional arrangement to the payment of full fees for hire of the hall at the Lennox Head Community and Cultural Centre as per the following table:

Financial Year	% to be Paid
11/12	12.50
12/13	25.00
13/14	37.50
14/15	50.00
15/16	62.50
16/17	75.00
17/18	87.50
18/19	100.00

2. This agreement is based on a maximum of three hours per day hire for the hall, for a maximum of two days per week, in non peak times. Any hire in excess of this will be at full fees.
3. This arrangement not only recognises the Club's financial contribution as per point one, but also allows the Club to re-establish itself following their move from the former recreation hall.
4. That the discount provided by Council through this arrangement be recorded as a donation in Council's donation budget with the contra entry being shown as revenue in the Lennox Head Cultural and Community Centre budget. This then ensures that the income received and forgone by the Lennox Head Cultural and Community Centre is being accurately recorded.
5. That the program in point one can be accelerated if the Club so wishes.
6. If the membership of the Social Club reduces to unsustainable numbers Council reserves the right to review this arrangement.

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

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9.8 Seniors Week

241111/ 16 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That Council endorses the continuation of the partnership between Council and the Merrymakers Inc to recognize annual Seniors Week celebrations, due to the on-going success and community benefits that this event has provided and will continue to provide for the shire.

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

10. General Manager's Group Reports

10.1 Use of Council Seal

241111/ 17 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That Council affix the Common Seal to the following documents.

US11/24	<p>Minister for Education to Ballina Shire Council: 5 + 5 year lease of Lot 2 DP 1153430, Canal Road, Ballina, being a 1.807 Ha parcel of land contiguous with Fripp Oval on the NW boundary, and Ballina TAFE on the NE boundary.</p> <p>Explanation: Council as Reserve Trust Manager of Crown Reserve 83963 resolved in April 2009 to agree to a land swap between the Department of Education and Council as Reserve Trust Manager of Crown Reserve 83963. The land swap received the concurrence of the Dept Lands. Following the resubdivision of the land, the land swap resulted in Lot 2 DP 1153430 (1.807 Ha), located between Fripp Oval and Ballina TAFE, becoming Department of Education land and Lot 4 DP 1153430 (1.807 Ha), located between Ballina TAFE and Saunders Oval, becoming part of Crown Reserve 83963 and managed by Council as Reserve Trust Manager. To ensure continued public access and use of Lot 2 DP 1153430 until such time as the land is required for Ballina TAFE operational purposes, the Department of Education has agreed to lease the land to Council at peppercorn rental for the purposes as specified within the lease of public access, recreation and community markets, subject to Council as lessee maintaining the land, the shared pathway and the public amenities upon the land.</p>
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US11/25	<p>The Old Tintenbar Council Chambers Reserve Trust to Arts Northern Rivers Incorporated: Temporary Licence Agreement to occupy the space within the old Tintenbar Shire Council Chambers known as Area 1 (unit 2) for a 12 month period commencing 1 December 2011 to 30 November 2012.</p> <p>Explanation: Arts Northern Rivers Incorporated currently occupy the 53.12 sq mtr space within the old Tintenbar Shire Council Chambers known as Area 2 (unit 1), and due to the expansion of staff numbers, they now require a larger office space that is afforded by the 106.46 sq mtr Area 1 following the surrender of the Licence Agreement for Area 1 by Ms J Barratt. Pending receipt of formal advice from the LPMA on the proposal to enter into a head lease for the area occupied by the Old Tintenbar Council Chambers and the Old Alstonville Hall situated at the rear of the old Chambers that will, in turn, enable Council to enter into sub-leasing arrangements with the various occupiers of the site, and to enable Arts Northern Rivers Inc. to occupy the vacant Area 1 due to their advised critical need, the Temporary Licence Agreement is recommended.</p>
US11/26	<p>The Ballina Coastal Reserve Trust to Northern Region SLSA Helicopter Rescue Service Pty Ltd: Licence Agreement for the Management of the Lennox Head Market as conducted on the Ballina Coastal Reserve under trust management of the Ballina Coastal Reserve Trust (Ballina Council) for the 'Temporary Outlet for the Sale of Local Crafts and Goods', i.e. the market, for the 3 year term commencing 1 October, 2011.</p> <p>Explanation: The 3 year agreement for the Northern Region SLSA Helicopter Rescue Service Pty Ltd to manage the Lennox Head Market expired on 30 September 2011. The advertisement for the Registration of Interest (ROI 591) was placed with a closing date of 1 November 2011. The Northern Region SLSA Helicopter Rescue Service Pty Ltd was the sole respondent. The Market has been managed by Northern Region SLSA Helicopter Rescue Service Pty Ltd in an exemplorary manner since they assumed management on 1 October 2008, and the market has significantly improved and grown in that period to be comparable, albeit on a smaller scale, to the Byron and Bangalow Markets which are the two market 'benchmarks' in this Region. In 2010 the Market won a Lennox Head Chamber of Commerce 'Business Excellence Community' Award, and they have now been announced as recipients of the Lennox Head Chamber of Commerce 2011 'Business Excellence Award for Environment'. Stallholder funds received are allocated directly towards the rescue helicopter to help ensure the continued operation of the service.</p>

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

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10.2 Investments Summary - October 2011

241111/ 18 RESOLVED

(Cr Sharon Cadwallader /Cr David Wright)

That Council notes the record of banking and investments for October 2011.

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

10.3 Ballina Cup - Half Day Public Holiday 2012

241111/ 19 RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That following further advice from the Ballina Jockey Club, Council supports the declaration of a half-day public holiday throughout the Ballina Shire for Friday 14 September, 2012 in respect to the 2012 Ballina Cup in lieu of the previous nominated date of Thursday 6 September 2012.

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

10.4 Fair Go Skate Festival - Review

241111/ 20 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council approves the General Manager to continue to manage and co-ordinate the annual Fair Go Skateboard event as part of our annual commitment to Festivals and Events in the shire.
2. The Council funding to support this event is to be provided as a separate allocation to the Festivals and Events Support program, due to its very specific focus on youth and its successful record of operation for at least the last ten years.

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

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10.5 Community Donations

241111/ 21 RESOLVED

(Cr Sharon Cadwallader /Cr Jeff Johnson)

1. That Council approves the donation of waste fees, to a maximum of \$100 (excluding GST), for the Rous Mill Ratepayers Association in respect to the disposal of waste generated from their working bees, as per their application, due to the significant community benefit provided by the Association.
2. That Council approves the donation of the Council development application fees, being \$1,628 for DA 2010/221 and \$185 for DA 2011/63, for the Tintenbar School of Arts, due to the hall being a major public asset.
3. That Council approves a donation for the cost of removing the tree causing safety issues at the Biala School, due to the significant community benefit provided by the Association.

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

10.6 Policy (Draft Review) - Risk Management

241111/ 22 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopt the amended Risk Management 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 Moore, Cr Meehan

10.7 Annual Financial Statements - 2011

241111/ 23 RESOLVED

(Cr Sharon Cadwallader /Cr Keith Johnson)

That the annual financial reports and auditor's reports for the financial year ended 30 June 2011, as publicly advertised, be adopted and presented to the public.

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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24/11/11 AT 9.10 AM**

10.8 Financial Review - Quarter ended 30 September 2011

Cr Smith left the meeting at 02:30 PM.

241111/ 24 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

1. That Council notes the contents of the September 2011 Quarterly Budget Review and approves the changes identified within the report, with the exception of the Street Tree Planting program of \$15,000.
2. That the gate fees paid by Domestic Waste Management be reduced to the same rates those charged for commercial users as from 1 October 2011.

Mixed waste (includes green waste)
Commercial users \$174 per tonne
DWM \$222 per tonne

Recyclates
Commercial users \$ 74 per tonne
DWM \$200 per tonne

3. That Council receive a report on the embellishment of the East Ballina Cemetery.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Hordern, Cr Wright, Cr Brown

AGAINST VOTE - Cr J Johnson

ABSENT. DID NOT VOTE - Cr Smith, Cr Moore, Cr Meehan

11. Civil Services Group Reports

11.1 Elizabeth Ann Brown Park - Draft Revised Masterplan

241111/ 25 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

That Council place on exhibition for public comment, the revision of the Elizabeth Anne Brown Park Masterplan, as attached to this report, with any submissions received to be resubmitted back to Council. If no submissions are received then the revised Masterplan will be recorded as adopted by Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Smith, Cr Moore, Cr Meehan

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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11.2 Tender - Wollongbar Urban Expansion Area Sewerage Scheme

241111/ 26 RESOLVED

(Cr Keith Johnson/Cr Alan Brown)

1. That Council accepts the tender for the construction of the Wollongbar Urban Expansion Area Sewerage Scheme to Eire Contractors Pty Ltd for the amount of \$2,707,000 inclusive of GST.
2. That the Council notes the information in the above report in relation to the possibility that approved variations to this contract may increase the contract to a value of \$3,338,279 (incl GST).
3. That the Council notes that the revised project estimate is \$4,307,339 (incl GST) and that a budget variation will be required at the time of the next review of the sewer capital works program.
4. That Council notes that the tendered amount includes Separable Portion Three and this portion of the contract will not be awarded until outstanding landowner permissions and regulatory approvals are obtained.
5. That Council authorises the Mayor and General Manager to attach the Council's seal as necessary to the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Smith, Cr Moore, Cr Meehan

11.3 Biodegradable Bags - Supply

241111/ 27 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That Council notes the contents of this report on the supply of biodegradable bags and confirms that our approach to support this program will focus on education of the benefits of the organics service and information on locations where the bags can be commercially purchased.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Hordern, Cr Wright, Cr Brown

AGAINST VOTE - Cr J Johnson

ABSENT. DID NOT VOTE - Cr Smith, Cr Moore, Cr Meehan

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11.4 Policy (Draft Review) - Backflow Prevention

241111/ 28 RESOLVED

(Cr Sharon Cadwallader /Cr Alan Brown)

1. That Council adopt the amended Backflow Prevention 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 Smith, Cr Moore, Cr Meehan

11.5 Policy (Draft Review) - Pressure Sewer

241111/ 29 RESOLVED

(Cr Sharon Cadwallader /Cr Alan Brown)

1. That Council adopt the amended Pressure Sewer 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 Smith, Cr Moore, Cr Meehan

11.6 Policy (Draft Review) - Building Over Council Assets

241111/ 30 RESOLVED

(Cr Sharon Cadwallader /Cr Alan Brown)

1. That Council adopt the amended Building Over Council Assets 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 Smith, Cr Moore, Cr Meehan

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11.7 Policy (Draft Review) - Road Closing Applications for Public Roads

241111/ 31 RESOLVED

(Cr Sharon Cadwallader /Cr Alan Brown)

1. That Council adopt the amended Road Closing Applications for Public 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 Smith, Cr Moore, Cr Meehan

13. Notices of Motion

13.2 Notice of Motion - Richmond Tweed Regional Library

Cr Smith returned at 03:16 PM

241111/ 32 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Ballina Shire Council invite Cameron Morley, Manager of the NSW State Library's Public Library Services Branch, to advise on the future structure and management options available to the Richmond Tweed Regional Library.
2. That copies of this report be sent to all RTRL member councils and the Minister for Local Government, Mr Don Page.

FOR VOTE - Cr Cadwallader, Cr Smith, Cr Wright, Cr J Johnson, Cr Brown

AGAINST VOTE - Cr Silver, Cr K Johnson, Cr Hordern

ABSENT. DID NOT VOTE - Cr Moore, Cr Meehan

A Motion was moved by Cr Ben Smith

That an informal meeting take place between the Councillors of the Richmond-Tweed Regional Library district to discuss the future of the library and its structure.

The **Motion LAPSED.**

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14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 15 November 2011

A **Motion** was moved by Cr David Wright and seconded by Cr Robyn Hordern.

That Council confirms the minutes of the Commercial Services Committee meeting held Tuesday 15 November 2011 and that the recommendations contained within the minutes be adopted.

An **Amendment** was moved by Cr Jeff Johnson

That Council confirms the minutes of the Commercial Services Committee meeting held Tuesday 15 November 2011 and that the recommendations contained within the minutes be adopted, with an amendment to Item 5.2 – Lennox Head Surf Club – Redevelopment with point three to read as follows:

That the General Manager report back on alternative options to finance the \$80,000 required to allow the DA to be progressed.

The **Amendment LAPSED**.

An **Amendment** was moved by Cr Alan Brown and seconded by Cr Sharon Cadwallader

That Council confirms the minutes of the Commercial Services Committee meeting held Tuesday 15 November 2011 and that the recommendations contained within the minutes be adopted, excluding Item 5.2.

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

FOR VOTE - Cr Silver, Cr Cadwallader, Cr Brown

AGAINST VOTE - Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore, Cr Meehan

The **Motion** was **CARRIED**, therefore it was

241111/ 33 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

That Council confirms the minutes of the Commercial Services Committee meeting held Tuesday 15 November 2011 and that the recommendations contained within the minutes be adopted.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr Brown

AGAINST VOTE - Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore, Cr Meehan

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

15.1 Mayoral Meetings

241111/ 34 RESOLVED

(Cr Phillip Silver /Cr Robyn Hordern)

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

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

16. Questions Without Notice

16.1 Cr K Johnson - Biodegradable Bags

Cr K Johnson – would it be possible for staff to visit those retail outlets who are selling the non suitable biodegradable bags to outline the types suitable for Council's organics service?

John Truman to write to retailers.

16.2 Cr Hordern - East Ballina Cemetery Pathway

Cr Hordern – raised the issue of a request for a pathway to the East Ballina Cemetery.

John Truman advised that this was discussed recently at the A Ward Committee meeting.

John Truman to provide response.

16.3 Cr Hordern - Bin at South Ballina

Cr Hordern –asked for progress with an inspection of the bin located at South Ballina.

John Truman advised that an inspection is scheduled for tomorrow. John Truman to provide response following inspection.

16.4 Cr Wright - Alstonville Bypass Mowing

Cr Wright – can we approach the RTA to mow the sound mounds on Alstonville Bypass?

John Truman to investigate.

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16.5 Cr J Johnson - Fig Trees in Tamar Street

Cr J Johnson – have we resolved to keep the fig trees in Tamar Street or place root barriers?

John Truman advised that a report will be submitted to Council for a decision to be made.

16.6 Cr J Johnson - Biochar Grant Applications

Cr J Johnson – has there been any progress on biochar grants applications?

John Truman advised that the application will be submitted under RDA Round 2.

16.7 Cr Brown - Rangers & Patrols of RSL Boardwalk

Cr Brown – do we have a shortage of Rangers?

The General Manager advised that Ranger resources were increased to three, but one has subsequently resigned, however Council is sharing a Parking Officer with Lismore City Council.

Cr Brown advised that there are problems at the RSL Boardwalk with people jumping off the boardwalk and getting up under the Club. Can Rangers patrol this area?

Rod Willis advised that this would be more of a Police issue but will investigate and advise through the Councillor bulletin.

17. Confidential Session

Nil items

MEETING CLOSURE

4.04 pm

The Minutes of the Ordinary Meeting held on 24/11/11 were submitted for confirmation by council on 15 December 2012 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 15 December 2012.