

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
15/12/11 AT 9.00 AM**

Attendance

Cr P W Silver (Mayor - in the chair), S L Cadwallader, B C Smith, K H Johnson, P J Moore, 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 28 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by the Councillors, staff and public.

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

Nil

4. Confirmation of Minutes

151211/ 1 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 November 2011, with a minor amendment to Page 3 – Item – Change to Order of Business – the voting should read

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

AGAINST VOTE – Cr Silver, Cr Cadwallader, Cr Horder, Cr J Johnson, Cr Brown, Cr Meehan

ABSENT. DID NOT VOTE – Cr Moore

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

Cr Silver – declared an interest in Item 14.1 – Environmental & Sustainability Committee Minutes, and in particular Items 4.2, 4.4 and 4.9 of those Minutes. (Nature of Interest: pecuniary – property owner in those locations).

Cr Meehan – declared an interest in Item 14.1 – Environmental & Sustainability Committee Minutes, and in particular Items 4.3, 4.7 and 4.8 of those Minutes. (Nature of Interest: pecuniary – property owner in those locations).

Cr Cadwallader – declared an interest in Item 14.1 – Environmental & Sustainability Committee Minutes, and in particular Item 4.6 of those Minutes. (Nature of Interest: pecuniary – property owner in that location).

Cr Brown – declared an interest in Item 14.1 – Environmental & Sustainability Committee Minutes, and in particular Item 4.5 of those Minutes. (Nature of Interest: pecuniary – his family own property in that location).

Cr Cadwallader – declared an interest in Item 8.2 – DA 2011/414 – Sundowner Motor Inn, Ballina. (Nature of Interest: non pecuniary – she is an accommodation provider in Ballina). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Cadwallader – declared an interest in Item 8.3 – DA 2000/680 – Application to Modify Consent (Riverside Suites). (Nature of Interest: pecuniary – she is an accommodation provider in Ballina Shire). She will be departing the meeting while the matter is discussed.

Cr Cadwallader - declared an interest in Item 8.4 – DA 201/341 – Wedding Function Centre – Dalwood. (Nature of Interest: pecuniary - she is a marriage celebrant). She will be departing the meeting while the matter is discussed.

Cr Cadwallader – declared an interest in Item 10.7 – Tourism and Economic Development – Workshop. (Nature of Interest: non pecuniary – she is an accommodation provider in Ballina). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr K Johnson – declared an interest in 14.1 - Environmental & Sustainability Committee Minutes, and in particular Item 4.1 and Submission 71 – Grace. (Nature of Interest: non-pecuniary non-significant – Mr Grace he has acted as his Solicitor on a previous occasion). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Hordern – declared an interest in Item 8.2 – DA 2011/414 – Sundowner Motor Inn, Ballina, Item 8.3 – DA 2000/680 – Application to Modify Consent (Riverside Suites) and Item 10.7 – Tourism and Economic Development – Workshop. (Nature of Interest: non pecuniary non significant – she is an accommodation provider in Ballina). She will be remaining in the meeting while the matters are discussed and voting on the matters.

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Cr Brown – declared an interest in 14.1 - Environmental & Sustainability Committee Minutes, and in particular Item 4.1 and Submission 71 – Grace. (Nature of Interest: non-pecuniary non-significant – Mr Grace he has acted as his Solicitor on a previous occasion). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Meehan - declared an interest in Item 8.2 – DA 2011/414 – Sundowner Motor Inn, Ballina and Item 8.3 – DA 2000/680 – Application to Modify Consent (Riverside Suites). (Nature of Interest: non pecuniary non significant – she is an accommodation provider in Ballina). She will be remaining in the meeting while the matters are discussed and voting on the matters.

Cr Silver – declared an interest in Item 8.3 – DA 2000/680 – Application to Modify Consent (Riverside Suites). (Nature of Interest: significant non pecuniary – he owns a unit in the complex but not a dual key unit.) He will be departing the meeting while the matter is discussed.

Cr Silver – declared an interest in Item 14.2 – Facilities Committee Minutes – 12 December 2011 and in particular Item 4.2 of those Minutes. (Nature of Interest: non pecuniary non significant – he is a Patrol of Alstonville Swimming Club). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Silver – declared and interest in Item 14.3 – Civil Committee Minutes – 12 December 2011 and in particular Item 4.2 of those Minutes. (Nature of Interest: non significant, non pecuniary - a member of his family is an employee of the consultancy firm). He will be remaining in the meeting while the matter is discussed and voting on the matter

Cr Silver – declared an interest in Item 11.2 – Surf Life Saving – Service Levels. (Nature of Interest: non significant non pecuniary – he is a Patron of NSW Surf Life Saving). He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Garry Anderson** - spoke in support of a liquor licence in Item 10.8 - Ballina Hockey Club - Sporting Facility Liquor Licence.
- **Patrick McGlinchey** - spoke in favour of Item 13.2 - Rescission Motion - Ballina LEP - Amendment No. 90 - Stewart Farm.
- **David Kitson** (submission 47)- spoke in opposition to Item 14.1 - Environmental & Sustainability Committee Minutes - 1 December 2011.
- **Ralph Moss** - spoke in opposition to Item 8.1 - DA 2011/359 - Child Care Centre, Porter Park, West Ballina.

Cr Cadwallader declared a pecuniary interest Item 8.4 and left the meeting at 09:35 AM.

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- **Ross Christian** - spoke in favour of Item 8.4 - DA 2011/341 - Wedding Function Centre - Dalwood.

Cr Cadwallader returned at 09:37 AM

- **Bill Payne** - spoke in opposition to Item 11.1 - Tender - Ballina Heights Drive Construction.
- **Chris Pratt, Planning Resolutions** - spoke in opposition to Item 13.1 - Rescission Motion - Cumbalum Precinct B Planning Proposal.
- **Jim Roche** - spoke in favour of Item 14.3 - Civil Committee Minutes - 12 December, 2011 and in particular Item 4.2 of those Minutes - Coastal Walk and Coastal Shared Path Projects.
- **Denis Magnay** - spoke in opposition to Item 14.3 - Civil Committee Minutes - 12 December, 2011 and in particular Item 4.2 of those Minutes - Coastal Walk and Coastal Shared Path Projects.
- **Steve Connelly** - spoke in objection to certain elements of Item 14.1 - Environmental & Sustainability Committee Minutes - 1 December 2011.

Further Declarations of Interest

Cr Moore – declared an interest the deputation from Mr Connelly (Item 14.1 – Environmental & Sustainability Committee Minutes) as he mentioned North Angels Beach Estate. (Nature of Interest: – non pecuniary – there is a perception from some that he has a relationship with a member of the public involved in that development). He will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Meehan – declared an interest in Item 8.1 – DA 2011/359 – Child Care Centre, Porter Park, West Ballina. (Nature of Interest: non pecuniary, non significant – she owns a property in the vicinity of the proposed child care centre). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Meehan – declared an interest in Item 11.1 – Tender – Ballina Heights Drive Construction. (Nature of Interest: non pecuniary non significant – she owns property in the vicinity of the alternative access to Ballina Heights). She will be remaining in the meeting while the matter is discussed and voting on the matter.

7. Mayoral Minutes

Nil items.

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8. Regulatory Services Group Reports

8.1 DA 2011/359 - Child Care Centre, Porter Park, West Ballina

File Reference	DA 2011/359
Applicant	Department of Human Services C/- NSW Public Works
Property	Lot 30 DP 260335 Porter Park Hayman Street, West Ballina.
Proposal	To Undertake the Establishment of a 59 Place Child Care Centre, and a Family Support Centre Providing Services such as Family Support, Parenting Programs, Playgroups, Health Services and Early Childhood Nurse Services for Aboriginal Children and all Children from Low Socioeconomic Backgrounds. The Facility will also provide a 21 Space Car Parking Area and Landscaping. The Application also seeks to Subdivide the Site For Lease Purposes.
Effect of Planning Instrument	The land is zoned 6(a) Open Space under the provisions of the Ballina LEP 1987.

151211/ 2 RESOLVED

(Cr Peter Moore/Cr Robyn Hordern)

That development application 2011/359 for the construction of a 59 place child care centre, and a family support centre providing services such as family support, parenting programs, playgroups, health services and early childhood nurse services for aboriginal children and all children from low socioeconomic backgrounds including a 21 space car parking area and landscaping in the north western corner of Porter Park, be **APPROVED** subject to the attached conditions of consent and with an additional condition of consent

“That the toilet doors opening onto public verandahs be re-configured to provide greater privacy and child protection, particularly for children.”

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

AGAINST VOTE - Cr J Johnson, Cr Brown

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8.2 DA 2011/414 - Sundowner Motor Inn, Ballina

151211/ 3 RESOLVED

(Cr Susan Meehan/Cr David Wright)

That development application 2011/414 be **REFUSED** as the application is inconsistent with local planning controls and is not in the public interest.

FOR VOTE - Cr Cadwallader, Cr Hordern, Cr Wright, Cr J Johnson, Cr Meehan, Cr Silver (casting vote).

AGAINST VOTE - Cr Silver, Cr K Johnson, Cr Smith, Cr Moore, Cr Brown

10.3 Staff Presentations - 15 and 25 years Service

151211/ 4 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 11.01 am.

The meeting resumed at 11.30 am

Cr Cadwallader declared a non pecuniary interest in Item 8.3 and left the meeting 11.31 am.

Cr Silver declared a non pecuniary interest in Item 8.3 and left the meeting at 11.31 am

Cr Wright, Deputy Mayor assumed the Chair.

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8.3 DA 2000/680 - Application to Modify Consent (Riverside Suites)

File Reference	DA 2000/680
Applicant	S J Connelly CPP Pty Ltd
Property	Lots 12, 13, 16, 22, 25, 30, 31, 37, & 38, in SP 708901, 25-35 Fawcett Street, Ballina
Proposal	To amend the terms and conditions of Development Consent 2000/680 to allow the suites of rooms within the subject allotments of the 'Riverside Suites' building to be used flexibly as, alternatively, a smaller motel suite configuration, a larger tourist suite configuration, or, as a combined tourist accommodation configuration provided that each strata titled allotment is only being occupied by a single party of guests at any one time.
Effect of Planning Instrument	The land is zoned 3 - Business under the provisions of the Ballina LEP

151211/ 5 RESOLVED

(Cr Robyn Hordern/Cr Susan Meehan)

That the Section 96(1A) application to amend the terms and conditions of DA 2000/680 to allow the flexible use of the nominated strata allotments within Strata Plan 708901 in the manner requested be **APPROVED** subject to the following conditions supplementing the terms and conditions of the subject consent:

- (a) Notwithstanding the terms and other conditions of this consent, Lots 12, 13, 16, 22, 25, 30, 31, 37, and 38 in SP708901 may, when being used for tourist accommodation purposes, be used flexibly as, alternatively, a smaller motel suite configuration, a larger tourist suite configuration, or as a combined suites tourist configuration provided that each strata titled allotment is only being occupied by a single party of residents at any one time. To facilitate this flexibility of use, individual locks may be installed for entry foyer separating doors and differentiating suite numbering may be applied to doors and/or walls that relates to or indicates the separate occupancies.

- (b) In relation to Lots 12, 13, 16, 22, 25, 30, 31, 37, and 38 in SP708901, within 14 days of the Council making written request, certified copies of letting records are to be provided to the Council by the letting agents. Such letting records are to be kept by the managing agents in a manner where it can be easily determined if the separate suite configurations for each allotment have been let in compliance with the provisions of this consent or not.

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(c) This consent does not approve the simultaneous 'dual-key' use of suites within the building.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Cadwallader

8.4 DA 2011/341 - Wedding Function Centre - Dalwood

File Reference	DA 2011/341
Applicant	Ardill Payne & Partners
Property	Lot 2 DP 703657, No. 104 Victoria Park Road, Dalwood
Proposal	To Utilise the Existing Premises for the Purpose of Holding Wedding Functions 'Deux Belettes'
Effect of Planning Instrument	The land is zoned 1(a1) – Rural (Plateau Lands Agriculture) under the provisions of the Ballina LEP

151211/ 6 RESOLVED

(Cr Keith Johnson/Cr Robyn Hordern)

That development application 2011/341 to utilise the existing premises for the purposes of holding wedding functions "Deux Belettes" be **APPROVED** as a "place of assembly" subject to the attached conditions of consent.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Cadwallader

Cr Cadwallader returned at 11:44 AM

8.5 Development Applications - Works in Progress as at December 2011

151211/ 7 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

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

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

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8.6 Development Consent Statistics - November 2011

151211/ 8 RESOLVED

(Cr Jeff Johnson/Cr Keith Johnson)

That Council notes the contents of the report on development consent statistics for 1 November 2011 to 30 November 2011.

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

9.1 Climate Action Strategy

151211/ 9 RESOLVED

(Cr Jeff Johnson/Cr Robyn Hordern)

1. That Council endorse the Ballina Shire Council Climate Action Strategy, as exhibited, and as attached to this report.
2. That Council furnish a copy of the endorsed Climate Action Strategy to each of the participants of the key community engagement forums in recognition of their valued contribution toward the document.

Cr Silver returned at 11:47 AM

FOR VOTE - Cr Silver, Cr Cadwallader, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr J Johnson, Cr Meehan
AGAINST VOTE - Cr K Johnson, Cr Brown

Cr Silver resumed the Chair.

13.1 Rescission Motion - Cumbalum Precinct B Planning Proposal

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Susan Meehan.

That Resolution 241111/9, as follows, be rescinded:

9.2 Cumbalum Precinct B Planning Proposal

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.*

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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.*

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

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

AGAINST VOTE - Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Moore, Cr Wright, Cr Brown

13.2 Rescission Motion - Ballina LEP - Amendment No. 90 - Stewart Farm

A **Motion** was moved by Cr Alan Brown and seconded by Cr Robyn Hordern.

That Resolution 241111/12, as follows, be rescinded:

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

241111/ 1 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*

A **Motion** was moved by Cr Peter Moore

That Council suspend standing orders to allow the proponent to respond to questions from Councillors.

The **Motion** **LAPSED**.

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

151211/ 10 RESOLVED

(Cr Alan Brown/Cr Robyn Hordern)

That Resolution 241111/12, as follows, be rescinded:

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

241111/ 2 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 Cadwallader, Cr K Johnson, Cr Smith, Cr Moore, Cr Hordern, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Wright, Cr J Johnson

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

1. Subject to point two below, Council confirms that it will only proceed with the exhibition of LEP Amendment No. 90 subject to the following items being included in a voluntary planning agreement with the proponents, with that agreement to be exhibited as part of the public exhibition process. The minimum items to be included are:
 - a) Dedication to Council of the land that forms a buffer on the western side of the coast road that is currently zoned 7(d) Environmental Protection – Scenic Escarpment. The 7(d) land that forms part of Lot 2 DP 784864 is to be dedicated to Council as part of this amendment, however the balance of the dedication can occur at future subdivision, with the exact details of this arrangement to be confirmed through appropriate legal advice.
 - b) Acceptance of Council's contribution of \$100,000 (excluding GST) and subject to annual CPI adjustments, for the reconstruction of Headlands Drive and associated infrastructure such as the proposed roundabout.
 - c) Satisfactory arrangements being made for the management of stormwater.
 - d) Dedication to Council of the land on the eastern side of the Coast Road which is currently zoned 7(f) and forms part of Lots 1 & 2 in DP 784864.

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2. That Council confirms that its preference for the public exhibition of LEP Amendment No. 90 is to ensure that the entire study area is exhibited following the completion of the Local Environmental Study. This then ensures that the community is in a position to obtain a holistic perspective of the amendment. Once the Local Environmental Study is completed, proposed LEP Amendment No. 90 is to be presented to Council for consideration to then allow Council to provide approval for public exhibition.

An **Amendment** was moved by Cr Peter Moore and seconded by Cr Susan Meehan

1. Subject to point two below, Council confirms that it will only proceed with the exhibition of LEP Amendment No. 90 subject to the following items being included in a voluntary planning agreement with the proponents, with that agreement to be exhibited as part of the public exhibition process. The minimum items to be included are:
- a) Dedication to Council of the land that forms a buffer on the western side of the coast road that is currently zoned 7(d) Environmental Protection – Scenic Escarpment. The 7(d) land that forms part of Lot 2 DP 784864 is to be dedicated to Council as part of this amendment, however the balance of the dedication can occur at future subdivision, with the exact details of this arrangement to be confirmed through appropriate legal advice.
 - b) Acceptance of Council's contribution of \$100,000 (excluding GST) and subject to annual CPI adjustments, for the reconstruction of Headlands Drive and associated infrastructure such as the proposed roundabout.
 - c) Satisfactory arrangements being made for the management of stormwater.
3. That Council confirms that its preference for the public exhibition of LEP Amendment No. 90 is to ensure that the entire study area is exhibited following the completion of the Local Environmental Study. This then ensures that the community is in a position to obtain a holistic perspective of the amendment. Once the Local Environmental Study is completed, proposed LEP Amendment No. 90 is to be presented to Council for consideration to then allow Council to provide approval for public exhibition.

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

FOR VOTE - Cr Moore, Cr Hordern, Cr Brown

AGAINST VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Wright, Cr J Johnson, Cr Meehan

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

151211/ 11 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. Subject to point two below, Council confirms that it will only proceed with the exhibition of LEP Amendment No. 90 subject to the following items being included in a voluntary planning agreement with the proponents, with that agreement to be exhibited as part of the public exhibition process. The minimum items to be included are:
 - a) Dedication to Council of the land that forms a buffer on the western side of the coast road that is currently zoned 7(d) Environmental Protection – Scenic Escarpment. The 7(d) land that forms part of Lot 2 DP 784864 is to be dedicated to Council as part of this amendment, however the balance of the dedication can occur at future subdivision, with the exact details of this arrangement to be confirmed through appropriate legal advice.
 - b) Acceptance of Council's contribution of \$100,000 (excluding GST) and subject to annual CPI adjustments, for the reconstruction of Headlands Drive and associated infrastructure such as the proposed roundabout.
 - c) Satisfactory arrangements being made for the management of stormwater.
 - d) Dedication to Council of the land on the eastern side of the Coast Road which is currently zoned 7(f) and forms part of Lots 1 & 2 in DP 784864.

2. That Council confirms that its preference for the public exhibition of LEP Amendment No. 90 is to ensure that the entire study area is exhibited following the completion of the Local Environmental Study. This then ensures that the community is in a position to obtain a holistic perspective of the amendment. Once the Local Environmental Study is completed, proposed LEP Amendment No. 90 is to be presented to Council for consideration to then allow Council to provide approval for public exhibition.

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

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

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12. Public Question Time

12.1 Terry Prendergast - LEP Renewal

Terry Prendergast – Is the new LEP able to carry out and correct past unfair and unjust situations that have happened previously?

The General Manager advised that it will be a matter of opinion as to whether people think it is fair or not. Council will make its decision on the best information it has available.

Terry Prendergast - Will there be an environmental study on the current E3 zoning, carried out that will be robust, transparent, fair and just?

Steve Barnier advised that a Local Environmental Study has not been undertaken on the existing LEP on the advice of the Department of Planning.

12.2 Bill Grace - LEP Renewal

Bill Grace – Are the Councillors aware that the State Government on 6 December 2011 presented an issues paper concerning the review of the NSW Planning System?

The Mayor replied - Yes

Bill Grace - Have the Councillors been informed by staff in respect of the review that the State Government review process is undertaking, which concerns the making of LEPs, the ability of members of the public whose land is to be rezoned to appeal that decision and finally whether Councillors have been made aware of the issue that those members of the public whose land is rezoned have an entitlement to compensation?

The Mayor advised that a workshop was held by the State Government where it was advised that that review had nothing to do with the current LEP and that it was a review of the current Environmental Planning & Assessment Act.

Bill Grace - May I leave you with the actual document which sets those matters out and may it be passed to Councillors?

The Mayor replied - Yes

12.3 Ralph Moss - Dredging Taskforce

Ralph Moss – who are the members of the Dredging Taskforce recently formed by Council and what is the address for members of the public to forward submissions? Where is the sand going once dredging occurs?

The General Manager advised that the Taskforce consisted of representatives of the Chamber of Commerce and Ballina Fishermen's Co-op. Any submissions should be directed to the Department of Primary Industries.

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The Mayor advised that a teleconference had been held last week between the Taskforce and the Department of Primary Industries.

Ralph Moss - Could we have a public statement as to where to go and what the teleconference consisted of?

The General Manager advised that Council can do something publicly.

Adjournment

The Mayor declared the meeting adjourned at 1.25 pm.

The meeting resumed at 2.07 pm

14.1 Environmental & Sustainability Committee Minutes - 1 December 2011

151211/ 12 RESOLVED

(Cr Ben Smith/Cr Jeff Johnson)

That Council confirms the minutes of the Environmental & Sustainability Committee meeting held Thursday 1 December 2011.

FOR VOTE - All Councillors voted unanimously.

151211/ 13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That recommendation 4.1, Ballina LEP Renewal - Re-exhibition and LEP Finalisation - Principal Report, of those Minutes, be adopted.

FOR VOTE - All Councillors voted unanimously.

151211/ 14 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That in respect to the Gilding submission (6) that Council amend clause 2.6 of Draft LEP 2011 by deleting the reference to "30 days" and inserting "52 days".

FOR VOTE - All Councillors voted unanimously.

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151211/ 15 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

That in respect to the Veronesi submission (31), that the Environmental Conservation Zone be removed from the two paddocks approximately one hectare in area and replaced with the RU2 Rural Landscape zone.

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

AGAINST VOTE - Cr J Johnson

A **Motion** was moved by Cr Keith Johnson and seconded by Cr Alan Brown.

That in respect to the Grace submission (71) that Council amend the zoning from E2 to RU2.

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

FOR VOTE - Cr K Johnson, Cr Brown

AGAINST VOTE - Cr Silver, Cr Cadwallader, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr J Johnson, Cr Meehan

Cr Silver declared a pecuniary interest in Items 4.2, 4.4 and 4.9 and left the meeting at 02:42 PM. Cr Wright, Deputy Mayor assumed the Chair

151211/ 16 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

1. That recommendation 4.2 - Report A - Duck Creek/Gum Creek Catchment Area, of those Minutes, be adopted.
2. That recommendation 4.4 - Report C - Fawcett Street, Ballina, of those Minutes, be adopted.
3. That recommendation 4.9 - Report E - Alstonville Village Centre, of those Minutes, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver

Cr Silver returned at 02:44 PM and resumed the Chair.

Cr Meehan declared a pecuniary interest in Items 4.3, 4.7 and 4.8 and left the meeting at 02:44 PM.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
15/12/11 AT 9.00 AM**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr David Wright.

That recommendation 4.3 - Report B - Summerhill Crescent, Cumbalum, of those Minutes, be amended to change the zoning back to RU2 as originally recommended by staff.

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

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

151211/ 17 RESOLVED

(Cr Robyn Hordern/Cr Keith Johnson)

That recommendation 4.3 - Report B - Summerhill Crescent, Cumbalum, of those Minutes, be adopted.

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

151211/ 18 RESOLVED

(Cr Sharon Cadwallader /Cr Keith Johnson)

That recommendation 4.7 - Report G - Oakland Avenue, West Ballina, of those Minutes, be adopted.

That recommendation 4.8 - Report H - Camoola Avenue, Ballina, of those Minutes, be adopted.

Cr Meehan returned at 03:00 PM

Cr Brown declared a pecuniary interest in Item 4.5 and left the meeting at 03:01 PM.

151211/ 19 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

That recommendation 4.5 - Report D - North Creek Road, North Ballina, of those Minutes, be adopted.

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

Cr Brown returned at 03:01 PM

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Cr Cadwallader declared a pecuniary interest in Item 4.6 and left the meeting at 03:01 PM.

151211/ 20 RESOLVED

(Cr David Wright/Cr Keith Johnson)

That recommendation 4.6 - Report F - Brighton Street and Easton Place, East Ballina, of those Minutes, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Cadwallader

Cr Cadwallader returned at 03:02 PM

14.3 Civil Committee Minutes - 12 December 2011

A **Motion** was moved by Cr Phillip Silver and seconded by Cr David Wright.

That Council confirms the minutes of the Civil Committee meeting held Monday 12 December 2011 and that the recommendations contained within the minutes be adopted.

151211/ 21 RESOLVED

(Cr Peter Moore)

That the motion be put.

FOR VOTE - Cr Silver, Cr K Johnson, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr J Johnson, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Cadwallader

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

151211/ 22 RESOLVED

(Cr Phillip Silver /Cr David Wright)

That Council confirms the minutes of the Civil Committee meeting held Monday 12 December 2011 and that the recommendations contained within the minutes be adopted.

FOR VOTE - Cr Silver, Cr K Johnson, Cr Moore, Cr Hordern, Cr Wright, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Cadwallader, Cr Smith, Cr J Johnson

Cr Moore left the meeting at 03:17 PM.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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9. Strategic & Community Services Group Reports

9.2 Northern Rivers Community Gallery - Naming Proposal

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Phillip Silver .

That Council support the naming proposal proposed by BACCI for the exhibition space within the Northern Rivers Community Gallery.

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

FOR VOTE - Cr Silver, Cr Cadwallader, Cr J Johnson

AGAINST VOTE - Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr Brown, Cr Meehan

ABSENT. DID NOT VOTE - Cr Moore

151211/ 23 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That Council not support the naming proposal proposed by BACCI for the exhibition space within the Northern Rivers Community Gallery due to concerns that this type of decision will result in the ad hoc naming of other facilities within the Shire.
2. That Council receive a report on the options for formulating a policy for naming proposals as per the contents of this report.
3. That the General Manager liaise with the Gallery Advisory Committee to implement a suitable recognition within the Gallery, such as a plaque, for Grace Cruice.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

9.3 Land Classification

151211/ 24 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council classify Lot 2 DP 1168781 as operational land pursuant to the Local Government Act 1993.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

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10. General Manager's Group Reports

10.1 Use of Council Seal

151211/ 25 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

That Council affix the Common Seal to the following document.

US11/27	<p>Deed of Consent and Assignment of Lease and Licence agreements: E A Keemink to M Sims & R Mamone t/as Fishheads @ Byron Pty Ltd: Lease of Council land Lot 1 DP 1095427, and Licence Agreement to occupy part Crown Reserve 1010068, being part Lot 402 DP 755684.</p> <p>Explanation: Ms Keemink is the Lessee (land component lease) of an area of Council operational land Lot 1 DP 1095427 + Licencee of part Crown Reserve 1010068, being part Lot 402 DP 755684. 'Shelly's on the Beach' café is located upon the land parcels referenced. Council granted consent for a 5 + 5 + 5 year lease agreement that commenced on 1 July 2010, with similar consent granted by The Ballina Coastal Reserve Trust and agreed by the LPMA, for part Crown Reserve 1010068 for a 15 year period, running concurrently with the lease. Both agreements terminate on 30 June 2025. The proposed ingoing tenants/licencees currently own and successfully operate 'Fishheads' restaurant of Byron Bay. Development consent has been granted (DA2010/336) for the redevelopment of the site.</p>
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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore

10.2 Investment Summary - November 2011

151211/ 26 RESOLVED

(Cr Sharon Cadwallader /Cr Keith Johnson)

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

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

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10.4 Ordinary Meeting Date - January 2012

151211/ 27 RESOLVED

(Cr Sharon Cadwallader /Cr David Wright)

That due to the clash of the normal meeting date with the Australia Day holiday Council's January 2012 Ordinary meeting will be held on Wednesday 25 January 2012.

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

10.5 Policy (Review) - Privacy Management Plan

151211/ 28 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council adopt the amended Privacy Management Plan, 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

10.6 Legal Cases - Status

151211/ 29 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council notes the contents of the legal status report.

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

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10.7 Tourism and Economic Development - Workshop

151211/ 30 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

1. That in respect to the provision of increased signage Council confirms its preference is to install signage along or near the Ballina bypass that can promote the benefits of Ballina and surrounds, along with the services on offer. The General Manager is authorised to pursue the installation of this signage, from within existing budgets, however if additional funds are required, they will need to be considered as part of the 2012/13 budget deliberations.
2. That as part of the 2012/13 budget deliberations, Council receives a report on the options, including financing and staging, to implement a street tree planting program for the northern and southern entrances to Ballina.
3. That Council notes the comments in this report in respect to the work currently being undertaken to produce a promotional DVD.
4. That Council notes the comments outlined in this report in respect to the possibility of preparing an Economic Development Strategy.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

10.8 Ballina Hockey Club - Sporting Facility Liquor Licence

151211/ 31 RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

1. That Council provides in principle support for the Ballina Hockey Club to lodge a development application to operate as a sporting club at the Ballina Hockey Club complex at Kingsford Smith Reserve.
2. In providing this support Council acknowledges that:
 - a) any development consent obtained will provide strict operating conditions that minimise any impact of the Club on the existing amenity of the locality
 - b) The development consent will assist the Hockey Club in obtaining approval for a sporting club liquor licence
 - c) Funds raised from the sale of liquor are to be reinvested into the complex and to assist with asset renewal, such as the future replacement of the synthetic surface

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d) This in principle support does not in any way pre-empt the outcome of the assessment of the subject development application.

3. That Council receive a report on the development of a policy that will assist Council in managing future requests for licences of this type.

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

11. Civil Services Group Reports

11.1 Tender - Ballina Heights Drive Construction

151211/ 32 RESOLVED

(Cr Sharon Cadwallader /Cr David Wright)

1. That in respect of the current tender for construction of Ballina Heights Drive, the Council resolves to terminate the direct negotiation with NSW RTA and advise the RTA of this decision as the scope of the project remains beyond Council's current financial resources.
2. That Council call tenders for the construction of Stage One of Ballina Heights Drive, being at a minimum, a road project from Power Drive to the limit of the required works (i.e. CURA-A boundary).

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

11.2 Surf Life Saving - Service Levels

151211/ 33 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council, having regard to changes in patronage, the available budget and professional risk management advice amend its service levels for life guard services from those described in Table One to those in Table Two, as outlined below.

Table One - Current Service Levels

Beach	Service	Number Lifeguards
Lennox Head	7 months	1
Lighthouse Beach	7 months	1
Sharpes Beach	Summer Holidays	1
	Autumn/Easter	1
Shelly Beach	Summer Holidays	1
	Autumn/Easter	1
South Ballina	2 weeks (Xmas to New Year)	2

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Table Two - Revised Service levels:

Beach	Service	Number of Lifeguards
Lennox Head	7 months	2
Lighthouse Beach	Spring Holidays	1
	Summer Holidays	2
	Autumn/Easter Holidays	1
Sharpes Beach	Spring Holidays	2
	Summer Holidays	2
	Autumn/Easter Holidays	2
Shelly Beach	Summer Holidays	1
South Ballina	2 weeks (Xmas to New Year)	2

2. That Council advise the NSW Department of Primary Industries, Crown Lands Division and the National Parks and Wildlife Service that Council will not be providing the South Ballina service for 2012/13 onwards and recommend to these agencies that they give consideration to the management of swimming safety at this location.

3. That the General Manager identify savings, as part of the next Quarterly Budget review, to offset the estimated increase in costs for this service for 2011/12, being approximately \$23,000.

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

11.3 Fleet Acquisition and Replacement Program

151211/ 34 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council approves an amendment to the adopted 2011/12 additional plant purchase program from that listed in Table One to those in Table Two, as outlined below.

Table One

- 1 x Backhoe
- 1 x Roller
- 2 x Tipping trucks and Dog Trailers
- 1 x Water truck
- 1 x mini excavator
- 2 x Light Tipping Trucks
- 1x Crew Cab utility

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Table Two

- 1 x Backhoe
- 1 x Roller
- 2 x Tipping trucks
- 1 x Water truck
- 1 x mini excavator
- 1 x Tipping truck(16T approximately excavator transport)
- x Light Tipping Trucks (one with crew cab)
- 1x Crew Cab utility
- 1 x 2.5-4t self propelled roller and towing trailer; and
- Disposal of Plant 168 Pacific Multi Tyred Roller

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

13. Notices of Motion

13.3 Notice of Motion - Ballina CBD Parking

The Motion was withdrawn following technical advice from the Group Manager Civil Services.

13.4 Notice of Motion - Killen Falls

151211/ 35 RESOLVED

(Cr Jeff Johnson/Cr Ben Smith)

That Council receive a report on the current state of the pathway and public access at the Killen Falls 'Reserve'. This report is to include cost estimates for any possible improvements or maintenance works that could be undertaken to improve the condition of the path. The options to utilise grant funds should also be considered as part of this report.

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

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14. Advisory Committee Minutes

14.2 Facilities Committee Minutes - 12 December 2011

151211/ 36 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council confirms the minutes of the Facilities Committee meeting held Monday 12 December 2011 and that the recommendations contained within the minutes be adopted.

Cr J Johnson left the meeting at 04:23 PM.

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

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

15.1 Mayoral Meetings

151211/ 37 RESOLVED

(Cr Sharon Cadwallader /Cr Susan Meehan)

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

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

15.2 Australian Airports Association 30th National Convention

151211/ 38 RESOLVED

(Cr Alan Brown/Cr Sharon Cadwallader)

That Council notes the contents of the report from Cr Alan Brown on his attendance at the Australian Airports Association 30th National Convention.

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

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16. Questions Without Notice

16.1 Cr Wright - Alstonville Bypass Mowing

Cr Wright – could we please have the bypass at Wollongbar mown?

John Truman to investigate.

16.2 Cr Meehan - Long Grass, Traffic Islands near Harvey Norman

Cr Meehan – could the long grass in the traffic islands near Harvey Norman be mown?

John Truman to investigate.

16.3 Cr Cadwallader - Town Clock

Cr Cadwallader – could we please ask the Court House to fix the town clock?

General Manager to investigate.

16.4 Cr Cadwallader - Works around Lake Ainsworth

Cr Cadwallader – thanked staff for work done around Lake Ainsworth.

16.5 Cr Brown - Sailing Club area

Cr Brown – could we please tidy up around the boat ramp at the Sailing Club?

John Truman to investigate.

16.6 Cr Brown - Mowing

Cr Brown – mowing has taken place by the owners of the former Ferry Boat Motel site but the edge of the pathway to the caravan park needs mowing.

John Truman to investigate.

16.7 Cr Hordern - Cleaning - Missingham park

Cr Hordern – Enquired if additional scheduling of cleaning around Missingham Skatepark will be done over the Christmas/New Year period?

John Truman advised that this has been scheduled.

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17. Confidential Session

Nil items

MEETING CLOSURE

4.26 pm

The Minutes of the Ordinary Meeting held on 15/12/11 were submitted for confirmation by council on 25 January 2012 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 January 2012.