

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 25/02/21 AT 9.00AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Keith Williams, Sharon Cadwallader and Ben Smith.

Paul Hickey (General Manager), John Truman (Director, Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division) and Sandra Bailey (Secretary) were in attendance.

There were five people in the gallery at this time.

1. Australian National Anthem

The National Anthem was played.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country.

3. Apologies

An apology was received from Cr Nathan Willis.

250221/1 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That such apology be accepted and leave of absence granted.

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

4. Confirmation of Minutes

250221/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 January 2021.

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

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250221/3 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 3 February 2021.

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

5. Declarations of Interest and Reportable Political Donations

- **Cr Eoin Johnston** – declared an interest in Item 8.1 – DA 2020/766 – Industrial Building, Gymnasium and Take Away Premises. (Nature of Interest: non significant, non pecuniary – he is a member of the Ballina Surf Club with the applicant). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** – declared an interest in Item 8.2 – Planning Proposal – Rural Function Centres. (Nature of Interest: non significant, non pecuniary - she is a civil celebrant). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Jeff Johnson** - later in the meeting declared an interest in the Motion of Urgency and Item 9.7 – Use of Council Seal. (Nature of Interest: non significant, non pecuniary – he is currently doing some solar work with the Lennox Point Hotel). He departed the meeting while the matter was discussed.

There were no reportable political donations.

6. Deputations

- **Brad Pollard, Lennox Chamber of Commerce** – spoke in opposition to Item 11.1 – Notice of Motion – Lennox Village Vision Project – Lennox Park.
- **Robyn Hargrave, Lennox Head Heritage Committee** – spoke in favour of Item 11.1 – Notice of Motion – Lennox Village Vision Project – Lennox Park.
- **Malcolm Johnson – Bulwinkel Landcare** – spoke in favour of Item 11.4 – Notice of Motion Bulwinkel Park, Alstonville.
- **Lyn Walker, Ballina Environment Society** – spoke in favour of Item 11.5 – Notice of Motion – Fossil Fuel Divestment.
- **Lyn Walker, Ballina Environment Society** – spoke in favour of Item 11.6 – Notice of Motion – Fossil Fuel Divestment – LGNSW and ALGA.

7. Mayoral Minutes

Nil items.

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11.1 Notice of Motion - Lennox Village Vision Project - Lennox Park Shelter

A **Motion** was moved by Cr Eoin Johnston and seconded by Cr Phillip Meehan

1. That the adopted Lennox Village Vision Concept Plan be amended to retain the weather shed / pavilion in Lennox Park due to its historical significance and cultural value within the local community.
2. That Council receive a report on the option of restoring this structure, as much as possible, to its original condition, using contemporary materials, as part of the Lennox Village Vision project.

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

FOR VOTE - Cr Phillip Meehan and Cr Eoin Johnston

AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Nathan Willis

11.4 Notice of Motion - Bulwinkel Park, Alstonville

250221/4 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council allocate \$25,000 from the \$382,000 allocated to community halls / facilities / BBQs and shade shelters, through the Local Roads and Community Infrastructure (LRCI) Program, to the removal of the existing structure and provision of a new shelter and seating at Bulwinkel Park, Alstonville.
2. That Council's landscape architect provide assistance in regards to a plan of the park and in particular the riparian zone.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

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11.5 Notice of Motion - Fossil Fuel Divestment

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

1. That Council confirms its first investment preference is only to invest in financial institutions that are no longer providing new loans for the fossil fuel industry.
2. That Council write to all of the major banks and financial institutions asking them to clarify their position with regards to offering new loans for fossil fuel investments, either new projects or refinancing loans for existing fossil fuel investments.
3. To comply with Council's existing Investment Policy, that Council only invest in financial institutions that are still lending to the fossil fuel industry, through Green Bonds, and not standard term deposit accounts.
4. That once Council has received correspondence from the major banks and financial institutions with regards to their current and future lending criteria that Council receives a report with options to increase Council's investment portfolio away from fossil fuel aligned financial institutions.

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

FOR VOTE - Cr Sharon Parry and Cr Jeff Johnson

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Nathan Willis

Adjournment

The Mayor declared the meeting adjourned at 10.58am

The meeting resumed at 11.18am

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11.6 Notice of Motion - Fossil Fuel Divestment - LGNSW and ALGA

250221/5 RESOLVED

(Cr Jeff Johnson/Cr Sharon Parry)

That Council submit the following motion to the next LGNSW and ALGA conferences:

1. That LGNSW, ALGA and other local government State Associations, jointly develop a campaign / strategy that encourages all local government councils across Australia to place their investments and loans with non-fossil fuel aligned banking institutions.
2. This campaign / strategy is to examine options that will encourage one or more of the major banks to stop lending to the fuel fossil industry, by highlighting the opportunities that may exist for such a bank, through local government, as an industry, placing their investments and loans with that bank, particularly when the total investments and loans held by local government is valued in the billions of dollars.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Nathan Willis

8. Planning and Environmental Health Division Reports

8.1 DA 2020/766 - Industrial Building, Gymnasium and Take Away Premises

250221/6 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That the proposed variation to Clause 4.3 Height of buildings development standard under the Ballina Local Environmental Plan 2012 of 8.5 metres be granted to enable a building with a maximum height of 9.997m, for the reasons outlined in this report.
2. That Development Application 2020/766 for the construction of an industrial complex containing two buildings to be used for light/general industrial and a gymnasium and take away food and drink premises be **APPROVED** subject to standard planning, building, civil engineering and environmental health conditions.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

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8.2 Planning Proposal - Rural Function Centres

250221/7 RESOLVED

(Cr Ben Smith/Cr Jeff Johnson)

1. That Council authorises the General Manager to finalise and implement Planning Proposal BSCPP 18/005 relating to Rural Function Centres as exhibited and contained in Attachment 1 to this report, under delegated authority.
2. That Council undertake the public exhibition of the draft amendments to Ballina Shire Development Control Plan 2012 relating to function centres on rural land foreshadowed as part of BSCPP 18/005, incorporating the amendment outlined in this report.

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

8.3 Planning Proposal - Lennox Rise, Lennox Head

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

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to apply a 450m² minimum lot size for subdivision to parts of Lot 1 DP 1070446 as detailed in Planning Proposal BSCPP 19/002, as per Attachment 1 to this report.
2. That Council advise the NSW Department of Planning, Industry and Environment of this decision and requests that the Department finalises and implements the amendment.

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

That this matter be deferred to a Councillor briefing.

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

FOR VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Nathan Willis

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Nathan Willis

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250221/8 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to apply a 450m² minimum lot size for subdivision to parts of Lot 1 DP 1070446 as detailed in Planning Proposal BSCPP 19/002, as per Attachment 1 to this report.
2. That Council advise the NSW Department of Planning, Industry and Environment of this decision and requests that the Department finalises and implements the amendment.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Nathan Willis

8.4 LEP Amendments and Planning Proposals - Status

250221/9 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on current LEP amendments and planning proposals.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

8.5 Development Control Plan Amendment - Mosquito Management

250221/10 RESOLVED

(Cr Eoin Johnston/Cr Keith Williams)

1. That Council undertake the public exhibition of the draft amendments to the Ballina Shire Development Control Plan 2012 relating to mosquito management (as contained in Attachment 1 to this report), in accordance with the terms of the Environmental Planning and Assessment Act 1979 and the associated Regulation.
2. That a further report be submitted to Council following the public exhibition of the draft amendments to the Ballina Shire Development Control Plan 2012.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

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8.6 Development Applications - Works in Progress - February 2021

250221/11 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council notes the contents of the report on the status of outstanding development applications for February 2021.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

9. Corporate and Community Division Reports

9.1 Disclosure of Interest Returns

250221/12 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report on the disclosure of interest returns submitted in accordance with clause 4.21(c) of the Code of Conduct.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

9.2 Investment Summary - January 2021

250221/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for January 2021.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

9.3 Policy (Review) - Investments

250221/14 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Investments Policy, as attached to this report.

2. That Council place this policy on exhibition for public comment, with any submissions to be reported back to Council. If no submissions are received then no further action is required.

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FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Nathan Willis

9.4 Australia Day - Review

250221/15 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council confirms the categories for the 2022 Ballina Shire Australia Day Awards are to remain unchanged, with citizen of the year selected from one of the categories; i.e.

- Young Citizen of the Year (30 years or under)
- Senior Citizen of the Year (60 years or over)
- Sports Award
- Volunteer Award
- Community Event of the Year
- Arts and Cultural Award
- Environmental Award

2. That Council host the 2022 Australia Day event at the Lennox Head Community Centre due to the availability of air-conditioning.

3. That Council discontinue the provision of a courtesy bus for Australia Day due to the low uptake of users.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

9.5 Legal Matters - Update

250221/16 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

That Council notes the contents of this legal matters – update report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

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9.6 Financial Review - 31 December 2020

250221/17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the December 2020 Quarterly Budget Review and approves the changes identified within this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

Adjournment for Public Question Time

The Mayor declared the meeting adjourned for Public Question Time at 1.00pm

There were no members of the public present for Public Question Time.

The meeting resumed at 1.01pm

At this point Cr Jeff Johnson declared an interest in the Motion of Urgency and Item 9.7 – Use of Council Seal. (Nature of Interest: non significant, non pecuniary – he is currently doing some solar work with the Lennox Point Hotel). He left the meeting at 1.01pm

Motion of Urgency

250221/18 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That Item 9.7 – Use of Council Seal be dealt with as a matter of urgency due to the sale of the Lennox Point Hotel planned for settlement on 15 March 2021.

FOR VOTE - Cr David Wright Cr Eoin Johnston, Cr Stephen McCarthy , Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Phillip Meehan, Cr Sharon Parry, and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

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9.7 Use of Council Seal

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

That Council affix the Common Seal to the following document.

US/02	Airspace Lease – Lennox Point Hotel, 19 Pacific Parade, Lennox Head. A new lease over airspace adjoining Lot 1 DP1066222 to be granted to Maldew Pty Ltd, the current owner of the Lennox Point Hotel for a term expiring on 14 November 2025. The initial base rental to be determined by an independent external valuation. Consent is also sought to assign the new lease from Maldew Pty Ltd to SLI Freehold Pty. Ltd.
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An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Eoin Johnston

That this matter be deferred until a point in time when Council has an independent valuation in place to enable Council to make a decision at an Extraordinary meeting.

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

FOR VOTE - Cr Phillip Meehan, Cr Eoin Johnston and Cr Sharon Cadwallader
AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Keith Williams and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

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

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

250221/19 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following document.

US/02	Airspace Lease – Lennox Point Hotel, 19 Pacific Parade, Lennox Head. A new lease over airspace adjoining Lot 1 DP1066222 to be granted to Maldew Pty Ltd, the current owner of the Lennox Point Hotel for a term expiring on 14 November 2025. The initial base rental to be determined by an independent external valuation. Consent is also sought to assign the new lease from Maldew Pty Ltd to SLI Freehold Pty. Ltd.
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FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr Phillip Meehan
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

10. Civil Services Division Reports

Nil Items

11. Notices of Motion

11.2 Notice of Motion - Cumbalum Interchange

250221/20 RESOLVED

(Cr Phillip Meehan/Cr Keith Williams)

That Council invite the Minister for Transport and Roads NSW Andrew Constance, to an on-site discussion on the construction of north (off) and south (on) ramps at the Cumbalum - Pacific Motorway interchange and traffic capacity in Ballina generally, as a Regional Growth Centre. Should an on-site meeting not be able to be organised, that Council seek a deputation meeting with the Minister. That the Minister for Regional Transport and Roads Paul Toole, also be informed.

Cr Jeff Johnson returned to the meeting at 1.25pm.

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

11.3 Notice of Motion - Housing Affordability Strategy

250221/21 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

That as part of the development of the housing affordability strategy, which is an action in the 2020/21 Operational Plan, Council examine the option of creating a consultative group, consisting of key housing stakeholders, to inform the strategy and to provide on-going input and feedback into the implementation of the strategy.

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

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12. Advisory Committee Minutes

Nil Items

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

13.1 Mayoral Meetings

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Eoin Johnston

1. That Council notes the contents of the report on Mayoral meetings.
2. That Council elect Cr Stephen McCarthy as the new delegate to the Richmond Tweed Regional Library Committee as Cr Sharon Parry has resigned.
3. That a female Councillor represent Council at the Council sponsored International Women's Day event being held in Ballina on 4 March 2021.

Cr Phillip Meehan left the meeting at 01:59 pm.

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

1. That Council notes the contents of the report on Mayoral meetings.
2. That Council elect Cr Stephen McCarthy as the new delegate to the Richmond Tweed Regional Library Committee as Cr Sharon Parry has resigned.
3. That Council request the Chamber of Commerce to have a female Councillor speak at the International Women's Day event, on 4 March 2021, specifically on Women in Local Government.

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

250221/22 RESOLVED

(Cr Ben Smith/Cr Jeff Johnson)

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

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2. That Council elect Cr Stephen McCarthy as the new delegate to the Richmond Tweed Regional Library Committee as Cr Sharon Parry has resigned.

3. That Council request the Chamber of Commerce to have a female Councillor speak at the International Women's Day event, on 4 March 2021, specifically on Women in Local Government.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

Cr Phillip Meehan returned to the meeting at 02:17pm.

MEETING CLOSURE

2.18pm

The Minutes of the Ordinary Meeting held on 25/02/21 were submitted for confirmation by council on 25 March 2021 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 March 2021.