

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/04/21 AT 9.00AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis, 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 four 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 Sharon Parry.

220421/1 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted and leave of absence granted.

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

4. Confirmation of Minutes

220421/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 March 2021.

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

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5. Declarations of Interest and Reportable Political Donations

- **Cr Keith Williams** – declared an interest in Item 8.2 – Ballina Farmers Market – Expansion Request. (Nature of Interest: significant, non-pecuniary – he is a former Manager of the Ballina Farmers Market and employee of Ms Burless). He will be departing the meeting while the matter is discussed.
- **Cr Keith Williams** – declared an interest in Item 8.3 – Development Control Plan Amendment – Rural Function Centres and Item 8.4 – Submission – NSW Agritourism Reforms. (Nature of Interest: non-significant, non-pecuniary – he operates a restaurant in a rural zoned area). He will be remaining in the meeting while the matters are discussed and voting on the matters.
- **Cr Keith Williams** – declared an interest in Item 11.1 – Notice of Motion – South Ballina Beach Closure. (Nature of Interest: non-significant, non-pecuniary – he is a former Executive member of Australian Seabird Rescue and no longer a licensed wildlife rescuer). 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 8.4 – Submission – NSW Agritourism Reforms. (Nature of Interest: non-significant, non-pecuniary –the submission mentions weddings and she is a civil celebrant). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** – later in the meeting declared a perceived interest in Item 9.4. Tender – Flat Rock Tent Park Management. (Nature of Interest: non-significant, non-pecuniary – one of the tenderers was a contractor to her business). She departed the meeting while the matter was discussed.
- **Cr David Wright** – later in the meeting declared an interest in Item 8.2 – Ballina Farmers Market – Expansion Request. (Nature of Interest: non-significant, non-pecuniary – he attends the markets every Sunday and talks to stall holders). He remained in the meeting while the matter was discussed and voted on the matter.

There were no reportable political donations.

6. Deputations

- **Steve Connelly** – spoke in favour of Item 8.1 – LEP Amendment – Northern Rivers Wildlife Hospital – Lindendale Road.
- **Big Rob** (via Zoom) – spoke in opposition to Item 11.1 – Notice of Motion – South Ballina Beach Closure.
- **Kevin Lockrey** – Ballina Peninsula Residents Association – spoke in favour of Item 11.1 – Notice of Motion – South Ballina Beach Closure.

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7. Mayoral Minutes

Nil items

8. Planning and Environmental Health Division Reports

**8.1 LEP Amendment - Northern Rivers Wildlife Hospital - Lindendale Road
220421/3 **RESOLVED****

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council proceed to prepare a planning proposal to amend Ballina LEP 1987 so as to permit with consent a veterinary hospital, and an information and educational facility on part Lot 237 DP 755745, 46 Lindendale Road, Wollongbar.
2. That the planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway determination.
3. That the Department of Planning, Industry and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
4. That upon an affirmative Gateway determination being received from the Department of Planning, Industry and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
5. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.

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

AGAINST VOTE - Cr Nathan Willis

ABSENT. DID NOT VOTE - Cr Sharon Parry

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11. Notices of Motion

11.1 Notice of Motion - South Ballina Beach Closure

A **Motion** was moved by Cr Keith Williams and seconded by Cr Stephen McCarthy

That Council write to the NSW Minister for Crown Lands to:

1. Thank the Minister for acting to reduce risk to beach users and limit ongoing environmental degradation to South Ballina Beach.
2. Advise that Ballina Shire Council has not undertaken adequate community consultation (as defined by Council Policy) regarding usage of South Ballina Beach.
3. Express concern that the decision to close South Ballina Beach to vehicles was taken with limited community engagement with the local community being undertaken by the Department, in accordance with Departmental Policy.
4. Request the Minister to direct the Department to engage in consultation with local residents to consider modifications to the proposed list of 'Approved Users' that may be authorised to access the beach (for example: people with a disability, seniors, immediate neighbours, licensed wildlife rescuers, members of local fishing clubs).

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

FOR VOTE - Cr Eoin Johnston and Cr Keith Williams

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Sharon Parry

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Cr Keith Williams declared an interest in Item 8.2 and left the meeting at 9:58am.

8.2 Ballina Farmers Market - Expansion Request

220421/4 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council proceed to prepare a development application for a larger scale farmers market (and other community events where possible) at Commemoration Park, Ballina, as outlined within this report.

At this stage, Cr David Wright declared an interest in this item. (Nature of Interest: non significant, non pecuniary – he attends the markets every Sunday and talks to stall holders). He remained in the meeting while the matter was discussed and voted on the matter.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Eoin Johnston

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Keith Williams

Cr Nathan Willis left the meeting at 10:19am.

Cr Keith Williams returned to the meeting at 10:19am.

8.3 Development Control Plan Amendment - Rural Function Centres

220421/5 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

1. That Council adopts the draft amendment (Amendment No.14) to the Ballina Shire Development Control Plan 2012 relating to rural function centres as contained in Attachment 1.

2. That Council provide public notice of the adoption of Amendment No.14 to Ballina Shire Development Control Plan 2012 with the amendment to take effect from the date of finalisation of the LEP amendment relating to function centres of rural land (BSCPP 18/005).

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Nathan Willis

Cr Nathan Willis returned to the meeting at 10:22am.

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8.4 Submission - NSW Agritourism Reforms

220421/6 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council endorses the submission to the NSW State Government's Agritourism Reforms, as contained in Attachment 2, to this report.

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

8.5 Development Applications – Variation to Development Standards

220421/7 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

That Council notes that there have been no applications approved under delegation for variations to development standards of 10% or less for January to March 2021.

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

8.6 Development Applications - Works in Progress - April 2021

220421/8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

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

Adjournment

The Mayor declared the meeting adjourned at 10.32 am

The meeting resumed at 10.51am

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9. Corporate and Community Division Reports

9.1 Investment Summary - March 2021

220421/9 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

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

9.2 Policy (Review) - Investments

220421/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council adopts the exhibited Investments Policy, as per Attachment 1.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr Jeff Johnson
ABSENT. DID NOT VOTE - Cr Sharon Parry

9.3 Council Meetings - Attendance by Councillors by Audio-Visual Link

220421/11 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

1. That Council notes the changes to the Local Government (General) Regulation 2005 to allow councils to permit Councillors to attend meetings remotely by audio-visual link while the Office of Local Government consults on the new provisions of the Model Meeting Code.
2. That Council adopts the following procedure to support the temporary exemption provisions:
 - a) That Council supports the attendance of Councillors by audio-visual link in all circumstances.
 - b) Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting will be terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

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- c) Councillors attending a meeting by audio-visual link must be appropriately dressed and ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Local Government Act 1993.
- d) If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

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

At this point Cr Sharon Cadwallader declared a perceived interest in Item 9.4. (Nature of Interest: non-significant, non-pecuniary – one of the tenderers was a contractor to her business. Cr Sharon Cadwallader left the meeting at 11:15am.

9.4 Tender - Flat Rock Tent Park Management

220421/12 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to Brookstay Pty Ltd t/a Frontier Tourism for the Tender - Flat Rock Tent Park Management for the total amount of \$510,000 (excluding GST) plus commission.
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Sharon Cadwallader

Cr Sharon Cadwallader returned to the meeting at 11:22 am.

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9.5 Tender - Workshop Extension and Roof Replacement

220421/13 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to AGS Commercial Pty Ltd for the Tender - Workshop Extension and Roof Replacement for the total amount of \$573,498 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

9.6 Tender - Design and Construct - Lennox Head Rural Fire Shed

220421/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to AGS Commercial Pty Ltd for the Tender - Design and Construct - Lennox Head Rural Fire Shed for the total amount of \$1,066,712.00 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

9.7 Tender - Stormwater Rehabilitation Works

220421/15 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to Interflow Pty Ltd for the Tender – Stormwater Rehabilitation Works for the total amount of \$668,104.85 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

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9.8 Tender - Airport Business Development and Marketing Services

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

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to The Trustee for The Strategic Energy Trust t/a Lime Intelligence for the Tender - Airport Business Development and Marketing Services at the tendered rates.
2. That Council authorises the General Manager to sign the contract documents.

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

That this matter be deferred to a Councillor briefing to discuss having Ballina businesses being better promoted at the Airport.

The **Amendment LAPSED.**

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

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

220421/16 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to The Trustee for The Strategic Energy Trust t/a Lime Intelligence for the Tender - Airport Business Development and Marketing Services at the tendered rates.
2. That Council authorises the General Manager to sign the contract documents.

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

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9.9 Delivery Program and Operational Plan - 31 March 2021 Review

220421/17 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report on the quarterly review of the 2020/21 to 2023/24 Delivery Program and 2020/21 Operational Plan.

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

9.10 Capital Expenditure Program - 31 March 2021 Review

220421/18 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report on the Capital Expenditure Program for the 2020/21 financial year.
2. That Council approves the following 2020/21 budget amendments as outlined in the attachments to this report:

Item	Current Budget	Variation	Revised Budget	Comment
Open Spaces				
Wollongbar District Park	773,000	130,000	903,000	Transfer from Amenities
Various Shelters and BBQs	175,000	(100,000)	75,000	LRCI - Defer to 2021/22
Ross Park, Lennox Head	400,000	(150,000)	250,000	Defer to 2021/22
Sports Fields – Improvements	261,000	(261,000)	0	LRCI - Defer to 2021/22
Public Amenities – Various	180,000	(100,000)	80,000	LRCI - Defer to 2021/22
Public Amenities – Regatta Ave	50,000	(50,000)	0	LRCI - Defer to 2021/22
Public Amenities – Wardell	160,000	(100,000)	60,000	Transferred to District Park
Public Amenities – Kerr St	139,000	(30,000)	109,000	Transferred to District Park
Total – Open Spaces	2,138,000	(661,000)	1,477,000	
Public and Environmental Health				
Rangers Equipment	20,000	(8,000)	12,000	Working capital saving
Commercial Services (Airport)				
Runway Widening / Lengthening	500,000	(300,000)	200,000	Defer to 2021/22
Pilot Activated Light	315,000	(165,000)	150,000	Defer to 2021/22
Passenger Screening	405,000	(200,000)	205,000	Defer to 2021/22
Car Park, Solar, Boom Gates	500,000	(200,000)	300,000	Defer to 2021/22
Commercial Services (Flat Rock)				
Flat Rock - Miscellaneous	55,000	(30,000)	25,000	Transfer back to Reserve
Commercial Services (Property)				
WUEA – Stage Three	4,400,000	(2,400,000)	2,000,000	Defer to 2021/22
54 North Creek Road	12,000	5,000	17,000	Trans from Prop Dev Res

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Henderson Land - Contribution	200,000	(200,000)	0	Defer to 2021/22
Total – Commercial Services	6,387,000	(3,490,000)	2,897,000	
Facilities Management (Community Facilities)				
Lennox Head Cultural Centre	752,400	(51,000)	701,400	Trans to Comm Infr Reserve
Halls – Various	157,000	(157,000)	0	LRCI - Defer to 2021/22
Wigmore Hall – Painting etc	14,000	(14,000)	0	Defer to 2021/22
Facilities Management (Depot and Admin Centre)				
Depot – Workshop	681,000	(400,000)	281,000	Defer to 2021/22
Admin Centre - Foyer	75,000	(75,000)	0	LRCI - Defer to 2021/22
Total – Facilities Management	1,679,400	(697,000)	982,400	
Water Operations				
Main Renewal – Recurrent	12,000	14,000	26,000	Transfer from reserve
Main Renewal – High / Park St	206,000	52,000	258,000	Transfer from reserve
Main Renewal – Suvla Street	40,000	80,000	120,000	Transfer from reserve
Treatment Plant – Marom Creek	520,000	(500,000)	20,000	Defer to 2021/22
Total – Water Operations	778,000	(354,000)	424,000	
Wastewater Operations				
Main Renewal – Recurrent	325,000	50,000	375,000	Transfer from reserve
Main Renewal – Seamist	226,000	(200,000)	26,000	Defer to 2021/22
Pump Stns – Montwood Drive	212,000	(70,000)	142,000	Transfer to reserve
Pump Stns – Renewals	138,400	(90,000)	48,400	Transfer to reserve
Pump Stns – Skennars / Tara	0	12,000	12,000	Transfer from Wet Well
Pump Stns – Wet Well Relining	150,000	(12,000)	138,000	Transfer to Skennars / Tara
Treatment – Ballina Rectification	1,000,000	(800,000)	200,000	Defer to 2021/22
Treatment – Lennox High Lift	300,000	(200,000)	100,000	Defer to 2021/22
Recycled Water – West Ballina	325,000	(300,000)	25,000	Defer to 2021/22
Total – Wastewater Operations	2,676,400	(1,610,000)	1,066,400	
Engineering Works (Roads and Bridges)				
Carrs Bridge	173,000	232,500	405,500	Transfer from Bridges/Sandy
Bridges – Other	112,500	(112,500)	0	Transfer to Carrs Bridge
Airport Boulevard	4,256,000	(1,000,000)	3,256,000	Defer to 2021/22
River Street – Four Laning – 2	2,807,000	(1,000,000)	1,807,000	Defer to 2021/22
Bagotville Road – Segment 50	120,000	(20,000)	100,000	Transfer to Pimlico Road
Ballina Bypass	146,000	(140,000)	6,000	Transfer to Internal Reserve
Tintenbar to Ewingsdale Bypass	106,000	(50,000)	56,000	Transfer to Internal Reserve
Sandy Flat Dust Seal	120,000	(120,000)	0	Transfer to Carrs Bridge
Simmons Street - Segment 20	150,000	(150,000)	0	Defer to 2021/22
Regatta Avenue	181,000	44,000	225,000	Transfer from Martin Street
Pimlico Road – Segs 110 and 20	100,000	20,000	120,000	Transfer from Bagotville
Fawcett Street – Segment 10	89,000	(89,000)	0	Defer to 2021/22
Martin Street – Segment 10	346,000	(44,000)	302,000	Transfer to Regatta Avenue
South Ballina Beach – Seg 60	220,000	(170,000)	50,000	Transfer to Fernleigh Road
Alstonville Bypass	100,000	12,000	112,000	Trans from Internal Reserve
Local Road Haulage	251,600	(214,600)	37,000	Trans to Handover Projects
Safer Rds – Byron Bay / Ross	250,000	(100,000)	150,000	Defer to 2021/22
Safer Rds – Kerr / Bentinck	100,000	(50,000)	50,000	Defer to 2021/22
Fernleigh Road – Segment 80	183,000	170,000	353,000	Trans from South Ballina Bch

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River Drive – Segments 10 to 30	290,000	(280,000)	10,000	Defer to 2021/22
Wardell / Ballina – Back Channel	40,000	3,000	43,000	Trans from Local Haulage
Wardell / Ballina – Mass Haul	53,800	(21,400)	32,400	Trans from Local Haulage
Wardell / Ballina – Back Channel	0	157,000	157,000	Trans from Local Haulage
Wardell / Ballina – Lumleys	0	76,000	76,000	Trans from Local Haulage
Lanes Upgrades	226,000	(226,000)	0	LRCI - Defer to 2021/22
Total – Roads and Bridges	10,420,900	(3,073,000)	7,347,900	
Engineering Works (Ancillary Services)				
Car Park – Missingham	50,000	(50,000)	0	LRCI - Defer to 2021/22
Car Park – Serpentine	50,000	(50,000)	0	LRCI - Defer to 2021/22
Coastal Walk – Structures	140,000	(120,000)	20,000	LRCI - Defer to 2021/22
Lighthouse Parade - Bollards	103,000	108,000	211,000	Extra Grant Income
Paths – Greenwood Place	54,000	(54,000)	0	Defer to 2021/22
Paths – Banksia Avenue	32,000	(32,000)	0	Defer to 2021/22
Paths - Grandview Street	70,000	(70,000)	0	LRCI – Defer to 2021/22
Total – Ancillary Services	499,000	(268,000)	231,000	

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

10. Civil Services Division Reports

10.1 Crown Land Acquisition - Lighthouse Parade, East Ballina

220421/19 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council resolves to compulsorily acquire Crown land for Lighthouse Parade, East Ballina in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993. The affected land is part of Lot 3 DP1197191 and Lot 7025 DP1064241.
2. That Council resolves to make an application to the Office of Local Government, the Minister and the Governor for the approval of the compulsory acquisition (by agreement) of part of Lot 3 DP1197191 and Lot 7025 DP1064241.
3. That Council authorises the General Manager to conduct negotiations with NSW Department of Planning, Industry and Environment (DPIE) – Crown Lands to acquire part of Lot 3 DP1197191 and Lot 7025 DP1064241.
4. A further report be presented to Council to assess the outcomes of the costs associated with this proposal following the negotiations noted in point 3.

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5. That Council approves the use of the Council seal on any documents associated with the acquisition of part of Lot 3 DP1197191 and Lot 7025 DP1064241.
6. That Council notes its intention, upon acquisition of the land, is to dedicate the land as public road.

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

**10.2 Crown Land Acquisition - River Street, West Ballina and Fishery Creek
220421/20 RESOLVED**

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council resolves to compulsorily acquire Crown land as part of the River Street dual laning project in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993. The affected lands are part of the bed of Fishery Creek, lot 458 and part of lot 459 DP 728654.
2. That Council resolves to make an application to the Office of Local Government, the Minister and the Governor for the approval of the compulsory acquisition (by agreement) of part of the bed of Fishery Creek, lot 458 and part of lot 459 DP 728654.
3. That Council authorises the General Manager to conduct and finalise negotiations with NSW Department of Planning, Industry and Environment (DPIE) – Crown Lands to acquire part of the bed of Fishery Creek, lot 458 and part of lot 459 DP 728654.
4. That Council approves the use of the Council seal on any documents associated with the acquisition of part of the bed of Fishery Creek, lot 458 and part of lot 459 DP 728654.
5. That Council intends, upon acquisition of the land, to dedicate the land as public road.

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

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12. Advisory Committee Minutes

12.1 Finance Committee Minutes - 7 April 2021

220421/21 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the minutes of the Finance Committee meeting held 07 April 2021 and that the recommendations contained within the minutes be adopted, excluding Items 4.3, 4.4, 4.9 and 4.10.

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

Item 4.3 - Debtor Write-Offs

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

1. That Council notes that matter one, relating to excess water charges, is the subject of a confidential report in this agenda, as it relates to the personal hardship of a residential ratepayer
2. That in respect to matter two, being the rates and charges arrears for the Ballina Seagulls Rugby League Football Club Ltd, that Council approves a write off of 50%, being \$7,789 for Assessment 109210, as it would not be cost effective to recover the debt.

An **Amendment** was moved by Cr Stephen McCarthy and seconded by Cr Nathan Willis

1. That Council notes that matter one, relating to excess water charges, is the subject of a confidential report in this agenda, as it relates to the personal hardship of a residential ratepayer
2. That in respect to matter two, being the rates and charges arrears for the Ballina Seagulls Rugby League Football Club Ltd, Council approves a write-off of interest charges only, being \$92.24 for Assessment 109210, with the General Manager authorised to provide the Club with the opportunity to enter into a suitable payment plan, including possible debt write-off.

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

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

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

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/04/21 AT 9.00AM**

220421/22 RESOLVED

(Cr Stephen McCarthy/Cr Nathan Willis)

1. That Council notes that matter one, relating to excess water charges, is the subject of a confidential report in this agenda, as it relates to the personal hardship of a residential ratepayer
2. That in respect to matter two, being the rates and charges arrears for the Ballina Seagulls Rugby League Football Club Ltd, Council approves a write-off of interest charges only, being \$92.24 for Assessment 109210, with the General Manager authorised to provide the Club with the opportunity to enter into a suitable payment plan, including possible debt write-off.

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

Adjournment for Public Question Time

The Mayor declared the meeting adjourned at 12.48pm for Public Question Time.

The meeting resumed at 12.54pm

Item 4.4 - Fees and Charges - 2021/22

A **Motion** was moved by Cr Nathan Willis and seconded by Cr Eoin Johnston

1. That, as part of the exhibition of the 2021/22 Operational Plan, Council approves the exhibition of the draft schedule of fees and charges for 2021/22, as per Attachment 1 to this report, including any amendments resulting from this meeting.
2. That Council receive a report modelling an increase in fees and charges for planning to assist in funding additional resources.
3. That Council receive a report on the installation of paid parking and/or smart sensors for improved parking management, with any additional revenue generated to assist in funding increased resources and increased capital infrastructure renewal, with an exemption for Shire residents.

Cr Jeff Johnson moved that the Motion be put to the vote.

The **Motion** to put the Motion to the vote was **CARRIED**.

FOR VOTE - Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr David Wright and Cr Phillip Meehan
ABSENT. DID NOT VOTE - Cr Sharon Parry

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

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/04/21 AT 9.00AM**

FOR VOTE - Cr David Wright, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

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

ABSENT. DID NOT VOTE - Cr Sharon Parry

220421/23 RESOLVED

(Cr Nathan Willis/Cr Eoin Johnston)

1. That, as part of the exhibition of the 2021/22 Operational Plan, Council approves the exhibition of the draft schedule of fees and charges for 2021/22, as per Attachment 1 to this report, including any amendments resulting from this meeting.
2. That Council receive a report modelling an increase in fees and charges for planning to assist in funding additional resources.
3. That Council receive a report on the installation of paid parking and/or smart sensors for improved parking management, with any additional revenue generated to assist in funding increased resources and increased capital infrastructure renewal, with an exemption for Shire residents.

FOR VOTE - Cr David Wright, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

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

ABSENT. DID NOT VOTE - Cr Sharon Parry

Item 4.9 - Community Infrastructure Projects - Recurrent Expenditure

220421/24 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the inclusion of the recurrent capital expenditure priorities, as outlined in this report, in the draft 2021/22 to 2024/25 Delivery Program and Operational Plan.
2. That the report on the adoption of the Delivery Program to the June Ordinary meeting, include information on the timing of the construction of footpath works in Cedar Street, Wardell and Cawarra Street, Ballina.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/04/21 AT 9.00AM**

Item 4.10 - Community Infrastructure Projects - Non-recurrent Expenditure

220421/25 RESOLVED

(Cr Eoin Johnston/Cr Nathan Willis)

1. That Council notes the contents of this update on non-recurrent community infrastructure projects.
2. That the report on the adoption of the Delivery Program to the June Ordinary meeting, include information on funding options to provide a waterproof shade structure for the full width of the northern end of the Alstonville 50 metre pool (estimated cost \$40,000).

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

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

13.1 Mayoral Meetings

220421/26 RESOLVED

(Cr Nathan Willis/Cr Ben Smith)

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

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

MEETING CLOSURE

1.32pm

The Minutes of the Ordinary Meeting held on 22/04/21 were submitted for confirmation by council on 27 May 2021 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 May 2021.