Attendance

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

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

There were three 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

Nil

4. Confirmation of Minutes

230921/1 RESOLVED

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 August 2021.

FOR VOTE - All Councillors voted unanimously.

5. Declarations of Interest and Reportable Political Donations

• **Cr Eoin Johnston** – declared an interest in Item 8.1 – LEP Amendment Request – Anchorage Avenue, Lennox Head. (Nature of Interest; non significant, non pecuniary – he has some investments with the parent company associated with this development). 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 8.1 LEP Amendment Request – Anchorage Avenue, Lennox Head. (Nature of Interest; non significant, non pecuniary – she has some investments with the parent company associated with this development). 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 Item 8.1 LEP Amendment Request Anchorage Avenue, Lennox Head. (Nature of Interest: non significant, non pecuniary he has a share in a block of land in Epiq). He did not participate in the debate.

There were no reportable political donations.

6. Deputations

- **Hugh Monk** spoke in opposition to Item 8.3 Companion Animals Management Plan Adoption
- Lyn Rice spoke in favour of Item 8.3 Companion Animals Management Plan – Adoption and particularly in relation to Killarney Park at Wollongbar being removed from the plan as an off-lease dog area.

7. Mayoral Minutes

Nil items.

8. Planning and Environmental Health Division Reports

8.3 <u>Companion Animals Management Plan - Adoption</u> 230921/2 RESOLVED

(Cr Eoin Johnston/Cr Stephen McCarthy)

- 1. That Council adopts the Companion Animals Management Plan, as contained in Attachment 1 to this report.
- 2. That Council provide public notice of the adoption of the Companion Animals Management Plan.
- 3. That Council investigate embellishments to the design and access arrangements for the current off leash dog exercise area located at Gap Road, Alstonville.
- 4. That Council undertake a public education program regarding companion animal ownership responsibility with a particular focus on coastal areas and beaches.
- 5. That in relation to companion animals at sporting venues while organised sport and training is taking place, Council write to sporting clubs and playing field user groups:

- to provide companion animal management educational material and encourage responsible pet management amongst members and field users; and
- to seek feedback on options that would limit or prohibit companion animal access within certain distances from where activity is taking place on sporting fields (including inviting the views of user groups and their patrons, seeking information on the practicality of applying changes and sporting group capacity to assist in applying restrictions and inviting ideas and options in relation to companion animal management at sporting fields).
- 6. That Council investigate the option of providing green spaces within the shire where no dogs are allowed on or off-leash, particularly Pop Denison Park.

FOR VOTE - All Councillors voted unanimously.

Cr Jeff Johnson at this point declared an interest in Item 8.1 (Nature of Interest: non significant, non pecuniary – he has a share in a block of land in Epiq. He will not participate in the debate.

8.1 <u>LEP Amendment Request - Anchorage Avenue, Lennox Head</u> 230921/3 RESOLVED

(Cr Ben Smith/Cr Stephen McCarthy)

- That Council proceed to prepare a planning proposal to amend the land zoning and minimum lot size maps of the Ballina LEP 2012 to apply an R3 Medium Density Residential zone and 450m² minimum lot size to Lots 36 – 38, DP 1257681, sites 2, 6 & 12 Anchorage Avenue, Lennox Head.
- That the planning proposal also make adjustments to the land zoning and minimum lot size in the immediate vicinity of Lots 36 – 38, DP 1257681, sites 2, 6 & 12 Anchorage Avenue, Lennox Head to provide for consistency with approved and constructed subdivision and land use outcomes.
- 3. That the planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway determination.
- 4. That the Department of Planning, Industry and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
- 5. 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.

6. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.

FOR VOTE - All Councillors voted unanimously.

8.2 <u>Lennox Head Strategic Plan - 2022/23</u> 230921/4 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

- 1. That Council notes the outcomes of the Lennox Head Community Aspirations Strategic Plan 2002 and the Lennox Head Structure Plan 2004 outlined in Attachments 1 and 2 to this report.
- 2. That Council endorses the scope and timeframe for making the new Lennox Head Strategic Plan.

FOR VOTE - All Councillors voted unanimously.

8.4 <u>Policy (New) - Biodiversity Compensatory Habitat and Offsets</u> 230921/5 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council adopts the Biodiversity Compensatory Habitat Offsets Policy, inclusive of amendments outlined in this report, and as contained in Attachment 1.

FOR VOTE - All Councillors voted unanimously.

8.5 <u>Development Applications - Works in Progress - September 2021</u> 230921/6 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

- 1. That Council notes the contents of the report on the status of outstanding development applications for September 2021.
- 2. That Council approves the determination of DA 2020/839, by the General Manager, or nominated delegate, under delegated authority.

FOR VOTE - All Councillors voted unanimously.

9. Corporate and Community Division Reports

9.1 <u>Deputy Mayor - Election</u> 230921/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

- 1. That Council elect a Deputy Mayor for the period to 4 December 2021.
- 2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
- 3. That Council allow the voting through text messaging or emails for Councillors accessing the meeting remotely.
- 4. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers and text messages and emails for Councillors attending remotely.

FOR VOTE - All Councillors voted unanimously.

The General Manager, as Returning Officer, advised that he had received nominations for Cr Ben Smith and Cr Sharon Cadwallader.

After an ordinary ballot was conducted, the Returning Officer advised that the voting was tied at 5 votes each and that a draw from the hat would be required.

After a draw from the hat, Cr Ben Smith was declared elected as Deputy Mayor until the Local Government Election on 4 December 2021.

9.2 Investment Summary - August 2021

230921/8 RESOLVED

(Cr Nathan Willis/Cr Jeff Johnson)

- 1. That Council notes the report of banking and investments for August 2021.
- 2. That prior to the next review of the Investments Policy that Council look at options to increase the return on our cash investments.

FOR VOTE - All Councillors voted unanimously.

9.3 <u>Donations - Community</u> 230921/9 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves a donation of \$144 to DAISI Services Ltd. for community facility hire for 2021/22 for the Grandcarers' Project subject to receipt of adequate financial information from DAISI Services Ltd.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.36 am

The meeting resumed at 10.56 am

9.4 <u>Financial Support Package - COVID-19 Lockdown - Recovery</u> 230921/10 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

- 1. That Council adopts the financial support package, as per Table One of this report, and authorises the General Manager to implement the necessary actions to deliver this package to our community.
- 2. That Council hold a Councillor briefing and invite representatives from Club Lennox to discuss the options moving forward.

FOR VOTE - All Councillors voted unanimously.

9.5 <u>Tender - Ballina Byron Gateway Airport Terminal Expansion</u> 230921/11 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 Lloyd Group Pty Ltd for the Tender - Ballina Byron Gateway Airport Terminal Expansion for the total amount of \$2,057,179.93 (excluding GST).
- 2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

9.6 <u>Tender - Supply of Quarry Products (including Fill Sand)</u>

230921/12 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

- That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(a), accepts the tenders from Boral Country Resources Pty Ltd, Holcim (Australia) Pty Ltd, KIS Plant Pty Ltd t/a KIS Quarry, Ballina Sands Pty Ltd, B & N Unit Trust t/a Action Sands, WF & SL & MW & AE Sullivan Pty Ltd t/a Richmond Sand and Gravel for the Tender - Supply of Quarry Products (including Fill Sand) for the rates tendered.
- 2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

9.7 <u>Tender - Ballina Quays Dredging</u>

230921/13 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

- That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept the tender for the Tender - Ballina Quays Dredging as the tender is in excess of the available budget.
- That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with R&B Dredging Pty Ltd T/as Coastal Dredging Services (or anther contractor), with a view to enter into a contract for the Tender - Ballina Quays Dredging.
- 3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the number of potential service providers is limited with previous tenders for this work yielding a poor market responses as well. Furthermore, delays to the work will result in further build up material requiring to be dredged and continued erosion of the foreshore.
- 4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with R&B Dredging Pty Ltd T/as Coastal Dredging Services with a view to entering into a contract in relation to the subject matter as they have been identified as a suitable contractor following assessment against the mandatory and weighted evaluation criteria established for the tender plus previous experience at Shaws Bay.

FOR VOTE - All Councillors voted unanimously.

9.8 <u>Tender - Security Services</u>

230921/14 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 Club Av Pty Limited t/a CAV Security for the Tender - Security Services for the total amount per annum of \$107,488.12 (excluding GST).
- 2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

10. Civil Services Division Reports

10.1 Rous County Council - Transfer of Council Water Assets

A Motion was moved by Cr Keith Williams and seconded by Cr Jeff Johnson

- 1. That Council authorises the General Manager to negotiate an agreement for the transfer to Rous County Council of the Marom Creek water supply infrastructure assets, with those assets described as the centrepiece and associated assets in Attachment 1 to this report.
- 2. That the price for the asset transfer is to be determined as Council's assessed written down value for these assets, updated to current values.
- 3. That the final terms and conditions of this agreement are to be reported back to Council to seek approval for the attaching of the Council seal.

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

FOR VOTE - Cr Jeff Johnson and Cr Keith Williams

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith

230921/15 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

- 1. That Council decline to enter into an agreement to transfer the Council water assets to Rous County Council and that the General Manager be authorised to enter discussions with Rous County Council to deliver surface water to Rous County Council from the Marom Creek Water Treatment Plant during stage one of the FWP 2060.
- 2. This matter is to be reported back to Council prior to any final decision being made.

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

10.2 Pat Morton Precinct - Concept Designs – Adoption

A Motion was moved by Cr Jeff Johnson and seconded by Cr Keith Williams

- 1. That Council defer this matter for more detailed community consultation including from local Indigenous Elders.
- 2. That the community consultation include an option based on the status quo of maintaining a grassed area.

Cr David Wright left the meeting at 12:58 pm. Cr Ben Smith, Deputy Mayor assumed the Chair.

The Motion was LOST.

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

Cr David Wright returned to the meeting at 01:04 pm and resumed the Chair.

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

That Council adopts Option 2, from the concept designs attached to this report, as the preferred concept to support the detail design and delivery for the upgrade of the Pat Morton Car Park Precinct.

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

That Council look at different options for the construction materials for the pathway for Options 1 and 2 from the concept designs attached to this report for the upgrade of the Pat Morton Car Park Precinct.

Cr Nathan Willis left the meeting at 01:19 pm.

Cr Nathan Willis returned to the meeting at 01:23 pm.

The Amendment was CARRIED on the casting vote of the Mayor.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Nathan Willis and Cr Keith Williams and the casting vote of the Mayor AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Eoin Johnston, Cr Sharon Cadwallader and Cr Ben Smith

The Amendment then became the Motion and was CARRIED.

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

AGAINST VOTE - Cr Phillip Meehan and Cr Jeff Johnson

230921/16 RESOLVED

(Cr Stephen McCarthy/Cr Nathan Willis)

That Council look at different options for the construction materials for the pathway for Options 1 and 2 from the concept designs attached to this report for the upgrade of the Pat Morton Car Park Precinct.

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

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Adjournment

The Mayor declared the meeting adjourned at 1.29 pm

The meeting resumed at 2.02pm

Cr Nathan Willis and Cr Jeff Johnson were not in attendance at this stage. Cr Jeff Johnson returned to the meeting at 02:05 pm.

11. Notices of Motion

11.1 Notice of Motion - All Things Water

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

- 1. That Council write to the Minister for Water, The Hon Melinda Pavey MP and Deputy Premier The Hon. John Barilaro to highlight the need for an independent scientific research organisation that would examine all aspects relating to water in our Richmond/Wilsons River catchment area, including Water Security, all options including desalination, Flood Mitigation, Water Quality and River Health and the potential economic development opportunities and other benefits that would flow from the research.
- 2. That Council seeks support from the Deputy Premier, Hon John Barilaro MP and the Minister for Water Hon Melinda Pavey MP, to complete the detailed cultural heritage and biodiversity assessments associated with the proposed Dunoon Dam, in consultation with relevant Traditional Custodians, prior to finalisation of the Regional Water Strategy.

Cr Nathan Willis returned to the meeting at 02:10 pm.

The **Motion** was **LOST** on the casting vote of the Mayor.

FOR VOTE - Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis and Cr Sharon Cadwallader AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith and the casting vote of the Mayor

Cr Nathan Willis left the meeting at 02:39 pm.

11.2 <u>Notice of Motion - Walking Track - Pat Morton to Sharpes Beach</u> 230921/17 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council undertake an education program, including temporary educational signage, reinforcing the shared nature of the Coastal Walk along with the provision of information through community connect.

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

11.3 <u>Notice of Motion - Sharpes Beach Master Plan</u>

230921/18 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

- 1. That Council, as part of the preparation of the 2022/23 Delivery Program and Operational Plan, receive a report on funding the implementation of the Sharpes Beach Master Plan, which has an estimated cost of approximately \$1.2m, from the Community Infrastructure Reserve, through the proceeds from future land sales.
- 2. That the current review of the Section 7.11 Developer Contributions Plan for Open Spaces and Community Facilities, also examine the merit of including the Sharpes Beach Master Plan as part of the Contribution Plan works program, to help reduce the revenue contribution that Council would have to make to fund the implementation of the Master Plan.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, 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 Nathan Willis

11.4 Notice of Motion - Sport and Recreation Plan - Olympics 2032

230921/19 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

That Council consider as part of the preparation of the 2022/23 Operational Plan, an action to review of the Sport and Recreation Plan to consider opportunities and challenges arising from the Brisbane Olympics 2032 decision.

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

11.5 Notice of Motion - Cumbalum Interchange

230921/20 RESOLVED

(Cr Jeff Johnson/Cr Stephen McCarthy)

- 1. That Council notes that the Cumbalum interchange was designed to allow north (off) and south (on) ramps to be added in the future and preliminary design works were completed.
- 2. That Council write to the NSW Minister for Regional Transport and Roads, (Paul Toole), the Deputy Premier (John Barilaro) and local MPs calling for full project design processes to occur and that a funding allocation be made in the State Government's 2022/23 budget for the Cumbalum Interchange north (off) and south (on) ramps to be completed. Included in this work should be the rectification of the Cumbalum interchange roundabout to raise it to contemporary flood levels.

Cr Sharon Parry left the meeting at 03:29 pm.

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

Cr Jeff Johnson left the meeting at 03:35 pm.

11.6 <u>Notice of Motion - Alstonville Rural Fire Shed Site</u> 230921/21 RESOLVED

(Cr Ben Smith/Cr Eoin Johnston)

That the September 2021 Quarterly Financial Review report identify possible funding options for the construction of the vehicle turnaround for the Alstonville Rural Fire Service site, to ensure that the access is safe, with the need for these works forming part of the negotiations that resulted in the sale of the Council land adjoining the site.

FOR VOTE - All Councillors voted unanimously. ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Nathan Willis

12. Advisory Committee Minutes

Nil Items

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

13.1 <u>Mayoral Meetings</u>

230921/22 RESOLVED

(Cr Sharon Cadwallader/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, Cr Jeff Johnson and Cr Nathan Willis

14. Confidential Session

230921/23 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

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

14.1 Financial Support Package - COVID-19 Lockdown - Recovery

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to ongoing commercial negotiations and the release of any information could prejudice those negotiations.

FOR VOTE - All Councillors voted unanimously. ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Nathan Willis

(The Council moved into Confidential Session at 3.41 pm).

Cr Jeff Johnson returned to the meeting at 03:41 pm.

<u> Open Council</u>

230921/24 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

That Council move into Open Council and out of Committee of the Whole.

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

(The Council moved into Open Council at 3.47 pm).

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

14.1 <u>Financial Support Package - COVID-19 Lockdown - Recovery</u> CF230921/1 RECOMMENDED

(Cr Ben Smith/Cr Stephen McCarthy)

That Council authorises the General Manager to implement the financial support package as detailed in Table 1 of this report, which has an estimated relief value of approximately \$88,000.

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

Adoption of Recommendation from Confidential Session

230921/265 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

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

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

MEETING CLOSURE

3.48pm

The Minutes of the Ordinary Meeting held on 23/09/21 were submitted for confirmation by council on 28 October 2021 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 October 2021.

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