

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 25/11/21 AT 9.00AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson (arrived at 9.05am), Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams (arrived at 9.09am) , Sharon Cadwallader and Ben Smith (arrived at 9.23am).

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

There were nine 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

Cr Ben Smith indicated that he would be late to the meeting.

251121/1 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

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4. Confirmation of Minutes

251121/2 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

5. Declarations of Interest and Reportable Political Donations

- **Paul Hickey, General Manager** – declared an interest in Item 11.3 – Notice of Motion – Council Owned Henderson Land. (Nature of Interest: Non-significant, non pecuniary – he owns a property in that locality which is not impacted by the proposal). He will remain in the meeting while the matter is discussed.
- **Paul Hickey, General Manager** – declared an interest in Item 9.5 – Legal Matters – Update and in particular to the matter relating to 404 Old Byron Bay Road. (Nature of Interest: Non-significant, non pecuniary – a relative of a family member’s partner owns a property adjoining 404 Old Byron Road). As the report is for noting only he will be remaining in the meeting while the matter is discussed, however if there is any proposal to move a motion in respect to the legal case he will leave the meeting.
- **Cr Sharon Cadwallader** – declared an interest in Item 11.7 – Notice of Motion – Affordable and Attainable Housing. (Nature of Interest: non significant, non pecuniary – she has two rooms in her home she lets on short term accommodation). She will be remaining in the meeting while the matter is discussed and voting on the matter. Later in the meeting Cr Sharon Cadwallader advised that she would be departing the meeting while this matter was discussed, due to a perceived conflict of interest.
- **Cr Phillip Meehan** – declared an interest in Item 11.7 – Notice of Motion – Affordable and Attainable Housing. (Nature of Interest: pecuniary – his wife operates a short term rental accommodation from their home). He will be departing the meeting while the matter is discussed.

Cr Jeff Johnson arrived at the meeting at 09:05 am.

There were no reportable political donations.

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6. Deputations

- **Marilyn Perkins** – spoke in favour of Item 11.1 – Notice of Motion – Council Owned Land and Attainable Housing.

Cr Keith Williams arrived at the meeting at 09:09am.

- **Wayne Crawford, East Ballina Lions** – spoke in favour of Item 11.2 – Notice of Motion – Canal Road Markets.
- **Wes Hill, Robin Daniell, Janet Rose and Wendy Wilkins** – spoke in favour of Item 11.3 – Notice of Motion – Council owned Henderson Land.

Cr Ben Smith arrived at meeting at 09:23am.

- **Rob Blackburn** – spoke in favour of Item 11.5 – Notice of Motion – Parking in Lennox Head.

7. Mayoral Minutes

Nil items.

**11.1 Notice of Motion - Council Owned Land and Attainable Housing
251121/3 RESOLVED**

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council receive a report on options to provide a diverse range of housing on the Council owned land at Wollongbar (Stage Three of the Wollongbar Urban Expansion Area) and Lennox Head (Henderson Farm residual) based on potential sell part and developer and rent part model, to assist in providing more attainable and affordable housing in Wollongbar, Lennox Head and the Ballina Shire.

FOR VOTE - Cr David Wright, Cr Sharon Parry, 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 Phillip Meehan

11.2 Notice of Motion - Canal Road Markets

A **Motion** was moved by Cr Sharon Cadwallader

That in considering options for the relocation of the Ballina Canal Markets, Council investigate the Crown Reserve adjacent to Lighthouse Parade.

The **Motion LAPSED.**

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11.3 Notice of Motion - Council Owned Henderson Land

A **Motion** was moved by Cr Sharon Cadwallader

That Council receive an updated report on the option of closing the public road at Henderson Lane, Lennox Head. This is based on the possibility of the subsequent sale of the land to the immediate neighbours.

The **Motion LAPSED**.

11.5 Notice of Motion - Parking in Lennox Head

251121/4 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council receive a report on options to apply the latest technology, such as number plate recognition software, or sensors in the road pavement, to allow Council to more efficiently monitor car parking, particularly in the town centres.

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

AGAINST VOTE - Cr Phillip Meehan and Cr Stephen McCarthy

8. Planning and Environmental Health Division Reports

8.1 Planning Proposal - Fitzroy Street, Wardell

251121/5 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

That Council authorises the General Manager to finalise and implement Planning Proposal BSCPP 20/002 to apply an R3 Medium Density Residential Zone to No. 6-20 Fitzroy Street Wardell, as detailed in Attachment 1 to this report, under delegated authority.

FOR VOTE - All Councillors voted unanimously.

8.2 Land Classification - Lot 163 DP 1261459, Carroll Avenue

251121/6 RESOLVED

(Cr Keith Williams/Cr Jeff Johnson)

That Council classifies the land identified as Lot 163 DP 1261459, being land located on the western side of Carroll Avenue, Skennars Head, as operational land under the provisions of the Local Government Act 1993 and that this classification takes effect immediately.

FOR VOTE - All Councillors voted unanimously.

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8.3 Alcohol Free Zones - Lennox Head, Alstonville, Ballina and Wardell

251121/7 RESOLVED

(Cr Sharon Parry/Cr Eoin Johnston)

1. That in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council initiates a consultation program to consider a proposal to re-establish an Alcohol Free Zone at Lennox Head as per the location map attached to this report.
2. That in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council initiates a consultation program to consider a proposal to re-establish an Alcohol Free Zone at Alstonville as per the location map attached to this report.
3. That in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council initiates a consultation program to consider a proposal to re-establish an Alcohol Free Zone at Ballina as per the location map attached to this report.
4. That in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council initiates a consultation program to consider a proposal to re-establish an Alcohol Free Zone at Wardell as per the location map attached to this report.
5. That Council write to the Minister of Local Government requesting an update as to the review process of the outdated Ministerial Guidelines for Alcohol Free Zones 2009.

FOR VOTE - All Councillors voted unanimously.

8.4 Healthy Waterways Program - Update

251121/8 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council notes the contents of this report and the Healthy Waterways Program as per Attachment 1.
2. That Council also write to the NSW Minister for Crown Lands seeking opportunities for the State Government to provide additional funding for riverbank erosion and revetment wall works, with many coastal councils facing similar concerns.

FOR VOTE - All Councillors voted unanimously.

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9.3 Long Serving Employees - Recognition

251121/9 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council acknowledges, congratulates and thanks the staff members outlined in this report on their service for Council and the community.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 11.15am

The meeting resumed at 11.48am

8.5 Development Applications - Works in Progress - November 2021

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

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

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

1. That Council notes the contents of the report on the status of outstanding development applications for November 2021
2. That Council write to the NSW Planning Minister and the Federal Minister for Employment highlighting the staff shortages in planning fields, which is affecting the processing of Development Applications.

The **Amendment LAPSED**.

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

FOR VOTE - All Councillors voted unanimously.

251121/10 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

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9. Corporate and Community Division Reports

9.1 Use of Council Seal

251121/11 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following documents.

US/17	Ballina Shire Council lease to Alstonville Plateau Historical Society Inc over Lot 6 DP235088 (10 Wardell Road, Alstonville, Crawford House) for a four year term, at a rent equal to the statutory minimum rent charged by Crown Lands, currently \$520 per annum (plus GST).						
US/18	Ballina Shire Council lease to Alstonville Tennis Club Inc over part of Lot 2 DP1168781 (part of 80 Elvery Lane, Alstonville, Wollongbar Tennis Court complex) for a term of four years, at a rent equal to the statutory minimum rent charged by Crown Lands, currently \$520 per annum (plus GST).						
US/19	<p>1. That Council, in accordance with the relevant provisions of the Local Government Act 1993, enters into the following lease of <i>community land</i>:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Property</th> <th style="text-align: left;">Tenant</th> <th style="text-align: left;">Tenure</th> </tr> </thead> <tbody> <tr> <td>Part of 30-32 Swift Street, Ballina (known as "B Space"), located on part of Lot 12 DP1714, and the whole of Lots 13 and 14 DP1714</td> <td>Social Futures Ltd ACN 612 367 192</td> <td>Four year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$520 per annum plus GST)</td> </tr> </tbody> </table> <p>2. Council authorises the General Manager to affix the seal to the lease document in point one and any other documents required to allow tenure to be granted in accordance with point one.</p> <p>3. That prior to points one and two being actioned, statutory public notification relating to the proposed lease of community land be undertaken, with a report to be presented to Council in the event that an objection is received to the grant of the proposed lease.</p>	Property	Tenant	Tenure	Part of 30-32 Swift Street, Ballina (known as "B Space"), located on part of Lot 12 DP1714, and the whole of Lots 13 and 14 DP1714	Social Futures Ltd ACN 612 367 192	Four year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$520 per annum plus GST)
Property	Tenant	Tenure					
Part of 30-32 Swift Street, Ballina (known as "B Space"), located on part of Lot 12 DP1714, and the whole of Lots 13 and 14 DP1714	Social Futures Ltd ACN 612 367 192	Four year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$520 per annum plus GST)					
US/20	Short-term licence between Council as Crown Land Manager of Reserve 71612 and the Country Women's Association of New South Wales Incorporated for Lot 8 Section 5A in DP 758047 (River Street, Ballina), at a statutory minimum rental, for the period 1 January 2022 to 31 December 2022, currently \$520 per annum (plus GST).						

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US/21	Short-term licence agreement between Council as Crown Land Manager of Reserve 82164 and Ms Cornelia Burless (trading as Ballina Farmers Market) to operate a weekly (Sunday) farmers' market at Commemoration Park, Ballina for the period 30 October 2021 to 30 April 2022, at the agreed site rental fee (calculated on a pro-rata basis).
US/22	Short-term licence agreement between Council as Crown Land Manager of Reserve D540004 and Ballina Bowling and Recreation Club for occupation of land for Croquet Lawns and Clubhouse (Part Lot 561 DP119965), at a statutory minimum rental, for the period 1 August 2021 to 31 July 2022, currently \$520 per annum (plus GST).

FOR VOTE - All Councillors voted unanimously.

9.2 Investment Summary - October 2021

251121/12 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the report of banking and investments for October 2021.

FOR VOTE - All Councillors voted unanimously.

9.4 Financial Statements - 2020/21

251121/13 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council adopts the annual financial reports and auditor's reports for the financial year ended 30 June 2021, as publicly exhibited.

FOR VOTE - All Councillors voted unanimously.

9.5 Legal Matters - Update

251121/14 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council notes the contents of this Legal Matters – Update report.
2. That Council increase the planning legal expense budget by \$100,000 and the planning costs recovered by \$100,000 to reflect the latest forecasts for 2021/22.

FOR VOTE - All Councillors voted unanimously.

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9.6 Councillor Induction Program (Draft)

251121/15 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

That Council notes the contents of this report regarding the draft Council Induction Program for 2022.

FOR VOTE - All Councillors voted unanimously.

9.7 End of Term Report (2016 - 2021)

251121/16 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of this End of Term Report.

FOR VOTE - All Councillors voted unanimously.

10. Civil Services Division Reports

10.1 Ballina Flood and Protection Feasibility Plan - Public Exhibition

251121/17 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the public exhibition of Draft Ballina Island and West Ballina Overland Flood Study and Flood Protection Feasibility Study and Plan report as described in this report.
2. That any submissions from the public be reported to Council to enable the consideration of the adoption of the Ballina Island and West Ballina Overland Flood Study and Flood Protection Feasibility Study and Plan and proceeding to the next phases of the floodplain management program.

FOR VOTE - All Councillors voted unanimously.

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10.2 Road Closing Proposal - 8 River Drive, East Wardell

251121/18 RESOLVED

(Cr Eoin Johnston/Cr Jeff Johnson)

1. That Council supports the request for a road closing application to proceed for a section of public road adjacent to 8 River Drive, East Wardell.
2. That Council authorises the Council seal and signatures to be attached to the documents necessary for the road closing and disposal of the land.
3. That the Council authorises the General Manager to enter into negotiations with the adjoining land owner to determine the land sale value.
4. That the closed road be consolidated with the adjoining land being Lot 8 DP 1251184.

FOR VOTE - All Councillors voted unanimously.

11. Notices of Motion

11.4 Notice of Motion - Defibrillator Locations in the Shire

251121/19 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council receive a report on options to provide information more readily to residents and visitors of the availability and location of defibrillators in our Shire. This report is to include options such as software applications similar to the mybeach info app.
2. That Council prioritise finding a suitable location to install the shark bite kit purchased by Lennox Lions Club.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, 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 Nathan Willis

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11.6 Notice of Motion - Naming of Significant Tree in Wardell

251121/20 RESOLVED

(Cr Sharon Parry/Cr Nathan Willis)

That Council support the naming of Banyan Tree in East Wardell 'Ballina's Poetry Tree' and that support be provided for a bronze plaque to be placed at this tree in recognition of the significant contributions made by Mr Edwin Wilson, subject to the tree being listed on the Significant Tree Register.

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

Cr Sharon Cadwallader - earlier today declared an interest in Item 11.7. At this point she advised that she would be departing the meeting for this item due to a perceived conflict of interest.

Cr Phillip Meehan and Cr Sharon Cadwallader declared an interest in Item 11.7 and left the meeting at 01:28pm.

11.7 Notice of Motion - Affordable and Attainable Housing

251121/21 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

1. That Council acknowledge the critical shortage of rental accommodation in the Ballina Shire and the impact that short term holiday accommodation sites such as AirBnB are having.
2. That Council investigate what restrictions it can place on short term accommodation for homes in residential areas in order to increase the supply of long term rental properties.

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

Cr Sharon Cadwallader and Cr Phillip Meehan returned to the meeting at 01:29 pm.

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11.8 Notice of Motion - Ballina Marina Masterplan

251121/22 RESOLVED

(Cr Keith Williams/Cr Ben Smith)

1. That Council write to the Premier, Deputy Premier, Minister for Roads and Transport, Minister for Regional Roads and Transport, the Minister for Housing and local Parliamentary representatives urging the State Government to activate the Ballina Marina Masterplan as a key economic development project for Ballina.
2. That given the housing crisis currently being experienced by the Shire, Council request that at least 25% of the development be made available as a mix of affordable and social housing.

FOR VOTE - All Councillors voted unanimously.

12. Advisory Committee Minutes

12.1 Commercial Services Committee Minutes - 16 November 2021

251121/23 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the minutes of the Commercial Services Committee meeting held 16 November 2021 and that the recommendations contained within the minutes be adopted, subject to the following change to item 4.5 – Airport Car Park – Draft Fees and Charges

1. *That Council adopts the amended Ballina Byron Gateway Airport Car Park fees, as outlined in Tables 1 to 4 of Council memorandum, dated 23 November 2021, (CM reference 21/101555), based on the introduction of the new access control system car park management system, including boom gates.*
2. *That Council authorises the public exhibition of the fees in point one, for a minimum period of 28 days, as required by Section 610F(3) of the Local Government Act, prior to the introduction of the new fees.*

FOR VOTE - All Councillors voted unanimously.

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

13.1 Mayoral Meetings

251121/24 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

1.47pm

The Minutes of the Ordinary Meeting held on 25/11/21 were submitted for confirmation by council on 27 January 2022 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 January 2022.