

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/05/21 AT 9.00AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry (via Zoom), Jeff Johnson, Eoin Johnston, Stephen McCarthy, Keith Williams (arrived at 9.04am), Sharon Cadwallader and Ben Smith.

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

There were 20 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

Apologies were received from Cr Nathan Willis and Paul Hickey, General Manager.

270521/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

4. Confirmation of Minutes

270521/2 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 April 2021.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

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5. Declarations of Interest and Reportable Political Donations

Cr Eoin Johnston – declared an interest in Item 8.1 – DA 2019/376 – 348 Rous Road, Rous Mill. (Nature of Interest: significant, non pecuniary – he is the owner of property directly opposite the proposed development). He will be departing the meeting while the matter is discussed.

Cr Keith Williams arrived at the meeting at 09:04am.

Cr Sharon Cadwallader – declared an interest in Item 8.11 – Policy (Review) – Built Environment Fire Safety Program. (Nature of Interest: non significant, non pecuniary – her property is subject to Council’s annual fire safety program). She will be remaining in the meeting while the matter is discussed and voting on the matter.

Cr Keith Williams – declared an interest in Item 11.5 – Notice of Motion – Tintenbar Road, Speed Limit Reduction. (Nature of Interest: non significant, pecuniary – his business is located on the corner of Tintenbar Road and Fernleigh Road). He will be departing the meeting while the matter is discussed.

Cr Keith Williams – later in the meeting declared an interest in Item 8.11 – Policy (Review) – Built Environment Fire Safety Program. (Nature of Interest: non significant, non pecuniary – he owns a business that would be subject to Council’s annual fire safety program). He remained in the meeting while the matter was discussed and voted on the matter.

Cr Eoin Johnston – later in the meeting declared an interest in Items 8.9 and 14.2 – Filling of Land, Cumbalum – Compliance Action. (Nature of Interest: non significant, non pecuniary – he has known the landowner for a considerable number of years). He remained in the meeting while the matters were discussed and voted on the matter.

There were no reportable political donations.

Cr Eoin Johnston declared an interest in Item 8.1 and left the meeting at 09:06 am.

6. Deputations

- **David Selzer (via Zoom)** – spoke in opposition to the recommendation in Item 8.1 – DA 2019/376 – 348 Rous Road, Rous Mill.
- **Brian Douglas** – spoke in favour of the recommendation in Item 8.1 – DA 2019/376 – 348 Rous Road, Rous Mill.

Cr Eoin Johnston returned to the meeting at 09:12 am.

- **Murray Saul** – spoke in favour of Item 8.2 - DA 2020/878 – 25 Dress Circle Drive, Lennox Head.

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- **Bill Farrow, Lennox Lions Club** – spoke in opposition to Item 8.3 – Land Classification – Western Side of Hutley Drive North Extension and in particular to a location for the Lennox Lions Club shed.
- **Marilyn Perkins, Wollongbar Progress Association** – spoke in favour of Item 8.6 – Plan of Management for Community Land – Crown Land Integration.
- **Marilyn Perkins, Wollongbar Progress Association** – spoke in favour of Item 11.1 – Notice of Motion – Policing in Alstonville.
- **Tony Koellner** – spoke in opposition to Item 8.9 – Filling of Land, Cumbalum – Compliance Action.
- **Gerry Burnage – SES Controller** – spoke in opposition to Item 10.2 – Ballina SES Headquarters – Concept Design.
- **Graham Shaw, Ballina Environment Society** – spoke in favour of Item 10.3 – Water Loss Reduction Program.
- **Sarah King** – spoke in favour of Item 11.4 – Notice of Motion – Coast Road, Speed Limit Reduction.

Cr Keith Williams declared an interest in Item 11.5 and left the meeting at 09:45 am.

- **Jeanette Rai** – spoke in favour of Item 11.5 – Notice of Motion – Tintenbar Road, Speed Limit Reduction.

7. Mayoral Minutes

Nil items.

Cr Eoin Johnston declared an interest in Item 8.1 and left the meeting at 09:52 am.

Cr Keith Williams returned to the meeting at 09:52 am.

8. Planning and Environmental Health Division Reports

8.1 DA 2019/376 - 348 Rous Road, Rous Mill

270521/3 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Development Application 2019/376 for erection of two greenhouses to be used to propagate potted plants, six shade house structures, two work sheds, 13 rainwater tanks, extensive earthworks, access driveways, vegetation removal, landscaping and other associated works at No. 348 Rous Road, Rous Mill be **REFUSED** for the following reasons.

1. The proposal is inconsistent with the following aims of State Environmental Planning Policy (Primary Production and Rural Development) 2019:

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- “(a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations.”*

2. The proposed development is inconsistent with or does not achieve the following provisions of BLEP 2012.

(i) Clause 1.2 – Aims of the Plan

“(2) The particular aims of this Plan are as follows—

- (a)(vi) responsible and efficient use of resources,
- (c) to achieve the objectives of the land use zones set out in Part 2 of this Plan,
- (d) to promote the orderly and efficient use of land having regard to the social and environmental characteristics of the land,

(ii) The RU1 zone objectives

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- To minimise the fragmentation and alienation of resource lands.*
- To maintain the rural, cultural and landscape character of the locality.*
- To enable development that is compatible with the rural and environmental nature of the land.”*

3. The proposed development is inconsistent with the following provisions of DCP 2012:

(i) Chapter 2, Section 3.1.2 Planning Objective (c):

“c. Protect significant environmental and natural resources.”

(ii) Chapter 7, Part 2 Chapter Planning Objectives (a), (b), (e) and (f).

- “a. Protect agricultural land, particularly land that is identified as ‘State significant’ or ‘regionally significant’ farmland as referenced in the Northern Rivers Farmland Protection Project, from inappropriate development;*
- b. Preserve rural resources by ensuring that land is not effectively sterilised by being developed or encroached upon by urban or other incompatible uses;*
- e. Encourage development of a scale and nature which will not adversely impact on the existing amenity of the area;*
- f. Maintain or improve cultural and environmental values of rural land; and”*

4. The proposed development will be inconsistent with the established rural character and amenity of the locality.

5. The proposed development will have an adverse impact on the landscape and scenic values of the locality.

6. The proposed development will sterilise State Significant Farmland and is inconsistent with the objectives of the Environmental Planning and Assessment Act 1979, Section 9.12, Direction No. 5.3.

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7. The proposed signage is inconsistent with DCP 2012, SEPP 64 and is likely to have an adverse impact on the landscape and rural character of the locality.
8. Approval of the application would be inconsistent with the public interest.

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

Cr Eoin Johnston returned to the meeting at 10.08am

8.2 DA 2020/878 - 25 Dress Circle Drive, Lennox Head

270521/4 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That the variation to the Floor Space Ratio development standard in Clause 4.4 of the BLEP 2012 be granted for DA 2020/878.
2. That DA 2020/878 for alterations and additions to a Dual Occupancy be **APPROVED** subject to the application of standard conditions for this type of development.

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

8.3 Land Classification - Western Side of Hutley Drive North Extension

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

1. That Council, in respect to Part Lot 1 DP 1270999, continue to maintain the land in its current state and take no action to change the operational classification of the land.
2. That Council confirms that it considers the land unsuitable for the construction of service club storage facilities due to unsatisfactory site access arrangements for such a purpose and a preference to hold the land in a manner that provides for a variety of future land use options.
3. That Council reaffirm its January 2021 resolution on the basis that staff facilitate further discussions with the Lennox Community Gardens and Lennox Lions Club for the Ocean Breeze Reserve site for the location of the Lions Club shed.
4. That Council staff write to the grant funding body to support the Lennox Lions Club in seeking a further extension to the grant.

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An **Amendment** was moved by Cr Ben Smith and seconded by Cr Stephen McCarthy

1. That Council, in respect to Part Lot 1 DP 1270999, continue to maintain the land in its current state and take no action to change the operational classification of the land.
2. That Council confirms that it considers the land unsuitable for the construction of service club storage facilities due to unsatisfactory site access arrangements for such a purpose and a preference to hold the land in a manner that provides for a variety of future land use options
3. That Council offer the Ocean Breeze Reserve site to the Lennox Lions Club.
4. That Council staff write to the grant funding body to support the Lennox Lions Club in seeking a further extension to the grant.

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

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Eoin Johnston and Cr Nathan Willis

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

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

270521/5 RESOLVED

(Cr Ben Smith/Cr Stephen McCarthy)

1. That Council, in respect to Part Lot 1 DP 1270999, continue to maintain the land in its current state and take no action to change the operational classification of the land.
2. That Council confirms that it considers the land unsuitable for the construction of service club storage facilities due to unsatisfactory site access arrangements for such a purpose and a preference to hold the land in a manner that provides for a variety of future land use options
3. That Council offer the Ocean Breeze Reserve site to the Lennox Lions Club.
4. That Council staff write to the grant funding body to support the Lennox Lions Club in seeking a further extension to the grant.

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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

Adjournment

The Mayor declared the meeting adjourned at 10.49 am

The meeting resumed at 11.10 am

8.6 Plan of Management for Community Land - Crown Land Integration

270521/6 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

1. That Council adopts the draft Plan of Management for Community Land 2021, as per Attachment 1 to this report, (pursuant to section 40 of the Local Government Act 1993 in accordance with 3.23(6) of the Crown Land Management Act 2016) upon receipt of advice from NSW Department of Industry – Crown Lands Division that the plan may be implemented, including:
 - (a) the amendments listed in Table 1 of this report, and
 - (b) any amendments required by the Crown Lands Division, if the amendments are considered to be minor or inconsequential.
2. That Council provide public notice of the adoption of the amended Ballina Shire Plan of Management for Community Land 2021 in accordance with section 40(2A) of the Local Government Act 1993.
3. That Council prepare a new vegetation management plan for the Wollongbar Rainforest Reserve.
4. That Council reclassify the Wollongbar Sports Fields as community land.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

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11.1 Notice of Motion - Policing in Alstonville

270521/7 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council make urgent representations requesting that the NSW Police Minister and the Local Area Commander review the allocation of Police numbers in the Ballina Shire with specific emphasis on the actual rostered shifts on the Alstonville Plateau.
2. That Council acknowledges the excellent service provided by the NSW Police officers in the Shire.

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

8.9 Filling of Land, Cumbalum - Compliance Action

270521/8 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report regarding filling works in relation to a property located at Cumbalum.

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

10.2 Ballina SES Headquarters - Concept Design

270521/9 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council holds further discussions with the local Controller and the NSW SES in relation to a preferred site.

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

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10.3 Water Loss Reduction Program

270521/10 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council adopts the following table as a guide to the Water Loss Program for 2021/22.

Activity	Timeframe
Completion of operational improvements in West Ballina zone	August 2021
Testing of water loss reduction actions in West Ballina	December 2021
Water meter replacement	Rolling program
Water main renewal	Rolling program
Rous County Council smart metering project	Commencing July 2021
Rollout of operational improvements across network	June 2022
Rollout of water loss reduction actions across network	June 2023

2. That Council, following the completion of the West Ballina Pressure Management Zone Water Loss Reduction pilot project, receive a further report assessing the outcomes of the pilot and the opportunities to document a shire wide strategic plan for water loss management.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

11.4 Notice of Motion - Coast Road, Speed Limit Reduction

270521/11 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council write to Transport for New South Wales requesting the speed limit for the Coast Road at Angels Beach be reduced from 80 km/hr to 60 km/hr to improve pedestrian and wildlife safety.

FOR VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Stephen McCarthy and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Nathan Willis

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Cr Keith Williams declared an interest in Item 11.5 and left the meeting at 12:13 pm.

11.5 Notice of Motion - Tintenbar Road, Speed Limit Reduction

270521/12 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council request Transport for NSW undertake a speed zone review for Tintenbar Road generally between the intersection with Fernleigh Road and Friday Hut Creek Road to assess a reduction in the speed zone from 80 km/hr to 60 km/hr.

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

Cr Keith Williams returned to the meeting at 12:22 pm.

11.2 Notice of Motion - Byron Studios

270521/13 RESOLVED

(Cr Ben Smith/Cr Sharon Parry)

1. That Council receive a report on the merits, costs and timeframes, to undertaking a rezoning of the Tuckombil Quarry Site to allow uses such as that being undertaken by Byron Studios at the Alstonville Cultural Centre.
2. This report is to examine the benefits of this proposal, including consultation with the key stakeholders, such as Byron Studios, NSW Planning and the current lessees (Boral and Ron Southon) to confirm whether the proposal can be fast tracked to coincide with the termination of the current licence agreement for Byron Studios at the Alstonville Cultural Centre.

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 12.49 pm

The meeting resumed at 12.53 pm

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8.4 Planning Proposal - Southern Cross Industrial Estate - Expansion

270521/14 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the public exhibition of the planning proposal for the rezoning of land within Stage 1 of the Southern Cross Industrial Estate Expansion to IN2 Light Industrial (BSCP 20/003) for a minimum period of 28 days.
2. That the land use table for the proposed IN2 Light Industrial zone be expanded to incorporate office premises as a use permitted with development consent prior to the public exhibition of the planning proposal.
3. That the flood impact assessment (contained in Attachment 3) be revised to include the internal service road, prior to public exhibition of the planning proposal. Should unacceptable adverse flood impacts be identified in this revised flood assessment, this matter is to be reported back to Council for further consideration and prior to any public exhibition of the planning proposal.
4. That Council notes the mitigation of ecological impacts may include the payment of contributions into the Biodiversity Conservation Fund.
5. That Council seek an extension of six months in which to complete the LEP amendment beyond the 30 June 2021 completion date.
6. That Council give further consideration to the planning proposal following agency consultation and the public exhibition period.

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

Adjournment

The Mayor declared the meeting adjourned at 1.00pm

The meeting resumed at 1.43pm

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8.5 Hampton Park Crown Reserve - Management

270521/15 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council in its capacity as Crown Land Manager for Crown Reserve D540004 provides a letter of support for the inclusion of Lot 560 DP 1119965 in a direct lease arrangement between the Department of Primary Industries & Environment – Crown and the Cherry Street Sports Club.
2. That Council in its capacity as Crown Land Manager for Crown Reserve D540004 defers its decision on the inclusion of part Lot 561 DP1119965 in a direct lease arrangement between the Department of Primary Industries & Environment – Crown and the Cherry Street Sports Club until the completion of the Hampton Park Management Plan review.

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

8.7 Companion Animals Management Plan - Review

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

1. That Council adopts the amended Draft Companion Animal Management Plan, as per Attachment 1 to this report (inclusive of an action to investigate the establishment of a dog off lead exercise area at Killarney Park, Wollongbar).
2. That Council place this Plan on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

An **Amendment** was moved by Cr Keith Williams

1. That Council adopts the amended Draft Companion Animal Management Plan, as per Attachment 1 to this report (inclusive of an action to investigate the establishment of a dog off lead exercise area at Killarney Park, Wollongbar).
2. That Council place this Plan on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.
3. That Council include an action in the Plan to undertake community consultation in relation to dog on lead and off lead areas at Angels Beach and Sharpes Beach.

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The **Amendment LAPSED**.

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

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

270521/16 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Draft Companion Animal Management Plan, as per Attachment 1 to this report (inclusive of an action to investigate the establishment of a dog off lead exercise area at Killarney Park, Wollongbar).
2. That Council place this Plan on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

8.8 Swimming Pool, Jarrett Street, Ballina - Compliance Action

270521/17 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council notes the contents of this report regarding swimming pool compliance in relation to a property in Jarrett Street, Ballina.

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

8.10 Policy (New) - Burials on Private Rural Land

270521/18 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the Burials on Private Rural Land Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.
3. That Council approves the proposed fee of \$460 for inclusion in the 2021/22 Fees and Charges.

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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

Cr Keith Williams, at this point declared an interest in Item 8.11. (Nature of Interest: non significant, non pecuniary – he owns a business that would be subject to Council's fire safety program). He will be remaining in the meeting and voting on the matter.

8.11 Policy (Review) - Built Environment Fire Safety Program

270521/19 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Built Environment Fire Safety Program Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

8.12 Policy (Review) - Swimming Pool Barrier Fencing

270521/20 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the amended Private Swimming Pool Barrier Fencing Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

8.13 Development Applications - Works in Progress - May 2021

270521/21 RESOLVED

(Cr Keith Williams/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

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9. Corporate and Community Division Reports

9.1 Use of Council Seal

270521/22 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council affix the Common Seal to the following documents.

US/05	<ul style="list-style-type: none"> • Licence RN 608327 from Department of Planning Industry and Environment – Crown Lands to Council for the occupation and use of land at Tamarind Drive, Ballina (known as Depot 2) for a period of three years at statutory minimum rent • Sub-Licence from Council to Soil Conservation Service for the occupation and use of part of the land at Tamarind Drive, Ballina (excluding Lot 456 DP 729144) for a period of 12 months at statutory minimum rent. 		
US/06	<ul style="list-style-type: none"> • Ballina Shire Council lease to The Rainbow Children's Centre Inc. (Y0620205) over Lot 210 DP735156, 4 John Sharpe Street, East Ballina, for a five year term (20/7/2021 – 19/7/2026) plus a five year option (20 July 2026 – 19 July 2031), at a rent equal to the statutory minimum rent charged by Crown Lands, currently \$512 per annum. 		
US/07	Ballina Shire Council licence to Northern Rivers Dirty Wheels Mountain Bike Club Inc. (INC9897469), for a term of four years, for a licence fee equal to the statutory minimum rent charged by Crown Lands, currently \$512 per annum.		
US/08	Property	Occupant/Lessee	Tenure
	Prospect Lake Boat Shed, 6 Links Avenue, East Ballina (part of Lot 105 DP871675)	State of New South Wales – Department of Education	Four year licence at a licence fee equal to the statutory minimum charged by Crown Lands (currently \$512 per annum)
	Cumbalum Sportsfield Clubhouse Building, 33 Power Drive, Cumbalum (part of Lot 99 DP1196589)	Tintenbar East Ballina Football Club Inc. (Y2380919) and Ballina Little Athletics Club Incorporated (INC9889767)	Four year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$512 per annum)
	Wardell Tennis Clubhouse and Tennis Courts, Fitzroy Park, 32 Bridge Drive, Wardell (part of Lot 18 DP1129974)	Wardell and District Tennis Club Inc. (Y0206705)	Four year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$512 per annum)

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	Skennars Sportsfield Clubhouse Building and part of Storage Shed, 54 Skennars Head Road, Lennox Head (part of Lot 13 DP1245669)	Lennox Head Football Club Inc. (Y0961122)	Four year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$512 per annum)
	Part of Storage Shed at Skennars Head Sportsfield, 54 Skennars Head Road, Lennox Head (part of Lot 13 DP1245669)	Le-Ba Boardriders Inc. (Y1211612)	Four year licence at a licence fee equal to the statutory minimum charged by Crown Lands (currently \$512 per annum)
US/09	Ballina Shire Council lease to Dr J McGrath for Shop 4 Wigmore Arcade Ballina for a period of three years with a two year option at market rent plus outgoings plus GST.		

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

9.2 Investment Summary - April 2021

270521/23 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

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

9.3 Tender - Lennox Village Vision - Underground Electrical Works

270521/24 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Tender - Lennox Village Vision - Underground Electrical Works in order to finalise the scope of works and any outstanding contract terms and conditions.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with Quanta Lines Pty Ltd, with a view to enter into a contract for the Tender - Lennox Village Vision - Underground Electrical Works.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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40 CHERRY STREET BALLINA,
ON 27/05/21 AT 9.00AM**

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 tender process has established sufficient market interest and it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with Quanta Lines Pty Ltd, as they are the preferred tenderer following assessment against the tender evaluation criteria.

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

9.4 Legal Matters - Update

270521/25 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

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

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

9.5 Financial Review - 31 March 2021

270521/26 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report for the March 2021 Quarterly Financial Review and approves the budget changes identified within the report.

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

9.6 Policy (Review) - Councillor Expenses and Facilities

270521/27 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council approves the exhibition of the amended Councillor Expenses and Facilities Policy, as per Attachment 1 to this report, for public comment, with a report to be presented back to Council following the exhibition period.

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

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Cr Ben Smith left the meeting at 02:52 pm.

9.7 Policy (Review) - Complaints Management

270521/28 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council adopts the Complaints Handling Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

9.8 Policy (Review) - EEO Policy and Management Plan

270521/29 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council adopts the Equal Employment Opportunity (EEO) Policy, as per Attachment 1 to this report.
2. That Council notes the contents of the EEO Management Plan, as per Attachment 2 to this report.
2. That Council place this policy and plan on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

10. Civil Services Division Reports

10.1 Ballina Shire Roads Contribution Plan - 2021 Review

270521/30 RESOLVED

(Cr Stephen McCarthy/Cr Keith Williams)

1. That the Draft Ballina Shire Roads Contribution Plan Version 4.2, as per Attachment 1 to this report, be placed on public exhibition, in accordance with Clause 28 of the Environmental Planning and Assessment Regulation 2000, for a period of not less than 28 days.

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2. That Council authorises the Mayor to make representations to the State and Federal Governments to seek grant funding to support the implementation of the works identified in Council's Roads Contribution Plan. This support is needed due to the current high levels of population growth, which in part relate to State and Federal Government policies, with Council not in a position to fund the additional works due to financial constraints placed on councils, such as the annual rate peg limit and the cap on developer contributions.

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

10.4 Policy (Review) - Naming of Council Owned Facilities

270521/31 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council adopts the Naming of Council Owned Facilities Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

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

11. Notices of Motion

11.3 Notice of Motion - Bruxner Highway Upgrade

270521/32 RESOLVED

(Cr Keith Williams/Cr Jeff Johnson)

That Council write to the Minister for Roads and also to Transport for NSW requesting the strategic planning for the Bruxner Highway road corridor be advanced as a priority.

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

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11.6 Notice of Motion - 4WD Beach Permits - Seven Mile Beach, Lennox Head

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

That Council only issue six month or 12 month permits and that Council write to Crown Lands with an enquiry as to whether Council can restrict the use of the beach by 4WDs to Ballina Shire residents only.

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 and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

12. Advisory Committee Minutes

Nil Items

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

13.1 Mayoral Meetings

270521/33 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

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14. Confidential Session

270521/34 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

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

14.1 Swimming Pool, Jarrett Street, Ballina - Compliance Action (Confidential)

Reason for Confidentiality

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

- e) information that would, if disclosed, prejudice the maintenance of law; and
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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 as the commencement of legal action is being examined and legal advice will be discussed as part of the report.

14.2 Filling of Land, Cumbalum - Compliance Action (Confidential)

Reason for Confidentiality

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

- e) information that would, if disclosed, prejudice the maintenance of law; and
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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 as the commencement of legal action is being examined and legal advice will be discussed as part of the report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Ben Smith

(The Council moved into Confidential Session at 3.20pm).

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During the Confidential Session, Cr Eoin Johnston declared an interest in Item 14.2 - Filling of Land, Cumbalum – Compliance Action. (Nature of Interest: non significant, non pecuniary – he has known the landowner for a considerable number of years). He remained in the meeting while the matter was discussed and voted on the matter.

Open Council

270521/35 RESOLVED

(Cr Keith Williams/Cr Stephen McCarthy)

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

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

(The Council moved into Open Council at 3.39pm).

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

**14.1 Swimming Pool, Jarrett Street, Ballina - Compliance Action
(Confidential)**

CF270521/1 RECOMMENDED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council commence legal proceedings in the Land and Environment Court to seek a penalty for the ongoing public health and safety non-compliances relating to the swimming pool in Jarrett Street, Ballina.
2. That Council commence legal proceedings in the Land and Environment Court seeking an Order for suitable remedial action to be carried out to address the public health and safety matters relating to the swimming pool in Jarrett Street, Ballina.

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

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14.2 Filling of Land, Cumbalum - Compliance Action (Confidential)

CF270521/2 RECOMMENDED

(Cr Keith Williams/Cr Stephen McCarthy)

1. That Council commences criminal prosecution proceedings in relation to the filling of the subject premises based on advice from Council's legal representatives.
2. That Council seeks an Order from the Land and Environment Court of NSW for the removal of any unauthorised fill material from the subject premises based on advice from Council's legal representatives.

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

Adoption of Recommendations from Confidential Session

270521/36 RESOLVED

(Cr Sharon Cadwallader/Cr Keith Williams)

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

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

MEETING CLOSURE

3.41 pm

The Minutes of the Ordinary Meeting held on 27/05/21 were submitted for confirmation by council on 24 June 2021 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 June 2021.