

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 23/02/23 AT 9.00AM**

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**Attendance**

Crs Sharon Cadwallader (Mayor - in the chair), Kiri Dicker, Simon Chate, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nigel Buchanan (arrived at 9.02am), Phillip Meehan and Rodney Bruem.

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 18 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 Eva Ramsey.

**230223/1            RESOLVED**

(Cr Rodney Bruem/Cr Simon Chate)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

Cr Buchanan arrived at the meeting at 9.02am

**4. Confirmation of Minutes**

**230223/2            RESOLVED**

(Cr Jeff Johnson/Cr Simon Chate)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 15 December 2022.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE Cr Eva Ramsey

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**5. Declarations of Interest and Reportable Political Donations**

**Cr Simon Chate** – declared an interest in Item 9.4 – Donations – Australian Representation and Community Groups and in particular to the donation request from Rous Mill and District Memorial Hall. (Nature of Interest: non significant, non pecuniary – he is a member of the Rous Mill and District Hall Committee). He will be departing the meeting while the matter is discussed.

**Cr Phillip Meehan** – declared an interest in Item 8.6 – LEP Amendment Request – Racecourse Road, Ballina. (Nature of Interest: non pecuniary – he is a volunteer Director of the Ballina Jockey Club who is an adjoining landowner). He will be departing the meeting while the matter is discussed.

**Cr Eoin Johnston** – declared an interest in Item 8.2 – DA 2021/807 – 59 Main Street, Alstonville – Voluntary Planning Agreement. (Nature of Interest: non significant, non pecuniary - he is a client of the Alstonville Medical Centre and has been for 46 years). He will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Simon Chate** – declared an interest in Item 8.2 – DA 2021/807 – 59 Main Street, Alstonville – Voluntary Planning Agreement. (Nature of Interest: non significant, non pecuniary - he is a client of the Alstonville Medical Centre). He will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Kiri Dicker** – declared an interest in Item 11.3 – Notice of Motion – Stage 5 – Lennox Village Vision Roadworks. (Nature of Interest: non significant, non pecuniary – her sister co owns a business in Lennox Head). She will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Cadwallader** – declared an interest in Item 8.2 – DA 2021/807 – 59 Main Street, Alstonville – Voluntary Planning Agreement. (Nature of Interest: non significant, non pecuniary - she is a client of the Alstonville Medical Centre). She will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Sharon Cadwallader** – declared an interest in Item 8.6 – LEP Amendment Request – Racecourse Road, Ballina. (Nature of Interest: non significant, non pecuniary - her brother is a race horse trainer but not in NSW). She will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

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**6. Deputations**

- **Stephen Moore** – spoke in favour of Item 8.1 – DA 2021/1005 – Service Station at 485 River Street, West Ballina.
- **Robyn Hargrave, Lennox Head Heritage Committee** – spoke in support of Item 8.3 – Lennox Park – Shelter Shed Options.
- **Peter Blackwood** – spoke in favour of Item 8.5 – LEP Amendments and Planning Proposals – Status – and in particular to Item 21/004 – Conservation Zones.

**Deputation - Extension of Time**

**230223/3            RESOLVED**

(Cr Phillip Meehan/Cr Rodney Bruem)

That Mr Blackwood be granted an extension of time for his deputation.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE Cr Eva Ramsey

Cr Phillip Meehan declared an interest in Item 8.6 and left the meeting at 09:21 am.

- **Matthew Bertram, CEO of Ballina Jockey Club** – spoke in opposition to Item 8.6 – LEP Amendment Request – Racecourse Road, Ballina.
- **Steve Connelly, Planners North** – spoke in support of Item 8.6 – LEP Amendment Request – Racecourse Road, Ballina.

Cr Phillip Meehan returned to the meeting at 09:28 am.

- **Michael Kahn, Intrapac (via Zoom)**– spoke in opposition to Item 10.2 – Cumbalum – Delivery of Wastewater Infrastructure.
- **Charlie Hewitt, Baker Ryan Stewart** – spoke in favour of Item 10.2 – Cumbalum – Delivery of Wastewater Infrastructure.
- **Dee Driscoll, Lennox Sanctum** – spoke in favour of Item 11.3 – Notice of Motion – Stage 5 – Lennox Village Vision Roadworks.
- **John Hickson, United Services Union** – spoke in opposition to Item 12.1 – Finance and Facilities Committee Minutes – 15 February 2023 and in particular to Item 5.2 – Waste Collection – Service Delivery Review.
- **Ralph Moss** – spoke in opposition to Item 8.1 – DA 2021/1005 – Service Station at 485 River Street, West Ballina.

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**Change in Order of Business**

**230223/4      RESOLVED**

(Cr Phillip Meehan/Cr Eoin Johnston)

That Council change the order of business to deal with the items in the order in which the Deputations were received.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE Cr Eva Ramsey

**7.      Mayoral Minutes**

**7.1      Mayoral Minute - Coastal Recreational Pathway - Lennox Head to Byron Bay**

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

1. That Council confirms its in-principle support for the continuation of the coastal recreational pathway from Lennox Head to Byron Bay.
2. That Council authorises the Mayor to seek grant funding opportunities, in conjunction with the Byron Shire Mayor, to allow this project to be advanced through the planning and design stages.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Kiri Dicker

1. That Council confirms its in-principle support for the continuation of the coastal recreational pathway from Lennox Head to Byron Bay.
2. That Council authorises the Mayor to seek grant funding opportunities, in conjunction with the Byron Shire Mayor, to allow this project to be advanced through the planning and design stages.
3. That Council confirms its preferred location for the commuter link from Lennox Head to Byron Bay is beside the roadway.

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

FOR VOTE - Cr Jeff Johnson

AGAINST VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Phillip Meehan and Cr Rodney Bruem

ABSENT. DID NOT VOTE - Cr Eva Ramsey

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eva Ramsey

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**230223/5            RESOLVED**

(Cr Sharon Cadwallader)

1. That Council confirms its in-principle support for the continuation of the coastal recreational pathway from Lennox Head to Byron Bay.
2. That Council authorises the Mayor to seek grant funding opportunities, in conjunction with the Byron Shire Mayor, to allow this project to be advanced through the planning and design stages.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eva Ramsey

**8.            Planning and Environmental Health Division Reports**

**8.1            DA 2021/1005 - Service Station at 485 River Street, West Ballina**

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Rodney Bruem

That Development Application 2021/1005 for the Demolition of an existing car retail sales yard (all structures) and the subsequent erection of a new 24 hour service station incorporating underground fuel tanks, ancillary convenience store and neighbourhood shop, bulk earthworks including retaining walls, car parking, stormwater management, landscaping, acoustic fencing and signage at Lots 4 & 5 DP 843505, 485 River Street, West Ballina be **APPROVED** subject to standard planning, engineering, environmental health and building conditions for this type of development, and non-standard conditions contained in Attachment 8.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Kiri Dicker

1. That Development Application 2021/1005 for the Demolition of an existing car retail sales yard (all structures) and the subsequent erection of a new service station incorporating underground fuel tanks, ancillary convenience store and neighbourhood shop, bulk earthworks including retaining walls, car parking, stormwater management, landscaping, acoustic fencing and signage at Lots 4 & 5 DP 843505, 485 River Street, West Ballina be **APPROVED** subject to standard planning, engineering, environmental health and building conditions for this type of development, and non-standard conditions contained in Attachment 8.
2. A further condition be applied that the opening hours be from 6.00am to 10.00pm.

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

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FOR VOTE - Cr Sharon Cadwallader, Cr Simon Chate and Cr Nigel Buchanan  
AGAINST VOTE - Cr Kiri Dicker, Cr Jeff Johnson, Cr Eoin Johnston, Cr  
Stephen McCarthy, Cr Phillip Meehan and Cr Rodney Bruem  
ABSENT. DID NOT VOTE - Cr Eva Ramsey

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

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Jeff Johnson, Cr Simon  
Chate, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Phillip Meehan and Cr  
Rodney Bruem

AGAINST VOTE - Cr Eoin Johnston

ABSENT. DID NOT VOTE - Cr Eva Ramsey

**230223/6            RESOLVED**

(Cr Phillip Meehan/Cr Rodney Bruem)

That Development Application 2021/1005 for the Demolition of an existing car retail sales yard (all structures) and the subsequent erection of a new 24 hour service station incorporating underground fuel tanks, ancillary convenience store and neighbourhood shop, bulk earthworks including retaining walls, car parking, stormwater management, landscaping, acoustic fencing and signage at Lots 4 & 5 DP 843505, 485 River Street, West Ballina be **APPROVED** subject to standard planning, engineering, environmental health and building conditions for this type of development, and non-standard conditions contained in Attachment 8.

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Jeff Johnson, Cr Simon Chate, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Phillip Meehan and Cr Rodney Bruem

AGAINST VOTE - Cr Eoin Johnston

ABSENT. DID NOT VOTE - Cr Eva Ramsey

**Adjournment**

The Mayor declared the meeting adjourned at 10.38am

The meeting resumed at 11.02am

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**8.3 Lennox Park - Shelter Shed Options**

A **Motion** was moved by Cr Kiri Dicker and seconded by Cr Stephen McCarthy

1. That Council endorses Option C as the preferred design for the refurbishment of the Lennox Park shelter shed, referenced as the embellishment/refurbishment option, as detailed in the report of 24 November 2022, and as outlined on page 14 of Attachment 1 to this report.
2. That Council recognises the funding limitations associated with delivery of Option C and prioritises essential structural and accessibility works to the existing shelter shed, with the full scope of works subject to identification of a suitable funding source.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Rod Bruem

That Council hold a briefing, where a number of designs are presented for a multi-purpose sound stage/shelter on the southern edge of the park.

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

FOR VOTE - Cr Jeff Johnson and Cr Rodney Bruem

AGAINST VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan and Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Eva Ramsey

An **Amendment** was moved by Cr Rod Bruem and seconded by Cr Jeff Johnson

That Council adopt the original concept plan for Lennox Park as part of the Lennox Village Vision.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Jeff Johnson and Cr Rodney Bruem

AGAINST VOTE - Cr Kiri Dicker, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan and Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Eva Ramsey

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

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Phillip Meehan and Cr Rodney Bruem

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Eva Ramsey

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**230223/7            RESOLVED**

(Cr Kiri Dicker/Cr Stephen McCarthy)

1. That Council endorses Option C as the preferred design for the refurbishment of the Lennox Park shelter shed, referenced as the embellishment/refurbishment option, as detailed in the report of 24 November 2022, and as outlined on page 14 of Attachment 1 to this report.
2. That Council recognises the funding limitations associated with delivery of Option C and prioritises essential structural and accessibility works to the existing shelter shed, with the full scope of works subject to identification of a suitable funding source.

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Phillip Meehan and Cr Rodney Bruem

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Eva Ramsey

**8.5    LEP Amendments and Planning Proposals - Status**

**230223/8            RESOLVED**

(Cr Rodney Bruem/Cr Phillip Meehan)

1. That Council notes the contents of this report on current LEP amendments and planning proposals.
2. That Council affirms a commitment to working with private landholders to implement Conservation Zones cooperatively.
3. That as part of the Conservation Zones consultation process that Council receive a report on options to provide incentives for landowners to set aside their land for Conservation Zones.
4. That Council receive a briefing on the background, scope and process of the Conservation Zone project, as soon as possible.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eva Ramsey

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Cr Phillip Meehan declared an interest in Item 8.6 and left the meeting at 12:23 pm.

**8.6 LEP Amendment Request - Racecourse Road, Ballina**

**230223/9          RESOLVED**

(Cr Eoin Johnston/Cr Stephen McCarthy)

That Council cease further action in relation to this Planning Proposal.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eva Ramsey and Cr Phillip Meehan

Cr Phillip Meehan returned to the meeting at 12:41 pm.

**10.2 Cumbalum - Delivery of Wastewater Infrastructure**

**230223/10          RESOLVED**

(Cr Jeff Johnson/Cr Rodney Bruem)

1. That Council reaffirms its resolution from 27 June 2019 regarding the request to compulsory acquire a sewer easement required to facilitate the development of Cumbalum Urban Release Area B.
2. As per the 27 June 2019 resolution;
  - Council will again write to Intrapac Properties and Baker Ryan Stewart and request the parties finalise, by agreement, the creation of the subject easement; and
  - Council endorses an in-principle position to commence a compulsory acquisition process to create the subject easement if agreement between the parties cannot be achieved in a reasonable timeframe.
3. A further report be presented to Council to the July 2023 Ordinary meeting regarding the proposed arrangements.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eva Ramsey

**Public Question Time**

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

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**11.3 Notice of Motion - Stage 5 - Lennox Village Vision Roadworks**

A **Motion** was moved by Cr Kiri Dicker and seconded by Cr Simon Chate

1. That Council postpone Stage 5 of Lennox Village Vision roadworks until after ANZAC Day on 25 April 2023.
2. That Council receive a report on the restaging of the project.

An **Amendment** was moved by Cr Rod Bruem

1. That Council postpone Stage 5 of Lennox Village Vision roadworks until after ANZAC Day on 25 April 2024.
2. That Council receive a report on the restaging of the project.

The **Amendment LAPSED.**

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eva Ramsey

**230223/11      RESOLVED**

(Cr Kiri Dicker/Cr Simon Chate)

1. That Council postpone Stage 5 of Lennox Village Vision roadworks until after ANZAC Day on 25 April 2023.
2. That Council receive a report on the restaging of the project.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Eva Ramsey

**Adjournment**

The Mayor declared the meeting adjourned at 1.21 pm

The meeting resumed at 2.00pm

Cr Nigel Buchanan left the meeting during the Adjournment break.

Cr Jeff Johnson left the meeting at 02:00 pm and returned at 02:05 pm..

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**12.1 Finance and Facilities Committee Minutes - 15 February 2023**

**230223/12      RESOLVED**

(Cr Kiri Dicker/Cr Eoin Johnston)

1. That Council confirms the minutes of the Finance and Facilities Committee meeting held 15 February 2023 and that the recommendations contained within the minutes be adopted.
2. That as part of the preparation of the 2023/24 Operational Plan that Council receive an update report on the design and future operation of the proposed upgrade of the Alstonville Cultural Centre.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**8.2 DA 2021/807 - 59 Main Street, Alstonville - Voluntary Planning Agreement**

**230223/13      RESOLVED**

(Cr Eoin Johnston/Cr Simon Chate)

1. That Council endorses the finalisation of the Voluntary Planning Agreement relating to DA 2021/807, as per Attachment 2 to this report, for public exhibition for a period of 28 days.
2. If no submissions are received in relation to the Voluntary Planning Agreement, that Council authorises the General Manager to execute the agreement and attach the Council Seal in association with the determination of DA 2021/807 (in the event that the DA progresses to determination by way of the granting of consent).
3. If submissions are received in relation to the Voluntary Planning Agreement, that Council receive a further report on the agreement.
4. That Council consider inclusion in the PAMP of a footpath on the western side of The Avenue, Alstonville, as well as a pedestrian crossing, as part of the preparation of the 2023/24 Operational Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

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**8.4 Planning Proposal and DCP Amendments - Dual Occupancy in R2 Low Density Zone, Wollongbar**

**230223/14      RESOLVED**

(Cr Stephen McCarthy/Cr Jeff Johnson)

1. That Council endorses the Wollongbar Attached Dual Occupancy Scoping Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning and Environment.
2. That, subject to a Scoping Meeting confirming the nature and scope of proposed amendments, Council endorses the preparation of a Planning Proposal consistent with the scoping proposal for submission to the Department of Planning and Environment for a Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
4. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
5. That draft amendments to Ballina DCP 2012, Section 3.3 of Chapter 4, as contained in Attachment 2, be exhibited concurrently with the planning proposal.
6. That the planning proposal and draft DCP amendments be reported to Council for further consideration following completion of the public exhibition process.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

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**8.7 Ballina Shire Development Control Plan - Amendment**

**230223/15      RESOLVED**

(Cr Kiri Dicker/Cr Phillip Meehan)

1. That Council undertake the public exhibition of the draft amendments to the Ballina Shire Development Control Plan 2012 (as contained in Attachment 7 to this report), in accordance with the *Environmental Planning and Assessment Act 1979* and the associated Regulation.
2. That a further report be submitted to Council following the public exhibition of the draft amendments to Ballina Shire Development Control Plan 2012.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**8.8 Policy (Review) - Financial Assistance - Ranger Associated Fees and Charges**

**230223/16      RESOLVED**

(Cr Eoin Johnston/Cr Stephen McCarthy)

1. That Council adopts the amended Financial Assistance – Ranger Associated Fees and Charges Policy, as attached 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 Nigel Buchanan and Cr Eva Ramsey

**8.9 Policy (New) - Conflicts of Interest for Council-Related Development Applications**

**230223/17      RESOLVED**

(Cr Jeff Johnson/Cr Stephen McCarthy)

1. That Council adopts the Conflicts of Interest for Council-Related Development Applications Policy, as per Attachment 2 to this report.
2. That Council place this policy on exhibition for a minimum period of 28 days, with any significant submissions received to be resubmitted back to Council. If no significant submissions are received, then no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

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**8.10 Development Applications – Variation to Development Standards**

**230223/18      RESOLVED**

(Cr Jeff Johnson/Cr Simon Chate)

That Council notes that there have been two applications approved under delegation for variations to development standards of 10% or less for October to December 2022.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**8.11 Development Applications - Works in Progress - January 2023**

**230223/19      RESOLVED**

(Cr Rodney Bruem/Cr Jeff Johnson)

That Council notes the contents of the report on the status of outstanding development applications for January 2023.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**9. Corporate and Community Division Reports**

**9.1 Use of Council Seal**

**230223/20      RESOLVED**

(Cr Stephen McCarthy/Cr Rodney Bruem)

That Council affix the Common Seal to the following documents.

US2023/1	Release or Extinguishment of Restriction on the Use of Land for Land being Lot 5 DP 1266758, No. 164 North Creek Road, Lennox Head.
US2023/2	Release or Extinguishment of Restriction on the Use of Land for Land being Lot 13 DP 1244616, No. 73 Amber, Lennox Head.
US2023/3	Variation to Sublease to T Woznitza for Part Lots 321 DP 755745 and 7003 DP 92641 being that part of the building known as the "Old Tintenbar Council Chambers" Alstonville and called Area 3 and 4 to increase the term to six years so as to expire on 31 December 2025 with a two year option.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

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**9.2 Investment Summary - December 2022 and January 2023**

**230223/21      RESOLVED**

(Cr Rodney Bruem/Cr Jeff Johnson)

That Council notes the report of banking and investments for December 2022 and January 2023.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**9.3 Councillor Expenses - Six Monthly Review**

**230223/22      RESOLVED**

(Cr Stephen McCarthy/Cr Simon Chate)

That Council notes the contents of this update on the Councillor expenses, as per the Councillor's Expenses and Facilities Policy, for the period 1 July to 31 December 2022.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**9.4 Donations - Australian Representation and Community Groups**

**230223/23      RESOLVED**

(Cr Kiri Dicker/Cr Stephen McCarthy)

That Council approves a donation in the amount of \$513 under the Donations - Australian Representation Policy to the Lennox Beach line dancing group for travel expenses relating to World Dance Masters in England.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

Cr Simon Chate declared an interest in the donation request from the Rous Mill and District Memorial Hall and left the meeting at 02:38 pm.

**230223/24      RESOLVED**

(Cr Eoin Johnston/Cr Rodney Bruem)

That Council approves a donation for an amount of \$952 under the Donations - Financial Assistance for Community Groups Policy to Rous Mill and District Memorial Hall to replace their faulty emergency lights.

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy and Cr Rodney Bruem

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AGAINST VOTE - Cr Phillip Meehan  
ABSENT. DID NOT VOTE - Cr Simon Chate, Cr Nigel Buchanan and Cr Eva Ramsey

Cr Simon Chate returned to the meeting at 02:47 pm.

**9.5 Legal Matters - Update**

**230223/25      RESOLVED**

(Cr Rodney Bruem/Cr Phillip Meehan)

That Council notes the contents of this Legal Matters – Update report.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**9.6 Policy (Review) - Corporate Sponsorship**

**230223/26      RESOLVED**

(Cr Eoin Johnston/Cr Simon Chate)

1. That Council adopts the amended Corporate Sponsorship Policy, as attached 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 Nigel Buchanan and Cr Eva Ramsey

**9.7 Local Government Election 2024 and Associated Matters**

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Kiri Dicker

1. The Ballina Shire Council (“the Council”) resolves:
  - a) Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
  - b) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
  - c) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

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ON 23/02/23 AT 9.00AM**

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2. That Council provides its support for the Ward Boundaries to be amended as follows, subject to this proposal being consistent with any new Statistical Areas Level 1 (SA1s) provided by the Australia Bureau of Statistics and subject to approval by the NSW Electoral Commission, prior to exhibition.
  - Move the areas of North Ballina such as North Creek Road and North Lakes from B Ward to A Ward
  - Move areas west of the Pacific Highway from B Ward to C Ward.
3. That Council write to the State Government seeking a 40% reduction in proposed costs of the 2024 election due to the financial impacts of the 2022 floods.

**230223/27      RESOLVED**

(Cr Phillip Meehan/Cr Kiri Dicker)

That Council move into Committee of the Whole to discuss this item.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**230223/28      RESOLVED**

(Cr Phillip Meehan/Cr Kiri Dicker)

That Council move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Rod Bruem

1. The Ballina Shire Council (“the Council”) resolves:
  - a) Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
  - b) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
  - c) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
2. That Council defer the matter of Ward Boundaries to a Council briefing.

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3. That Council write to the State Government seeking a 40% reduction in proposed costs of the 2024 election due to the financial impacts of the 2022 floods.

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

FOR VOTE - Cr Sharon Cadwallader and Cr Rodney Bruem  
AGAINST VOTE - Cr Kiri Dicker, Cr Jeff Johnson, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy and Cr Phillip Meehan  
ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**230223/29      RESOLVED**

(Cr Phillip Meehan/Cr Kiri Dicker)

1. The Ballina Shire Council ("the Council") resolves:
- a) Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
  - b) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
  - c) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
2. That Council provides its support for the Ward Boundaries to be amended as follows, subject to this proposal being consistent with any new Statistical Areas Level 1 (SA1s) provided by the Australia Bureau of Statistics and subject to approval by the NSW Electoral Commission, prior to exhibition.
- Move the areas of North Ballina such as North Creek Road and North Lakes from B Ward to A Ward
  - Move areas west of the Pacific Highway from B Ward to C Ward.
4. That Council write to the State Government seeking a 40% reduction in proposed costs of the 2024 election due to the financial impacts of the 2022 floods.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

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**9.8 Financial Year 2022/23 - 31 December 2022 Review**

**230223/30      RESOLVED**

(Cr Stephen McCarthy/Cr Eoin Johnston)

That Council notes the contents of this report for the December 2022 Quarterly Financial Review and approves the budget changes identified within the report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**9.9 Delivery Program and Operational Plan - 31 December 2022 Review**

**230223/31      RESOLVED**

(Cr Rodney Bruem/Cr Eoin Johnston)

That Council notes the contents of this report on the quarterly review of the 2022/23 to 2025/26 Delivery Program and 2022/23 Operational Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**9.10 Capital Expenditure Program - 31 December 2022 Review**

**230223/32      RESOLVED**

(Cr Eoin Johnston/Cr Stephen McCarthy)

1. That Council notes the contents of this report on the Capital Expenditure Program for the 2022/23 financial year.
2. That Council approves the 2022/23 budget adjustments as outlined in the attachments to this report and summarised in Table 1 of this report, with the transfer back to the Community infrastructure Reserve of \$10,000 to be reallocated to the provision of an aluminum grandstand for the Alstonville Swimming Pool.
3. That Council approves the inclusion of the grant funded projects in the Long Term Financial Plan as per Table 2 of this report.
4. That Council approves an allocation of \$378,000 from the Community Infrastructure Reserve for the installation of new blinds for the indoor pool facilities at the Alstonville and Ballina Swimming Pools.
5. That the General Manager provide information in the Finance and Facilities Committee agenda in respect of the options and cost estimates to improve the drainage and parking space at the Cemetery Road access to the Rous School.

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FOR VOTE - Cr Sharon Cadwallader, Cr Jeff Johnson, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy and Cr Rodney Bruem  
AGAINST VOTE - Cr Kiri Dicker and Cr Phillip Meehan  
ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**9.11 Tender - North Creek Road and Bridge Project - Design**

**230223/33      RESOLVED**

(Cr Rodney Bruem/Cr Stephen McCarthy)

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to GeoLINK Pty Ltd for the Tender - North Creek Road and Bridge Project - Design for the total amount of \$554,760 (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 Nigel Buchanan and Cr Eva Ramsey

**10. Civil Services Division Reports**

**10.1 Cumbalum and Ballina Heights - Alternative Access**

**230223/34      RESOLVED**

(Cr Stephen McCarthy/Cr Jeff Johnson)

1. That Council notes the contents of this report which provides a range of potential options to provide emergency access to Cumbalum and Ballina Heights.
2. That Council write to Transport for NSW requesting a commitment to a time to complete the previously agreed options analysis to improve drainage at Tamarind Drive.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

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**11. Notices of Motion**

**11.1 Notice of Motion - Cumbalum Interchange**

**230223/35      RESOLVED**

(Cr Jeff Johnson/Cr Stephen McCarthy)

1. That Council write to the NSW Minister for Regional Transport and Roads, the Deputy Premier, local MPs, Federal Minister and all Shadow Ministers calling for a full project design process to occur and that a funding allocation be made in the State Government's 2023/24 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 relative to contemporary flood planning levels.
2. That Council clarify with Hon Justine Elliot a previous commitment of 50/50 funding with Federal/State Governments for this project.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey

**11.2 Notice of Motion - Motion to Australian Local Government Association**

**230223/36      RESOLVED**

(Cr Eoin Johnston/Cr Rodney Bruem)

That Council endorses the following motion to be put to the Australian Local Government Association Conference to be held in June 2023.

*That ALGA engages with State and Commonwealth Government to promote the enabling of tax deductible donations from members of the community to local government for a broad range of essential Council services.*

Cr Jeff Johnson left the meeting at 04:42 pm.

FOR VOTE - Cr Sharon Cadwallader, Cr Eoin Johnston, Cr Phillip Meehan and Cr Rodney Bruem

AGAINST VOTE - Cr Kiri Dicker, Cr Simon Chate and Cr Stephen McCarthy

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nigel Buchanan and Cr Eva Ramsey

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**12. Advisory Committee Minutes**

**12.2 Commercial Services Committee Minutes - 15 February 2023**

**230223/37 RESOLVED**

(Cr Phillip Meehan/Cr Rodney Bruem)

That Council confirms the minutes of the Commercial Services Committee meeting held 15 February 2023 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nigel Buchanan and Cr Eva Ramsey

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

**13.1 Mayoral Meetings**

**230223/38 RESOLVED**

(Cr Sharon Cadwallader/Cr Rodney Bruem)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nigel Buchanan and Cr Eva Ramsey

**MEETING CLOSURE**

5.03pm

The Minutes of the Ordinary Meeting held on 23/02/23 were submitted for confirmation by council on 23 March 2023 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 23 March 2023.