

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 27/04/23 AT 9.00AM**

Attendance

Crs Sharon Cadwallader (Mayor - in the chair), Kiri Dicker, Simon Chate, Eoin Johnston, Stephen McCarthy, Nigel Buchanan, Eva Ramsey 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) and Nikki Glassop (Administration Officer Corporate and Community) were in attendance.

There were three people in the gallery at this time.

1. Australian National Anthem

The National Anthem was played.

One Minute's Silence - Anzac Day

The Council stood for one minute's silence, in remembrance of those who served our country.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country.

3. Apologies

Apologies were received from Cr Phillip Meehan and Cr Jeff Johnson.

RECOMMENDATION

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

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4. Confirmation of Minutes

270423/1 RESOLVED

(Cr Eva Ramsey/Cr Simon Chate)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 March 2023.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

5. Declarations of Interest and Reportable Political Donations

Cr Eoin Johnston – declared an interest in Item 8.4 – Community Land Lease – Wollongbar Sports Fields. (Nature of Interest: non significant, non pecuniary – he is a life member of Wollongbar Alstonville Rugby Club). He will be remaining in the meeting while the matter is discussed and voting on the matter.

There were no reportable political donations.

6. Deputations

- **Robyn Hargrave, Lennox Head Heritage Committee** – spoke in favour of Item 8.2 – Lennox 2022 Centenary – Plaque Proposal.
- **David Fuller** – spoke in favour of Item 12.1 – Finance and Facilities Committee Minutes 17 April 2023, and in particular to Item 5.6 – Community Infrastructure – Recurrent Capital Works – Angels Beach Disabled Ramp.
- **Simon Kalinowski** (via Zoom) – spoke in favour of Item 8.1 – Planning for Newrybar.

7. Mayoral Minutes

Nil items.

Change in Order of Business

270423/2 RESOLVED

(Cr Eva Ramsey/Cr Kiri Dicker)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

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8. Planning and Environmental Health Division Reports

8.2 Lennox 2022 Centenary - Plaque Proposal

270423/3 RESOLVED

(Cr Kiri Dicker/Cr Eva Ramsey)

1. That Council explores options for the recognition of the Lennox Head centenary as part of the Lennox Park refurbishment.
2. That Council approves the placement of a plaque to commemorate the Lennox Head 2022 centenary as part of the refurbishment of the Lennox Park shelter shed subject to the outcomes of point one.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

12.1 Finance and Facilities Committee Minutes - 17 April 2023

270423/4 RESOLVED

(Cr Rodney Bruem/Cr Simon Chate)

That Council confirms the minutes of the Finance and Facilities Committee meeting held 17 April 2023 and that the recommendations contained within the minutes be adopted, excluding items 5.6 and 5.8, which are to be dealt with separately.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

12.1 Item 5.6 - Community Infrastructure - Recurrent Capital Works

270423/5 RESOLVED

(Cr Rodney Bruem/Cr Simon Chate)

1. That Council approves the inclusion of the recurrent capital expenditure priorities, as outlined in this report, in the draft 2023/24 to 2026/27 Delivery Program and Operational Plan, for public exhibition.
2. That Council include in the draft 2023/24 Operational Plan an action to undertake a holistic assessment of the remaining beach access points to allow Council to confirm a preferred priority listing of works and associated funding strategy.
3. That the Cemetery Road access to Rous School be supported by a reduction of \$12,000 allocated for Moylans Lane, Fernleigh Road, Beacon Road and River Drive (both segments)

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4. That Council reduce the Meldrum Park Open Spaces Playground allocation to \$170,000 in 2023/24 and allocate \$20,000 to Council's trade staff for urgent maintenance on the Angels Beach access ramp and that Council staff coordinate with the local community group to come up with a cost effective resolution.

5. That Council allocate an additional \$50,000 in contingency funding for the Angels Beach Access ramp, funded equally (\$25,000 each) from the Cemeteries Reserve and the Bushland and Vegetation Reserve, if required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

12.1 Item 5.8 - Workforce Management Plan - 2023/24 to 2026/27

270423/6 RESOLVED

(Cr Rodney Bruem/Cr Simon Chate)

That Council approves the exhibition of the draft Workforce Management Plan 2023/24 to 2026/27, as per Attachment 1 to this report, subject to the following amendments:

- a) The Workforce Management Plan is to include a report on the organisation's gender pay gap.

- b) The draft 2023/24 to 2026/27 Delivery Program and Operational Plan is to include a service delivery indicator for the percentage of women in the workforce.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

8.1 Planning for Newrybar

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

1. That Council includes preparation of a village centre masterplan for Newrybar in the 2023/24 Operational Plan with a funding allocation of \$50,000 from the strategic planning reserve. If required, the Spoonbill Reserve Masterplan be deferred to enable additional resources to be directed towards this project.

2. That the planned works to the Old Pacific Highway (Road Segment 20) currently included in the 2022/2023 Delivery Program and Operational Plan (DPOP) proceed without delay.

3. That Council defer a decision on the issue of a centralised reticulated sewerage to service Newrybar until it has written to landholders and business owners in the immediate vicinity, informed them of its position on this issue, and given them an opportunity to respond.

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

FOR VOTE - Cr Simon Chate

AGAINST VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Eoin Johnston,
Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Eva Ramsey and Cr Rodney
Bruem

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

270423/7 RESOLVED

(Cr Stephen McCarthy/Cr Rodney Bruem)

1. That Council includes the preparation of a village centre masterplan for Newrybar during 2024 in the 2023/24 to 2026/27 Delivery Program and Operational Plan with a funding allocation of \$50,000 from the strategic planning reserve.
2. That Council include an action in the Delivery Program and Operational Plan to investigate feasible options for the provision of sewerage for Newrybar and that this report consider funding by the State Government.
3. That Council advise individual landholders that its preference for the consideration of changes to land use permissibility in relation to commercial activity is for this to be via site specific planning proposals addressing at a minimum the following matters:
 - Details of proposed land use outcomes
 - Water supply catchment considerations and on-site sewage management including any comments received from Rous Water
 - Car parking, vehicle and pedestrian access and
 - Land use conflict.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

Adjournment

The Mayor declared the meeting adjourned at 10.32 am

The meeting resumed at 10.52am

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8.3 Disability Inclusion Action Plan - Review

270423/8 RESOLVED

(Cr Stephen McCarthy/Cr Eoin Johnston)

1. That Council endorses the Draft Disability Inclusion Action Plan 2023-2026 (Attachment 1) for public exhibition for a minimum period of 42 days.
2. If no submissions are received in response to the public exhibition, that Council adopts the Disability Inclusion Action Plan 2023-2026 (Attachment 1), and no further reporting is required.
3. If submissions are received, the draft Disability Inclusion Action Plan 2023-2026 (Attachment 1) and outcomes of the exhibition process are to be reported back to Council.
4. That Council investigate software options to provide captions and transcripts for Council meetings.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

8.4 Community Land Lease - Wollongbar Sports Fields

270423/9 RESOLVED

(Cr Eoin Johnston/Cr Nigel Buchanan)

1. Subject to the Plan of Management for Community Land 2023 having been amended to include an express authorisation to allow the grant of a lease at the Wollongbar Sports Fields, that Council enter into a lease of the new building being constructed at the Wollongbar Sports Fields (80 Elvery Lane, Alstonville, being Lot 2 DP1168781), for a term of two years, at a rent equal to the statutory minimum charged by Crown Lands (currently \$566 per annum plus GST).
2. That the commencement date for the lease in point one be after the new building is completed and any final approvals required to permit the occupation and use of the building have been obtained.
3. That prior to point one being actioned, statutory public notification in relation to the proposed lease of community land be undertaken with a report to be presented to Council if any submissions objecting to the grant of the proposed lease are received.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

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8.5 Land Classification - Lot 12 DP 1271932, 14 Admiral Vista, Lennox Head

270423/10 RESOLVED

(Cr Stephen McCarthy/Cr Eoin Johnston)

That Council classifies the land identified as Lot 12 DP 1271932, being land located at 14 Admiral Vista, Lennox 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.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

8.6 Plan of Management for Community Land - Amendment

270423/11 RESOLVED

(Cr Eoin Johnston/Cr Kiri Dicker)

1. That the Ballina Shire Plan of Management for Community Land 2023 be amended to include in the Table of Special Provisions an entry for the following:

(a) Wollongbar Sports Fields (Lot 2, DP 1168781, 80 Elvery Lane, Alstonville), expressly authorising the leasing and licensing of the property by incorporated bodies appointed by Council; and

(b) Public Reserve, Clark Street Industrial Estate (Lot 2, DP 240895, Bangalow Road, Ballina), authorising the use and occupation of the land by the Ballina SES Headquarters.

2. That the Ballina Shire Plan of Management for Community Land 2023 be placed on public exhibition for a minimum of 42 days in accordance with section 38 of the Local Government Act 1993, with any substantial submissions received to be reported to Council.

3. If no substantial submissions are received, that Council adopts the amended Ballina Shire Plan of Management for Community Land and notifies the adoption of the amended plan in accordance with the Local Government Act.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

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8.7 Policy (Review) - Alcohol Regulation on Public Land

270423/12 RESOLVED

(Cr Eva Ramsey/Cr Rodney Bruem)

1. That Council adopts the amended Alcohol Regulation on Public Land 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.

Cr Nigel Buchanan left the meeting at 11:06 am.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nigel Buchanan and Cr Phillip Meehan

8.8 Development Applications – Variation to Development Standards

270423/13 RESOLVED

(Cr Simon Chate/Cr Stephen McCarthy)

That Council notes that there has been one application approved under delegation for variations to development standards of 10% or less for January to March 2023.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nigel Buchanan and Cr Phillip Meehan

9. Corporate and Community Division Reports

9.1 Use of Council Seal

270423/14 RESOLVED

(Cr Stephen McCarthy/Cr Rodney Bruem)

That Council affix the Common Seal to the following document.

US2023/7	Ballina Shire Council licence to Ballina and District Equestrian Club Incorporated over part Lot 114 DP 755684, 70 Gallans Road, Ballina for a three-year term, at a licence fee equal to the statutory minimum rent charged by Crown Lands, currently \$556 per annum (plus GST).
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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nigel Buchanan and Cr Phillip Meehan

9.2 Investment Summary - March 2023

270423/15 RESOLVED

(Cr Stephen McCarthy/Cr Eva Ramsey)

That Council notes the report of banking and investments for March 2023.

Cr Nigel Buchanan returned to the meeting at 11:08 am.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

9.3 Ballina Shire Economic Activation Group - Membership

270423/16 RESOLVED

(Cr Nigel Buchanan/Cr Eoin Johnston)

That Council approves the inclusion of the Wardell and District Progress Association Inc on the Ballina Shire Economic Activation Group.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

9.4 Delivery Program and Operational Plan - 31 March 2023 Review

270423/17 RESOLVED

(Cr Kiri Dicker/Cr Simon Chate)

That Council notes the contents of this quarterly report on the implementation 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 Jeff Johnson and Cr Phillip Meehan

9.5 Capital Expenditure - Review

270423/18 RESOLVED

(Cr Stephen McCarthy/Cr Simon Chate)

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 and summarised in Table 1 of this report.

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3. That Council approves the refinancing of the existing wastewater loan, with a principal balance of \$32,554,796.21, as at 19 June 2023, for a loan term of 10 years.
4. That the deferral of the Old Pacific Highway segment 20 in 2022/23 is be funded in the 2023/24 program from the \$1.3m in grant funding through the Local Government Regional Roads repair program.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

10. Civil Services Division Reports

10.1 Ferngrove Estate Easement - Legal Dispute

270423/19 RESOLVED

(Cr Eoin Johnston/Cr Kiri Dicker)

That Council notes the contents of this report regarding a legal dispute in respect of the acquisition of an easement at the Ferngrove Estate, Ballina.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

10.2 Policy (Review) - Liquid Trade Waste

270423/20 RESOLVED

(Cr Simon Chate/Cr Eoin Johnston)

1. That Council adopts the amended Liquid Trade Waste 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 Jeff Johnson and Cr Phillip Meehan

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10.3 Policy (Review) - Dual Water Supply Plumbing

270423/21 RESOLVED

(Cr Rodney Bruem/Cr Simon Chate)

1. That Council adopts the amended Dual Water Supply Plumbing 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 Jeff Johnson and Cr Phillip Meehan

11. Notices of Motion

Nil Items

12. Advisory Committee Minutes

12.2 Commercial Services Committee Minutes - 20 April 2023

270423/22 RESOLVED

(Cr Rodney Bruem/Cr Eoin Johnston)

That Council confirms the minutes of the Commercial Services Committee meeting held 20 April 2023 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

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

13.1 Mayoral Meetings

270423/23 RESOLVED

(Cr Nigel Buchanan/Cr Eva Ramsey)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

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14. Confidential Session

270423/24 RESOLVED

(Cr Kiri Dicker/Cr Simon Chate)

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 Ferngrove Estate Easement - Legal Dispute

Reason for Confidentiality

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

- 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 This matter is currently under legal advise..

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

(The Council moved into Confidential Session at 11.45am.)

Open Council

270423/25 RESOLVED

(Cr Eva Ramsey/Cr Simon Chate)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

(The Council moved into Open Council at 11.56am).

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The Mayor reported to the Open Meeting the recommendations made while in Confidential Session:

14.1 Ferngrove Estate Easement - Legal Dispute

CF270423/1 RECOMMENDED

(Cr Rodney Bruem/Cr Eva Ramsey)

That Council notes the contents of this report regarding a legal dispute in respect of the acquisition of an easement at the Ferngrove Estate.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

Adoption of Recommendations from Confidential Session

270423/26 RESOLVED

(Cr Eoin Johnston/Cr Rodney Bruem)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Phillip Meehan

MEETING CLOSURE

11.58am

The Minutes of the Ordinary Meeting held on 27/04/23 were submitted for confirmation by council on 25 May 2023 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 25 May 2023.