

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 25/05/23 AT 9.00AM**

Attendance

Crs Sharon Cadwallader (Mayor - in the chair), Kiri Dicker, Simon Chate, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nigel Buchanan (joined the meeting via zoom at 2.08pm), Phillip Meehan and Rodney Bruem (arrived at 9.06am.

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), Sandra Bailey (Secretary) and Nikki Glassop (Administration Officer Corporate and Community Division) were in attendance.

There were eight 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 Eva Ramsey and Cr Nigel Buchanan. Cr Buchanan indicated that he may join the meeting via Zoom later in the day.

250523/1 RESOLVED

(Cr Simon Chate/Cr Stephen McCarthy)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

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

4. Confirmation of Minutes

250523/2 RESOLVED

(Cr Stephen McCarthy/Cr Jeff Johnson)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 April 2023.

FOR VOTE - All Councillors voted unanimously.

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

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5. Declarations of Interest and Reportable Political Donations

- **Matthew Wood, Director Planning and Environmental Health** – declared an interest in Items 8.9 and 14.1 – Vegetation Clearing – Elevation Estate, Lennox Head. (Nature of Interest: non significant, non pecuniary - the property the subject of the two reports is within a residential neighbourhood where he owns property). He will be remaining in the meeting while the matters are discussed.
- **Cr Sharon Cadwallader** – declared an interest in Item 8.1 - DA 2022/203 – 3 Pine Avenue, East Ballina.. (Nature of Interest: non significant, non pecuniary – she lives in the neighbourhood). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader**, later in the meeting declared an interest in Item 8.8 – Alstonville Cemetery – Draft Master Plan – Public Exhibition. (Nature of Interest: non-significant. non pecuniary -she is a civil celebrant). She remained in the meeting while the matter was discussed and voted on the matter.

There were no reportable political donations.

6. Deputations

Jeanette Warth – spoke in favour of Item 8.1 – DA 2022/203 – 3 Pine Avenue, East Ballina.

Cr Rodney Bruem arrived at the meeting at 09:06 am.

Tony Hart – spoke in favour of Item 8.3 – Planning Proposal – Strategic Urban Growth Areas.

Sol Ibrahim – spoke in opposition to Item 8.4 – Ballina Shire Development Control Plan Amendment – Finalisation.

William Gray – NSW Reconstruction Authority – spoke in favour of Item 8.6 – Lease Extension- Temporary Housing – Wollongbar Sports Fields.

Kim Bond – spoke in opposition to Item 8.7 – Meldrum Park – Playground Upgrade.

Sonia Hickey – spoke in favour of Item 8.7 – Meldrum Park – Playground Upgrade.

Cr Phillip Meehan left the meeting at 09:33 am.

Adjournment

The Mayor declared the meeting adjourned at 9.33am
The meeting resumed at 10.11am

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Change in Order of Business

250523/3 RESOLVED

(Cr Simon Chate/Cr Rodney Bruem)

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 Nigel Buchanan and Cr Eva Ramsey

7. Mayoral Minutes

Nil items

8. Planning and Environmental Health Division Reports

8.3 Planning Proposal - Strategic Urban Growth Areas

250523/4 RESOLVED

(Cr Phillip Meehan/Cr Eoin Johnston)

That Council authorises the General Manager to finalise and implement the amendment of the Ballina Local Environmental Plan 2012 to undertake adjustments to Strategic Urban Growth Area map as outlined in Planning Proposal BSCPP 22/011, as per Attachment 1 to this report.

FOR VOTE - All Councillors voted unanimously.

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

8.7 Meldrum Park - Playground Upgrade

A **Motion** was moved by Cr Phillip Meehan

1. That Council not proceed with Options A or B as presented in this report.
2. That an updated plan be developed that is more sympathetic to the open space of the park and does not exceed the current footprint of the playground (ie 100 m²) and is constructed on the same footprint).
3. That a disabled parking space and access be constructed at Meldrum Park.
4. That the new plan incorporates some different approaches to shade over the playground.

The **Motion LAPSED**.

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A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Kiri Dicker

1. That Council notes the contents of the community feedback as per Attachments 3 and 4 to this report.
2. That Council, based on the contents of this report and assessment of the feedback, resolves to proceed with the installation of the Meldrum Park Playground – Option A, as per Attachment 1 to this report, as the provision of a shade structure over the park is considered essential, as there is limited shade cover from the existing trees over the playground space.
3. That a disabled parking space and access be constructed at Meldrum Park.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Rod Bruem

1. That Council notes the contents of the community feedback as per Attachments 3 and 4 to this report and not proceed with Options A or B as presented in this report.
2. That further community consultation is undertaken that allows community members to provide input into the design process on playground options for Meldrum Park that includes the provision of shade structures and helps to maintain the current aesthetic nature of Meldrum Park as well as provide an enhanced playground experience
3. That a disabled parking space and access be constructed at Meldrum Park.

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

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

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

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

250523/5 RESOLVED

(Cr Phillip Meehan/Cr Rodney Bruem)

1. That Council notes the contents of the community feedback as per Attachments 3 and 4 to this report and not proceed with Options A or B as presented in this report
2. That further community consultation is undertaken that allows community members to provide input into the design process on playground options for Meldrum Park that includes the provision of shade structures and helps to maintain the current aesthetic nature of Meldrum Park as well as provide an enhanced playground experience

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3. That a disabled parking space and access be constructed at Meldrum Park.

FOR VOTE - All Councillors voted unanimously.

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

8.1 DA 2022/203 - 3 Pine Avenue, East Ballina

250523/6 RESOLVED

(Cr Eoin Johnston/Cr Simon Chate)

1. That Council endorses the proposed variation to Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio development standards under the Ballina Local Environmental Plan 2012 to enable the demolition and alterations and additions to a dwelling and construction of a new garage and carport for the reasons outlined in this report.
2. That Development Application 2022/203 for "Demolition and alterations and additions to a dwelling and construction of a new garage and carport" be **APPROVED** subject to the application of the conditions of consent contained in Attachment 4, and including standard planning, building, engineering and environmental health conditions applicable to this type of development.

FOR VOTE - All Councillors voted unanimously.

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

8.2 DA 2022/405 - 68 and 70 Norton Street, Ballina

250523/7 RESOLVED

(Cr Simon Chate/Cr Eoin Johnston)

1. That Council endorses the proposed variation to Clause 4.1 Minimum Subdivision Lot Size development standard under the Ballina Local Environmental Plan 2012 of 800m² to enable the creation of an allotment with an area of 539.94m², for the reasons outlined in this report.
2. That Development Application 2022/405 for a staged development comprising a residential boundary adjustment subdivision (Stage 1), demolition or relocation of the existing dwelling and associated structures (Stage 2), and erection of two storey dwelling house and swimming pool including earthworks (site filling) and associated retaining walls (Stage 3) at Lot: 9 Sec: 2 DP: 1705, Lot: 1 DP: 783916, No. 68 Norton Street, Ballina and No. 70 Norton Street, Ballina be **APPROVED** subject to application of conditions as set out in Attachment 5, and including standard planning, building, civil engineering and environmental health conditions applicable to this type of development.

FOR VOTE - All Councillors voted unanimously.

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

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8.4 Ballina Shire Development Control Plan Amendment - Finalisation

250523/8 RESOLVED

(Cr Kiri Dicker/Cr Jeff Johnson)

1. That Council adopts the amendments to the *Ballina Shire Development Control Plan 2012* as per Attachments 2, 3 and 4 to this report.
2. That Council provide public notice of the adoption of the amendments to *Ballina Shire Development Control Plan 2012*, with the amended Development Control provisions to take effect from the date of publication on Council's website.
3. That Council provide a copy of the amended *Ballina Shire Development Control Plan 2012*, once it comes into effect, to the NSW Department of Planning and Environment, as required by the Environmental Planning and Assessment Regulation.
4. That persons who made submissions be advised of Council's decision.
5. That Council not make any changes to the Fig Tree Hill neighbourhood map.

FOR VOTE - All Councillors voted unanimously.

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

Cr Kiri Dicker left the meeting at 11:12 am.

8.5 Land Classification - Lot 444 DP 1279269, 60 Carroll Avenue

250523/9 RESOLVED

(Cr Simon Chate/Cr Rodney Bruem)

That Council classifies the land identified as Lot 444 DP 1279269, being land located at 60 Carroll Avenue Skennars Head, as operational land under the provisions of the Local Government Act 1993 and that this classification takes effect immediately.

FOR VOTE - All Councillors voted unanimously.

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

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8.6 Lease Extension - Temporary Housing - Wollongbar Sports Fields

250523/10 RESOLVED

(Cr Eoin Johnston/Cr Simon Chate)

1. That Council extends the lease to the NSW Reconstruction Authority on part of the Wollongbar Sports Fields by one year (making the lease expiry date 13 April 2025) at the current rent.
2. That Council affix the Common Seal to the lease variation documents.

Cr Kiri Dicker returned to the meeting at 11:14 am.

Cr Jeff Johnson left the meeting at 11:19 am.

FOR VOTE - All Councillors voted unanimously.

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

8.8 Alstonville Cemetery - Draft Master Plan - Public Exhibition

250523/11 RESOLVED

(Cr Eoin Johnston/Cr Rodney Bruem)

1. That Council endorses the draft Alstonville Cemetery Master Plan 2023, as per Attachment 1 to this report, for public exhibition for a minimum period of 28 days.
2. If no submissions are received in response to the public exhibition, that Council adopts the Alstonville Cemetery Master Plan 2023, as per Attachment 1, and no further reporting is required.
3. If submissions are received, the draft Alstonville Cemetery Master Plan 2023 and outcomes of the exhibition process are to be reported back to Council.

Cr Jeff Johnson returned to the meeting at 11:21 am.

Cr Sharon Cadwallader, at this stage, declared a non-significant, non-pecuniary interest in this matter. (Nature of interest, she is a civil celebrant).

FOR VOTE - All Councillors voted unanimously.

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

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8.9 Vegetation Clearing - Elevation Estate, Lennox Head

250523/12 RESOLVED

(Cr Phillip Meehan/Cr Stephen McCarthy)

That Council notes the contents of this report regarding vegetation clearing works in relation to a property located in the Elevation Estate, Lennox Head.

FOR VOTE - All Councillors voted unanimously.

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

8.10 Development Applications - Works in Progress - May 2023

250523/13 RESOLVED

(Cr Rodney Bruem/Cr Stephen McCarthy)

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

250523/14 RESOLVED

(Cr Stephen McCarthy/Cr Eoin Johnston)

That Council affix the Common Seal to the following documents.

US2023/8	Ballina Shire Council lease to Jabreagan Pty Ltd & Mowan Pty Ltd for Shop 139 River Street Ballina (Wigmore Arcade) for a period 5 + 5 + 5 years at market rent commencing 1 July 2023.		
US2023/9	1. That Council, in accordance with the relevant provisions of the Local Government Act 1993, enters the following lease of <i>community land</i> :		
	Property	Licensee	Tenure
	Part of Kentwell Community Centre, 20 Bangalow Road Ballina	CPL – Choice, Passion, Life	Two-year lease with a one-year option at market rent
	2. That prior to point one being actioned, statutory public notification relating to the proposed lease of community land be undertaken, with a report to be presented to Council if an objection is received to the grant of the proposed lease.		

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

9.2 Investment Summary - April 2023

250523/15 RESOLVED

(Cr Jeff Johnson/Cr Simon Chate)

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

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

Adjournment

The Mayor declared the meeting adjourned for Public Question Time and Lunch at 12.01pm

The meeting resumed at 12.46pm

9.3 Ordinary Meeting Date - December 2023

250523/16 RESOLVED

(Cr Stephen McCarthy/Cr Simon Chate)

1. That Council confirms the December 2023 Ordinary meeting is to be held on Thursday 14 December 2023.
2. That Council amend the Code of Meeting Practice so that the December meeting is held on the second Thursday.
3. That Council amend the Code of Meeting Practice to remove the January meeting.

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

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9.4 Australia Day - Review

A **Motion** was moved by Cr Rodney Bruem and seconded by Cr Eoin Johnston

1. That Council confirms the categories for the 2024 Ballina Shire Australia Day Awards are to remain unchanged, with citizen of the year selected from one of the categories as follows:
 - Young Citizen of the Year (30 years or under)
 - Senior Citizen of the Year (60 years or over)
 - Volunteer Award
 - Sports Award
 - Community Event of the Year
 - Arts and Cultural Award
 - Environmental Award
2. That Council confirms 26 January 2024 as the date for the 2024 Ballina Shire Australia Day Awards and Citizenship ceremony.
3. That Council host the 2024 Australia Day event at the Lennox Head Cultural Centre.

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

1. That Council confirms the categories for the 2024 Ballina Shire Australia Day Awards are to remain unchanged, with citizen of the year selected from one of the categories as follows:
 - Young Citizen of the Year (30 years or under)
 - Senior Citizen of the Year (60 years or over)
 - Volunteer Award
 - Sports Award
 - Community Event of the Year
 - Arts and Cultural Award
 - Environmental Award
2. That Council confirms 26 January 2024 as the date for the 2024 Ballina Shire Australia Day Awards and Citizenship ceremony.
3. That Council host the 2024 Australia Day event at the Lennox Head Cultural Centre.
4. That Council replace the Ballina Shire Australia Day Awards with Ballina Shire Awards to be held in Local Government Week for 2025.

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

FOR VOTE - Cr Kiri Dicker and Cr Jeff Johnson

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

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

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An **Amendment** was moved by Cr Simon Chate and seconded by Cr Stephen McCarthy

1. That Council confirms the categories for the 2024 Ballina Shire Australia Day Awards are to remain unchanged, with citizen of the year selected from one of the categories as follows:
 - Young Citizen of the Year (30 years or under)
 - Senior Citizen of the Year (60 years or over)
 - Volunteer Award
 - Sports Award
 - Community Event of the Year
 - Arts and Cultural Award
 - Environmental Award
2. That Council confirms the evening of 25 January 2024 as the date for the 2024 Ballina Shire Australia Day Awards and Citizenship ceremony.
3. That Council host the 2024 Australia Day event at the Lennox Head Cultural Centre.

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

FOR VOTE - Cr Kiri Dicker, Cr Jeff Johnson, Cr Simon Chate, Cr Stephen McCarthy and Cr Phillip Meehan

AGAINST VOTE - Cr Sharon Cadwallader, Cr Eoin Johnston and Cr Rodney Bruem

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

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

FOR VOTE - Cr Kiri Dicker, Cr Jeff Johnson, Cr Simon Chate, Cr Stephen McCarthy and Cr Phillip Meehan

AGAINST VOTE - Cr Sharon Cadwallader, Cr Eoin Johnston and Cr Rodney Bruem

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

250523/17 RESOLVED

(Cr Simon Chate/Cr Stephen McCarthy)

1. That Council confirms the categories for the 2024 Ballina Shire Australia Day Awards are to remain unchanged, with citizen of the year selected from one of the categories as follows:
 - Young Citizen of the Year (30 years or under)
 - Senior Citizen of the Year (60 years or over)
 - Volunteer Award
 - Sports Award
 - Community Event of the Year

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- Arts and Cultural Award
- Environmental Award

2. That Council confirms the evening of 25 January 2024 as the date for the 2024 Ballina Shire Australia Day Awards and Citizenship ceremony.
3. That Council host the 2024 Australia Day event at the Lennox Head Cultural Centre.

FOR VOTE - Cr Kiri Dicker, Cr Jeff Johnson, Cr Simon Chate, Cr Stephen McCarthy and Cr Phillip Meehan

AGAINST VOTE - Cr Sharon Cadwallader, Cr Eoin Johnston and Cr Rodney Bruem

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

9.5 Legal Matters - Update

250523/18 RESOLVED

(Cr Stephen McCarthy/Cr Eoin Johnston)

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 Tender - Pop Denison Park Playground Upgrade - Stage 2

250523/19 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 Boyds Bay Landscaping Services Pty Ltd for the Tender - Pop Denison Park Playground Upgrade - Stage 2 for the total amount of \$807,953.59 (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

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9.7 Tender - Lennox Head Park Design and Construction

250523/20 RESOLVED

(Cr Phillip Meehan/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 Boyds Bay Landscaping Pty Ltd for the Tender - Lennox Head Park Design and Construction for the total amount of \$1,217,798.41 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.
3. That Council approves a transfer of \$603,000 from the current Engineering Works budget of \$850,000 in the 2023/24 draft budget, to the Lennox Park budget in Open Spaces, to ensure that there is a total budget of \$1,406,000 for Lennox Park as per the contents of this report.
4. That Council notes that the budget transfer in point three is based on forecast savings of \$250,000 in the Engineering Works component of the Lennox Village Vision project, along with the assumption that Council will be successful in securing the \$1.5m Federal Government election commitment for this project.
5. That Council notes that if the savings and grant commitment, as outlined in point four are not secured, it will be necessary to reallocate funding from other projects, such as the Ballina SES Building, and Road Reconstruction works, to ensure that the Lennox Village Vision project is fully funded.

FOR VOTE - All Councillors voted unanimously.

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

9.8 Policy (Review) - Investments

A **Motion** was moved by Cr Rodney Bruem and seconded by Cr Simon Chate

1. That Council adopts the amended Investment 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.

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

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1. That Council adopts the amended Investment Policy, as per Attachment 1 to this report, subject to point 3.
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 reinstate the 0.05% preference for institutions who offer a comparable investment for non fossil fuel investments.

Cr Nigel Buchanan joined the meeting via Zoom at 02:08 pm.

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

FOR VOTE - Cr Kiri Dicker, Cr Jeff Johnson and Cr Simon Chate
AGAINST VOTE - Cr Sharon Cadwallader, 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

250523/21 RESOLVED

(Cr Rodney Bruem/Cr Simon Chate)

1. That Council adopts the amended Investment 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 Eva Ramsey

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9.9 Policy (New) - Media

A **Motion** was moved by Cr Rodney Bruem and seconded by Cr Jeff Johnson

That Council defer this matter to a Councillor briefing.

Cr Phillip Meehan left the meeting at 02:17 pm.

An **Amendment** was moved by Cr Kiri Dicker and seconded by Cr Simon Chate

That Council notes the contents of this report.

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

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

AGAINST VOTE - Cr Nigel Buchanan

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

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

FOR VOTE - All Councillors voted unanimously.

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

250523/22 RESOLVED

(Cr Kiri Dicker/Cr Simon Chate)

That Council notes the contents of this report.

FOR VOTE - All Councillors voted unanimously.

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

9.10 Financial Year 2022/23 - 31 March 2023 Review

250523/23 RESOLVED

(Cr Simon Chate/Cr Stephen McCarthy)

1. That Council notes the contents of this report for the March 2023 Quarterly Financial Review and approves the budget changes identified within the report.
2. That Council approves the execution and affixing of the Council seal to finance agreements or contracts for the following:
 - a) Boeing Avenue - Facility of \$6,000,000, as a short-term interest only variable facility, with expiry 31 December 2024

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- b) River Street Stage 4 Roadworks -\$1,228,000, as a 20-year loan, with principal and interest repayments over 20 years
- c) Airport Runway Terminal - \$11,500,000, as a 20-year loan, with principal and interest repayments over 20 years

FOR VOTE - All Councillors voted unanimously.

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

10. Civil Services Division Reports

10.1 Crown Land Acquisition - Angels Beach Drive, Ballina

250523/24 RESOLVED

(Cr Stephen McCarthy/Cr Rodney Bruem)

1. That Council resolves to compulsory acquire Crown land identified as Lot 3 DP 1234818 and Lot 4 DP 1234818 for Angels Beach Drive, as shown on the diagrams attached to this report, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993.
2. That Council resolves to make an application to the Office of Local Government, the Minister, and the Governor for the approval of the compulsory acquisition (by agreement) of Crown land.
3. That Council authorises the General Manager to conduct and finalise negotiations with the NSW Department of Planning and Environment – Crown Lands to acquire the Crown land.
4. That Council approves the use of the Council seal on any documents associated with the acquisition of the Crown land.
5. The Council confirms that following acquisition the land is to be dedicated as public road.

FOR VOTE - All Councillors voted unanimously.

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

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10.2 Crown Land Acquisition - Regatta Avenue, Ballina

250523/25 RESOLVED

(Cr Rodney Bruem/Cr Stephen McCarthy)

1. That Council resolves to compulsory acquire Crown land identified as part Lot 501 DP 729388 for Regatta Ave, as shown in Attachment 1 to this report, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993.
2. That Council resolves to make an application to the Office of Local Government, the Minister, and the Governor for the approval of the compulsory acquisition (by agreement) of Crown land.
3. That Council authorises the General Manager to finalise negotiations with the NSW Department of Planning and Environment – Crown Lands to acquire the Crown land.
4. That Council approves the use of the Council seal on any documents associated with the acquisition of the Crown land.
5. That Council confirms that following acquisition the land is to be dedicated as public road.

FOR VOTE - All Councillors voted unanimously.

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

10.3 Lennox Village Vision - Works on Private Land - Stage 6

250523/26 RESOLVED

(Cr Stephen McCarthy/Cr Simon Chate)

1. In accordance with Section 67 (Private Works) of the Local Government Act, Council approves the raising of a communication pit, and the undertaking of minor stormwater works on private land at 98 Ballina Street, Lennox Head associated with the Lennox Head Village Renewal project, at no charge to the landowner.
2. That Council, in respect of point one above, record the reasons for not completing the work on public land include;
 - the private works will mean approximately \$50,000 additional cost to the project will be avoided
 - the work supports the overall design objective of improving the visual amenity of the area from the infrastructure upgrade
 - the works are minor

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
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ON 25/05/23 AT 9.00AM**

- any private benefit to the property is reasonable in the circumstances.

FOR VOTE - All Councillors voted unanimously.

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

11. Notices of Motion

Nil Items

12. Advisory Committee Minutes

Nil Items

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

13.1 Mayoral Meetings

250523/27 RESOLVED

(Cr Rodney Bruem/Cr Stephen McCarthy)

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

FOR VOTE - All Councillors voted unanimously.

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

14. Confidential Session

250523/28 RESOLVED

(Cr Eoin Johnston/Cr Rodney Bruem)

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 Vegetation Clearing - Elevation Estate, Lennox Head

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

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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 it contains legal advice.

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

(The Council moved into Confidential Session at 2.37pm).

Cr Bruem departed the meeting at 2.38pm during the Confidential Session.

Open Council

250523/29 RESOLVED

(Cr Kiri Dicker/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 Eva Ramsey, Cr Phillip Meehan and Cr Rodney Bruem

(The Council moved into Open Council at 2.39pm).

Cr Rodney Bruem returned to the meeting at 02:40 pm.

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

14.1 Vegetation Clearing - Elevation Estate, Lennox Head

CF250523/30 RECOMMENDED

(Cr Kiri Dicker/Cr Simon Chate)

That based on the information outlined in this report, Council resolves to commence Class 4 Proceedings to seek an Order to remedy a breach of the Environmental Planning and Assessment Act in relation to unauthorised clearing of vegetation on land in the Elevation Estate at Lennox Head.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Eva Ramsey, Cr Phillip Meehan and Cr Rodney Bruem

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Adoption of Recommendations from Confidential Session

250523/31 RESOLVED

(Cr Kiri Dicker/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.

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

MEETING CLOSURE

2.20pm

The Minutes of the Ordinary Meeting held on 25/05/23 were submitted for confirmation by council on 22 June 2023 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 22 June 2023.