

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/05/24 AT 9:00 AM**

Attendance

Crs Sharon Cadwallader (Mayor - in the chair), Kiri Dicker, Simon Chate, Eoin Johnston, Stephen McCarthy, Eva Ramsey (on-line), Phillip Meehan (arrived at 9.02am) and Rodney Bruem.

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

There were four 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.

Cr Meehan arrived at the meeting at 9.02am

3. Apologies

Apologies were received from Cr Nigel Buchanan and Cr Jeff Johnson.

230524/1 RESOLVED

(Cr Rodney Bruem/Cr Simon Chate)

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 Nigel Buchanan

4. Confirmation of Minutes

230524/2 RESOLVED

(Cr Stephen McCarthy/Cr Eoin Johnston)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Wednesday 24 April 2024.

FOR VOTE - All Councillors voted unanimously.

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

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5. Declarations of Interest and Reportable Political Donations

Nil

There were no reportable political donations.

6. Deputations

- **Peter Wigley, Tiny Homes Australia and Australian Tiny Homes Association**– spoke in favour of Item 8.2 – Ballina Shire Housing Strategy – Finalisation.
- **Kevin Loughrey** – spoke in opposition to Item 8.3 – Corporate Emissions Reduction Plan – Adoption.
- **Sarah King, Ballina Environment Society** – spoke in support of Item 8.3 – Corporate Emissions Reduction Plan – Adoption.
- **Matt Landos** – spoke in favour of Item 11.1 – Notice of Motion – Richmond River Catchment.

7. Mayoral Minutes

Nil items

Change in Order of Business

230524/3 RESOLVED

(Cr Simon Chate/Cr Stephen McCarthy)

That Council change the order of business to deal with items as per the Deputations received.

FOR VOTE - All Councillors voted unanimously.

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

8. Planning and Environmental Health Division Reports

8.2 Ballina Shire Housing Strategy - Finalisation

230524/4 RESOLVED

(Cr Eoin Johnston/Cr Stephen McCarthy)

That Council adopts the Ballina Shire Housing Strategy 2024, as per Attachment 1 to this report.

FOR VOTE - All Councillors voted unanimously.

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

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8.3 Corporate Emissions Reduction Plan - Adoption

A **Motion** was moved by Cr Rodney Bruem and seconded by Cr Eva Ramsey

1. That Council defers the Corporate Emissions Reduction Plan, as per Attachment 1 to this report.
2. That Council holds a briefing prior to obtaining a financial report on the potential cost-saving and subsequent implications for ratepayers by aligning the Shire's Corporate Emissions Reduction target with that of the NSW Government.

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

FOR VOTE - Cr Eva Ramsey and Cr Rodney Bruem

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

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

230524/5 RESOLVED

(Cr Stephen McCarthy/Cr Kiri Dicker)

That Council adopts the Corporate Emissions Reduction Plan, as per Attachment 1 to this report.

FOR VOTE - All Councillors voted unanimously.

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

Adjournment

The Mayor declared the meeting adjourned at 10.41am

The meeting resumed at 11.02am

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11. Notices of Motion

11.1 Notice of Motion - Richmond River Catchment

A **Motion** was moved by Cr Rodney Bruem and seconded by Cr Stephen McCarthy

That the document 'From Pristine to Polluted', authored by Dr Matt Landos, be noted and a copy of the paper be provided to State and Federal Government Ministers responsible for catchment related issues, and local members of State and Federal parliament, to raise awareness about key waterway management issues in the Richmond River Catchment and to encourage holistic and long term catchment based management of the Richmond River.

An **Amendment** was moved by Cr Phillip Meehan

That Council note the document "From Pristine to Polluted", authored by Dr Matt Landos, and forward a copy to Rous County Council as the leader of the CMP process for the Richmond River catchment.

The **Amendment LAPSED.**

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

230524/6 RESOLVED

(Cr Rodney Bruem/Cr Stephen McCarthy)

That the document 'From Pristine to Polluted', authored by Dr Matt Landos, be noted and a copy of the paper be provided to State and Federal Government Ministers responsible for catchment related issues, and local members of State and Federal parliament, to raise awareness about key waterway management issues in the Richmond River Catchment and to encourage holistic and long term catchment based management of the Richmond River.

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

AGAINST VOTE - Cr Phillip Meehan

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

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8.1 DA 2023/107 - 32 Boeing Avenue, Ballina

230524/7 RESOLVED

(Cr Phillip Meehan/Cr Rodney Bruem)

1. That Council endorses the proposed variation to Clause 4.3 Height of buildings development standard under the Ballina Local Environmental Plan 2012 to enable a maximum building height of 1.84m or 15.3% for the warehouse and 2.57m or 21.4% for the multiple identification sign, for the reasons outlined in this report.
2. That the Development Application 2023/107 to undertake the erection of a mixed use development comprising five specialised retail premises and a take away food and drink premises, landscaping and associated civil works be **APPROVED** subject to standard planning, environmental health, civil and building conditions, and the non-standard conditions in Attachment 6, including a condition which requires that both the subject lot and the adjoining lot (Lot 951 DP 1165266) maintain connectivity between the car parking area.

FOR VOTE - All Councillors voted unanimously.

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

8.4 Policy (Review) - Community Property Leasing and Licensing

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

1. That Council adopts the amended Community Property Leasing and Licensing 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 Phillip Meehan and seconded by Cr Stephen McCarthy

1. That Council adopts the amended Community Property Leasing and Licensing Policy, as per Attachment 1 to this report, with the inclusion of a clause to include a provision that community groups are able to submit an expression of interest to lease a community facility/hall when a lease is due for renewal.
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.

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

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

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

230524/8 RESOLVED

(Cr Simon Chate/Cr Rodney Bruem)

1. That Council adopts the amended Community Property Leasing and Licensing 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 Jeff Johnson and Cr Nigel Buchanan

Cr Kiri Dicker left the meeting at 11:59 am.

8.5 Policy (Review) - Festival and Events Sponsorship (Commercial)

230524/9 RESOLVED

(Cr Simon Chate/Cr Rodney Bruem)

1. That Council adopts the amended Festival and Events (Commercial) Sponsorship Program Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, then no further action is required.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Kiri Dicker, Cr Jeff Johnson and Cr Nigel Buchanan

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8.6 Policy (Review) - Festival and Events Sponsorship (Community)

230524/10 RESOLVED

(Cr Simon Chate/Cr Rodney Bruem)

1. That Council adopts the Festival and Events (Community) Sponsorship Program Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, then no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Kiri Dicker, Cr Jeff Johnson and Cr Nigel Buchanan

9. Corporate and Community Division Reports

9.4 Policy (Review) - Donations - Rates and Charges

230524/11 RESOLVED

(Cr Simon Chate/Cr Rodney Bruem)

1. That Council adopts the amended Donations – Rates and Charges 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 Kiri Dicker, Cr Jeff Johnson and Cr Nigel Buchanan

9.1 Use of Council Seal

230524/12 RESOLVED

(Cr Stephen McCarthy/Cr Simon Chate)

That Council affix the Common Seal to the following document.

US2024/7	Ballina Shire Council Sublease to Charmonne Pty Ltd for Part Lots 321/755745 and 7003/92641 being that part of the building known as the "Old Tintenbar Council Chambers", Alstonville known as Area 2 for a three-year sublease with a two-year option at market rent.
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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Kiri Dicker, Cr Jeff Johnson and Cr Nigel Buchanan

Cr Kiri Dicker returned to the meeting at 12:01 pm.

9.2 Investment Summary - April 2024

230524/13 RESOLVED

(Cr Rodney Bruem/Cr Simon Chate)

That Council notes the report of banking and investments for April 2024.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nigel Buchanan

9.3 Donation - Australian Representation

230524/14 RESOLVED

(Cr Kiri Dicker/Cr Rodney Bruem)

1. That Council approves a donation of \$535 under the Donations - Australian Representation Policy, to the Heart of Dance Line Dance Team, for travel expenses relating to World Dance Masters in England for July 2024.
2. That Council hold a briefing to review the Donations - Australian Representation policy so that it aligns with Council's Community Strategic Plan.

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

9.5 Legal Matters - Update

230524/15 RESOLVED

(Cr Rodney Bruem/Cr Kiri Dicker)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nigel Buchanan

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9.6 Financial Year 2023/24 - 31 March 2024 Review

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

That Council notes the contents of this report for the March 2024 Quarterly Financial Review and approves the budget changes identified within the report.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Kiri Dicker

1. That Council notes the contents of this report for the March 2024 Quarterly Financial Review and approves the budget changes identified within the report
2. That in relation to the Lennox Head signage, due to the estimated cost from Transport for NSW being \$109,000, and Council's budget is \$30,000, that this project not proceed.
3. That the \$30,000 be transferred to offset over expenditure on the Lennox Village Vision project.

Cr Eva Ramsey left the meeting at 12:34 pm.

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

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

AGAINST VOTE - Cr Sharon Cadwallader

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

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

230524/16 RESOLVED

(Cr Phillip Meehan/Cr Kiri Dicker)

1. That Council notes the contents of this report for the March 2024 Quarterly Financial Review and approves the budget changes identified within the report
2. That in relation to the Lennox Head signage, due to the estimated cost from Transport for NSW being \$109,000, and Council's budget is \$30,000, that this project not proceed.
3. That the \$30,000 be transferred to offset over expenditure on the Lennox Village Vision project.

FOR VOTE - All Councillors voted unanimously.

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

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Adjournment for Public Question Time

The Mayor declared the meeting adjourned for Public Question Time at 12.45pm

The meeting resumed at 12.50pm

9.7 Tender - Road Line Marking Services

230524/17 RESOLVED

(Cr Stephen McCarthy/Cr Simon Chate)

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contracts to Top of The State Line Marking Pty Ltd, Complete Linemarking Services and Workforce Road Services QLD for the Tender - Road Line Marking Services for the rates tendered.
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

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

9.8 Tender - Labour Hire Services

230524/18 RESOLVED

(Cr Simon Chate/Cr Rodney Bruem)

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards contracts to Spinifex Recruiting, Complete Staff Solutions and Chandler Macleod Group Limited for the Tender - Labour Hire Services for the rates tendered.
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

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

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9.9 Tender - Management of Flat Rock Tent Park

230524/19 RESOLVED

(Cr Simon Chate/Cr Stephen McCarthy)

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Tender - Management of Flat Rock Tent Park as the prices tendered exceed current commercial viability.
2. That Council, in accordance with Local Government (General) Regulation 2021 Section 178(3)(e) authorises the General Manager to enter into negotiations with parties, whether or not they have tendered, with a view to enter into a contract for the Tender - Management of Flat Rock Tent Park.
3. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest and it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(b), Council has determined to negotiate with parties, whether or not they have tendered, with a view to entering into a contract in relation to the subject matter.

FOR VOTE - All Councillors voted unanimously.

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

10. Civil Services Division Reports

Nil Items

12. Advisory Committee Minutes

Nil Items

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

13.1 Mayoral Meetings

230524/20 RESOLVED

(Cr Eoin Johnston/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

13.2 Councillor Johnston - Report on Attendance at Two Functions

230524/21 RESOLVED

(Cr Eoin Johnston/Cr Simon Chate)

That Council notes the contents of the report from Cr Johnston on his attendance at the Rural and Regional Summit and the Country Mayors Association meeting.

FOR VOTE - All Councillors voted unanimously.

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

MEETING CLOSURE

1.03pm

The Minutes of the Ordinary Meeting held on 23/05/24 were submitted for confirmation by council on 27 June 2024 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 June 2024.