

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 27/03/25 AT 9:00 AM**

Attendance

Crs Sharon Cadwallader (Mayor - in the Chair), Simon Kinny, Michelle Bailey, Damian Loone, Therese Crollick, Simon Chate, Phil Meehan, Erin Karsten, Kiri Dicker and Eva Ramsey.

Paul Hickey (General Manager), John Truman (Director - Civil Services Division), Matthew Wood (Director - Planning and Environmental Health Division), Caroline Klose (Director - Corporate and Community Division), Nikki Glassop (Executive Assistant - General Manager and Mayor) and Kristine Barker (Administration Officer - Corporate and Community Division) were in attendance.

There were 30 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.

The Mayor proceeded to acknowledge former Ballina resident Joan Williams who recently passed away in February. Joan and her husband Alan founded Ballina Players in 1955 and celebrated their 80th wedding anniversary in January this year at ages 99 and 101.

3. Apologies

There were no apologies.

4. Confirmation of Minutes

270325/1 RESOLVED

(Cr Damian Loone/Cr Michelle Bailey)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 February 2025.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

- **Paul Hickey** – declared an interest in Item 8.1 DA 2023/205 – 22-40 Commercial Road, Alstonville (Nature of Interest: non-significant, non-pecuniary). Mr Hickey knows people who work for the applicant and will leave the meeting while this item is discussed.
- **Paul Hickey** – declared an interest in Items 8.4 and 14.1 – Development Compliance – 404 Old Byron Bay Road, Newrybar (Nature of Interest: non-significant, non-pecuniary). Mr Hickey has a family connection to one of the objectors and will leave the meeting while these items are discussed.
- **Cr Michelle Bailey** – declared an interest in Item 12 – Finance and Facilities Committee Minutes - particularly Item 5.6 – Rating Structure (Nature of Interest: significant, non-pecuniary). Cr Bailey is President of Business Lennox Head. Cr Bailey will remain in the room while this Item is discussed.

There were no reportable political donations.

6. Deputations

- **Gillian Fleming** – spoke in opposition to Item 8.1 DA 2023/504 – 22-40 Commercial Road, Alstonville.

Extension of Time for Deputation

270325/2 RESOLVED

(Cr Simon Chate/Cr Therese Crollick)

That Ms Fleming be granted an extension of time for her Deputation.

FOR VOTE - Cr Sharon Cadwallader, Cr Simon Kinny, Cr Michelle Bailey, Cr Damian Loone, Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten, Cr Kiri Dicker and Cr Eva Ramsey
AGAINST VOTE - Cr Phil Meehan

- **Richard Lutz, on behalf of the Alstonville Agricultural Society** – spoke in favour of Item 8.1 DA 2023/504 – 22-40 Commercial Road, Alstonville.

Extension of Time for Deputation

270325/3 RESOLVED

(Cr Kiri Dicker/Cr Simon Chate)

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That Mr Lutz be granted an extension of time for his Deputation.

FOR VOTE - Cr Sharon Cadwallader, Cr Simon Kinny, Cr Michelle Bailey, Cr Damian Loone, Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten, Cr Kiri Dicker and Cr Eva Ramsey

AGAINST VOTE - Cr Phil Meehan

- **Martin Kenny, Chair – Scenic Escarpment Protection Alliance (SEPA)** – spoke in relation to Item 8.4 Development Compliance – 404 Old Byron Bay Road, Newrybar.
- **Joanne White (property owner)** – spoke in relation to Item 8.4 Development Compliance – 404 Old Byron Bay Road, Newrybar.

7. Mayoral Minutes

7.1 Mayoral Minute - Northern Rivers Watershed Initiative Support

270325/4 RESOLVED

(Cr Sharon Cadwallader)

That Council:

1. Formally acknowledges the exceptional efforts of Ballina Shire Council staff, the State Emergency Service, Rural Fire Service, Surf Life Saving NSW, Australian Defence Force, Salvation Army, Department of Communities and Justice, community groups, residents, businesses, and volunteers in their preparations for Tropical Cyclone Alfred.
2. Write to the Premier and the newly appointed Minister for Recovery and the North Coast, The Hon. Janelle Saffin MP, to highlight the unprecedented post-flood fish kill in the Richmond River and its impacts on Ballina and seek the State Government's commitment to fund the Northern Rivers Watershed Initiative.

FOR VOTE - All Councillors voted unanimously.

Change in Order of Business

270325/5 RESOLVED

(Cr Simon Kinny/Cr Simon Chate)

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

FOR VOTE - All Councillors voted unanimously.

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Paul Hickey left the meeting at 9.44am

8. Planning and Environmental Health Division Reports

8.1 DA 2023/504 - 22-40 Commercial Road, Alstonville

A **Motion** was moved by Cr Simon Kinny and seconded by Cr Eva Ramsey

That Development Application DA 2023/504 for the use of a stock holding yard comprising use of existing stock holding pens and entry ramp for the temporary accommodation of 20-30 horses, erection of shade structures above the existing stock holding pens and ancillary stormwater management works and the installation of a vegetation buffer along the northern boundary be **APPROVED** subject to the application of conditions as referenced within the Section 4.15 Assessment Report in Attachment 2, non-standard conditions set out in Attachment 11 and standard planning, building, environmental health and engineering conditions for this type of development.

Furthermore that the conditions of consent specifically include the removal of 10 as-built stockholding pens to allow for the planting of vegetation of the northern boundary buffer.

That the conditions of consent specifically prohibit the use of the remaining as-built pens for the holding of livestock other than horses, e.g. cattle, prior to rodeo events being held by the applicant.

A **Motion** was moved by Cr Damian Loone

That the Motion be put to the vote.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Damian Loone, Cr Phil Meehan and Cr Eva Ramsey

AGAINST VOTE - Cr Simon Kinny, Cr Michelle Bailey, Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

The **Substantive Motion** was **CARRIED** on the casting vote of the Mayor

FOR VOTE - Cr Sharon Cadwallader, Cr Simon Kinny, Cr Michelle Bailey, Cr Damian Loone and Cr Eva Ramsey

AGAINST VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Phil Meehan, Cr Erin Karsten and Cr Kiri Dicker

270325/6 RESOLVED

(Cr Simon Kinny/Cr Eva Ramsey)

That Development Application DA 2023/504 for the use of a stock holding yard comprising use of existing stock holding pens and entry ramp for the temporary accommodation of 20-30 horses, erection of shade structures above the existing stock holding pens and ancillary stormwater management works and the

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installation of a vegetation buffer along the northern boundary be **APPROVED** subject to the application of conditions as referenced within the Section 4.15 Assessment Report in Attachment 2, non-standard conditions set out in Attachment 11 and standard planning, building, environmental health and engineering conditions for this type of development.

Furthermore that the conditions of consent specifically include the removal of 10 as-built stockholding pens to allow for the planting of vegetation of the northern boundary buffer.

That the conditions of consent specifically prohibit the use of the remaining as-built pens for the holding of livestock other than horses, e.g. cattle, prior to rodeo events being held by the applicant.

FOR VOTE - Cr Sharon Cadwallader, Cr Simon Kinny, Cr Michelle Bailey, Cr Damian Loone and Cr Eva Ramsey. The Motion was carried on the casting vote of the Mayor.

AGAINST VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Phil Meehan, Cr Erin Karsten and Cr Kiri Dicker

8.4 Development Compliance - 404 Old Byron Bay Road, Newrybar

270325/7 RESOLVED

(Cr Phil Meehan/Cr Damian Loone)

That Council notes the contents of this report regarding development compliance relating to land located at 404 Old Byron Bay Road, Newrybar.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.29 am.

The meeting resumed at 10.50 am.

Paul Hickey returned to the meeting.

8.2 Newrybar Village Centre - Streetscape Master Plan

A **Motion** was moved by Cr Damian Loone and Cr Michelle Bailey

That Council approves the public exhibition of the Draft Newrybar Streetscape Master Plan, as per Attachment 1 to this report.

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

That the Motion be put to the vote.

FOR VOTE - All Councillors voted unanimously.

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270325/8 RESOLVED

(Cr Damian Loone/Cr Michelle Bailey)

That Council approves the public exhibition of the Draft Newrybar Streetscape Master Plan, as per Attachment 1 to this report.

FOR VOTE - All Councillors voted unanimously.

8.3 Homelessness

270325/9 RESOLVED

(Cr Therese Crollick/Cr Phil Meehan)

1. That Council actively collaborate with the Department of Communities and Justice in the delivery of an Assertive Outreach program for homeless people in Ballina Shire.
2. That Council work with local non-government service providers to develop relationships and frameworks to support homeless persons in Ballina Shire.
3. That Council examine opportunities for projects that could be funded under the Homeless Innovation Fund, in collaboration with agency and non-government service provider stakeholders.
4. That Council invite the Department of Communities and Justice, NSW Health, NSW Police and non-government service providers to a round table discussion with Council regarding homelessness in the Ballina Shire and the associated response.
5. That Council acknowledges the good work that Council's Rangers have been doing to assist the homeless people in the Shire and affirms its commitment to the NSW Protocol for Homeless People in Public Places being the framework that councils use to interact with homeless people.

FOR VOTE - All Councillors voted unanimously.

9. Corporate and Community Division Reports

9.1 Investment Summary - February 2025

270325/10 RESOLVED

(Cr Simon Chate/Cr Eva Ramsey)

That Council notes the contents of this report on banking and investments for February 2025.

FOR VOTE - All Councillors voted unanimously.

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9.2 Ward Committee - Membership - Heritage Advisory Ballina

270325/11 RESOLVED

(Cr Eva Ramsey/Cr Erin Karsten)

1. That Council approves Heritage Advisory Ballina, as a member of a Council Ward Committee.
2. That Council write to Heritage Advisory Ballina seeking confirmation of which Ward Committee they wish to join and which organisations they represent.

FOR VOTE - Cr Sharon Cadwallader, Cr Michelle Bailey, Cr Damian Loone, Cr Therese Crollick, Cr Simon Chate, Cr Phil Meehan, Cr Erin Karsten, Cr Kiri Dicker and Cr Eva Ramsey

AGAINST VOTE - Cr Simon Kinny

9.3 Debt Recovery - Community Facility Hire

270325/12 RESOLVED

(Cr Therese Crollick/Cr Michelle Bailey)

That Council notes the contents of this report regarding the confidential report for debt recovery later in this agenda.

FOR VOTE - All Councillors voted unanimously.

9.4 Policy (Review) - Councillor and Staff Interaction

270325/13 RESOLVED

(Cr Phil Meehan/Cr Simon Chate)

1. That Council adopts the updated Councillor and Staff Interaction Policy, as per Attachment 1 to this report, subject to the removal of point 5.4 (e).
2. That Council place this policy on exhibition for public comment, with any significant submissions to be resubmitted back to Council.

FOR VOTE - All Councillors voted unanimously.

10. Civil Services Division Reports

Nil Items

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11. Notices of Motion

Nil Items

12. Advisory Committee Minutes

12.1 Finance and Facilities Committee Minutes - 12 March 2025

270325/14 RESOLVED

(Cr Phil Meehan/Cr Eva Ramsey)

That Council confirms the minutes of the Finance and Facilities Committee meeting held 12 March 2025 and that the recommendations contained within the minutes be adopted.

FOR VOTE - All Councillors voted unanimously.

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

13.1 Mayoral Meetings

270325/15 RESOLVED

(Cr Damian Loone/Cr Michelle Bailey)

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

FOR VOTE - All Councillors voted unanimously.

14. Confidential Session

270325/16 RESOLVED

(Cr Simon Chate/Cr Eva Ramsey)

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 Development Compliance - 404 Old Byron Bay Road Newrybar

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:-

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- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the discussion could impact the ability of Council to undertake any compliance action in respect to the property.

14.2 Debt Recovery - Community Facility Hire - Options

Reason for Confidentiality

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

- b) the personal hardship of any resident or ratepayer

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the personal information of the resident may be discussed.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 11.40am).

Paul Hickey left the meeting at 11.40am and returned to the Confidential Session at 12.10pm.

Open Council

270325/17 RESOLVED

(Cr Damian Loone/Cr Michelle Bailey)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 12.25pm).

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

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14.1 Development Compliance - 404 Old Byron Bay Road Newrybar

A **Motion** was moved by Cr Phil Meehan and seconded by Cr Simon Kinny

1. That Council confirms, that based on the contents of this report and including legal advice received to date, that the preferred approach is to address the remediation outcomes relating to vegetation clearing and culvert works at 404 Old Byron Bay Road, Newrybar, is through the development application process.
2. That based on point 1, Council resolves not to proceed with Court action to seek an order for remediation works with respect to vegetation clearing and culvert works associated with the internal accessway at 404 Old Byron Bay Road, Newrybar.

An **Amendment** was moved by Cr Erin Karsten and seconded by Cr Kiri Dicker

That Council defers the decision on this item to allow the owner to address the Biodiversity certification and revisit in 12 months' time.

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

FOR VOTE - Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

AGAINST VOTE - Cr Sharon Cadwallader, Cr Simon Kinny, Cr Michelle Bailey, Cr Damian Loone, Cr Therese Crollick, Cr Phil Meehan and Cr Eva Ramsey

CF270325/18 RECOMMENDED

(Cr Phil Meehan/Cr Simon Kinny)

1. That Council confirms, that based on the contents of this report and including legal advice received to date, that the preferred approach is to address the remediation outcomes relating to vegetation clearing and culvert works at 404 Old Byron Bay Road, Newrybar, is through the development application process.
2. That based on point 1, Council resolves not to proceed with Court action to seek an order for remediation works with respect to vegetation clearing and culvert works associated with the internal accessway at 404 Old Byron Bay Road, Newrybar.

FOR VOTE - Cr Sharon Cadwallader, Cr Simon Kinny, Cr Michelle Bailey, Cr Damian Loone, Cr Phil Meehan and Cr Eva Ramsey

AGAINST VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

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14.2 Debt Recovery - Community Facility Hire - Options

CF270325/19 RECOMMENDED

(Cr Simon Kinny/Cr Damian Loone)

1. That Council, based on the contents of this report, approves the write off the debt detailed in the report totaling \$2,324.20 (including legal expenses) as the further pursuit of the debt is not considered to be cost effective.
2. That Council permanently ban the debtor individual and the company he represents from any future hiring of Council facilities, and write to the individual to notify him of this decision.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendations from Confidential Session

270325/20 RESOLVED

(Cr Michelle Bailey/Cr Damian Loone)

That the recommendations made in Confidential Session, be adopted.

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

The meeting closed at 12.28pm.

The Minutes of the Ordinary Meeting held on 27/03/25 were submitted for confirmation by council on 24 April 2025 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 April 2025.