

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/06/21 AT 9.00AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan (arrived at 9.04am), Sharon Parry, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis (arrived at 9.11am), Sharon Cadwallader and Ben Smith.

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 21 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was played.

Cr Meehan arrived at the meeting at 9.04 am

2. Acknowledgement of Country

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

3. Apologies

An apology was received from Cr Keith Williams.

240621/1 RESOLVED

(Cr Ben Smith/Cr Phillip Meehan)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

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4. Confirmation of Minutes

240621/2 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 May 2021 with a correction to Item 8.3 – Land Classification – Western Side of Hutley Drive North Extension, to reflect that Cr Eoin Johnston voted for the amendment and was not absent for the vote, as follows

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

1. That Council, in respect to Part Lot 1 DP 1270999, continue to maintain the land in its current state and take no action to change the operational classification of the land.
2. That Council confirms that it considers the land unsuitable for the construction of service club storage facilities due to unsatisfactory site access arrangements for such a purpose and a preference to hold the land in a manner that provides for a variety of future land use options.
3. That Council reaffirm its January 2021 resolution on the basis that staff facilitate further discussions with the Lennox Community Gardens and Lennox Lions Club for the Ocean Breeze Reserve site for the location of the Lions Club shed.
4. That Council staff write to the grant funding body to support the Lennox Lions Club in seeking a further extension to the grant.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Stephen McCarthy

1. That Council, in respect to Part Lot 1 DP 1270999, continue to maintain the land in its current state and take no action to change the operational classification of the land.
2. That Council confirms that it considers the land unsuitable for the construction of service club storage facilities due to unsatisfactory site access arrangements for such a purpose and a preference to hold the land in a manner that provides for a variety of future land use options
3. That Council offer the Ocean Breeze Reserve site to the Lennox Lions Club.
4. That Council staff write to the grant funding body to support the Lennox Lions Club in seeking a further extension to the grant.

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Eoin Johnston and Cr Nathan Willis

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Nathan Willis

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270521/5 RESOLVED

(Cr Ben Smith/Cr Stephen McCarthy)

1. That Council, in respect to Part Lot 1 DP 1270999, continue to maintain the land in its current state and take no action to change the operational classification of the land.
2. That Council confirms that it considers the land unsuitable for the construction of service club storage facilities due to unsatisfactory site access arrangements for such a purpose and a preference to hold the land in a manner that provides for a variety of future land use options
3. That Council offer the Ocean Breeze Reserve site to the Lennox Lions Club.
4. That Council staff write to the grant funding body to support the Lennox Lions Club in seeking a further extension to the grant.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Nathan Willis

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

5. Declarations of Interest and Reportable Political Donations

Cr Ben Smith – declared an interest in Item 9.7 – Delivery Program and Operational Plan Adoption and in particular the Aircraft Parking – GA fees. (Nature of Interest: non significant, non pecuniary – he is a client of the company who made the submission). 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

- **Ray O’Sullivan** – spoke in favour of Item 8.3 – Dangerous Dog Declaration – Review.
- **John McKenna, North Coast Community Housing** – spoke in favour of Item 11.3 – Notice of Motion – Affordable Housing Initiative.

Cr Nathan Willis arrived at the meeting at 09:11am.

- **Bill Farrow, Lennox Head Lions Club** – spoke in opposition to Item 11.1 – Rescission Motion – Lennox Head Lions Club Shed.
- **Jimi Gatland, Lennox Head Community Gardens** – spoke in favour of Item 11.1 – Rescission Motion – Lennox Head Lions Club Shed.
- **Geoff Wegg, Lennox Head Residents Association** – spoke in favour of Item 11.2 – Notice of Motion – 4WD Permits on Seven Mile Beach.
- **Neil Hoolihan** – spoke in relation to Item 9.7 – Delivery Program and Operational Plan Adoption – and in particular to his submission on the intersection of Ainsworth Close and Jameson Avenue, East Ballina.

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7. Mayoral Minutes

Nil items

8. Planning and Environmental Health Division Reports

8.3 Dangerous Dog Declaration - Review

240621/3 RESOLVED

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That based on the evidence presented in this report, Council endorses the revocation of the Dangerous Dog Declaration dated 12 August 2016 issued to Daisy, microchip No. 9820000356639941.
2. That the owner of Daisy and the Director General for Local Government be advised that the declaration has been revoked in accordance with the requirements of Section 40 of the Companion Animals Act 1998.
3. That Council issue a letter to the owner of Daisy highlighting their responsibilities as a dog owner under the Act.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Keith Williams

11.3 Notice of Motion - Affordable Housing Initiative

240621/4 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

1. That Council acknowledges that there is a housing affordability crisis in the Ballina Shire.
2. That Council, in conjunction with community based housing providers, such as Social Futures and North Coast Community Housing, liaise with the State Government to investigate ways that we can all work together to convert suitable Crown Land within the Ballina Shire into affordable or community housing, including the renewal of existing community housing.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

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11.1 Rescission Motion - Lennox Head Lions Club Shed

240621/5 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Point 3 of Resolution 270521/5, as follows, be rescinded:

Land Classification - Western Side of Hutley Drive North Extension

1. *That Council, in respect to Part Lot 1 DP 1270999, continue to maintain the land in its current state and take no action to change the operational classification of the land.*
2. *That Council confirms that it considers the land unsuitable for the construction of service club storage facilities due to unsatisfactory site access arrangements for such a purpose and a preference to hold the land in a manner that provides for a variety of future land use options*
3. *That Council offer the Ocean Breeze Reserve site to the Lennox Lions Club.*
4. *That Council staff write to the grant funding body to support the Lennox Lions Club in seeking a further extension to the grant.*

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Williams

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

That Council staff work with the Lennox Lions Club to submit a DA for their main shed/garage at the Skennars Head Sports Fields.

Cr Ben Smith moved that the motion be put to the vote.

The **Motion** to put the motion to the vote was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Eoin Johnston, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy and Cr Nathan Willis
ABSENT. DID NOT VOTE - Cr Keith Williams

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

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr Phillip Meehan and Cr Stephen McCarthy
ABSENT. DID NOT VOTE - Cr Keith Williams

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240621/6 RESOLVED

(Cr Jeff Johnson/Cr Sharon Parry)

That Council staff work with the Lennox Lions Club to submit a DA for their main shed/garage at the Skennars Head Sports Fields.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr Phillip Meehan and Cr Stephen McCarthy
ABSENT. DID NOT VOTE - Cr Keith Williams

Adjournment

The Mayor declared the meeting adjourned at 10.55am

The meeting resumed at 11.17am

11.2 Notice of Motion – 4WD Permits on Seven Mile Beach

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

1. That Council only issue 12 month 4WD permits for Seven Mile Beach at Lennox Head.
2. That these permits are only issued at Council's Administration Centre.
3. That Council implement a system such as a gate and electronic key at the 4WD entrance to stop vehicles without a permit from going onto the beach.

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

FOR VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston and Cr Nathan Willis
AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith
ABSENT. DID NOT VOTE - Cr Keith Williams

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9.7 Delivery Program and Operational Plan - Adoption

240621/7 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the 2021/22 to 2024/25 Draft Delivery Program and 2021/22 Operational Plan, which includes the Long Term Financial Plan (budget), Workforce Plan and Fees and Charges, as exhibited, inclusive of any amendments arising from this meeting.
2. That Council approves the formation of a Working Party, consisting of a minimum of one Councillor from each Ward plus the Mayor, to review the submissions received for Community Donations and Capital Works Assistance for Sporting Groups, as per Tables One and Two of this report. The recommended allocation of the funding available from the Working Party is to be reported to the July 2021 Ordinary meeting. The Ward Council representatives are to be determined at this meeting.
3. That Council notes the contents of this report in respect to the submissions received on the proposed fees and charges.
4. That Council approves the following amendment to the Aircraft Parking – GA Fees

Aircraft Parking – GA	2021/22
Light Aircraft Parking fee – per aircraft, per night (light aircraft only with maximum wingspan of 12 metres) *	\$18.00

** free same-day overnight parking for aircraft registered to BBGA on airport commercial businesses who have conducted at least one landing at BBGA on that day. Parking of aircraft is to be at the direction of authorised BBGA airport staff.*

5. That Council approves the draft fees and charges outlined in Table Three for the community facility referenced in the report as the Lennox Head Community Hall.
6. That Council notes the contents of this report in respect to the submissions received for works and services.
7. That Council amends the exhibited Roads Program, to include the Ross Lane Concept Design, with a budget of \$75,000 funded from the Regional Roads Block Grant and offset by savings in operating expenses.
8. That Council amends the exhibited Footpath Program, as per Table Four of this report, by replacing the Stewart Street project scheduled in 2024/25 with the Cawarra Street project, noting the Cawarra Street project was originally programmed for 2021/22 based on an assessed priority.
9. That Council amends the exhibited Footpath Program, to include the Shared Path, Skennars Head Road / Coast Road, with a budget of \$50,000 funded from internal reserves.

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10. That Council resolves to make a base rating structure applicable to all rateable land in the Shire for the levy of the 2021/22 Ordinary Rates as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.1570150	572	49.86
Business	0.7378120	572	14.85
Farmland	0.1298200	572	32.25
Mining	0.7378120	572	0.00

The rate in the dollar for 2021/22 applies to the land value of all rateable land in the Shire within the relevant category.

11. That Council resolves to make the annual charges for 2021/22 as detailed in the Fees and Charges document that forms part of the Delivery Program and Operational Plan for Domestic Waste Management, Stormwater, Waste Management Operations, Water Services, Wastewater Services and Onsite Septic Management.
12. That Council notes that the Compliance Levy and Information Services Levy will not be able to be charged on development applications from 1 January 2022 onwards, resulting in the loss of approximately \$700,000 in recurrent revenue and the removal of an additional compliance officer from the Workforce Plan.
13. That Council include as an action in the 2021/22 Operational Plan for “the investigation and analysis of the application of smart parking”, with the indicator being the completion of the analysis.
14. That Council adopts the maximum Councillor and Mayoral fees for 2021/22 as determined by the Local Government Remuneration Tribunal.
15. That Council approves the revised cash flows for the capital expenditure program for 2021/22, as per Attachment 3 to this report, for inclusion in the 2021/22 to 2024/25 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Williams

9.7 Delivery Program and Operational Plan - Adoption
A **Motion** was moved by Cr Jeff Johnson

Due to ongoing uncertainty and hardship within certain communities that Council continue with 0% interest payable on overdue rates and charges for the period 1 July 2021 to 30 June 2022.

The **Motion LAPSED.**

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9.7 Delivery Program and Operational Plan - Adoption

240621/8 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council adopts the maximum interest payable on overdue rates and charges for the period 1 July 2021 to 30 June 2022 (inclusive) of 6.0% per annum as determined by the Minister for Local Government.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Williams

9.7 Delivery Program and Operational Plan - Adoption

240621/9 RESOLVED

(Cr Eoin Johnston/Cr Nathan Willis)

That Council transfer \$100,000 of the funds recommended for deferral from 2021/22 to 2022/23 for the Alstonville Cultural Centre to the construction of a shade shelter for the Alstonville Aquatic Centre in 2021/22.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

9.7 Delivery Program and Operational Plan - Adoption

240621/10 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council receive a report on options to place the intersection alignment of Ainsworth Close and Jameson Avenue, East Ballina as part of the overall road reconstruction program.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

9.7 Delivery Program and Operational Plan - Adoption

240621/11 RESOLVED

(Cr Nathan Willis/Cr Eoin Johnston)

That Council fund Daley Street, Alstonville street lighting in the 2021/22 Delivery Program with savings determined by the General Manager.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

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Committee of the Whole

240621/12 RESOLVED

(Cr Phillip Meehan/Cr Sharon Parry)

That Council move into Committee of the Whole.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis and Cr Sharon Cadwallader

AGAINST VOTE - Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Keith Williams

9.7 Delivery Program and Operational Plan - Adoption

A **Motion** was moved by Cr Sharon Parry and seconded by Cr Jeff Johnson

That Council reinstate membership funding to Arts Northern Rivers.

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

FOR VOTE - Cr Sharon Parry and Cr Jeff Johnson

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Keith Williams

9.7 Delivery Program and Operational Plan - Adoption

240621/13 RECOMMENDATION

(Cr Ben Smith/Cr Nathan Willis)

That Council make representations to the State Government in relation to the removal of the Compliance Levy.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

Move Out of Committee of the Whole

240621/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

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Adoption of Recommendation from Committee of the Whole

240621/15 RESOLVED

(Cr Nathan Willis/Cr Sharon Cadwallader)

That Council adopt the recommendation made whilst in Committee of the Whole, being Recommendation 240621/13.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Williams

9.7 Delivery Program and Operational Plan - Adoption

240621/16 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That the Donations Working Party consist of all Councillors.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Keith Williams

Public Question Time

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

Adjournment

The Mayor declared the meeting adjourned at 1.02pm

The meeting resumed at 1.34pm

Cr Nathan Willis left the meeting during the adjournment break.

Cr Jeff Johnson was not in attendance at this stage.

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8.1 Development Control Plan 2012 Amendment - Mosquito Management

240621/17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council adopts the draft amendments to the Ballina Shire Development Control Plan 2012 relating to mosquito management, as per Attachment 1 to this report.
2. That Council provide public notice of the adoption of the amendments to the Ballina Shire Development Control Plan 2012, with the amended Development Control Plan 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, Industry and Environment as required by the Environmental Planning and Assessment Regulation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Nathan Willis and Cr Keith Williams

8.2 LEP Amendments and Planning Proposals - Status

240621/18 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report on current LEP amendments and planning proposals.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

8.4 Development Applications - Works in Progress - June 2021

240621/19 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on the status of outstanding development applications for June 2021.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

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9. Corporate and Community Division Reports

9.1 Use of Council Seal

240621/20 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council affix the Common Seal to the following documents.

US/10	<p>That Council, as Crown Land Manager ('CLM') for the Lumley Park Reserve (R57670), the Ballina Saunders Park Reserve (R83963), Williams Reserve (82927) and the Kingsford Smith Reserve (R82164) affix the Common Seal to the following:</p> <p>Crown Temporary Licences:</p> <p>12 month short-term Licence between Council as CLM (R57670) and the Alstonville Tennis Club for part Lot 333 in DP755745 and whole Lot 7004 in DP92641, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p> <p>12 month short-term licence between Council as CLM (R83963) and The Ballina Community Gardens Inc for part lot 4 DP1153430, at a statutory minimum rental, commencing 27 August 2021 to 26 August 2022.</p> <p>12 month short-term licence between Council as CLM (R83963) and Ballina Devils Archers Inc for part lot 495 DP729297, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p> <p>12 month short-term Licence between Council as CLM (R82927) and Lennox Combined Sports Association Inc for part lot 473 in DP 729088, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p> <p>12 month short-term Licence between Council as CLM (R82164) and the Ballina Seagulls Rugby League Club (or other incorporated entity as directed by the Club) for lot 153 DP1098090, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p> <p>12 month short-term Licence between Council as CLM (R82164) and the Ballina Netball Association Inc for part lot 7064 DP 1118403, at a statutory minimum rental, commencing 19 June 2021 to 18 June 2022.</p>
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	<p>12 month short-term Licence between Council as CLM (R82164) and the Tintenbar East Ballina Cricket Club (or other incorporated entity as directed) for part lot 7064 in DP 1118403, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p> <p>12 month short-term Licence between Council as CLM (R82164) and Ballina RSL Club Marine Modellers for part lot 7064 DP 1118403, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p>
US/11	Short-term licence agreement between Council as Crown Land Manager of Reserve 82164 and Ms Cornelia Burless (trading as Ballina Farmers Market) to operate a weekly (Sunday) farmers' market at Commemoration Park, Ballina for the period 1 July 2021 to 30 October 2021.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

9.2 Investment Summary - May 2021

240621/21 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the record of banking and investments for May 2021.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

9.3 Debtor Write-offs

240621/22 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That in respect to Matter One, being the private works debt, Council approves the write-off of the \$1,026.72 debt as per the details of this report.
2. That in respect to Matter Two, being the rates and charges arrears for the Ballina Seagulls Rugby League Football Club Ltd, Council approves a write-off of \$6,971.48, conditionally on receipt of payment to Council of \$8,515.98, and failing that, for Council to proceed with formal debt recovery.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

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9.4 Tender - Waste Transfer Centre Roof Replacement

240621/23 RESOLVED

(Cr Sharon Parry/Cr Sharon Cadwallader)

1. That Council, in accordance with the Local Government (General) Regulation 2005 Section 178(1)(a), accepts the tender and awards the contract to AGS Commercial Pty Ltd for the Waste Centre Roof Replacement and Solar Upgrade for the total amount of \$356,962, 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 Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

9.5 Tender - Marom Creek Water Treatment Plant Upgrade

240621/24 RESOLVED

(Cr Eoin Johnston/Cr Sharon Parry)

1. That Council, in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Tender - Marom Creek Water Treatment Plant Upgrade as the tendered price is in excess of the available budget.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with any person / organisation, with a view to enter into a contract for the Tender - Marom Creek Water Treatment Plant Upgrade.
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process failed to attract a suitable pool of tender submissions and it is unlikely that inviting fresh tenders would achieve the desired outcome due to the nature of the contract and the difficulty in attracting experienced suppliers due to the high level of economic activity currently occurring in the construction industry.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with suitable persons / organisations with a view to entering into a contract in relation to the subject matter as the public tender process failed to provide an acceptable tender.

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5. That Council receive a further report assessing the outcomes achieved from the direct negotiations proposed in point 2.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

9.6 Tender - Pop Denison Park Playground and Park Infrastructure

240621/25 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council, in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Tender - Pop Denison Park Playground and Park Infrastructure as the tender price is in excess of the available budget
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with Synergy Resource Management Pty Ltd, with a view to enter into a contract for the Tender - Pop Denison Park Playground and Park Infrastructure .
3. That in accordance with the Local Government (General) Regulation 2005 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 2005 Section 178(4)(b), Council has determined to negotiate with Synergy Resource Management Pty. Ltd. with a view to entering into a contract in relation to the subject matter as they are the preferred tenderer following assessment against the mandatory and weighted evaluation criteria established for the tender.

Cr Jeff Johnson returned to the meeting at 01:41 pm.

Cr Sharon Parry left the meeting at 01:42 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Keith Williams

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/06/21 AT 9.00AM**

10. Civil Services Division Reports

10.1 Bike Plan Projects - Priorities

A **Motion** was moved by Cr Jeff Johnson

1. That Council adopts the five-year priority program (commencing in 2022/23) for Bike Plan projects, as per Attachment 1 to this report, for inclusion in the 2021/22 to 2024/25 Delivery Program and Operational Plan.
2. That pre-construction activities for a proposed bike path to Fig Tree Hill, Lennox Head be included in the 2021/22 financial year.

The **Motion LAPSED**.

Cr Sharon Parry returned to the meeting at 01:46 pm.

240621/26 RESOLVED

(Cr Sharon Cadwallader/Cr Phillip Meehan)

That Council adopts the five-year priority program (commencing in 2022/23) for Bike Plan projects, as per Attachment 1 to this report, for inclusion in the 2021/22 to 2024/25 Delivery Program and Operational Plan.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr Jeff Johnson
ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

11. Notices of Motion

11.4 Notice of Motion - Marom Creek Water Treatment Plant

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Sharon Cadwallader

That the General Manager ensure that the report in respect to resolution 270820/17 is submitted to the July 2021 Ordinary meeting of Council.

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

FOR VOTE - Cr Phillip Meehan, Cr Stephen McCarthy and Cr Sharon Cadwallader
AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston and Cr Ben Smith
ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/06/21 AT 9.00AM**

12. Advisory Committee Minutes

Nil Items

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

13.1 Mayoral Meetings

240621/27 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

14. Confidential Session

Nil items

MEETING CLOSURE

2.17pm

The Minutes of the Ordinary Meeting held on 24/06/21 were submitted for confirmation by council on 22 July 2021 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 22 July 2021.