

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 25/07/24 AT 9AM**

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**Attendance**

Crs Sharon Cadwallader (Mayor - in the chair), Kiri Dicker, Simon Chate, Jeff Johnson (online), Eoin Johnston, Stephen McCarthy, Nigel Buchanan, Eva Ramsey, Phillip Meehan and Rodney Bruem.

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 (Acting PA to the General Manager and Mayor) and Janelle Snellgrove (Executive Support Officer – Corporate and Community) were in attendance.

There were 16 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**

Nil

**4. Confirmation of Minutes**

**250724/1      RESOLVED**

(Cr Eva Ramsey/Cr Eoin Johnston)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 June 2024.

**5. Declarations of Interest and Reportable Political Donations**

- **Paul Hickey, General Manager** – declared an interest in Item 9.7 - Audit Risk and Improvement Committee (ARIC) – Annual Assessment. (Nature of Interest: non-significant, non-pecuniary – the report includes membership, he is friends with the partner of one of the members. There is no close relationship with the member. This declaration is based on the Council confirming the membership, the General Manager not being a member of ARIC, ARIC has no delegated authority, ARIC reports to the ARIC Chair, with the Chair approving the ARIC agendas, as per the Office of Local Government Guidelines. The Member and Chair have confirmed that this relationship does not impact the effective operation of the ARIC). Mr Hickey left the room while the matter was discussed.

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There were no reportable political donations.

**6. Deputations**

- **Chris Tyas, CADRE** – spoke in favour of Item 8.1 DA 2022/569 - 449-455 River Street - Mixed Use Development.
- **Denise Lowe, resident** – spoke in opposition to Item 8.6 Wollongbar Sports Fields - Extension of Lease
- **Richard Hughes, Ballina Croquet Inc** – spoke in opposition to Item 9.1 Use of Council Seal - US2024/11: 12-month licence agreement between Council as Crown Land Manager of Reserve D540004 and Ballina Bowling and Recreation Club

**Extension of Time for Deputation**

**250724/2            RESOLVED**

(Cr Stephen McCarthy/Cr Eva Ramsey)

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

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Jeff Johnson, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan and Cr Eva Ramsey

AGAINST VOTE - Cr Phillip Meehan and Cr Rodney Bruem

- **Gus Moncrieff, Bilgan Environmental Services** – spoke in favour of Item 11.3 Notice of Motion - Macaranga Tanarius Planting

**Extension of Time for Deputation**

**250724/3            RESOLVED**

(Cr Kiri Dicker/Cr Simon Chate)

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

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Jeff Johnson, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan and Cr Eva Ramsey

AGAINST VOTE - Cr Phillip Meehan and Cr Rodney Bruem

- **Todd Holley, resident** – spoke in favour of Item 11.4 Notice of Motion - Ambrose Lane, Alstonville
- **Scott Vincent, Swish Café** – provided a prerecorded video deputation in opposition to Item 11.2 Notice of Motion - Solar Expansion

**7. Mayoral Minutes**

Nil items

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**Change in Order of Business**

**250724/4          RESOLVED**

(Cr Nigel Buchanan/Cr Eva Ramsey)

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

FOR VOTE - All Councillors voted unanimously.

**8.      Planning and Environmental Health Division Reports**

**8.1     DA 2022/569 - 449-455 River Street - Mixed Use Development**

**250724/5          RESOLVED**

(Cr Phillip Meehan/Cr Stephen McCarthy)

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 up to 12.15m AHD (equating to a variance of 1.5%) for the reasons outlined in this report.

2.      DA 2022/569 for the construction of a mixed use development at 449-455 River Street West Ballina comprising of the following:

*44 live/work units each consisting of:*

- *Ground floor business premises/office premises floor space;*
- *Upper floor/s dwelling, totaling 44 dwellings.*

*10 light industry units.*

*3 business premises/office premises units.*

*A commercial core consisting of:*

- *ground floor food & drink premises;*
- *ground floor light industry/business premises; and*
- *first floor commercial premises/office premises;*

*Associated car parking, site access, infrastructure, and landscaping works*

be **APPROVED** subject to application of conditions foreshadowed in the 4.15 assessment report in Attachment 1 as well as standard planning, environmental health, civil and building conditions for this type of development.

FOR VOTE - All Councillors voted unanimously.

Cr Jeff Johnson left the meeting at 10:30 am.

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**8.6 Wollongbar Sports Fields - Extension of Lease**

A **Motion** was moved by Cr Sharon Cadwallader seconded by Cr Rodney Bruem

1. That Council approves the extension of the lease to the NSW Reconstruction Authority on part of the Wollongbar Sports Fields by up to six months to allow the NSW Reconstruction Authority adequate time to find permanent housing for the residents and to avoid any conflict with the Christmas period (making the lease expiry date 13 October 2025) based on the application of the current annual rent on a pro rata basis.
2. That Council affix the Common Seal to the lease variation documents.
3. That Council seek feedback on social housing projects that are planned for Ballina Shire.

An **Amendment** was moved by Cr Simon Chate seconded by Cr Rodney Bruem

1. That Council approves the extension of the lease to the NSW Reconstruction Authority on part of the Wollongbar Sports Fields by up to twelve months to allow the NSW Reconstruction Authority adequate time to find permanent housing for the residents and to avoid any conflict with the Christmas period (making the lease expiry date 13 April 2026) based on the application of the current annual rent on a pro rata basis.
2. That Council affix the Common Seal to the lease variation documents.

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

FOR VOTE - Cr Kiri Dicker, Cr Simon Chate and Cr Rodney Bruem

AGAINST VOTE - Cr Sharon Cadwallader, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Eva Ramsey and Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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

**250724/6            RESOLVED**

(Cr Sharon Cadwallader/Cr Rodney Bruem)

1. That Council approves the extension of the lease to the NSW Reconstruction Authority on part of the Wollongbar Sports Fields by up to six months to allow the NSW Reconstruction Authority adequate time to find permanent housing for the residents and to avoid any conflict with the Christmas period (making the lease expiry date 13 October 2025) based on the application of the current annual rent on a pro rata basis.
2. That Council affix the Common Seal to the lease variation documents.
3. That Council seek feedback on social housing projects that are planned for Ballina Shire.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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**Adjournment**

The Mayor declared the meeting adjourned at 10.37am.

The meeting resumed at 11.01am. Cr Jeff Johnson returned to the meeting.

**9.1 Use of Council Seal**

**250724/7      RESOLVED**

(Cr Kiri Dicker/Cr Phillip Meehan)

That Council affix the Common Seal to the following documents.

US2024/9	<p>1. That Council, in accordance with the relevant provisions of the Local Government Act 1993, enters into the following leases/licences of <i>community land</i>:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Property</th> <th style="text-align: left;">Tenant</th> <th style="text-align: left;">Tenure</th> </tr> </thead> <tbody> <tr> <td>Lot 371 DP 729061 (Council is Crown Land Manager)</td> <td>Tintenbar Tennis Club</td> <td>Four-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$595 per annum plus GST)</td> </tr> <tr> <td>Part Lot 333 DP 755745 (Council is Crown Land Manager)</td> <td>Alstonville Tennis Club</td> <td>12-month licence at a rent equal to the statutory minimum charged by Crown Lands (currently \$595 per annum plus GST)</td> </tr> <tr> <td>Lot 153 DP 1098090 (Council is Crown Land Manager)</td> <td>Ballina Seagulls Football Club Inc</td> <td>12-month licence at a rent equal to the statutory minimum charged by Crown Lands (currently \$595 per annum plus GST)</td> </tr> </tbody> </table> <p>2. Council authorises the General Manager to affix the seal to the lease/licence documents in point one and any other documents required to allow tenure to be granted in accordance with point one.</p> <p>3. That prior to points one and two being actioned, statutory public notification relating to the proposed lease/licence of community land be undertaken, with a report to be presented to Council in the event that an objection of a substantive nature is received to the grant of the proposed lease/licence.</p>	Property	Tenant	Tenure	Lot 371 DP 729061 (Council is Crown Land Manager)	Tintenbar Tennis Club	Four-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$595 per annum plus GST)	Part Lot 333 DP 755745 (Council is Crown Land Manager)	Alstonville Tennis Club	12-month licence at a rent equal to the statutory minimum charged by Crown Lands (currently \$595 per annum plus GST)	Lot 153 DP 1098090 (Council is Crown Land Manager)	Ballina Seagulls Football Club Inc	12-month licence at a rent equal to the statutory minimum charged by Crown Lands (currently \$595 per annum plus GST)
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Lot 153 DP 1098090 (Council is Crown Land Manager)	Ballina Seagulls Football Club Inc	12-month licence at a rent equal to the statutory minimum charged by Crown Lands (currently \$595 per annum plus GST)											
US2024/10	<p>12-month licence agreement between Council as Crown Land Manager of Reserve R82927 and Lennox Combined Sports Association for part Lot 473 in DP 729088 (Williams Reserve), at a statutory minimum rental (\$595)</p>												

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US2024/12	Ballina Shire Council Lease to Property NSW for Lot 1 DP 203166, 89-91 Tamar Street Ballina. The Lease is for a term of 5 years with a 5 year option at market rent.
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FOR VOTE - All Councillors voted unanimously.

**9.1a Use of Council Seal - US2024/11**

A **Motion** was moved by Cr Rodney Bruem and seconded by Cr Sharon Cadwallader

That Council affix the Common Seal to the following document.

US2024/11	12-month licence agreement between Council as Crown Land Manager of Reserve D540004 and Ballina Bowling and Recreation Club for occupation of land for Croquet Lawns and Clubhouse (Part Lot 561 DP119965), at a statutory minimum rental (\$595).
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An **Amendment** was moved by Cr Kiri Dicker and seconded by Cr Eva Ramsey

1. That Council affix the Common Seal to the following document US2024/11 for a 12-month licence agreement between Council as Crown Land Manager of Reserve D540004 and Ballina Bowling and Recreation Club for occupation of land for Croquet Lawns and Clubhouse (Part Lot 561 DP119965), at a statutory minimum rental (\$595).
2. That Council seek a valuation for the commercial use of Reserve D540004.

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

FOR VOTE - Cr Kiri Dicker, Cr Jeff Johnson, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Eva Ramsey and Cr Phillip Meehan  
AGAINST VOTE - Cr Sharon Cadwallader, Cr Nigel Buchanan and Cr Rodney Bruem

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

**250724/8 RESOLVED**

(Cr Kiri Dicker/Cr Eva Ramsey)

1. That Council affix the Common Seal to the following document.

US2024/11	12-month licence agreement between Council as Crown Land Manager of Reserve D540004 and Ballina Bowling and Recreation Club for occupation of land for Croquet Lawns and Clubhouse (Part Lot 561 DP119965), at a statutory minimum rental (\$595).
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2. That Council seek a valuation for the commercial use of Reserve D540004.

FOR VOTE - All Councillors voted unanimously.

**11.3 Notice of Motion - Macaranga Tanarius Planting**

A **Motion** was moved by Cr Simon Chate and seconded by Cr Stephen McCarthy

That Council reverses its position in respect to resolution 240424/23 and approves the reinstatement of the planting of the Macaranga Tanarius plant as part of the accepted species planted by Council and local community groups.

The **Motion** 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 Eva Ramsey, Cr Phillip Meehan and Cr Rodney Bruem

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

That Council reverses its position in respect to resolution 240424/23 and approves the reinstatement of the planting of the Macaranga Tanarius plant as part of the accepted species planted by Council and local community groups for areas west of the M1.

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

FOR VOTE - Cr Jeff Johnson, Cr Simon Chate and Cr Rodney Bruem

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

**11.4 Notice of Motion - Ambrose Lane, Alstonville**

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

1. That Council prepare a report on possible options and costings for the construction of kerb and guttering on Green Street, Alstonville on either side of Ambrose Lane.
2. That Council recommend to the Local Traffic Committee to install a no parking zone in Ambrose Lane, Alstonville.

An **Amendment** was moved by Cr Phillip Meehan seconded by Cr Eva Ramsey

That Council receive a report to detail options and costings that will assist the current parking and traffic congestion issues related to Green Street and Ambrose Lane, Alstonville.

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

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

AGAINST VOTE - Cr Nigel Buchanan

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

**250724/9            RESOLVED**

(Cr Phillip Meehan/Cr Eva Ramsey)

That Council receive a report to detail options and costings that will assist the current parking and traffic congestion issues related to Green Street and Ambrose Lane, Alstonville.

FOR VOTE - All Councillors voted unanimously.

**Adjournment for Public Question Time**

The Mayor declared the meeting adjourned at 12.42pm for Public Question Time. There were four members of the gallery present.

The meeting resumed at 12.53pm.

**Adjournment for Lunch**

The Mayor declared the meeting adjourned at 12.53pm.

The meeting resumed at 1.32pm.

**8.2    Sharpes Beach Car Park Upgrade - Design**

**250724/10            RESOLVED**

(Cr Eva Ramsey/Cr Kiri Dicker)

That Council endorse Option 4, as per Attachment 1 to this report, as the preferred design option for the redevelopment of the Sharpes Beach Car Park.

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Jeff Johnson, Cr Simon Chate, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Eva Ramsey, Cr Phillip Meehan and Cr Rodney Bruem

AGAINST VOTE - Cr Eoin Johnston



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**8.3 Planning Proposal - General Amendments - Ballina LEP 2012**

**250724/11      RESOLVED**

(Cr Stephen McCarthy/Cr Rodney Bruem)

1. That Council endorses, for Gateway determination, the amendments to Ballina Local Environmental Plan 2012 outlined in the planning proposal contained in Attachment 1 (BSCPP 24/002).
2. That Council submits the planning proposal contained in Attachment 1 to the NSW Department of Planning, Housing and Infrastructure for review and Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
4. That the Department of Planning, Housing and Infrastructure be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
5. That Council receive a further report on the proposal following the completion of the public exhibition of the planning proposal.
6. That as part of the current review of residential development controls in the Ballina Shire Development Control Plan 2012, lot sizes for dual occupancy development be examined having regard for State Government housing policy.

FOR VOTE - All Councillors voted unanimously.

**8.4 Ballina Shire Development Control Plan - Amendment No 17**

**250724/12      RESOLVED**

(Cr Stephen McCarthy/Cr Eoin Johnston)

1. That Council undertake the public exhibition of the draft amendments to the Ballina Shire Development Control Plan 2012 as contained in Attachments 3, 4, 5, 6 and 7 to this report, in accordance with the *Environmental Planning and Assessment Act 1979* and the associated Regulation.
2. That a further report be submitted to Council following the public exhibition of the draft amendments to Ballina Shire Development Control Plan 2012.

FOR VOTE - All Councillors voted unanimously.

Cr Eva Ramsey left the meeting at 2:14 pm.

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**8.5 Biodiversity Conservation - Landholder Incentives**

**250724/13      RESOLVED**

(Cr Rodney Bruem/Cr Eva Ramsey)

That Council notes the contents of this report on the options available to support landholders to undertake conservation and biodiversity improvements on private land.

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

**8.7 Policy (Review) - Voluntary Planning Agreements**

**250724/14      RESOLVED**

(Cr Simon Chate/Cr Rodney Bruem)

1. That Council adopts the amended Planning Agreements 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, no further action is required.

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

**8.8 Policy (Review) - Developer Contributions Investment Incentive**

**250724/15      RESOLVED**

(Cr Stephen McCarthy/Cr Simon Chate)

1. That Council adopts the amended Developer Contributions Investment Incentive Policy, as per Attachment 1 to this report.
2. That Council place the policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, no further action is required.

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

Cr Eva Ramsey returned to the meeting at 2:20 pm.

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**8.9 Policy (Review) - Events on Public Land**

**250724/16      RESOLVED**

(Cr Eoin Johnston/Cr Simon Chate)

1. That Council adopts the amended Events on Public Land 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, no further action is required.

FOR VOTE - All Councillors voted unanimously.

**8.10 Development Applications - Works in Progress - June 2024**

**250724/17      RESOLVED**

(Cr Kiri Dicker/Cr Rodney Bruem)

1. That Council notes the contents of the report on the status of outstanding development applications for June 2024.
2. That Council notes that there were no variations to development standards of 10% or less approved in the period 1 April 2024 to 30 June 2024.

FOR VOTE - All Councillors voted unanimously.

**9. Corporate and Community Division Reports**

**9.2 Investment Summary - June 2024**

**250724/18      RESOLVED**

(Cr Stephen McCarthy/Cr Simon Chate)

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

FOR VOTE - All Councillors voted unanimously.

**9.3 Councillor Expenses - 2023/24 Financial Year**

**250724/19      RESOLVED**

(Cr Simon Chate/Cr Stephen McCarthy)

That Council notes the contents of this update on the Councillor expenses, as per the Councillor Expenses and Facilities Policy, for the period 1 July 2023 to 30 June 2024.

FOR VOTE - All Councillors voted unanimously.

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**9.4 Donations - Community and Sporting Groups - 2024/25**

**250724/20      RESOLVED**

(Cr Rodney Bruem/Cr Eva Ramsey)

1. That Council confirms the Donations – Financial Assistance for Community Groups, for 2024/25, as outlined in the “Approved” column in Table One.
2. That Council confirms the Donations – Community Sporting Groups Capital Works Assistance Program, for 2024/25, as outlined in the “Approved” Table Two.

FOR VOTE - All Councillors voted unanimously.

**9.5 Donations - Rates and Charges - 2024/25**

**250724/21      RESOLVED**

(Cr Eoin Johnston/Cr Stephen McCarthy)

That Council, in accordance with the Donations – Rates and Charges Policy, approves the donation of the 2024/25 rates and charges, as detailed within Tables One and Two of this report, which includes estimated water consumption and wastewater usage charges, pursuant to Section 356 of the Local Government Act.

FOR VOTE - All Councillors voted unanimously.

**9.6 Ballina Shire Australia Day Awards - Category Review**

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

1. That Council continue to select a Citizen of the Year award from the total number of award nominations from across all categories.
2. That Council confirms the award and age categories for the 2025 Ballina Shire Australia Day Awards are as follows:
  - Young Citizen of the Year (25 years or under)
  - Senior Citizen of the Year (70 years or over)
  - Volunteer Award (over 25 years and under 70 years)
  - Sports Award
  - Community Event of the Year
  - Arts and Cultural Award
  - Environmental Award

An **Amendment** was moved by Cr Eoin Johnston and seconded by Cr Nigel Buchanan

1. That Council continue to select a Citizen of the Year award from the total number of award nominations from across all categories.

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2. That Council confirms the award and age categories for the 2025 Ballina Shire Australia Day Awards are as follows:
  - Young Citizen of the Year (25 years or under)
  - Senior Citizen of the Year (70 years or over)
  - Volunteer Award
  - Sports Award
  - Community Event of the Year
  - Arts and Cultural Award
  - Environmental Award

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

FOR VOTE - All Councillors voted unanimously.

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

1. That Council continue to select a Citizen of the Year award from the total number of award nominations from across all categories.
2. That Council confirms the award and age categories for the 2025 Ballina Shire Australia Day Awards are as follows:
  - Young Citizen of the Year (25 years or under)
  - Senior Citizen of the Year (65 years or over)
  - Citizen of the Year
  - Volunteer Award
  - Sports Award
  - Community Event of the Year
  - Arts and Cultural Award
  - Environmental Award

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

FOR VOTE - All Councillors voted unanimously.

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

**250724/22      RESOLVED**

(Cr Phillip Meehan/Cr Rodney Bruem)

1. That Council continue to select a Citizen of the Year award from the total number of award nominations from across all categories.
2. That Council confirms the award and age categories for the 2025 Ballina Shire Australia Day Awards are as follows:
  - Young Citizen of the Year (25 years or under)
  - Senior Citizen of the Year (65 years or over)
  - Citizen of the Year
  - Volunteer Award

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- Sports Award
- Community Event of the Year
- Arts and Cultural Award
- Environmental Award

FOR VOTE - All Councillors voted unanimously.

Cr Jeff Johnson left the meeting at 2:54 pm.

**9.7 Audit Risk and Improvement Committee - Annual Assessment**

A **Motion** was moved by Cr Stephen McCarthy and seconded by Cr Eoin Johnston

1. That Council notes the Audit Risk and Improvement Committee's Chair Report to 30 June 2024.
2. That Council adopts the Audit Risk and Improvement Committee's Annual Plan 2024/25 and four year Strategic Work Plan (Attachment 2 and 3).
3. That Council adopts the contents of the internal audit Annual Plan 2024/25 and four year plan (Attachment 4).
4. That Council notes the annual assessment of the performance of the Audit Risk and Improvement Committee and the individual members (Attachment 5).
5. That Council reappoint existing independent members of the Audit Risk and Improvement Committee (ARIC) that includes Matt Licheri to September 2028 and Colin Wight to September 2028.
6. That Council seek fresh expressions of interest for an independent member of the Audit Risk and Improvement Committee (ARIC) to replace Joanne McIntosh.

The **Motion** was LOST

FOR VOTE - Cr Sharon Cadwallader, Cr Eoin Johnston, Cr Phillip Meehan and Cr Rodney Bruem

AGAINST VOTE - Cr Kiri Dicker, Cr Simon Chate, Cr Stephen McCarthy, Cr Nigel Buchanan and Cr Eva Ramsey

ABSENT. DID NOT VOTE - Cr Jeff Johnson

A **Motion** was moved by Cr Kiri Dicker and seconded by Cr Nigel Buchanan

1. That Council notes the Audit Risk and Improvement Committee's Chair Report to 30 June 2024.
2. That Council adopts the Audit Risk and Improvement Committee's Annual Plan 2024/25 and four year Strategic Work Plan (Attachment 2 and 3).
3. That Council adopts the contents of the internal audit Annual Plan 2024/25 and four year plan (Attachment 4).

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4. That Council notes the annual assessment of the performance of the Audit Risk and Improvement Committee and the individual members (Attachment 5).
5. That Council defer the decision to reappoint existing independent members of the Audit Risk and Improvement Committee (ARIC) subject to a further report to assess the options in respect to managing the conflict of interest raised.

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

FOR VOTE - Cr Kiri Dicker, Cr Simon Chate, Cr Stephen McCarthy, Cr Nigel Buchanan and Cr Eva Ramsey

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**250724/23      RESOLVED**

(Cr Stephen McCarthy/Cr Eoin Johnston)

1. That Council notes the Audit Risk and Improvement Committee's Chair Report to 30 June 2024.
2. That Council adopts the Audit Risk and Improvement Committee's Annual Plan 2024/25 and four year Strategic Work Plan (Attachment 2 and 3).
3. That Council adopts the contents of the internal audit Annual Plan 2024/25 and four year plan (Attachment 4).
4. That Council notes the annual assessment of the performance of the Audit Risk and Improvement Committee and the individual members (Attachment 5).
5. That Council defer the decision to reappoint existing independent members of the Audit Risk and Improvement Committee (ARIC) subject to a further report to assess the options in respect to managing the conflict of interest raised.

FOR VOTE - Cr Kiri Dicker, Cr Simon Chate, Cr Stephen McCarthy, Cr Nigel Buchanan and Cr Eva Ramsey

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson

**9.8      Tender - SCADA and Telemetry Support Services**

**250724/24      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

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contract to SAFEgroup Automation Pty Ltd for the Tender - SCADA and Telemetry Support Services per the Schedule of Rates submitted.

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

**9.9 Tender - Wardell Village Streetscape Upgrade**

**250724/25      RESOLVED**

(Cr Eoin Johnston/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 contract to Civil Contractors (Aust) Pty Ltd t/a CCA Winslow Pty Ltd for the Tender - Wardell Village Streetscape Upgrade for the total amount of \$1,212,523.85 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.
3. That Council approves a budget variation of \$230,000 funded as follows:  
Open Spaces and Engineering Works Operating Budgets - \$20,000  
Transfer from the Community Infrastructure Reserve - \$210,000

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

**9.10 Policy (Review) - Donations - Australian Representation**

**250724/26      RESOLVED**

(Cr Simon Chate/Cr Eva Ramsey)

1. That Council adopts the amended Donations – Australian Representation 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



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**9.11 General Manager - Performance Review**

**250724/27      RESOLVED**

(Cr Eoin Johnston/Cr Stephen McCarthy)

That Council notes the contents of this summary report for the General Manager – Performance Review for 2023/24.

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

**9.12 Delivery Program and Operational Plan - 30 June 2024 Review**

**250724/28      RESOLVED**

(Cr Phillip Meehan/Cr Simon Chate)

That Council notes the contents of this final review on the implementation of the 2023/24 to 2026/27 Delivery Program and 2023/24 Operational Plan.

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

**9.13 Capital Expenditure - 30 June 2024 Review**

**250724/29      RESOLVED**

(Cr Sharon Cadwallader/Cr Nigel Buchanan)

1. That Council notes the contents of this report on the delivery of the 2023/24 capital expenditure program.
2. That Council write to the Office of Local Government to seek guidance on possible improvements to Council procurement procedures where a conflict of interest exists with a sitting Councillor.

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

**10. Civil Services Division Reports**

This item was dealt with later in the meeting during the Confidential Session.

**11. Notices of Motion**

**11.1 Questions With Notice - Solar Panel Installation Contract**

One item.

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**11.2 Notice of Motion - Solar Expansion**

**250724/30      RESOLVED**

(Cr Kiri Dicker/Cr Phillip Meehan)

That Council call on Cr Rodney Bruem to apologise to the General Manager, Cr Jeff Johnson, Cr Jeff Johnson's family, Council staff and staff at Premium Solar for any damage caused by recent comments made relating to the contract awarded to Premium Solar at Ballina Memorial Swimming Pool.

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Eva Ramsey and Cr Phillip Meehan

AGAINST VOTE - Cr Rodney Bruem

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Cr Rodney Bruem left the meeting at 4:40 pm.

**11.5 Notice of Motion - Scenic Vista Policy**

**250724/31      RESOLVED**

(Cr Stephen McCarthy/Cr Eva Ramsey)

That Council considers a draft Scenic Vista Policy report that aims to restore, protect, and enhance the iconic coastal vistas of Ballina Shire as part of the 2025/26 Delivery Program and Operational Plan.

FOR VOTE - Cr Sharon Cadwallader, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Eva Ramsey and Cr Phillip Meehan

AGAINST VOTE - Cr Kiri Dicker and Cr Simon Chate

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Rodney Bruem

**12. Advisory Committee Minutes**

Nil Items

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

**13.1 Mayoral Meetings**

**250724/32      RESOLVED**

(Cr Eva Ramsey/Cr Simon Chate)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Rodney Bruem

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**14. Confidential Session**

**250724/33 RESOLVED**

(Cr Kiri Dicker/Cr Eoin Johnston)

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.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Rodney Bruem

**10.1 Marom Creek Water Treatment Assets - Transfer**

**Reason for Confidentiality**

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

- d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

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 Commercial confidentiality

**14.1 General Manager - Performance Review (Confidential)**

**Reason for Confidentiality**

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

- a) personnel matters concerning particular individuals (other than councillors)

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 Personnel matters concerning particular individuals (other than councillors).

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Rodney Bruem

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(The Council moved into Confidential Session at 4.59pm).

All staff left the meeting at that stage.

**Open Council**

**250724/35      RESOLVED**

(Cr Eva Ramsay/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Rodney Bruem

(The Council moved into Open Council at 4.59pm).

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

**10.1      Marom Creek Water Treatment Assets - Transfer**

**250724/36      RECOMMENDED**

(Cr Phillip Meehan/Cr Eoin Johnston)

1. That Council authorises the General Manager to execute the contract for the sale to Rous County Council of the water supply assets, including land and easements, that are the subject of this report.
2. That Council advise Rous County Council that it accepts the proposed deferred payment terms, subject to an agreement that Rous County Council pay interest at the TCorp 3 year fixed rate amortising loans with quarterly repayments at 4.89%.
3. That the price for the sale of the assets in point one be confirmed as per the process outlined within this report.
4. That Council agree to the schedule of payment terms for the sale in point one above as outlined within this report.
5. That Council authorises the General Manager to execute a Deed of Agreement with Rous County Council for the purposes addressing operational and other matters associated with the transfer that are not terms in the contract for sale.
6. That Council delegates to Rous County Council, pursuant to Section 377 of the *Local Government Act 1993*, authority to operate the Marom Creek Water Treatment Plant and any of the other assets subject of this report including the Russellton Reservoir.

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7. That Council notes the effective date of transfer of the water supply assets, as per point one, will be determined once the process is confirmed that manages to the satisfaction of Council and Rous County the risk in the contract for sale of the Russellton reservoir land process in respect of the possible disconnection between the land and the infrastructure.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Rodney Bruem

**14.1 General Manager - Performance Review (Confidential)**

**CF250724/37 RECOMMENDED**

(Cr Eva Ramsey/Cr Eoin Johnston)

1. That Council adopts the General Manager's Performance Review Committee's evaluation for the General Manager's twelve-month performance review for 2023/24, as per Attachment 1 to this report, and as completed by LGNSW.
2. That Council adopts the Strategic Objectives for inclusion in the 2024/25 General Manager's performance agreement, as per the contents of this report.
3. That Council approves an increase in the total remuneration package of 2.2 percent, based on the contents of this report, backdated to the anniversary date of the contract, as detailed in the performance review for 2023/24, as per Attachment 1 to this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Rodney Bruem

**Adoption of Recommendations from Confidential Session**

**250724/38 RESOLVED**

(Cr Eva Ramsey/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Rodney Bruem

**MEETING CLOSURE**

The meeting was closed at 5.40pm

The Minutes of the Ordinary Meeting held on 25/07/24 were submitted for confirmation by council on 22 August 2024 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 22 August 2024.