

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/24 AT 9AM**

Attendance

Crs Sharon Cadwallader (Mayor - in the Chair), Simon Kinny, Michelle Bailey, Damian Loone, Therese Crollick (arrived at 9.34am), 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) and Nikki Glassop (Executive Assistant) were in attendance.

There were six 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

An apology was received from Cr Therese Crollick advising that she would be late to the meeting.

241024/1 RESOLVED

(Cr Simon Chate/Cr Eva Ramsey)

That the apology from Cr Therese Crollick be accepted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Therese Crollick

Change in order of Business

241024/2 RESOLVED

(Cr Erin Karsten/Cr Simon Chate)

That Council change the order of business to deal with the Oath / Affirmation item first.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Therese Crollick

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9.1 Oath or Affirmation of Office by Councillors

241024/3 RESOLVED

(Cr Eva Ramsey/Cr Simon Kinny)

That Council notes that the General Manager has confirmed that all Councillors have undertaken the Oath of Office or Affirmation of Office prior to the first Ordinary meeting of the new Council held Thursday 24 October 2024.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Therese Crollick

4. Confirmation of Minutes

241024/4 RESOLVED

(Cr Phil Meehan/Cr Simon Chate)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 August 2024.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Therese Crollick

5. Declarations of Interest and Reportable Political Donations

- **Mayor Cr Sharon Cadwallader** – declared an interest in Item 9.15 - . (Nature of Interest: non-significant, non-pecuniary – Rotary Club is mentioned, her husband is a member of the Ballina on Richmond Rotary Club this relates to the Goonellabah. She stayed in the room while the matter was discussed.
- **Paul Hickey** – declared an interest in Item 8.1 DA 2023/479 – Tourist and Visitor Accommodation – 52 & 54 Ballina Street, Lennox Head. (Nature of Interest: non-significant, non-pecuniary – he is friends with some of the principals of the firm involved. He has no involvement in the assessment or determination and left the room while the matter was discussed to avoid any perception concerns.

There were no reportable political donations.

6. Deputations

There were no deputations.

7. Mayoral Minutes

Nil items.

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Paul Hickey left the meeting at 9.08am.

8. Planning and Environmental Health Division Reports

8.1 DA 2023/479 - Tourist and Visitor Accommodation - 52 & 54 Ballina Street, Lennox Head

241024/5 RESOLVED

(Cr Eva Ramsey/Cr Phil Meehan)

1. That Council endorses the proposed variation to the Clause 4.3 Height of buildings development standard under Ballina Local Environmental Plan 2012 to enable a maximum building height of up to 9.65 metres (equating to a variation of 7.2%) for the reasons outlined in this report.
2. That Council endorses the proposed variation to the Clause 4.4 Floor space ratio development standard under Ballina Local Environmental Plan 2012 to enable a maximum FSR of 1.42:1 (equating to a variation of 61.5%) for the reasons outlined in this report.
3. That Development Application 2023/479 for tourist and visitor accommodation development comprising hotel accommodation (35 rooms), guest services including swimming pool and bar, restaurant, two level basement car park for hotel patrons and the general public (paid parking after 1 hour) lot consolidation, and associated demolition works, earthworks, dewatering, vegetation management works, landscaping and civil works be **APPROVED** subject to application of conditions foreshadowed in the Section 4.15 Assessment Report in Attachment 2, non-standard conditions set out in Attachment 8, as well as standard planning, environmental health, civil and building conditions for this type of development.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Therese Crollick

Paul Hickey returned to the meeting at 9.11am.

8.2 DA 2023/209 - 6 Henry Philp Avenue Ballina - Review of Determination

241024/6 RESOLVED

(Cr Phil Meehan/Cr Eva Ramsey)

That Development Application 2023/209 for the demolition of an existing dwelling house and shed and the construction of an attached dual occupancy at 6 Henry Philp Avenue Ballina be **APPROVED** subject to standard planning, environmental health, engineering and building conditions.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Therese Crollick

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8.3 Development Applications - Works in Progress - September 2024

241024/7 RESOLVED

(Cr Simon Chate/Cr Phil Meehan)

1. That Council notes the contents of the report on the status of outstanding development applications for September 2024.
2. That Council notes that there was one variation to development standards of 10% or less approved in the period 1 July 2024 to 30 September 2024.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Therese Crollick

8.4 Local Environmental Plan Amendments and Planning Proposals – Status

241024/8 RESOLVED

(Cr Kiri Dicker/Cr Simon Chate)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Therese Crollick

9. Corporate and Community Division Reports

Change in the order of Business

241024/9 RESOLVED

(Cr Phil Meehan/Cr Simon Chate)

That Item 9.2 be deferred until Cr Therese Crollick arrives.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Therese Crollick

9.3 Local Government Elections - Casual Vacancies

Cr Therese Crollick arrived at the meeting at 9.34 am.

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241024/10 RESOLVED

(Cr Simon Chate/Cr Simon Kinny)

That Council, pursuant to section 291 A(1)(b) of the Local Government Act 1993, Ballina Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within seven days of the decision.

FOR VOTE - All Councillors voted unanimously.

9.2 Deputy Mayor - Election

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

1. That Council elect a Deputy Mayor for the two-year period to September 2026
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

An **Amendment** was moved by Cr Eva Ramsey and Cr Therese Crollick

1. That Council elect a Deputy Mayor for a one-year period to September 2025.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

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

FOR VOTE - Cr Eva Ramsey

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

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

FOR VOTE - All Councillors voted unanimously.

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241024/11 RESOLVED

(Cr Phil Meehan/Cr Simon Kinny)

1. That Council elect a Deputy Mayor for the two-year period to September 2026
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

Paul Hickey, Returning Officer advised that he had received three nominations, Cr Damian Loone, Cr Eva Ramsey and Cr Simon Chate.

After the undertaking of the secret ballot and the counting of votes, the Returning Officer declared that Cr Damian Loone was elected as Deputy Mayor by six (Cr Loone) votes to four (Cr Chate), for the period to September 2026.

9.4 Disclosure of Interest Returns

241024/12 RESOLVED

(Cr Therese Crollick/Cr Simon Chate)

That Council notes the contents of the report on the disclosure of interest returns for the period 1 July 2023 to 30 June 2024.

FOR VOTE - All Councillors voted unanimously.

9.5 Investment Summary - August and September 2024

241024/13 RESOLVED

(Cr Eva Ramsey/Cr Michelle Bailey)

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

FOR VOTE - All Councillors voted unanimously.

9.6 Code of Conduct Statistics - Annual Reporting

241024/14 RESOLVED

(Cr Phil Meehan/Cr Simon Chate)

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That Council notes the contents of the Code of Conduct statistics report for the 2023/24 reporting period.

FOR VOTE - All Councillors voted unanimously.

9.7 Flat Rock Tent Park - Fees and Charges - 2025/26

241024/15 RESOLVED

(Cr Simon Chate/Cr Damian Loone)

1. That Council authorises the public exhibition of the draft Flat Rock Tent Park fees and charges for 1 February 2025 to 31 January 2026, as per Attachment 1 to this report. Following the exhibition period, this matter will be reported back to Council.
2. That Council endorse the Flat Rock Tent Park booking and cancellation policy for 2025/26, subject to the updated fees and charges being adopted.

FOR VOTE - All Councillors voted unanimously.

9.8 Annual Financial Statements - 2023/24

Colin Wight, Chair of the Audit, Risk and Improvement Committee addressed Councillors and gave an overview of the statements provided.

241024/16 RESOLVED

(Cr Erin Karsten/Cr Damian Loone)

1. That Council authorises the exhibition of the Annual Financial Statements and Auditor's Reports for the year ended 30 June 2024, as per Attachment 1 to this report, for public comment.
2. That Council approves the signing of the statements that confirm the Annual Financial Statements are fair and accurate, as per Attachment 2 to this report, by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.
3. That Council notes the annual report from the Chairperson of the Audit, Risk and Improvement Committee, as per Attachment 3 to this report.
4. That Council notes the Internal Audit and Risk Management Attestation Statement from the General Manager, as per Attachment 4 to this report.

FOR VOTE - All Councillors voted unanimously.

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9.9 Council Representation - External Appointments

241024/17 RESOLVED

(Cr Simon Kinny/Cr Erin Karsten)

That Council conduct an election for the two Council delegates to Rous County Council.

FOR VOTE - All Councillors voted unanimously.

Paul Hickey, Returning Officer advised that he had received four nominations for Cr Sharon Cadwallader, Cr Eva Ramsey, Cr Phil Meehan and Cr Kiri Dicker.

After undertaking a preferential ballot for the first delegate position, the Returning Officer advised of the following results:

Cr Sharon Cadwallader received five votes and Cr Eva Ramsey received five votes.

A draw was conducted to exclude one person from the first delegate, being Cr Sharon Cadwallader.

The Returning Officer declared Cr Eva Ramsey elected as the first delegate.

After distributing second preferences of the elected delegate, for the election of the second delegate, the count was as follows:

- 5 – Cr Sharon Cadwallader
- 4 – Cr Kiri Dicker
- 1 – Cr Phil Meehan – was excluded and vote was exhausted

The Returning Officer declared Cr Sharon Cadwallader elected as the second delegate.

241024/18 RESOLVED

(Cr Simon Kinny/Cr Simon Chate)

That Council approves the Mayor and Deputy Mayor as the two delegates to the Northern Regional Planning Panel.

FOR VOTE - All Councillors voted unanimously.

241024/19 RESOLVED

(Cr Eva Ramsey/Cr Damian Loone)

That Council nominates two alternate delegates to the Northern Regional Planning Panel.

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FOR VOTE - All Councillors voted unanimously.

The General Manager asked for a show of hands of those wishing to nominate, with the results being as follows:

- Cr Simon Kinny
- Cr Michelle Bailey

241024/20 RESOLVED

(Cr Simon Chate/Cr Michelle Bailey)

That Council notes that the Mayor is the Council delegate on the Northern Rivers Joint Organisation, with the Deputy Mayor approved as the alternate delegate.

FOR VOTE - All Councillors voted unanimously.

241024/21 RESOLVED

(Cr Simon Chate/Cr Therese Crollick)

That Council nominates two Council delegates, and one alternate, for the Richmond-Tweed Regional Library Committee (RTRL).

FOR VOTE - All Councillors voted unanimously.

The General Manager asked for a show of hands of those wishing to nominate, with the results being as follows:

- Cr Simon Chate
- Cr Therese Crollick
- Cr Michelle Bailey (alternate delegate)

241024/22 RESOLVED

(Cr Michelle Bailey/Cr Erin Karsten)

1. That Council approves the Mayor, and the respective Ward Councillors as the delegates to the:

- Ballina and District Chamber of Commerce
- Lennox Head Chamber of Commerce
- Alstonville/Wollongbar Chamber of Commerce

2. Cr Michelle Bailey and Cr Kiri Dicker are also approved as delegates to the Ballina and District Chamber of Commerce.

FOR VOTE - All Councillors voted unanimously.

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241024/23 RESOLVED

(Cr Michelle Bailey/Cr Damian Loone)

That Council nominates Cr Erin Karsten as the delegate to the Cape Byron Marine Park Advisory Committee.

FOR VOTE - All Councillors voted unanimously.

241024/24 RESOLVED

(Cr Therese Crollick/Cr Damian Loone)

That Council nominates Cr Michelle Bailey as the delegate to the Bush Fire Management Committee.

FOR VOTE - All Councillors voted unanimously.

241024/25 RESOLVED

(Cr Phil Meehan/Cr Eva Ramsey)

That Council notes that Mayor Cr Sharon Cadwallader is the current delegate and Chair of the Australian Coastal Councils Association.

FOR VOTE - All Councillors voted unanimously.

241024/26 RESOLVED

(Cr Damian Loone/Cr Simon Kinny)

That Council nominates Cr Erin Karsten and Cr Eva Ramsey as the delegates to the Ballina Naval Museum.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.43am.

The meeting resumed at 11.02 am

9.10 Council Committees

A **Motion** was moved by Cr Simon Chate and Cr Michelle Bailey

1. That Council approves the formation of two Standing Committees, being the:

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- Commercial Services Committee
 - Finance and Facilities Committee
2. The terms of reference for the Standing Committees are as follows:
 - Commercial Services Committee - To introduce, evaluate and review the commercial dealings and operations of Council, with the aim of any commercial activity being the provision of supplementary revenue streams that assist Council in the delivery of services to the community.
 - Finance and Facilities Committee - To consider financial matters of a strategic nature including Council's annual budget deliberations and to provide strategic input into the facilitation and construction of major community facilities.
 3. Membership of the Standing Committees is to consist of all Councillors.
 4. The Commercial Services and Finance and Facilities Committees have no delegated authority.
 5. That Council confirms it will retain the existing structure and membership of the three Ward Committees, based on the terms of reference outlined in this report, with expressions of interest to be called for any additional membership. These Committees have no delegated authority. The General Manager is also authorised to remove any member from the Committees, where they have not attended a meeting in 12 months and not advised they wish to remain on the committee.
 6. That Council notes the role of the Access Reference Group in providing feedback on mobility and access related matters.
 7. That Council confirms it will retain the Australia Day Committee, with membership consisting of all Councillors. This Committee has delegated authority to determine the recipients of the Australia Day Awards.
 8. That Council confirms the General Manager's Performance Review Committee is to comprise the Mayor and Deputy Mayor and one Councillor, as selected by the General Manager.
 9. That Council notes the legislative requirements for the Audit Risk and Improvement Committee (ARIC). That Council appoint one Councillor as non-voting member to the ARIC, as determined at this meeting and update the ARIC Terms of Reference to reflect the elected Councillor.
 10. That Council notes the contents of this report in respect to the Local Traffic Committee and confirms that the General Manager (or nominated delegate) is the Council appointment to that Committee.
 11. That Council confirms it will retain the Ballina Shire Economic Activation Group based on the membership and terms of reference outlined in this

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report. The Group has no delegated authority and membership consists of all Councillors and representatives from stakeholder groups.

12. That Council confirms it will retain the Waterways Advisory Group based on the membership and terms of reference outlined in this report. The Group has no delegated authority, and two Councillor representatives are to be determined at this meeting.
13. That Council determine the three representatives to the Public Art Advisory Panel, consistent with the Council Public Art Policy.

An **Amendment** was moved by Cr Kiri Dicker and Cr Therese Crollick.

1. That Council approves the formation of two Standing Committees, being the:
 - Commercial Services Committee
 - Finance and Facilities Committee
2. The terms of reference for the Standing Committees are as follows:
 - Commercial Services Committee - To introduce, evaluate and review the commercial dealings and operations of Council, with the aim of any commercial activity being the provision of supplementary revenue streams that assist Council in the delivery of services to the community.
 - Finance and Facilities Committee - To consider financial matters of a strategic nature including Council's annual budget deliberations and to provide strategic input into the facilitation and construction of major community facilities.
3. Membership of the Standing Committees is to consist of all Councillors.
4. The Commercial Services and Finance and Facilities Committees have no delegated authority.
5. That Council confirms it will retain the existing structure and membership of the three Ward Committees, based on the terms of reference outlined in this report, with expressions of interest to be called for any additional membership. These Committees have no delegated authority. The General Manager is also authorised to remove any member from the Committees, where they have not attended a meeting in 12 months and not advised they wish to remain on the committee.
6. That Council notes the role of the Access Reference Group in providing feedback on mobility and access related matters.
7. That Council confirms it will retain the Australia Day Committee, with membership consisting of all Councillors. This Committee has delegated authority to determine the recipients of the Australia Day Awards.

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8. That Council confirms the General Manager's Performance Review Committee is to comprise the Mayor and Deputy Mayor and one Councillor, as selected by the General Manager.
9. That Council notes the legislative requirements for the Audit Risk and Improvement Committee (ARIC). That Council appoint one Councillor as non-voting member to the ARIC, as determined at this meeting and update the ARIC Terms of Reference to reflect the elected Councillor.
10. That Council notes the contents of this report in respect to the Local Traffic Committee and confirms that the General Manager (or nominated delegate) is the Council appointment to that Committee.
11. That Council confirms it will retain the Ballina Shire Economic Activation Group based on the membership and terms of reference outlined in this report. The Group has no delegated authority and membership consists of all Councillors and representatives from stakeholder groups.
12. That Council confirms it will retain the Waterways Advisory Group based on the membership and terms of reference outlined in this report. The Group has no delegated authority, and two Councillor representatives are to be determined at this meeting.
13. That Council determine the three representatives to the Public Art Advisory Panel, consistent with the Council Public Art Policy.
14. That Council establishes an Environmental and Sustainability Advisory group with membership consisting of representatives from Council, local environmental groups and individuals endorsed by Council for their expertise in the relevant areas.

The **Amendment** was **LOST** on the casting vote of the Mayor.

FOR VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten, Cr Kiri Dicker and Cr Eva Ramsey

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

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

FOR VOTE - All Councillors voted unanimously.

241024/27 RESOLVED

(Cr Michelle Bailey/Cr Erin Karsten)

1. That Council approves the formation of two Standing Committees, being the:
 - Commercial Services Committee
 - Finance and Facilities Committee

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2. The terms of reference for the Standing Committees are as follows:
 - Commercial Services Committee - To introduce, evaluate and review the commercial dealings and operations of Council, with the aim of any commercial activity being the provision of supplementary revenue streams that assist Council in the delivery of services to the community.
 - Finance and Facilities Committee - To consider financial matters of a strategic nature including Council's annual budget deliberations and to provide strategic input into the facilitation and construction of major community facilities.
3. Membership of the Standing Committees is to consist of all Councillors.
4. The Commercial Services and Finance and Facilities Committees have no delegated authority.
5. That Council confirms it will retain the existing structure and membership of the three Ward Committees, based on the terms of reference outlined in this report, with expressions of interest to be called for any additional membership. These Committees have no delegated authority. The General Manager is also authorised to remove any member from the Committees, where they have not attended a meeting in 12 months and not advised they wish to remain on the committee.
6. That Council notes the role of the Access Reference Group in providing feedback on mobility and access related matters.
7. That Council confirms it will retain the Australia Day Committee, with membership consisting of all Councillors. This Committee has delegated authority to determine the recipients of the Australia Day Awards.
8. That Council confirms the General Manager's Performance Review Committee is to comprise the Mayor and Deputy Mayor and one Councillor, as selected by the General Manager.
9. That Council notes the legislative requirements for the Audit Risk and Improvement Committee (ARIC). That Council appoints Cr Erin Karsten as a non-voting member to the ARIC and updates the ARIC Terms of Reference to reflect the elected Councillor.
10. That Council notes the contents of this report in respect to the Local Traffic Committee and confirms that the General Manager (or nominated delegate) is the Council appointment to that Committee.
11. That Council confirms it will retain the Ballina Shire Economic Activation Group based on the membership and terms of reference outlined in this report. The Group has no delegated authority and membership consists of all Councillors and representatives from stakeholder groups. Councillors

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interested in attending included: Cr Michelle Bailey, Cr Erin Karsten, Cr Simon Kinny and Cr Eva Ramsey.

12. That Council confirms it will retain the Waterways Advisory Group based on the membership and terms of reference outlined in this report. The Group has no delegated authority, with the two Councillor representatives being Cr Therese Crollick and Cr Damian Loone.

13. That Council confirms Cr Michelle Bailey, Cr Simon Chate and Cr Eva Ramsey as the three representatives to the Public Art Advisory Panel, consistent with the Council Public Art Policy.

FOR VOTE - All Councillors voted unanimously.

9.11 Tender - Aviation Security and Screening Services

241024/28 RESOLVED

(Cr Phil Meehan/Cr Simon Kinny)

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to MSS Security Pty Ltd for the Tender - Aviation Security and Screening Services for the Schedule of Rates tendered.
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

9.12 Tender - Ballina Pump Track - Design and Construct

241024/29 RESOLVED

(Cr Kiri Dicker/Cr Simon Chate)

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Tender - Ballina Pump Track - Design and Construct 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 - Ballina Pump Track - Design and Construct.
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

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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.

9.13 Tender - Lennox Head Wastewater Treatment Plant - Belt Press

241024/30 RESOLVED

(Cr Simon Chate/Cr Eva Ramsey)

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Re-Pump Australia Pty Ltd for the Tender - Lennox Head Wastewater Treatment Plant - Belt Press for the total amount of \$343,649 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

9.14 Tender - Saunders Oval Sports Field Improvements

241024/31 RESOLVED

(Cr Simon Chate/Cr Eva Ramsey)

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Tender - Saunders Oval Sports Field Improvements as the prices tendered exceed the allocated budget for the works.
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 - Saunders Oval Sports Field Improvements .
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,

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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.

9.15 Delivery Program and Operational Plan - 30 September 2024 Review

A **Motion** was moved by Cr Therese Crollick and Cr Simon Kinny

1. That Council notes the contents of this initial review on the implementation of the 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan.
2. That Council approves the deletion of Movement and Placement Strategy from the Delivery Program and Operational Plan actions for 2024/25, as this is duplicated by the Public Realm Strategy and work being undertaken by transport for NSW.
3. That Council approves the exhibition, as per Section 610F (3) of the Local Government, of a change to the Events on Public Land – Event Application Fee for Commercial Users, which is currently \$494 for 2024/25, to allow the fee to be reduced by 20% when there are more than three events held in a financial year by a commercial operator.
4. That Council refer the proposal for a Disaster Relief Centre, from Rotary Northern Rivers to the NSW Reconstruction Authority, to ensure that a regional, and whole of government, perspective is obtained on the facility and the preferred location.
5. That Council receive a report on the feasibility of providing a return and earn facility, and community storage sheds, on the Council owned land on the corner of Byron Bay Road and Hutley Drive, Lennox Head.
6. That Council removes any illegally dumped rubbish and the fallen tree at the Wollongbar Rainforest Reserve.
7. That as part of the preparation of the 2025/26 to 2028/29 Delivery Program and 2025/26 Operational Plan, Council receive a report that examines our current level of rate income and the long term financial sustainability of the General Fund, to assess whether Council should consider increases above the rate peg limit, subject to IPART approval.

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

1. That Council notes the contents of this initial review on the implementation of the 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan.
2. That Council approves the deletion of Movement and Placement Strategy from the Delivery Program and Operational Plan actions for 2024/25, as this is duplicated by the Public Realm Strategy and work being undertaken by transport for NSW.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 24/10/24 AT 9AM**

3. That Council approves the exhibition, as per Section 610F (3) of the Local Government, of a change to the Events on Public Land – Event Application Fee for Commercial Users, which is currently \$494 for 2024/25, to allow the fee to be reduced by 50% for second and subsequent events held in a financial year by a commercial operator.
4. That Council refer the proposal for a Disaster Relief Centre, from Rotary Northern Rivers to the NSW Reconstruction Authority, to ensure that a regional, and whole of government, perspective is obtained on the facility and the preferred location.
5. That Council receive a report on the feasibility of providing a return and earn facility, and community storage sheds, on the Council owned land on the corner of Byron Bay Road and Hutley Drive, Lennox Head.
6. That Council removes any illegally dumped rubbish and the fallen tree at the Wollongbar Rainforest Reserve.

The **Amendment LAPSED** as there was no seconder.

241024/32 RESOLVED

(Cr Therese Crollick/Cr Simon Kinny)

1. That Council notes the contents of this review on the implementation of the 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan.
2. That Council approves the deletion of Movement and Placement Strategy from the Delivery Program and Operational Plan actions for 2024/25, as this is duplicated by the Public Realm Strategy and work being undertaken by transport for NSW.
3. That Council approves the exhibition, as per Section 610F (3) of the Local Government, of a change to the Events on Public Land – Event Application Fee for Commercial Users, which is currently \$494 for 2024/25, to allow the fee to be reduced by 20% when there are more than three events held in a financial year by a commercial operator.
4. That Council refer the proposal for a Disaster Relief Centre, from Rotary Northern Rivers to the NSW Reconstruction Authority, to ensure that a regional, and whole of government, perspective is obtained on the facility and the preferred location.
5. That Council receive a report on the feasibility of providing a return and earn facility, and community storage sheds, on the Council owned land on the corner of Byron Bay Road and Hutley Drive, Lennox Head.
6. That Council removes any illegally dumped rubbish and the fallen tree at the Wollongbar Rainforest Reserve.

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7. That as part of the preparation of the 2025/26 to 2028/29 Delivery Program and 2025/26 Operational Plan, Council receive a report that examines our current level of rate income and the long term financial sustainability of the General Fund, to assess whether Council should consider increases above the rate peg limit, subject to IPART approval.

FOR VOTE - All Councillors voted unanimously.

9.16 Capital Expenditure - 30 September 2024 Review

241024/33 RESOLVED

(Cr Phil Meehan/Cr Eva Ramsey)

1. That Council notes the contents of this report regarding the 2024/25 capital expenditure review for the period ending 30 September 2024.
2. That Council approves the budget variations, as per Table 2 of this report.

FOR VOTE - All Councillors voted unanimously.

9.17 Local Government NSW Annual Conference - Voting Delegates

241024/34 RESOLVED

(Cr Phil Meehan/Cr Michelle Bailey)

1. That Council submit two motions to the 2024 LGNSW Annual Conference:
 - Motion 1 - Regional Housing Flying Squad
That Council asks LGNSW to lobby the State Government to reinstate, and possibly expand, the funding for the Department of Planning, Housing and Infrastructure Regional Housing Flying Squad to assist councils across the State in delivering lower average development application assessment times, consistent with the Minister for Planning and Public Spaces' Statement of Expectations Order.
 - Motion 2 – CCTV
That Council asks LGNSW to lobby the State Government to expand their State-Wide Regional Crime Prevention Initiatives to include funding for the installation and operation of CCTV, through the introduction of a program similar to the former Crime Prevention and Graffiti Initiatives Fund.
2. That Council confirms its voting delegates as Cr Sharon Cadwallader, Cr Erin Karsten and Cr Simon Kinny for the LGNSW Annual Conference in November 2024.

FOR VOTE - All Councillors voted unanimously.

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10. Civil Services Division Reports

10.1 Tender - Canal Bridge / Tamarind Drive Duplication - Telstra Relocation

241024/35 RESOLVED

(Cr Therese Crollick/Cr Simon Chate)

1. That Council in accordance with the Section 55(3)(i) of the *Local Government Act (1993)*, due to “*unavailability of competitive or reliable tenderers*” decides by resolution that a satisfactory result would not be achieved by inviting tenders, and awards the works to Telstra Corporation (Telstra InfraCo) for the Tender - Canal Bridge / Tamarind Drive Duplication - Telstra Relocation for the total amount of \$471,423.01 (excluding GST).
2. That Council, in accordance with Section 55(3)(i) of the *Local Government Act (1993)* records the reason a satisfactory result would not be achieved by inviting tenders is because the relocation of Telstra assets can only be undertaken by Telstra authorised contractors.

FOR VOTE - All Councillors voted unanimously.

11. Notices of Motion

11.1 Rescission Motion - Police Station - Lennox Head

The Mayor asked Cr Dicker to withdraw her comments in regards to planning approvals.

Cr Dicker refused to withdraw her comments.

The Mayor adjourned the meeting until 1.01pm.

The Mayor again asked Cr Dicker to withdraw her comments.

Cr Dicker again refused to withdraw her comments.

The Mayor reinforced that there is to be no casting of aspersions during Council meetings and advised that no further action would be taken at this point in time.

241024/36 RESOLVED

(Cr Eva Ramsey/Cr Kiri Dicker)

That Point 2, of Resolution 220824/19, as follows, be rescinded:

That Council receive a report on future options for use of the land on the corner of Byron Street and Hutley Drive.

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FOR VOTE - 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 Sharon Cadwallader, Cr Simon Kinny and Cr Phil Meehan

241024/37 RESOLVED

(Cr Eva Ramsey/Cr Erin Karsten)

That Council offer the section of land owned by the Council no longer required for a preschool on the corner of Byron Bay Road and Hutley Drive Lennox Head to NSW Police at a peppercorn lease rate on the condition that they provide Shop Front Police Station on the land.

FOR VOTE - 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 Sharon Cadwallader and Cr Phil Meehan

12. Advisory Committee Minutes

Nil Items

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

13.1 Mayoral Meetings

241024/38 RESOLVED

(Cr Kiri Dicker/Cr Eva Ramsey)

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

FOR VOTE - All Councillors voted unanimously.

Meeting Closure Public Question Time

The Mayor declared the meeting closed at 1.26pm.

The Minutes of the Ordinary Meeting held on 24/10/24 were submitted for confirmation by council on 28 November 2024 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 November 2024.