

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 12/12/24 AT 9:00 AM**

Attendance

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

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

There were five people in the gallery at this time.

1. Australian National Anthem

The National Anthem was played.

2. Acknowledgement of Country

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

The Deputy Mayor proceeded to acknowledge two tragic anniversaries on this date:

- Ten years since the deaths of Tori Johnson and Katrina Dawson at the Lindt Café Siege in Martin Place, Sydney, New South Wales.
- Two years since the deaths of Constable Matthew Arnold and Constable Rachel McCrow at Wieambilla, Queensland.

A minute's silence was held to pay tribute to the lives lost and the impact of these events on their families and communities.

3. Apologies

Nil

4. Confirmation of Minutes

121224/1 RESOLVED

(Cr Eva Ramsey/Cr Simon Kinny)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 November 2024, subject to removing the second point of Cr Chate's Notice of Motion at Item 11.4.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

- **Paul Hickey** – declared an interest in Item 8.1 Aureus Commercial Centre. Nature of interest: non-significant, non-pecuniary. Mr Hickey has a friend who does consulting work for Intrapac. Mr Hickey will leave the meeting while the item is discussed.
- **Paul Hickey** – declared an interest in Item 12.1 Commercial Services Committee Minutes (Item 6.5 of the Minutes – Ballina Byron Gateway Airport – Transfer Concession Desk Leasing). Nature of interest: non-significant, non-pecuniary. Mr Hickey has a family connection to one of the proponents. Mr Hickey will leave the meeting, if Item 6.5 of the Minutes is debated; otherwise will remain in the meeting.
- **Cr Michelle Bailey** – declared an interest in item 8.8 Festival and Events Sponsorship Program 2025/26. Nature of interest: non-significant, non-pecuniary. Cr Bailey is a member of the Lennox Head Chamber of Commerce. Cr Bailey will remain in the meeting.
- **Matthew Wood** – declared an interest in Item 10.2 – Return and Earn Collection Point – Installation on Council Land. Nature of interest - non significant, non-pecuniary. Mr Wood is a volunteer for the Lennox Head Football Club. Mr Wood will remain in the meeting.

6. Deputations

- **John Nicolson** – spoke in opposition to Item 8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement.
- **Janet Sigley** – spoke in opposition to the recommendation listed as Option 3 relating to the sub-item *Dwelling Entitlement in Tintenbar* in Item 8.2 Planning Proposal – LEP 2012 General Amendments – Finalisation.
- **Steve Connelly** – spoke in opposition to Item 8.4 Dual Occupancy – R2 Low Density Residential – Permissibility and Lot Size.

Change in Order of Business

121224/2 RESOLVED

(Cr Kiri Dicker/Cr Simon Chate)

That Council change the order of business to deal with items 8.1, then 8.3 and followed by 8.2.

FOR VOTE - All Councillors voted unanimously.

7. Mayoral Minutes

Nil

Paul Hickey left the meeting at 9.27am.

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8. Planning and Environmental Health Division Reports

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

121224/3 RESOLVED

(Cr Sharon Cadwallader/Cr Phil Meehan)

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 relating to the application of a R3 zone to part of Lot 346 DP127483, the correction of the zoning anomaly as it relates to the 7(d) zone, and consequential changes to the Floor Space Ratio Map, and Land Application Map if required, as detailed in planning proposal (BSCPP 24/004 Aureus Village Centre) contained in Attachment 6.
2. That Council submit planning proposal BSCPP 24/004 Aureus Village Centre to the NSW Department of Planning Housing and Infrastructure for Gateway determination.
3. That the Department of Planning Housing and Infrastructure be advised that Council is seeking to be authorised as the Local Plan Making Authority for this LEP amendment and to exercise its delegated plan making functions.
4. That upon an affirmative Gateway determination being received the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
5. That Council endorse the preparation of a draft Planning Agreement as detailed in this report with amendments as proposed.
6. The draft planning agreement (or other suitable legal mechanism) once finalised be publicly exhibited concurrently with the planning proposal.
7. That the planning proposal and associated planning agreement be reported to Council for further consideration following the completion of the public exhibition period.
8. That in relation to the planning agreement Council expresses a preference for the following:
 - That no residential lots are registered or occupation certificates sought in the R3 zone area until an occupation certificate has been issued for at least 600m² of the approved commercial floor space.

FOR 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

AGAINST VOTE - Cr Eva Ramsey

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Paul Hickey returned to the meeting at 9.49am.

9.4 Long Serving Employees - Recognition

121224/4 RESOLVED

(Cr Sharon Cadwallader/Cr Damian Loone)

1. That Council formally acknowledges, congratulates and thanks the long serving employees listed in this report, for their service to Council and the community.
2. That Council formally acknowledges, congratulates and thanks the Mayor, Cr Cadwallader, for her 20 years of service to Council and the community.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 10.10am.
The meeting resumed at 10.41 am.

8.3 Ballina Development Control Plan 2012 - Chapter 4 Review - Finalisation

121224/5 RESOLVED

(Cr Phil Meehan/Cr Kiri Dicker)

1. That Council endorses the changes recommended to the publicly exhibited Chapter 4 of the Ballina Shire Development Control Plan, as detailed in this report.
2. That Council adopts Chapter 4 of the Ballina Shire Development Control Plan, as per Attachment 2 to this report (inclusive of the recommended changes identified in point 1).
3. That the minimum lot size be 450m² for attached and 600m² for detached dual occupancy in the R2 zone.

FOR VOTE - All Councillors voted unanimously.

8.2 Planning Proposal - LEP 2012 General Amendments - Finalisation

121224/6 RESOLVED

(Cr Kiri Dicker/Cr Therese Crollick)

1. That Council endorses the amendments to Ballina Local Environmental Plan 2012 as outlined in Planning Proposal BSCPP 24/002, included as Attachment 1 to this report.

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2. That Council submit Planning Proposal BSCPP 24/002 (as per Attachment 1) to the Department of Planning, Housing, and Infrastructure for finalisation.
3. That Council undertakes a constraints and opportunities analysis in relation to the potential for additional housing in the Tintenbar locality within the context of the Ballina Shire Local Growth Management Strategy and Local Strategic Planning Statement.

FOR VOTE - All Councillors voted unanimously.

8.4 Dual Occupancy - R2 Low Density Residential - Permissibility and Lot Size

121224/7 RESOLVED

(Cr Kiri Dicker/Cr Phil Meehan)

That Council advise the Department of Planning, Housing, and Infrastructure that it supports:

- a) A minimum lot size for attached and detached dual occupancy in the R2 Low Density Residential zone as follows:
 - attached dual occupancy 450m²
 - detached dual occupancy 600m²
- b) Inclusion of the above lot size requirements in a special clause in the Ballina Local Environmental Plan 2012,
- c) An amendment of the Ballina Local Environmental Plan 2012 to include dual occupancy as a permissible use in the R2 Low Density Residential zone, subject to public exhibition of any amendment,
- d) Merit-based assessment of dual occupancy development on bushfire prone land and land in a flood planning area rather than exclusion of such land as currently set out in the Housing SEPP.

FOR VOTE - All Councillors voted unanimously.

8.5 DA 2023/347 - 79B Teven Road, Alstonville

121224/8 RESOLVED

(Cr Phil Meehan/Cr Therese Crollick)

1. That Development Application 2023/347 for the Strata Title Subdivision of a Dual Occupancy (attached) - approved via DA 2022/157 at Lot 2 DP 1280774, No. 79B Teven Road, Alstonville be **APPROVED**, subject to the application of standard conditions for this type of development including those contained in Attachment 5.

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2. That having regard for the circumstances for DA 2023/347, Council approves the granting of a variation to Clause 4.1B Minimum Subdivision Lot Size for Strata Plan Schemes in Certain Residential, Rural and Waterway zones under Clause 4.6 of the Ballina LEP 2012.

FOR VOTE - All Councillors voted unanimously.

8.6 CCTV Scoping Study

121224/9 RESOLVED

(Cr Damian Loone/Cr Michelle Bailey)

1. That Council notes the contents of the CCTV scoping report prepared by Matryx Consulting, as per Attachment 2 to this report, and confirms that the installation of CCTV is a priority project for Council.
2. That Council write to the relevant State and Federal Government Ministers and the local Members of Parliament, seeking support for funding for the installation of CCTV cameras in Ballina Shire, in line with the scope set out in the Matryx Consulting Report.
3. That Council authorises the General Manager to apply for grant funding for the installation of CCTV cameras in Ballina Shire.
4. The installation of CCTV cameras in Ballina Shire is to be included as a priority project in the annual Non-recurrent Community Infrastructure report, presented to Council, typically at the April Finance and Facilities Committee meeting, to allow Council to assess funding options, for this project, along with all other competing priority projects, in the preparation of the Draft Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

8.7 Alcohol Free Zones - Lennox Head, Alstonville, Ballina and Wardell

A **Motion** was moved by Cr Sharon Cadwallader/Cr Damian Loone)

That based on the contents of this report, Council resolves to reinstate the Alcohol-Free Zones in the Shire.

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

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

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121224/10 RESOLVED

(Cr Phil Meehan / Cr Therese Crollick)

That based on the contents of this report, Council resolves not to undertake a renewal of Alcohol-Free Zones in the Shire, allowing the existing Alcohol-Free Zones to expire on 31 January 2025.

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

AGAINST VOTE - Cr Sharon Cadwallader and Cr Damian Loone

8.8 Festival and Events Sponsorship Program - 2025/26

A **Motion** was moved by Cr Therese Crollick and seconded by Cr Simon Chate

That Council approves the following allocations for the 2025/26 Festival and Events Sponsorship Program, based on eligibility, a maximum allocation of \$25,000 and a spread of funding across the eligible events:

Name of organisation	Name of event	Request (\$)	Allocation (\$)
Lennox Head Chamber of Commerce	Love Lennox Festival	40,000	25,000
Le Ba Boardriders	Skullcandy Oz Grom Open	25,000	20,000
Alstonville Agricultural Society	New Years Eve Family Festival	20,000	15,000
Truckstop Sk8	Fair Go Skate Comp	6,000	6,000
Rainbow Region Dragon Boat Club	2025 RR Dragon Boat Regatta	18,880	10,000
Lennox Sessions Inc	Nor'easter Weekend of Music	47,000	20,000
Alstonville Baptist Church	Carols on the Plateau	10,000	10,000
Wardell CORE Inc	Wardell River Festival	20,000	10,000
Solace Muay Thai Ballina	Ballina Fight Night	25,000	10,000
GTR Events	Ballina Outdoor Living, Caravan & Boat Expo	30,000	10,000
Quota Alstonville Inc	Craft and Garden Fair	8,000	5,000
Lennox Run Club	The Ox	6,000	5,000
Sprung Dance Theatre	River Stories 2025	8,330	4,000
TOTAL		264,210	150,000

An **Amendment** was moved by Cr Kiri Dicker seconded by Cr Phil Meehan

1. That Council approves the following allocations for the 2025/26 Festival and Events Sponsorship Program, based on eligibility, a maximum allocation of \$30,000 and a spread of funding across the eligible events:

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Name of organisation	Name of event	Request (\$)	Allocation (\$)
Lennox Head Chamber of Commerce	Love Lennox Festival	40,000	30,000
Le Ba Boardriders	Skullcandy Oz Grom Open	25,000	20,000
Alstonville Agricultural Society	New Years Eve Family Festival	20,000	15,000
Truckstop Sk8	Fair Go Skate Comp	6,000	6,000
Rainbow Region Dragon Boat Club	2025 RR Dragon Boat Regatta	18,880	10,000
Lennox Sessions Inc	Nor'easter Weekend of Music	47,000	15,000
Alstonville Baptist Church	Carols on the Plateau	10,000	10,000
Wardell CORE Inc	Wardell River Festival	20,000	10,000
Solace Muay Thai Ballina	Ballina Fight Night	25,000	10,000
GTR Events	Ballina Outdoor Living, Caravan & Boat Expo	30,000	10,000
Quota Alstonville Inc	Craft and Garden Fair	8,000	5,000
Lennox Run Club	The Ox	6,000	5,000
Sprung Dance Theatre	River Stories 2025	8,330	4,000
TOTAL		264,210	150,000

2. That Council receives a report evaluating the current model of allocating funding.

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

FOR VOTE - All Councillors voted unanimously.

An **Amendment** was moved by Cr Simon Kinny

That \$3,000 be taken from Lennox Sessions Inc's allocation and applied to Quota Alstonville Inc.

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

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

FOR VOTE - All Councillors voted unanimously.

121224/11 RESOLVED

(Cr Kiri Dicker/Cr Phil Meehan)

1. That Council approves the following allocations for the 2025/26 Festival and Events Sponsorship Program, based on eligibility, a maximum allocation of \$30,000 and a spread of funding across the eligible events:

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Le Ba Boardriders	Skullcandy Oz Grom Open	25,000	20,000
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Quota Alstonville Inc	Craft and Garden Fair	8,000	5,000
Lennox Run Club	The Ox	6,000	5,000
Sprung Dance Theatre	River Stories 2025	8,330	4,000
TOTAL		264,210	150,000

2. That Council receives a report evaluating the current model of allocating funding.

FOR VOTE - All Councillors voted unanimously.

8.9 Youth Engagement

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

1. That Council work with the Advocate for Children and Young People and the Ballina youth interagency group to plan for and conduct a youth forum in the first half of 2025.
2. That on establishment of a youth forum, Council holds the forum, at least annually, for an initial period of three years.

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

1. That Council work with the Advocate for Children and Young People and the Ballina youth interagency group to plan for and conduct a youth forum in the first half of 2025.
2. That on establishment of a youth forum, Council holds the forum, at least annually, for an initial period of three years.

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3. That Council consider the employment of a Youth Development Officer as part of the preparation of the annual Delivery Program and Operational Plan.

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

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

AGAINST VOTE - Cr Sharon Cadwallader

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

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

AGAINST VOTE - Cr Sharon Cadwallader

121224/12 RESOLVED

(Cr Erin Karsten/Cr Kiri Dicker)

1. That Council work with the Advocate for Children and Young People and the Ballina youth interagency group to plan for and conduct a youth forum in the first half of 2025.
2. That on establishment of a youth forum, Council holds the forum, at least annually, for an initial period of three years.
3. That Council consider the employment of a Youth Development Officer as part of the preparation of the annual Delivery Program and Operational Plan.

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

AGAINST VOTE - Cr Sharon Cadwallader

8.10 Local Event Day Proposal - Widjabul Wia-bal Day

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

1. That Council undertakes consultation with local Aboriginal stakeholders regarding the significance of, and extent of support for, declaration of Widjabul-Wiabal Day as a local event day (or part day) in Ballina Shire on 19 December.
2. That NTSCORP be advised that Council intends to undertake consultation, prior to deciding on whether to seek a declaration for a local event day from the Minister for Industrial Relations.

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The **Motion** was **LOST** on the casting vote of the Mayor

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

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

8.11 Ballina Pump Track - Design and Construct Contract

121224/13 RESOLVED

(Cr Phil Meehan/Cr Therese Crollick)

1. That Council approves an increase in the project budget for the Ballina Pump Track of \$1.04m, funded through the allocation of Open Spaces and Community Facilities Developer Contributions, held by Council.
2. That Council authorises the General Manager to negotiate with the preferred contractor, being Boyds Bay Landscape Services Pty Ltd, to deliver the Ballina Pump Track Project, based on this revised budget.
3. That Council authorises the General Manager to sign the contract documents, subject to Council obtaining suitable outcomes based on the negotiations in line with point 2.

FOR VOTE - All Councillors voted unanimously.

9. Corporate and Community Division Reports

9.1 Use of Council Seal

121224/14 RESOLVED

(Cr Simon Chate/Cr Eva Ramsey)

That Council affix the Common Seal to the following documents.

US2024/21	1. That Council, in accordance with the relevant provisions of the Local Government Act 1993 and the Crown Land Management Act 2016, enters the following leases of <i>community land</i> :		
	Property	Tenant	Tenure / Details
	Part Lot 1 DP 1153430 (Council is Crown Land Manager of	Fripp Oval Sports Club Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently

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	<table border="1"> <tr> <td data-bbox="571 264 791 367">Reserve 83963)</td> <td data-bbox="791 264 1018 367"></td> <td data-bbox="1018 264 1385 367">\$604 per annum plus GST) Fripp Oval Sports Building</td> </tr> <tr> <td data-bbox="571 367 791 640">Part Lot 495 DP 729297 (Council is Crown Land Manager of Reserve 83963)</td> <td data-bbox="791 367 1018 640">Ballina Sports Club Incorporated</td> <td data-bbox="1018 367 1385 640">Three- year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST) Saunders Oval Sports Building</td> </tr> <tr> <td data-bbox="571 640 791 945">Lot 466 DP 729058 (Council is Crown Land Manager of Reserve 97839)</td> <td data-bbox="791 640 1018 945">Lennox Head Community Preschool Incorporated</td> <td data-bbox="1018 640 1385 945">Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST) Southern Area at Lennox Head Community Preschool</td> </tr> </table>	Reserve 83963)		\$604 per annum plus GST) Fripp Oval Sports Building	Part Lot 495 DP 729297 (Council is Crown Land Manager of Reserve 83963)	Ballina Sports Club Incorporated	Three- year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST) Saunders Oval Sports Building	Lot 466 DP 729058 (Council is Crown Land Manager of Reserve 97839)	Lennox Head Community Preschool Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST) Southern Area at Lennox Head Community Preschool	<p>2. Council authorises the General Manager to affix the seal to the lease 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 leases of community land be undertaken, with a report to be presented to Council if an objection of a substantive nature is received to the grant of the proposed leases.</p>
Reserve 83963)		\$604 per annum plus GST) Fripp Oval Sports Building									
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US2024/22	<p>1. That Council, in accordance with the relevant provisions of the Local Government Act 1993 and the Crown Land Management Act 2016, enters the following leases/licences of <i>community land</i>:</p> <table border="1"> <thead> <tr> <th data-bbox="571 1554 791 1599">Property</th> <th data-bbox="791 1554 1018 1599">Tenant</th> <th data-bbox="1018 1554 1385 1599">Tenure / Details</th> </tr> </thead> <tbody> <tr> <td data-bbox="571 1599 791 1935">Part Reserve 97786, Part lot 502 DP 729388 (Council is Crown Land Manager of Reserve R97786)</td> <td data-bbox="791 1599 1018 1935">Richmond-Tweed Family History Society Inc</td> <td data-bbox="1018 1599 1385 1935">Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST). This is in the same building as the Naval Museum, Regatta Avenue.</td> </tr> </tbody> </table>	Property	Tenant	Tenure / Details	Part Reserve 97786, Part lot 502 DP 729388 (Council is Crown Land Manager of Reserve R97786)	Richmond-Tweed Family History Society Inc	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST). This is in the same building as the Naval Museum, Regatta Avenue.				
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	<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 if an objection of a substantive nature is received to the grant of the proposed lease/licence.</p>
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FOR VOTE - All Councillors voted unanimously.

Cr Kiri Dicker left the meeting at 12:32 pm.

9.2 Investment Summary - November 2024

121224/15 RESOLVED

(Cr Eva Ramsey/Cr Simon Chate)

That Council notes the contents of this report on banking and investments for November 2024.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Kiri Dicker

Cr Kiri Dicker returned to the meeting at 12:34 pm.

9.3 Donations - Community

A **Motion** was moved by Cr Damian Loone and seconded by Cr Therese Crollick

That Council approves the donation of \$460 to Challenge Community Services for entry to the Ballina War Memorial Swimming Pool and Waterslides for 30 children and their carers, as outlined in this report.

An **Amendment** was moved by Cr Kiri Dicker

1. That Council approves the donation of \$460 to Challenge Community Services for entry to the Ballina War Memorial Swimming Pool and Waterslides for 30 children and their carers, as outlined in this report.
2. That Council charge a flat rate of \$2 for entry to its pools for the 2024/25 Dec Jan holiday period

The Mayor ruled the **Amendment** out of order as it is not consistent with the contents of the report.

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121224/16 RESOLVED

(Cr Damian Loone/Cr Therese Crollick)

That Council approves the donation of \$460 to Challenge Community Services for entry to the Ballina War Memorial Swimming Pool and Waterslides for 30 children and their carers, as outlined in this report.

FOR VOTE - All Councillors voted unanimously.

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

121224/17 RESOLVED

(Cr Therese Crollick/Cr Simon Chate)

That Council adopts the 2025/26 fees and charges and booking / cancellation policy for the Flat Rock Tent Park, as exhibited, and as per Attachment 1 to this report.

FOR VOTE - All Councillors voted unanimously.

9.6 Tender - Acid Sulfate Soils Transport and Disposal

121224/18 RESOLVED

(Cr Simon Chate/Cr Damian Loone)

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Andrew Johnston Haulage Pty Ltd for the Tender - Acid Sulfate Soils Transport and Disposal for the per the Schedule of Rates submitted.
2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

9.7 Tender - Install Above Ground Diesel Fuel Storage

121224/19 RESOLVED

(Cr Simon Chate/Cr Damian Loone)

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Supply and Install Above Ground Diesel Fuel/AdBlue Storage and Dispensing Equipment – Works Depot, as the tenders exceeded the Council budget for this project.

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2. That Council, in accordance with Local Government (General) Regulation 2021 Section 178(3)(e) authorises the General Manager to enter negotiations with parties, whether or not they have tendered, with a view to enter a contract for the Supply and Install Above Ground Diesel Fuel/AdBlue Storage and Dispensing Equipment – Works Depot.
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 timelier 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 a contract in relation to the subject matter, to maximise the opportunity to obtain value for money for Council.

FOR VOTE - All Councillors voted unanimously.

9.8 Tender - Provision of Legal Services

121224/20 RESOLVED

(Cr Therese Crollick/Cr Damian Loone)

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the Tender - Provision of Legal Services for the next five years, and awards the contract to the following companies in the respective categories:

Tenderer	Categories of Legal Services
Allens	Category A - Planning, development and building services
Donnithorne Legal (Local Firm)	Category D - Property and asset management
Lindsay Taylor Lawyers	Category A - Planning, development and building services Category B - Regulatory services Category C - Construction and infrastructure Category E - Native title, Aboriginal land rights and Aboriginal cultural heritage Category F - Employment law and work health and safety law Category G - Insurance Law

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	Category H - Local government operations and governance
Local Government Legal	Category H - Local government operations and governance
Maddocks	Category C - Construction and infrastructure Category E - Native title, Aboriginal land rights and Aboriginal cultural heritage
Marsdens Law Group	Category D - Property and asset management Category F - Employment law and work health and safety law Category H - Local government operations and governance Category I - Heavy vehicle law
Moray & Agnew Lawyers	Category E - Native title, Aboriginal land rights and Aboriginal cultural heritage Category F - Employment law and work health and safety law
Parker & Kissane Solicitors (Local Firm)	Category B - Regulatory services Category D - Property and asset management Category I - Heavy vehicle law
Pikes & Verekers Lawyers	Category B - Regulatory services
Shaw Reynolds Lawyers	Category C - Construction and infrastructure
Sparke Helmore Lawyers	Category A - Planning, development and building services Category G - Insurance law

2. That Council authorises the General Manager to sign the contract documents.

FOR VOTE - All Councillors voted unanimously.

Cr Simon Chate left the meeting at 12:45 pm.

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9.9 Tender - Wastewater Treatment Plants - Biosolids Disposal

121224/21 RESOLVED

(Cr Damian Loone/Cr Simon Chate)

1. That in accordance with Clause 55 (3) (i) of the Local Government Act 1993, Council resolves not to call tenders for the disposal of biosolids, at this time, as a satisfactory result would not be achieved by calling tenders.
2. That the reasons a satisfactory result would not be achieved are:
 - (a) There is a regional strategy under development by NSW Public Works Advisory and calling tenders and/or awarding lengthy contracts in advance of the outcomes of that study being confirmed would be premature and potentially disadvantage Council.
 - (b) There is a need to ensure ongoing operation of Council's wastewater treatment plants and disposal of biosolids cannot be delayed until the outcome of the study referenced in 2(a) is complete.
 - (c) Enquiries with local contractors reveal that there is a shortage of contractors delivering these services locally at the current time with only one contractor providing a proposal to Council and the same contractor is servicing several councils in this region.
3. That the General Manager be authorised to negotiate a contract with Arkwood for the transportation and disposal of biosolids from Council's wastewater treatment plants for a period through until 30 June 2025 based on the approximate quantities and costs outlined in the report.
4. That as soon as decisions are made regarding the outcomes of the regional strategy under development by NSW Public Works Advisory, the General Manager proceed to implement those strategies as soon as possible and cease the contract with Arkwood.
5. That the General Manager ensure appropriate clauses are included in the contract with Arkwood to allow the contract to be terminated earlier than 30 June 2025, should more economic or attractive options become available, including those that may arise from the regional strategy.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Simon Chate

Cr Simon Chate returned to the meeting at 12:46 pm.

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10. Civil Services Division Reports

10.1 Ballina Flood Study - Update

121224/22 RESOLVED

(Cr Therese Crollick/Cr Simon Kinny)

1. That Council approves the public exhibition of the Draft Ballina Flood Study Update Report and flood mapping generated, as part of this study as described in this report, and as per Attachments 1, 2 and 3 to this report.
2. That any submissions from the public are to be reported to Council, to enable the adoption of the Draft Ballina Flood Study Update, and to proceed to the next phases of the floodplain management process.
3. That Council develop a community education program to assist in building community understanding of the Ballina Flood Study.

FOR VOTE - All Councillors voted unanimously.

Public Question Time

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

10.2 Return and Earn Collection Point - Installation on Council Land

121224/23 RESOLVED

(Cr Eva Ramsey/Cr Kiri Dicker)

1. That Council advise TOMRA-Cleanaway that the proposal to install and operate a Reverse Vending Machine Collection site, within the Skennars Head sports field car park, is not supported due to:
 - The loss of public car spaces
 - Mixing a commercial use with a sport field car park
 - There are other sites, that although not preferred, remain potential options.
2. That Council advise TOMRA-Cleanaway that Council is in favour of continuing to investigate alternative sites in the Ballina Shire, so that the demand for the collection service can be supported.
3. That Council offer TOMRA-Cleanaway a location for a bulk return and earn facility at the Ballina Resource Recovery centre.

FOR VOTE - All Councillors voted unanimously.

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11. Notices of Motion

11.1 Notice of Motion - Community Expo - In-kind Contribution

121224/24 RESOLVED

(Cr Kiri Dicker/Cr Eva Ramsey)

That Council make an in-kind contribution, not exceeding \$1,000, to the Lennox Head Community Connections Expo, an event to be organised by B Ward Councillors in Lennox Head on 5 February 2025.

FOR VOTE - All Councillors voted unanimously.

12. Advisory Committee Minutes

12.1 Commercial Services Committee Minutes - 2 December 2024

121224/25 RESOLVED

(Cr Eva Ramsey/Cr Simon Kinny)

That Council confirms the minutes of the Commercial Services Committee meeting held 02 December 2024 and that the recommendations contained within the minutes be adopted with the exception of Item 5.5, subject to the following amendment to Item 5.1 Wollongbar Medium Density Housing Project – update as follows:

That Council resolves to proceed with Stage 1 of the revised development scheme for Wollongbar Medium Density Housing Project, based upon the plans prepared by The Kollektive, as outlined in option 2 in this report.

The designs are to be amended whereby the revised townhouse designs are flipped so the nine two-bedroom townhouses go on Lots 26 to 28 and the five two-bedroom townhouses, and two three-bedroom townhouses go on Lots 20 to 22 as this section of Dundee Avenue could accommodate more on-street parking if required.

FOR VOTE - All Councillors voted unanimously.

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Commercial Services Committee minutes – 2 December 2024 – Item 5.5

A **Motion** was moved by Cr Therese Crollick seconded by Cr Simon Chate

1. That Council notes the contents of this report regarding the update on the Boeing Avenue Industrial Land Subdivision project.
2. That Council notes that the General Manager is authorised to sell Lots 1 to 9 (inclusive) in proposed plan of subdivision of Lot 1 DP 1290238 by public auction, along with setting the price reserves based on market conditions and the current elevated level of demand for industrial land.
3. That Council authorises the General Manager to examine leasing one of the retained Lots 10/11/12 to Northern Rivers Pickleball and Ballina Squash Club jointly.

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

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

121224/26 RESOLVED

(Cr Phil Meehan/Cr Damian Loone)

1. That Council notes the contents of this report regarding the update on the Boeing Avenue Industrial Land Subdivision project.
2. That Council notes that the General Manager is authorised to sell Lots 1 to 9 (inclusive) in proposed plan of subdivision of Lot 1 DP 1290238 by public auction, along with setting the price reserves based on market conditions and the current elevated level of demand for industrial land.

FOR VOTE - All Councillors voted unanimously.

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

13.1 Mayoral Meetings

121224/27 RESOLVED

(Cr Phil Meehan/Cr Simon Chate)

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

FOR VOTE - All Councillors voted unanimously.

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Matter of Urgency

The Mayor accepted Cr Kiri Dicker's request to raise a Matter of Urgency.

121224/28 RESOLVED

(Cr Kiri Dicker/Cr Erin Karsten)

That Council deal with the urgent motion relating to a proposed \$2 charge for swimming pool entry, as the next Ordinary meeting is in February 2025.

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

A **Motion** was moved by Cr Kiri Dicker and seconded by Cr Erin Karsten

That Council charge \$2 for entry to the Ballina and Alstonville swimming pools for the 2024/25 December-January holiday period.

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

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

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

MEETING CLOSURE

The meeting was closed at 1.48pm.

The Minutes of the Ordinary Meeting held on 12/12/24 were submitted for confirmation by council on 27 February 2025 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 27 February 2025.