

Agenda

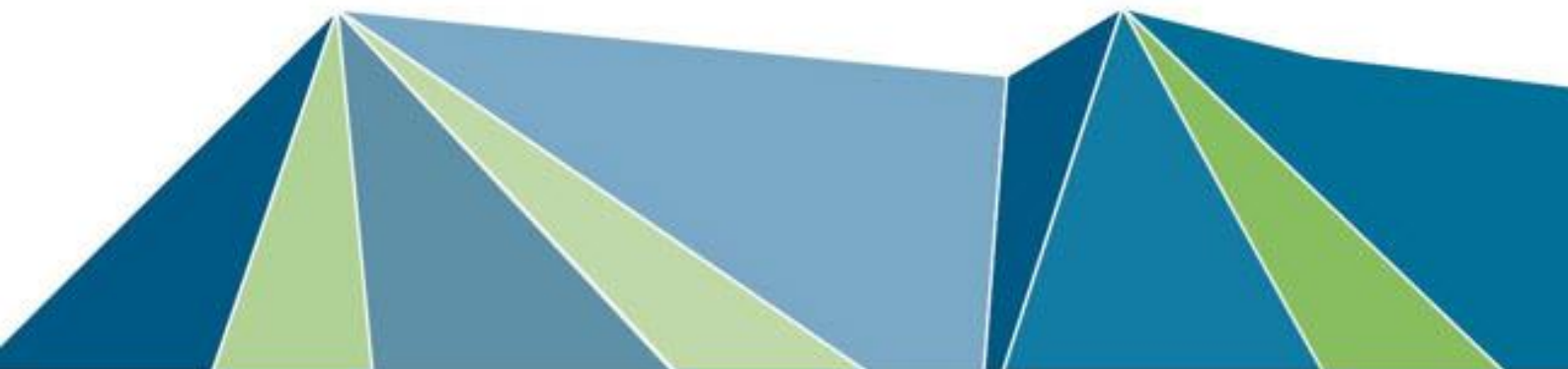
Ordinary Meeting **23 May 2024**

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **23 May 2024 commencing at 9:00 AM.**

1. Australian National Anthem
2. Acknowledgement of Country
3. Apologies
4. Confirmation of Minutes
5. Declarations of Interest and Reportable Political Donations
6. Deputations
7. Mayoral Minutes
8. Planning and Environmental Health Division Reports
9. Corporate and Community Division Reports
10. Civil Services Division Reports
11. Notices of Motion
12. Advisory Committee Minutes
13. Reports from Councillors on Attendance on Council's behalf
14. Confidential Session

Paul Hickey
General Manager

A morning tea break is taken at 10.30am and a lunch break taken at 1.00pm.



Ethical Decision Making and Conflicts of Interest

A guide for Councillors, Council employees and community representatives

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of Interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to yourself or another person or entity defined in part 4 of the Council's Code of Conduct, with whom you are associated.
- **Non-pecuniary** – a private or personal interest that you have that does not amount to a pecuniary interest as defined in the Council's Code of Conduct.

These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

The test for a conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- It is important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

- Do I have private interests affected by a matter I am officially involved in?
- Is my official role one of influence or perceived influence over the matter?
- Do my private interests' conflict with my official role?

Disclosure and participation in meetings

Pecuniary Interests

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - a) at any time during which the matter is being considered or discussed by the Council or Committee,
 - or
 - b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-pecuniary Interests

Must be disclosed in meetings. There are a broad range of options available for managing non-pecuniary interests and the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary interests must be dealt with in one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.

- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absencing yourself from and not taking part in any debate or voting on the issue as per the provisions in the Code of Conduct (particularly if you have a significant non pecuniary interest)

Deputations to Council – Guidelines

- Deputations by members of the public may be made at Council meetings on matters included in the business paper.
- Deputations are limited to one speaker in the affirmative and one speaker in opposition.
- Deputations, per person, will be limited to a maximum of two items on the agenda.
- Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting.
- Deputations are given five minutes to address Council.
- Deputations on the same matter will be listed together with the opposition first and the speaker in affirmative second.
- Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.
- The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.
- To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
 - a) Tenderers during a public tender or request for quotation
 - b) Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
 - c) Consultants who are engaged by Council on the matter the subject of the deputation.

Public Question Time – This Session Does Not Form Part of the Ordinary Meeting

- A public question time has been set aside during the Ordinary meetings of the Council. The Ordinary meeting will be adjourned from 12.45 pm for Public Question Time. If the meeting does not extend to 12.45 pm Public Question Time will be held after the meeting closes.
- The period for the public question time is set at a maximum of 15 minutes.
- Questions are to be addressed to the Chairperson. The period is set aside for questions not statements.
- Questions may be on any topic, not restricted to matters on the Ordinary meeting agenda.
- The Chairperson will manage the questions from the gallery to give each person with a question, a "turn".
- People with multiple questions will be able to ask just one question before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, multiple questions can be invited and considered.
- Recording of the questions will not be verbatim and will not form part of the minutes of the Ordinary meeting.
- The standard rules of behaviour in the Chamber will apply.
- Questions may be asked from the position in the public gallery.

Recording and Livestreaming of Council Meetings

- The meeting (with the exception of the confidential session) is being livestreamed and recorded for on-demand viewing via Council's website (ballina.nsw.gov.au/agendas-and-minutes) and a person's image and/or voice may be broadcast.
- Attendance at the meeting is taken as consent by a person to their image and/or voice being webcast.
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

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1. Australian National Anthem

The National Anthem will be played.

2. Acknowledgement of Country

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Wednesday 24 April 2024 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Wednesday 24 April 2024.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2023/107 - 32 Boeing Avenue, Ballina

8. Planning and Environmental Health Division Reports

8.1 DA 2023/107 - 32 Boeing Avenue, Ballina

Applicant	Ardill Payne & Partners 45 River Street BALLINA NSW 2478
Property	Lot 2 DP 1290238, Lot 951 DP 1165266, 32 and 26 Boeing Avenue, BALLINA
Proposal	Construction of a mixed-use development comprising five specialised retail premises and take away food and drink premises, and associated car parking and loading docks, signage, acoustic wall, playground, landscaping, earthworks and infrastructure, and use of Lot 951 DP 1165266 for a right of carriageway to facilitate access to the development.
Effect of Planning Instrument	The land is zoned E4 General Industrial under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan in Attachment 1.

Introduction

Council is in receipt of development application DA 2023/107 (PAN-312704) for the construction of a mixed-use development comprising five specialist retail premises and a takeaway food and drink premises on Lot 2 DP 1290238, known as No. 32 Boeing Avenue, Ballina.

The location of the land is shown in Attachment 1 and Figure 1.

The land adjoins 26 Boeing Avenue Ballina, which is benefited by an existing specialised commercial precinct.

The proposed use will share a reciprocal right of carriageway with the adjoining property, and the two developments will function as one large retail complex.

The proposal seeks a variation to a development standard (BLEP 2012 4.3 height of buildings).

The variation is greater than ten percent.

This means the application is required to be determined by the elected Council.

The land subject to this application will be referred to as 'subject site' for the remainder of this report.



Figure 1: Locality Plan (subject site shaded red)

Background

The site was originally created as Lot 2 (subject lot as shown in Figure 1) via DA 2009/258 which also included the filling of the site.

Council approved a staged development via DA 2020/591 which sought to further subdivide the subject lot (refer to Figures 2, 3 and 4).

The relevant plan of subdivision for Stage 1 was registered on 10 January 2023.

The development staging included the re-subdivision of Lot 2 to create 13 industrial lots ranging from 1188m² to 2492m². Refer to the below staging plans.



Figure 2: Stage 1 DA 2020/591

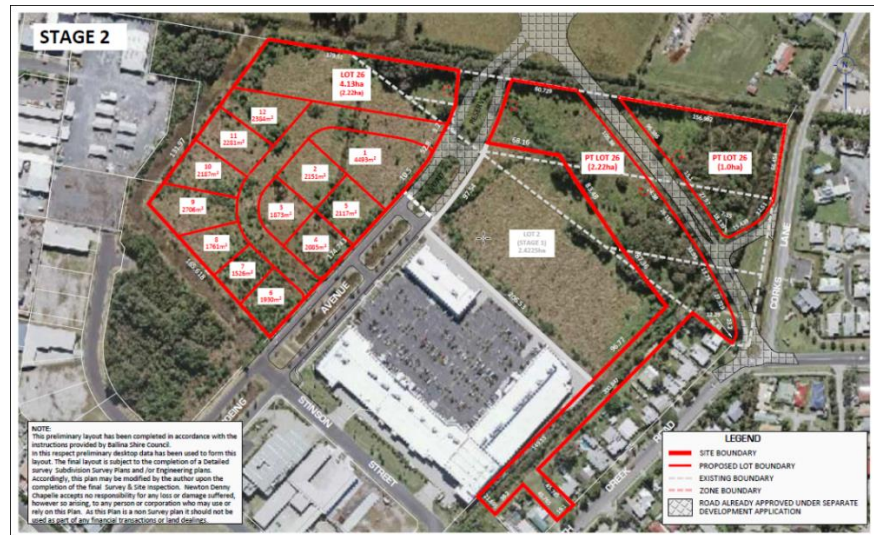


Figure 3: Stage 2 DA 2020/591



Figure 4: Stage 3 DA 2020/591

Stage 3 (Figure 4) would not proceed with the progression of the proposed development.

The applicant has not made a request under 4.17(1)(b) of the EP&A Act 1979 to modify development consent DA 2020/591 via the imposition of a condition under DA 2023/107.

Should development consent be granted, a condition would be imposed to modify DA 2020/591 to delete reference to Stage 3 of that consent and any other relevant condition to allow for the completion of DA 2020/591 without finalising Stage 3.

Proposal

The proposed development involves the construction of a multi-tenancy development comprising, specialised retail premises, take-away food and drink premises, a playground, ancillary car parking, bulk earthworks which include cut and fill, and erection of a business identification signage including wall signage and one multiple business identification pylon sign (double sided).

8.1 DA 2023/107 - 32 Boeing Avenue, Ballina

The proposed specialised retail premises tenancies will include the following floor areas (Figure 5):

- Tenancy 1 – 531m²
- Tenancy 2 – 1,047m²
- Tenancy 3 – 7696m². Consisting of 5,533m² retail floor area, 1,968m² warehouse (ancillary), 194m² offices, reception and administration floor spaces (ancillary) and 86m² of mezzanine floor area
- Tenancy 4 – 630m²
- Tenancy 5 – 484m².

The development will also include a takeaway food and drink premises, which includes a gross floor area of 76m².

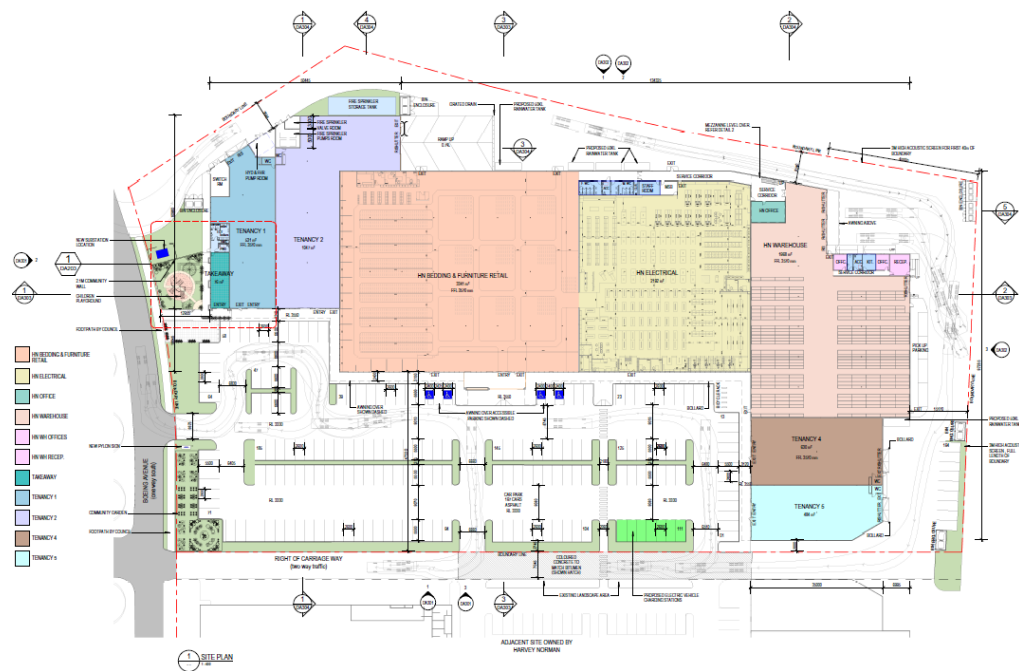


Figure 5: Site layout and tenancy floor plan

Construction of an integrated carparking and access driveway for 194 vehicles is proposed, including four spaces for persons with a disability and inclusive of seven vehicle charging stations.

Four additional spaces have been provided for pick-up at the rear of the HN warehouse.

Ancillary bulk earthworks to prepare the site for the proposed works comprising:

- Cut 1,834m²
- Fill 3,871m²
- Excess of fill over cut – 2,400m²

Erection of a 3m high acoustic fence is proposed at the rear (east) of the site and for the first 40m of the side (northern) boundary.

8.1 DA 2023/107 - 32 Boeing Avenue, Ballina

Construction of a children's playground adjacent to the proposed take-away food and drink premise within the building line to Boeing Avenue is also proposed.

The development includes links to the carpark within the development at 26 Boeing Avenue via a right-of-carriageway (Figure 6).

This right-of-carriageway will provide an exit for larger service vehicles leaving the service area at the rear of the site.

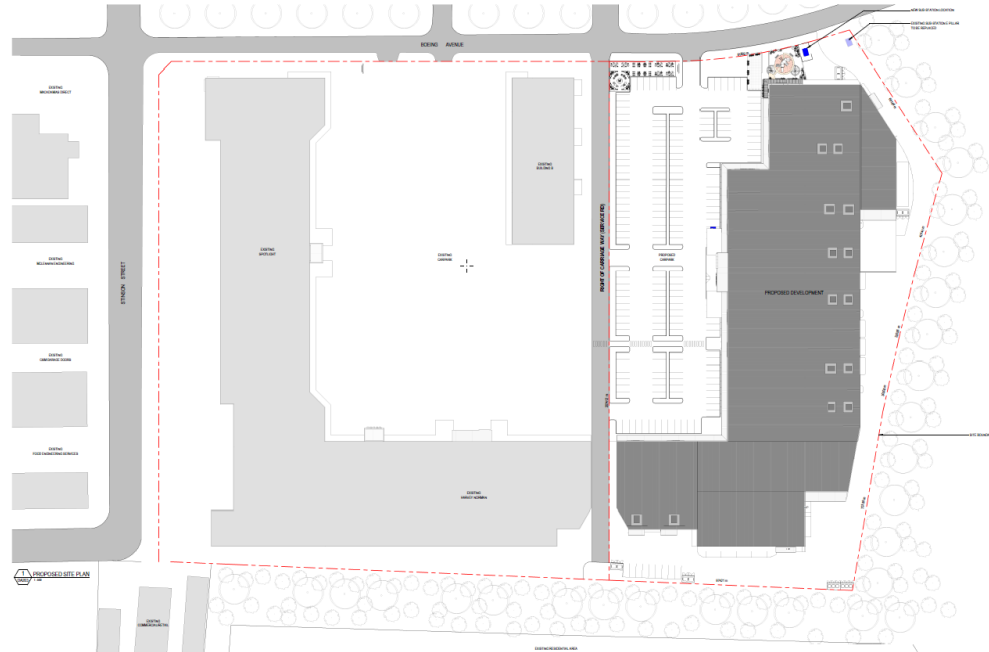


Figure 6: Access and car parking connections - subject site and 26 Boeing Avenue.

Integrated signage is proposed comprising one multiple business identification pylon sign to Boeing Avenue and signage panels for the tenancies.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition in accordance with Council's local advertising policy. Council received one submission in support of the proposal.

Whilst the submission was in general support, concern was raised in relation to stormwater and management of stormwater prior to discharge to North Creek and priority oyster catchment area.

The key matters raised within the submission are summarised and addressed in the Matters for Consideration section of this report.

The submission received is provided in Attachment 6.

Applicable Planning Instruments

The key planning provisions for consideration are:

- Clause 2.3 permissibility within the zone
- Clause 4.3 Maximum building height - Ballina Local Environmental Plan 2012
- Clause 5.6 Architectural features – Ballina Local Environmental Plan 2012
- Clause 4.6 Exception to development standards – Ballina Local Environmental Plan 2012.

Report

Matters for Consideration

The proposed development has been assessed under the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The assessment has identified the following key issues in relation to this development application which are elaborated upon for the consideration of the elected members of Council.

This report should be read in conjunction with the attached Section 4.15 assessment report (Attachment 2).

Plans of the proposed development are included as Attachment 3. Recommended non-standard conditions of consent are included as Attachment 6.

Section 4.15(1)(a)(i) provisions of any environmental planning instrument

<ul style="list-style-type: none">• SEPP (Industry and Employment) 2021• SEPP (Resilience and Hazards) 2021• SEPP (Transport and Infrastructure) 2021	No issues are raised in relation to any applicable SEPP. Refer to Attachment 2 for further comment and assessment.
<ul style="list-style-type: none">• Ballina Local Environmental Plan 2012• Clause 2.3• Clause 4.3• Clause 5.6• Clause 4.6	<p>The proposal complies with the aims and objectives of the BLEP 2012. The application seeks a variation to Clause 4.3 – Height of buildings for via Clause 4.6 of the BLEP 2012.</p> <p>Key provisions of the LEP with respect to the proposed development are addressed below.</p> <p>Refer to Attachment 2 for further comment and assessment of other relevant provisions (Clauses 1.2, 1.4, 4.4, 5.21, 7.1, 7.2, 7.5, 7.7, 7.8).</p>

Clause 2.3 Zoning under BLEP 2012, permissibility within zone and regard for zone objectives	
	<p>The subject land is zoned E4 General Industrial.</p> <p>Objectives of zone</p> <ul style="list-style-type: none"> • <i>To provide a range of industrial, warehouse, logistics and related land uses.</i> • <i>To ensure the efficient and viable use of land for industrial uses.</i> • <i>To minimise any adverse effect of industry on other land uses.</i> • <i>To encourage employment opportunities.</i> • <i>To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.</i> • <i>To enable non-industrial uses that are compatible with the industrial nature of the locality.</i> • <i>To encourage development that uses resources efficiently, including energy and water.</i> • <i>To ensure development does not expose adjoining uses to hazard risks.</i> <p>A specialised retail premises use is prohibited within the E4 General Industrial zone under the BLEP 2012.</p> <p>However, the subject site is listed within Schedule 1, Clause 6 of the BLEP 2012 which permits specialised retail premises with development consent.</p> <p>Despite the land use not listed as permitted within the E4 zone, the proposed use is consistent with the objectives of the zone, being:</p> <ul style="list-style-type: none"> • Provides efficient and viable use of land. • Does not affect any existing industry on other lands. • Provides employment opportunities. • Enables non-industrial land uses that provides facilities (café) and services (retail format) to meet the needs of businesses and workers. • Enables a non-industrial use that is compatible with the locality, noting the existing large format retail premises on the adjoining property. • Does not expose adjoining uses to hazard risks.
Clause 4.3 Height of buildings – Clause 4.3A Exceptions to height of buildings	
	<p><u>Clause 4.3</u> The subject site is shown on the Height of Buildings Map with a prescribed maximum height of 10m measured from existing ground level.</p> <p><u>Clause 4.3A</u> The objective of this clause is to provide for a consistent point of reference for the measurement of building heights in flood prone areas.</p> <p>The building height allowance map provides the AHD from which the building height should be taken from, which for the subject site is 2m AHD. The overall maximum building height to AHD is therefore 12m or 10m when measured from the 2m AHD reference point.</p>

	<p>The development has not achieved compliance with the maximum building height standard, being 12m AHD.</p> <p>The existing ground level varies by approximately 2.88m and 3.03m AHD which exceeds the minimum fill height of 2.4m AHD. The development has a proposed finished floor height of 3.57m AHD which exceeds the minimum required design floor level of 2.6m AHD.</p> <p>As a result, the level which the maximum building height is to be measured is taken from a level below the existing ground level being 2m AHD (approximately 1m below ground level).</p> <p>The highest point of the building (not including sign or parapet) is 13.845m AHD or 11.84m measured from 2m AHD. The building exceeds the maximum building height by 1.84m.</p> <p>The highest point of the multiple identification sign is 14.57m AHD or 12.57m measured from 2m AHD.</p> <p>The applicant has submitted a written request to vary the standard pursuant to Clause 4.6 of the BLEP 2012. Refer below for comment in relation to Clause 4.6.</p>
<p>Clause 5.6 Architectural roof features</p>	
	<p>The objective of the clause is to ensure that architectural roof features are decorative elements only, and to ensure that the majority of the roof features are contained within the prescribed building height.</p> <p>Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</p> <p>The proposed development seeks to include a parapet façade to the main entrance to Tenancy 3 which exceeds the maximum building height.</p> <p>The proposal is consistent with the objectives of the clause. The roof feature (parapet) is a decorative element, and the majority of the development (other than the warehouse) is contained within the prescribed building height.</p> <p>The consent authority must be satisfied of the following:</p> <p>(a) <i>the architectural roof feature—</i></p> <p>(i) comprises a decorative element on the uppermost portion of a building, and The façade includes a parapet on the uppermost portion of the building which is considered a decorative element.</p> <p>(ii) is not an Advertising structures, and The parapet does not contain advertising which is above the maximum building height stipulation.</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p>

	<p>The parapet is not used as floor space and is not capable of being modified to include floor space.</p> <p>(iv) will cause minimal overshadowing, and The parapet will cause minimal overshadowing and would only impact the car parking area.</p> <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature. The signage is integrated into the parapet. Roof plant is not located on the parapet.</p>
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Clause 4.6 – Exceptions to development standards	
a) What is the development standard being varied?	<p>Clause 4.3 Height of buildings. The subject site has a maximum building height of 10m measured from existing ground level or 12m AHD measured from the Building Height Allowance Map to account for filling of land in flood prone areas.</p> <p>The objectives of Clause 4.3 are as follows:</p> <p>(a) <i>to ensure that the height of buildings is compatible with the bulk, scale and character of the locality,</i> (b) <i>to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality,</i> (c) <i>to protect significant views from public places.</i></p> <p>The development results in a variation to the building height standard of 1.84m or 15.3% for the warehouse and 2.57m or 21.4% for the multiple identification sign.</p>
b) What is the underlying objective of this development standard?	<p>The summarised objective of the development standard is to ensure that development on land is consistent with the building heights and character within the locality, to minimise impact on the amenity of the adjoining properties and its occupants, to protect the scenic quality of the locality and to reduce impacts on view loss to significant views.</p>
c) In accordance with clause 4.6 of BLEP 2012: <ul style="list-style-type: none"> • Has the applicant's written request adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6? (i.e. that compliance with the development standard is unreasonable or 	<p>To determine whether there are sufficient grounds to support the 4.6 objection, it is necessary to establish that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>The applicant has submitted a request to vary a development standard via Clause 4.6. The applicant has adequately addressed subclause 3 and satisfied Council that the compliance with the standard is unreasonable and unnecessary in the circumstances of the particular development.</p> <ul style="list-style-type: none"> • The subject land has been filled to a greater extent under a previous approval than required which results in a greater breach of the maximum building height standard.

<p>unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard)?</p> <ul style="list-style-type: none"> • Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, as required pursuant to subclause (4) of Clause 4.6? 	<ul style="list-style-type: none"> • The development is lower in building height than the development on the adjoining property. • There would be no improved planning outcome had strict compliance be achieved with regard to protection of views and scenic values and impact on amenity to adjoining properties. <p>With regard given to the above, Council can be satisfied that there are sufficient grounds to justify the contravention of the development standard.</p> <p>With regard for the above, the development is considered to be in the public's interest.</p>
<p>d) Will the cumulative effect of similar approvals undermine the objective of the development standard or the objectives of the zone?</p>	<p>The proposed development is consistent with the objectives of the building height standard and the objectives of the zone. The development is considered to be in the interest of the public.</p>
<p>e) The Five Part Test (Note: established by the NSW Land and Environment Court). Only one test needs to be satisfied.</p> <p>1. Are the objectives of the standard achieved notwithstanding non-compliance with the development standard?</p>	<p>The proposed development results in a departure from the maximum building height standard which exceeds 10%. Therefore, to determine a variation to a development standard under Clause 4.6, Council needs to be satisfied that compliance with the standard is unreasonable or unnecessary in the circumstances relevant to the subject development.</p> <p>To demonstrate the above, Council can apply one of the tests established via <i>Wehbe v Pittwater Council</i> [2007] NSWLEC 827.</p> <p>The applicant has referenced that test 1 is of relevance in that the objectives of the standard are achieved notwithstanding non-compliance with the development standard (refer to Attachment 4 for clause 4.6 variation request).</p>

<p>2. Is the underlying objective or purpose of the development standard not relevant to the development and therefore compliance is unnecessary?</p> <p>3. Will the underlying object of the purpose be defeated or thwarted if compliance was required and therefore is compliance unreasonable?</p> <p>4. Has the development standard been virtually abandoned or destroyed by Council's actions in granting consents departing from the development standard and therefore is compliance with the development standard unnecessary and unreasonable?</p> <p>5. Is compliance with the development standard unreasonable or inappropriate due to the existing use of the land and current environmental character of the subject property (should this property have been included in the current zone)?</p>	<p>Test 1 provides that Council is to be satisfied that the objectives specified by Clause 4.1 are achieved despite the non-compliance.</p> <p>The objectives of Clause 4.1 are specifically sated and are as follows:</p> <p>(a) <i>to ensure that the height of buildings is compatible with the bulk, scale and character of the locality,</i></p> <p>(b) <i>to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality,</i></p> <p>(c) <i>to protect significant views from public places.</i></p> <p>The applicant has provided the following justification (summarised) to demonstrate how the development has achieved the objectives of the standard despite the non-compliance with the maximum building height.</p> <p>The first objective is satisfied in that the height of the development (including the pylon sign) is compatible with the bulk, scale and character of the existing bulky goods retail buildings immediately adjoining the subject site. For context, the proposed development is of similar appearance and design and has a lower building height than the development on the adjoining property.</p> <p>The second objective is satisfied as the development does not adversely impact on the existing or future amenity of adjoining properties, scenic or landscape quality of the locality. the adjoining properties comprise an existing bulky goods retail complex (to the south) and vacant industrial lots to the north and west. The subject site adjoins rural residential properties to the east, however, are separated by a Council owned vegetation buffer.</p> <p>The development, despite the height, does not detract from the scenic qualities as it does not impact on the vegetation buffers located on the northeastern and southeastern boundaries, which provide adequate separation from the rurally zoned lands.</p> <p>The third objective is satisfied as the development is not considered to impact on or reduce views or scenic areas from public places. The land is not located in close proximity to public land that is used by the public like parks, beaches or recreational areas. Additionally, there are no known scenic areas in the immediate vicinity of the development like foreshore areas, headlands, iconic buildings or mountain ranges.</p> <p>Council is satisfied that the proposed development has achieved compliance with the objectives despite the non-compliance and compliance with the standard is unreasonable and unnecessary in the circumstance of this development.</p> <p>Given that only one test within the 5-part test needs to be satisfied, the remaining tests have not been assessed further to support the justification of the application.</p>
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Section 4.15(1)(a)(ii) the provisions of any proposed instrument

<ul style="list-style-type: none"> Draft State Environmental Planning Policy - Remediation of Land. 	No issues raised regarding the Draft SEPP.
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Section 4.15(1)(a)(iii) provisions of any development control plan

Ballina Shire Development Control Plan 2012	
<p>Chapter 2 – General and Environmental Considerations</p> <ul style="list-style-type: none"> 3.1 – Land Use Conflict 3.4 – Potentially Contaminated Land 3.6 – Mosquito Management 3.7 – Waste Management 3.9 – Stormwater Management 3.10 – Sediment and Erosion Control 3.11 – Provision of Services 3.15 Crime Prevention Through Environmental Design 	<p><u>Part 2 Chapter Planning Objectives</u></p> <p>The proposed development is consistent with the planning objectives and controls of this chapter. There are no issues raised in this section that would specifically preclude the development from being granted development consent, subject to the imposition of conditions, where relevant.</p> <p>Refer to Attachment 2 for an assessment of the clauses that are relevant to this application.</p> <p>Clause 3.19 Car parking and access is referred to in this report as the proposed development seeks a variation to the development control, specifically car parking rates.</p>
<p>3.19 – Car Parking and Access</p>	<p>Local Traffic Committee Referral not required.</p> <p>Local Development Traffic Committee Referral not required.</p> <p>Transport NSW Referral not required.</p> <p>External Roads and Traffic The anticipated trip distribution and access to the site is as follows:</p> <ol style="list-style-type: none"> 60% via Southern Cross Drive then Boeing Avenue from the south 40% via North Creek Road, Airport Boulevard then Boeing Avenue from the north. <p>The traffic analysis confirms the 'level of service' currently experienced on local roads and intersections will not be reduced to below acceptable levels. The existing external road network is therefore constructed to a suitable standard to service the proposed development. No road or intersection upgrade works will be required.</p>

Pedestrian and Cyclist Requirements

There is an existing footpath in Boeing Avenue along the sites entire frontage which is connected to Councils local network. No further public footpath works are required.

Site Access, Internal Driveways and Parking Design

All access and egress will be from/to Boeing Avenue. A new entry/exit driveway (left in/left out) to the new carpark is proposed, with a width of 6.6m. This complies with the minimum driveway width and sight distance requirements under AS 2890.

Provisions for Service and Delivery Vehicles

Service vehicle access to the rear loading bays is proposed via a dedicated entry driveway on the northern side of the proposed building. Exit will be via a right of carriageway (ROC) over the existing service road on the northern side of the adjoining property to the south.

The traffic report includes swept path diagrams that confirm there is provision for a HR vehicle and a 19m articulated service vehicle to enter the site in a forward direction, safely manoeuvre, unload on site and leave the site in a forward direction.

The development complies with the loading zone requirements of Council's DCP Chapter 5 Table 5.2 and is acceptable in this regard.

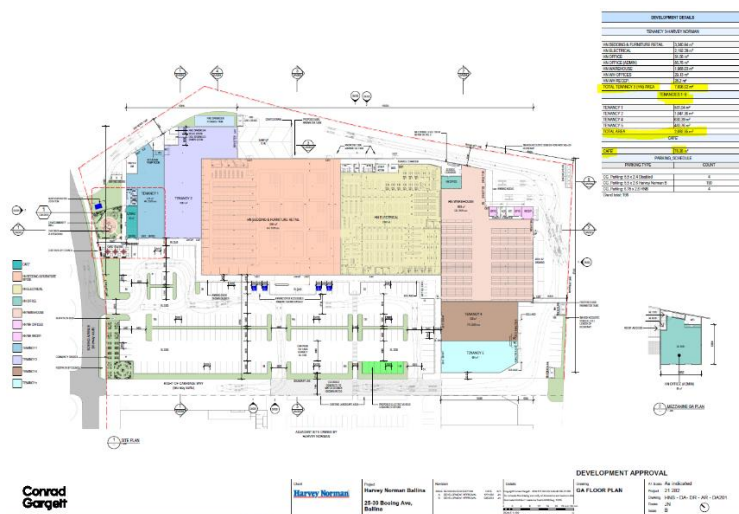
The consent shall include conditions requiring the following:

1. The preparation and implementation of a 'Vehicle Management Plan' for service vehicle operations at the site.
2. Include a condition of consent requiring a ROC to be created over the carpark and service accessways.

Parking Numbers

Council's parking requirements are contained in:

- DCP Chapter 2, section 3.19 Car Parking and Access
- DCP Chapter 6 - Commercial Development



The above plan by Conrad Gargett listed the following GFAs for each tenancy.

Cafe = 76.26 m²
 Tenancy 1 = 531.04 m²
 Tenancy 2 = 1,047.36 m²
 Tenancy 4 = 630.39 m²
 Tenancy 5 = 483.76 m²
 Total Area (Tenancy 1,2,4 & 5) = 2,692.55 m²

Total Tenancy 3 (HN) Area = 7,696.02 m²

The GFAs listed in the table for Tenancy 3 exclude kitchen, staffroom and toilet areas. These areas should be included in the GFA. The total GFA for tenancy 3 is therefore 7,794.0m².

The total GFA for the bulky goods tenancies (1-5) = 2692.55+7794 = 10,487 m² (this excludes the café tenancy given it is not a bulky goods use)

The GFA nominated on the plans for the café tenancy does not include the alfresco dining area. This should be included in the GFA calculations. The total GFA for the proposed café is therefore 150m².

The following requirements apply:

Council Requirement		Proposed Gross Floor Areas	Required Number of Parking Spaces
Use	Rate		
Bulky Goods Harvey Norman & Tenancies 1, 2, 3, 4 & 5	1 space per 40m ² gross floor area	10,487 m ²	262
Café tenancy	1 space per 25m ² gross floor area	150 m ² (including the alfresco area)	6.0
		Total required	268

The application proposes to provide 198 onsite spaces and therefore does not comply with the car parking requirements of Council's DCP.

The existing Homemaker Centre adjoining the site (existing Harvey Norman site) provides 363 car parking spaces which is 33 spaces more than that required under Council's DCP for this development. The applicant has requested that Council consider this additional capacity in the assessment of the current application.

The application also suggests the development should be assessed at a lower rate than that specified in the DCP given the low utilisation of the car park in the existing bulky goods site adjoining the development (Existing Harvey Norman Homemaker centre).

A car parking survey was undertaken in this car park between Thursday 16 June and Sunday 26 June 2022.

The survey results indicate the following:

	<ul style="list-style-type: none"> • the average and mean parking occupancy rate is in the order of 40%. • the peak weekday occupancy rate was approximately 48%. • the peak weekend occupancy rate was approximately 53%, noting that this occurred during the music concert in the carpark. • there is no significant difference between weekday and weekend demand. <p>It appears, based on the survey information and observations of the existing car park during operation, that the size and scale of the proposed development results in lower car parking utilisation rates than smaller developments of the same use.</p> <p>If the two sites are considered in a combined car parking assessment, the total bulky goods GFA would be 23,692m² (10,487m² + 13,205m²). At the Ballina DCP 2012 rate of 1 space/40m² GFA, this would equate to a total car parking requirement for the bulky goods component on the two sites of 592 spaces. The proposed café on the new development site requires an additional 6 spaces. The overall requirement for both sites would therefore be 598 spaces.</p> <p>The two sites (existing and proposed) provide a total of 561 (363 + 198) parking spaces. This equates to a rate of 1 space/42.2m² GFA, or a shortfall of 37 spaces below the requirements specified in the Ballina DCP 2012.</p> <p>As stated above, the survey information and observations of the existing car park indicate that the size and scale of the developments result in a lower car parking utilisation rate than smaller developments of the same use.</p> <p>Based on the above, including the car parking survey, the variation to the car parking rate is supported as there are sufficient planning grounds to merit the reduction. Conditions addressing the following are recommended to ensure that the two sites will maintain a level of connectivity.</p> <p>This is consistent with previous approvals for Ballina Central and Ballina Bayside shopping centres.</p> <p>Four spaces for persons with a disability have been provided which complies with the requirements of the BCA "Table D3.5 Car parking spaces for people with disabilities" – 1 space per 50 car spaces.</p> <p><i>Bicycle and Scooter Parking</i> Bicycle racks have been provided at a suitable location at the eastern end of the new Harvey Norman tenancy. The proposed design is acceptable in this regard.</p> <p><i>Bus Servicing</i> Bus stops are not required for the proposed development.</p>
Chapter 2b – Floodplain Management	Refer to Attachment 2 for an assessment of the clauses that are relevant to this application.

Chapter 5 – Industrial Development Part 3.1 Development Controls Part 4.2 Development Standards applying to Southern Cross Industrial Precinct	Refer to Attachment 2 for an assessment of the clauses that are relevant to this application.
Chapter 8 – Other Uses 3.4 Signage	Refer to Attachment 2 for an assessment of the clauses that are relevant to this application.

4.15 (1) (a) (iiia) – any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

Comment: None Applicable.

4.15 (1) (a) (iv) – any matters prescribed by the regulations

Comment: No issues raised. Refer to Attachment 2 for further comment.

4.15 (1) (b) – the likely impacts of that development

Comment: The proposal is not expected to result in adverse impacts to the environment or broader locality, subject to compliance with conditions. Refer to Attachment 2 for assessment of the likely impacts of the development.

4.15 (1) (c) – The suitability of the site for the development

Comment: The subject site is considered to be suitable for the proposed two lot subdivision. Refer to Attachment 2 for assessment of the suitability of the site for the development.

4.15 (1) (d) Any submission made in accordance with this Act or the Regulations?

Is advertising required because the development is designated or “advertised” development?	No
Is advertising required in accordance with established Council policy and practice?	Yes
If YES, how many submissions were received?	One

Public Submissions:

Issues raised:

Concern was raised in relation to the volume and quality of stormwater from the proposed development site. The submitter raised no objection to the proposed stormwater management plan and treatments proposed, however, made a

request that a maintenance and management program be implemented (Attachment 5).

Comment:

The proposed stormwater plan, including the proposed treatment measures, has been assessed as acceptable. A condition of development consent to require ongoing maintenance to be undertaken is proposed.

The imposition of such condition resolves the concern raised by the submitter (Attachment 6 sets out non-standard conditions of consent recommended that are recommended).

4.15(1) (e) The Public Interest

The proposal will result in additional employment generation and retail options and is in the interest of the community, with the approval of the variation to the development standard. Refer to Attachment 2 for further comment.

Conclusion

The application has been assessed having regard to the relevant matters for consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979*, including the provisions of the *Ballina Local Environmental Plan 2012*, the *Ballina Development Control Plan 2012* and the submissions made in response to the exhibition of the proposal.

The proposal is suitable within the locality, and it has been adequately demonstrated that the objectives of the standard can be achieved, despite the variation to Clause 4.3 height of buildings.

The applicant has satisfactorily demonstrated that there are sufficient environmental planning grounds to justify the variation to the development standard.

Having regard to the outcomes of the assessment undertaken, Council has the following options with regard to the determination the application.

Grant Consent – Council can approve the development application for a mixed-use development and associated car parking area, including civil works comprising cut and fill and stormwater management, subject to standard planning, environmental health, civil and building conditions and non-standard conditions contained within Attachment 6.

This would be on the basis that the Council is satisfied that the proposal has demonstrated that the objectives of the zone and objectives of the standard will be achieved despite the variation to the maximum building height.

Refuse Consent – Council could refuse the application for specified reasons. Reasons for refusal could relate to the departure from the maximum building height being considered excessive and/or the proposal being deemed inconsistent with aspects of the planning framework and inconsistent with the objectives of applicable standards or the objectives of the zone.

Alternatively, the Council could defer its decision on this matter to seek further information.

Approval is recommended for the reasons outlined in this report.

RECOMMENDATIONS

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 1.84m or 15.3% for the warehouse and 2.57m or 21.4% for the multiple identification sign, for the reasons outlined in this report.
2. That the Development Application 2023/107 to undertake the erection of a mixed use development comprising five specialised retail premises and a take away food and drink premises, landscaping and associated civil works be **APPROVED** subject to standard planning, environmental health, civil and building conditions, and the non-standard conditions in Attachment 6, including a condition which requires that both the subject lot and the adjoining lot (Lot 951 DP 1165266) maintain connectivity between the car parking area.

Attachment(s)

1. DA 2023/107 - Locality Plan [⇨](#)
2. DA 2023/107 - Section 4.15 Assessment [⇨](#)
3. DA 2023/107 - Plan Set [⇨](#)
4. DA 2023/107 - Clause 4.6 Variation [⇨](#)
5. DA 2023/107 - Submission [⇨](#)
6. DA 2023/107 - Recommended Non-Standard Conditions [⇨](#)

8.2 Ballina Shire Housing Strategy - Finalisation

8.2 Ballina Shire Housing Strategy - Finalisation

Section	Strategic Planning
Objective	To report on the public exhibition outcomes of the draft Ballina Shire Housing Strategy and seek direction from Council with respect to the adoption of the Strategy.

Background

At the 14 December 2023 Ordinary meeting, Council endorsed the draft Ballina Shire Housing Strategy for the purposes of community engagement.

Preparation of a Housing Strategy is an activity in Council's 2023-2027 Delivery Program (Strategy PE3.2) and an action in the Local Strategic Planning Statement (Action 6.3). Preparation of a Housing Strategy for Ballina Shire is also associated with State Government funding provided for the recently completed Pop Denison Park Senior Children's playground improvements.

The process of preparing and finalising the draft Ballina Shire Housing Strategy consists of the following stages:

- Initial public consultation phase, to gain a better understanding of the housing needs of the community (August – December 2022)
- Background Paper drafting (January – June 2023)
- Strategy drafting (July – November 2023)
- Council endorsement of the draft Ballina Shire Housing Strategy (December 2023)
- Exhibition of draft Ballina Shire Housing Strategy (February – March 2024)
- Council consideration of submissions and adoption of the draft Ballina Shire Housing Strategy (May 2024).

During the drafting phase of the Strategy, numerous State Government policy announcements have been made in relation to housing. The vision, principles and actions within the draft Ballina Shire Housing Strategy are in step with the direction set by the State Government, whilst reflecting local concerns and values.

The Draft Housing Strategy was on public exhibition from 5 February to 15 March 2024. Several changes suggested in public submissions have been incorporated into the final draft Ballina Shire Housing Strategy (Attachment 1).

This report addresses the exhibition, submissions assessment and adoption steps.

Key Issues

- Shire wide housing policy
- Feedback from the public exhibition process

Discussion

8.2 Ballina Shire Housing Strategy - Finalisation

Vision and Principles

The draft Ballina Shire Housing Strategy, as publicly exhibited, included the following vision:

“The timely delivery of housing in the Ballina Shire that meets the needs of the local community in terms of locations, infrastructure and housing types that are resilient to change in environmental conditions and changes in household life stages.”

The draft vision is guided by the following four principles under which a total of 23 actions were proposed:

1. Make housing **available** to local workers and residents – 12 actions
2. Encourage **diverse** housing sizes and types to fit local household types – 4 actions
3. Encourage smaller dwellings, located close to shops, infrastructure, services and destinations to encourage **walkable** neighbourhoods – 3 actions and
4. New housing must be **resilient** to natural hazard risks, responsive to natural disasters and housing stress planned for proactively – 4 actions.

Whilst the Housing Strategy seeks to set direction for future action in relation to housing, the strategy is supported by an existing policy framework and a history of long-term strategic land use planning to manage growth in Ballina Shire.

Council has had successive urban land and growth management strategies over time, with the Ballina Shire Growth Management Strategy and Local Strategic Planning Statement being key policy documents.

Council also has place-based planning strategies in place for its urban centres.

The Housing Strategy and its actions provide a further policy basis for ongoing Council initiatives, in relation to housing and growth management.

Feedback from Public Exhibition

A total of six written submissions from the community, one State Government submission and 33 online feedback forms were received in the public exhibition period between 5 February and 15 March 2024.

The approach to inviting community feedback is set out in the community engagement section of this report.

Attachment 2 contains a summary of results obtained from the online feedback forms. All submissions received are contained in Attachment 3.

Table 1 provides a summary of the issues raised by submitters through feedback forms and submissions along with staff responses and recommendations.

Table 1: Submissions and recommendations

Item	Summary of feedback	Responses and recommendations
1	<p>Do you support the Vision in the Draft Housing Strategy?</p> <p>More than half of the respondents (51.6%, 16), support the draft Vision presented in the draft Strategy. 25.8%, (8) respondents did not support the vision and 22.6% (7) were neutral. 4 out of 5 written submissions from the community were supportive of the Vision, 1 was not.</p> <p>Other comments:</p> <ol style="list-style-type: none"> 1. The vision needs a stronger focus on protecting the environment. 2. Reduce government revenue raising in the housing supply chain. 3. Consider local character when designing for the future. 4. Maintain sustainable planning principles for land release. 5. Manage traffic issues as new land areas are released. 6. Flood prone land is not suitable for new housing. 7. Housing is not a local government responsibility. 	<ol style="list-style-type: none"> 1. This feedback was received consistently throughout the survey. See suggested change to the vision below. 2. Council's ability to influence the State and Federal housing and taxation systems are limited. Action 14 to investigate discounting developer contributions for specific housing types is within Council's sphere of influence. 3. Many layers within the planning scheme apply to new development. Council's Place Plans, Local Environmental Plan (LEP) and Development Control Plan (DCP) consider local character. A diagram showing how the Housing Strategy interacts with other Council planning documents should be included in the Strategy, see recommendation below. 4. The Housing Strategy is one of a suite of planning documents making up the sustainable planning principles underpinning the growth of the Ballina Shire. A diagram showing how the Housing Strategy interacts with other Council planning documents should be included in the Strategy, see recommendation below. 5. Design principles that aim to improve the framework for traffic assessments in subdivision applications (Ch 3 of Council's DCP) are currently being considered in relation to the DCP. 6. Strategic Urban Growth Areas (SUGAs) are subject to assessment of all environmental constraints, including flooding, prior to rezoning. 7. The Housing Strategy is focused clearly on the roles and responsibilities of local government. <p>Recommendations:</p> <p>1: Amend the Vision to read: <i>The timely delivery of housing in the Ballina Shire. An urban structure that protects our environment</i></p>

8.2 Ballina Shire Housing Strategy - Finalisation

Item	Summary of feedback	Responses and recommendations
		<p><i>and supports walkable, diverse, and resilient housing that meets the needs of the local community.</i></p> <p>2: Include a diagram to show the relationship of the Housing Strategy to other strategic planning documents.</p>
<p>2</p>	<p>Do you support advocacy to limits on non-hosted short term rental accommodation (STRA)?</p> <p>More than half of respondents (61.5%, 19) support Council to advocate for limits on STRA to increase permanent rental stock in the Ballina Shire. 12.9% (4) respondents were not supportive and 25.8% (8) were neutral.</p> <p>Other comments:</p> <ol style="list-style-type: none"> 1. There is not enough information on the impacts of STRA on local communities. 2. There is a need for more rural worker housing. 3. Prefer no change to non-hosted STRA arrangements. 4. Support for limits on non-hosted STRA. 	<p>Noted, relatively strong support for Council advocating for limits on non-hosted STRA.</p> <ol style="list-style-type: none"> 1. It is agreed that improved information on this issue is important to future policy making. This needs to consider housing as well as broader economic considerations including tourism and access to accommodation for workers in key local employment sectors. See suggested change below. 2. Rural worker's dwellings are permitted with consent in rural zones under Council's LEP 2012. The LEP also permits dual occupancy with consent in rural areas. Consent is subject to meeting minimum lot size and other requirements. 3. The State Government has signaled changes to non-hosted STRA arrangements. The State has not yet announced its intended policy outcomes. 4. Noted. <p>Recommendation:</p> <p>3. Amend key activities within Action 12 to include: Continue to seek up-to-date research and data on the benefits and impacts of STRA on local housing supply and economic growth.</p>
<p>3</p>	<p>Do you support access to spaces for homeless people close to services?</p> <p>More than half (58.1%, 18) of respondents support Council providing access to spaces for homeless people, close to services. 12.9% (4) were not supportive and 29% (9) were neutral.</p> <p>Other comments from feedback forms and written submissions:</p>	<ol style="list-style-type: none"> 1 & 2. Homeless services are primarily a responsibility of State Government. Local government can support homeless services with appropriate public space regulation. 3. Agreed. Any initiatives would be undertaken in collaboration with service providers. <p>Recommendation:</p> <p>4. No change to the Strategy.</p>

8.2 Ballina Shire Housing Strategy - Finalisation

Item	Summary of feedback	Responses and recommendations
	<p>1. The support for homeless people should go much further than this.</p> <p>2. Do not provide services that attract homeless people to the area.</p> <p>3. Any spaces made available for homeless people would need careful management.</p>	
4	<p>Do you support increasing diversity of lot sizes and housing types?</p> <p>More than half (58.1%, 18) of respondents support increasing the diversity of lot sizes and housing types (including tiny homes and manor houses), delivered in new and existing neighbourhoods. 12.9% (4) respondents were not supportive and 29% (9) were neutral.</p> <p>Other comments:</p> <p>1. There should be a limit to how big a house can be on a lot.</p> <p>2. Try innovative ways of delivering medium density (reduce minimum lot sizes).</p> <p>3. Tiny homes to be encouraged on rural lands.</p> <p>4. Incorporate open space in new, innovative ways.</p> <p>5. Ensure new subdivisions are planned to incorporate a sense of community.</p> <p>6. Car parking and traffic congestion is a key issue when creating new housing. Consider current traffic conditions, not future as many 'planned upgrades' have continually been pushed back.</p> <p>7. Small lots do not equal small prices.</p> <p>8. Concerns with building on flood prone land.</p> <p>9. More rigorous community consultation should be required for new housing estates.</p>	<p>1. Controls on issues such as height and setbacks in the DCP generally limit the size of dwellings depending on the lot size. These controls are currently being reviewed.</p> <p>2. Key activities within Action 13 in the draft strategy include ways to enable more innovation and diversity in medium density zoned areas.</p> <p>3. Tiny homes are permissible as standalone fixed dwellings or dual occupancy with consent in rural areas. The approval pathways for tiny homes can be unclear to parties looking to build/place such homes, which may affect their take-up. More information about tiny homes is provided in a separate section in this report. A recommendation for an additional action in the strategy is set out below.</p> <p>4. Action 2 in the draft strategy on 'Greening the Greyfields' is an innovative approach to delivering high quality greenspace as part of medium density development.</p> <p>5. Design principles that guide subdivision assessments, including consideration of character and sense of place, (in Chapter 3 of Council's DCP) are being reviewed.</p> <p>6. Review of road hierarchy design guidelines will form part of Council's Movement and Place Strategy. Consideration of car parking is included in the key activities in Action 13 in the draft strategy.</p> <p>7. A variety of lot sizes ensures a variety of price points within a locality.</p> <p>8. All development on flood prone land must comply with Council's LEP and DCP flood controls.</p>

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Item	Summary of feedback	Responses and recommendations
		<p>Floodplain management controls are currently being updated based on new modelling from the 2022 flood event.</p> <p>9. Community consultation requirements are set out in the NSW planning legislation and Council's Community Engagement Policy 2022. All proposals must comply with these requirements.</p> <p>Recommendation: 5. Include a new action (17) under Diverse Housing as follows: Encourage tiny homes in appropriate areas. Key activities: To monitor current tiny homes pilot programs in other areas. Produce educational materials on approval pathways for Tiny Homes. Review controls relating to Tiny Homes. Council's role: Lead Priority: High. Resource intensity: \$</p>
5	<p>Do you support more dwelling density (more dwellings closer together) in new and existing neighbourhoods?</p> <p>More than half (54.8%, 17) of respondents were supportive of Council encouraging more dwelling density (more dwellings, closer together) in new and existing neighbourhoods. 22.6% (7) were not supportive of this direction, 22.6% (7) were neutral.</p> <p>Other comments:</p> <ol style="list-style-type: none"> 1. Ensure the provision of greenspace between the buildings. 2. Increase dwelling densities in new areas, not in existing neighbourhoods where people have already purchased. 3. Flood and coastal erosion make increased density problematic. 4. Essential water supply has not been adequately addressed. 5. Increased density can cause issues and antisocial behaviour from young people. 6. Challenging the idea that older people have to downsize. Small 	<ol style="list-style-type: none"> 1. Setbacks for multi-unit dwellings are currently being reviewed in relation to Council's DCP. 2. The zoning of land, minimum lot sizes and housing type permissibility indicate the density intent for areas. The intent of the housing strategy is to identify opportunities for density increases over time and where this varies from existing planning provisions, LEP and other policy amendments may be necessary (and these processes incorporate engagement with the community about proposed changes). 3. All development on flood prone land must comply with Council's flood controls in the DCP and the LEP. Council's Floodplain management controls are currently being updated based on new modelling from the 2022 flood event. The Housing Background Paper acknowledges the limitations of flood prone land and other environmental constraints. 4. Water supply for the projected population is planned for by Rous Water. This planning incorporates

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Item	Summary of feedback	Responses and recommendations
	households can occupy large dwellings this is not necessarily wasteful.	<p>consideration of local growth planning policy.</p> <p>5. There is no evidence that increased densities results in antisocial behaviour from young people.</p> <p>6. The draft Housing Strategy seeks to provide choice in housing for older residents. Wording in the Strategy has been amended to clarify this, see recommendation below.</p> <p>Recommendation:</p> <p>6. Amend third Desired Outcome on page 22 to replace the words: ‘match the increasing proportion of small households’ with ‘provide more choice in housing types’.</p>
6	<p>Do you support limiting new greenfield release areas (building on rural land)?</p> <p>Nearly half (48.4%, 15) of respondents were supportive of limiting new greenfield release areas. 22.6 (7) respondents were not supportive of this direction and 29% (9) were neutral on this matter.</p> <p>Other comments:</p> <ol style="list-style-type: none"> 1. Not enough land releases planned for Alstonville. 2. New urban release areas are lacking in services and infrastructure: Cumbalum. 3. Concerned about new land at Cumbalum, unsuitable for housing. 4. New greenfield release areas should be assessed on a case-by-case basis. 5. Empower councils to ensure new residential estates emerge and grow in a timely manner. 6. Opposed to more land releases in Lennox Head. 7. The Alstonville – Wollongbar buffer should be preserved. 8. Proposal of a property as a new Strategic Urban Growth Area. 	<ol style="list-style-type: none"> 1. Strategic Urban Growth Areas were reviewed by Council in 2022/23 and no new release areas for housing were identified for Alstonville or Wollongbar. 2. There are limits to Council’s ability to influence the timing of development. Major subdivisions are planned to incorporate community and service infrastructure which is progressively provided. The inclusion of a desired outcome under the Walkable principle is recommended. 3. Cumbalum is a planned urban area that has been the subject of extensive investigation regarding suitability for housing and associated development. All Strategic Urban Growth Areas are subject to the assessment of all environmental constraints prior to rezoning. 4. The impacts of SUGAs (new release areas) are subject to assessments of environmental and other constraints prior to rezoning on a case-by-case basis. 5. Agreed. Action 11 aims to empower local governments to end land banking. 6. Most of the Lennox Head area planned for urban development has

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Item	Summary of feedback	Responses and recommendations
		<p>now been rezoned (based on an endorsed strategic plan that was subject to extensive community engagement). Remaining potential urban areas will be assessed in detail at the rezoning stage.</p> <p>7. See comment 1. 8. See comment 1.</p> <p>Recommendation: 7. Include the following Desired Outcome under the Walkable principle: <i>New release areas are serviced by local centres in a timely manner.</i></p>
7	<p>Do you support encouraging accessible housing to accommodate various stages of life and various levels of mobility and disability?</p> <p>The majority of respondents (71%, 22) were supportive of new housing being adaptable for different life stages and levels of mobility and disability. 6.5% (2) were not supportive, not wanting to increase regulation whilst 22.6% (7) were neutral on this matter.</p> <p>Other comments:</p> <p>1. Providing choice of housing for older people is important, People want to be able to stay in their community as they age. 2. Accessibility should not be mandated.</p>	<p>1. The Strategy aims to improve housing choice within the Ballina Shire. 2. Local governments are not able to mandate accessibility as this is regulated under the Building Code of Australia. There is no action in the Strategy to mandate accessibility.</p> <p>Recommendation: 8. No change to the Strategy.</p>
8	<p>How can we plan for disaster recovery housing better?</p> <p>Comments from feedback forms and written submissions:</p> <p>1. Do not build on low lying, flood prone land. 2. Identify places for temporary housing. 3. Maintain building requirements, consider water flow around buildings. 4. Improve flood resilience of roads. 5. If land requires fill, it should not be approved.</p>	<p>1. All development on flood prone land must comply with Council's flood controls in the DCP and the LEP. Council's floodplain management controls are currently being updated based on new modelling from the 2022 flood event. 2. Under Action 21 in the draft strategy, key activities include: identifying locations for temporary housing. 3. Building requirements will not be altered by the Strategy. 4. Council is working to improve the flood resilience of the arterial road network.</p>

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Item	Summary of feedback	Responses and recommendations
		<p>5. See comment 1.</p> <p>Recommendation:</p> <p>9. No change to the Strategy.</p>
9	<p>Any further comments about the draft Ballina Shire Housing Strategy?</p> <p>Comments from feedback forms and written submissions:</p> <ol style="list-style-type: none"> 1. Prioritise higher densities in the Ballina CBD. 2. More detail required on proposed changes to lot sizes and setbacks. 3. Review strategic growth areas. 4. Focus on key worker housing. 5. Ensure adequate car parking in increased density. 6. Ensure more 1–2-bedroom apartments close to centres. 7. Improve Development Assessment processing times. 8. Good principles but infrastructure is lagging in Cumbalum. 9. More local citizens should be involved in reviewing this strategy. 	<ol style="list-style-type: none"> 1. Agreed, investigations to encourage higher densities within central locations, particularly Ballina Island, could be a higher priority. See recommendation below. 2. Any changes to development standards including lot sizes and setbacks are publicly exhibited and public submissions are invited and reported to Council. 3. SUGAs were reviewed by Council in 2022-23. Updates to SUGAs were finalised in October 2023. 4. The Strategy highlights the need for housing for local workers. 5. Car parking will be considered in 'development standards' within Action 13. 6. This is the intent of the Strategy. 7. A few comments were received calling for an improvement in DA processing times. Council is committed to improving DA processing times, securing qualified staff and improving planning controls to assess new development efficiently and effectively. 8. See response 2) under Item 6 above on greenfield release areas. 9. The community engagement section of this report outlines the communications and engagement activities supporting the Strategy development. This complies with Council's Community Participation Plan. <p>Recommendation:</p> <p>10. Change the priority of Action 19 from low, to high.</p>
10	<p>Summary of Government Submission</p>	<p>Responses and recommendations</p>
	<ol style="list-style-type: none"> 1. Ensure that affordable housing options are walkable and well located. Integrate these principles to ensure better outcomes. 	<ol style="list-style-type: none"> 1. These principles can be brought together in Action 8. See suggested change below. 2. Council's Movement and Place project aims to improve the

8.2 Ballina Shire Housing Strategy - Finalisation

Item	Summary of feedback	Responses and recommendations
	2. Look to improve walkability in all areas, not just compact development, link this to other plans that will deliver these outcomes such as linking to blue and green infrastructure.	pedestrian environment of the road network. This will improve shading and amenity for footpaths and shared paths. Recommendation: 11. In Action 8: include the words 'centrally located' before social and affordable housing.

Tiny Homes

A separate section is included on tiny homes due to the increasing community interest resulting from increasing housing stress around lack of housing affordability, changing household size and lifestyle preferences.

There is a degree of confusion about approval processes, which are outlined as follows.

What is a tiny home?

Tiny houses are not separately defined in planning legislation or local environmental plans. However, they generally comprise dwellings that are 55m² or smaller and could be the only dwelling on a site or part of a dual occupancy.

Such tiny houses would typically be subject to regulation under local environmental and development control plans and national construction standards.

It is important to distinguish permanently fixed, smaller dwellings on foundations from tiny homes.

Tiny homes commonly fall into two categories:

- Tiny Houses on Wheels, or THOWs,
- Fixed, relocatable structures, sometimes referred to as "Skids," named after the pallet they are placed upon.

Approval process

THOWs or dwellings on skids, when situated on land other than land in caravan parks or camping grounds, are governed by NSW state legislation concerning "moveable dwellings."

Moveable dwellings encompass tents, caravans, vans, portable devices (with or without wheels), or manufactured homes.

Certain exemptions from development approval may apply to THOWs if they meet the definitions of either a) a campervan - designed to be capable of being registered as a motor vehicle, or b) a caravan - capable of being registered as a trailer, but not including a camper trailer.

Exemptions apply for short-term stays, or long-term occupancy by household members of tiny house dwellings connected to the primary residence.

Other exemptions apply to seasonal work use and for individuals displaced because of a natural disaster.

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Approvals are still necessary for connection to water supply and stormwater drainage systems, as well as for managing waste and sewerage connections.

Consent from the council is also required if a tiny house needs to be hoisted across or over a public road using lifts, hoists, or tackles projecting over footways.

Any stationary tiny home intended for extended occupancy must undergo a development approval process in accordance with a local environmental plan.

Pilot programs

Several councils are initiating pilot programs for eligible participants permanently residing in THOWs on private land. These programs aim to address housing unaffordability and increase housing accessibility.

Participants in these pilot studies typically do not require a planning approval, provided that their tiny house on wheels is situated on a wheeled trailer base and placed on privately-owned land, subject to agreement with the landowner.

Proposed Actions for Ballina

As outlined in Table 1, it is proposed to include actions in the Housing Strategy to encourage tiny houses and tiny homes as a form of permanent accommodation.

Education materials will aim to provide greater clarity for the community and staff will monitor the pilot programs currently underway.

Summary of recommended changes to the draft Strategy

In addition to the changes recommended to the draft Strategy in Table 1, other changes are proposed. These are generally to provide greater clarity or improved grammar, layout, and document structure.

For ease of reference all recommended post exhibition changes are outlined in Table 2.

Table 2: Summary of changes recommended to the draft Housing Strategy

Recommended changes	Rationale
Amend the Vision on page 4 to read: <i>The timely delivery of housing in the Ballina Shire. An urban structure that protects our environment and supports walkable, diverse and resilient housing that meets the needs of the local community.</i>	Submission feedback that the vision needed stronger focus on protection of the environment (Refer Item 1 in Table 1 above).
Inclusion of diagram on page 6 showing how the Housing Strategy relates to other Council planning documents.	Provide greater clarity about how the Housing Strategy will relate to other Council planning documents. (Item 1 in Table 1 above).
On page 6 include the following text under Place-based Strategic Plans. <i>After key objectives insert: 'and initiate new provisions to enable diverse housing types in specific locations.'</i>	To clarify the role of place based strategic plans.

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Recommended changes	Rationale
On page 6 include a dot point under Council's role in housing, with the following text: <i>'Development Assessment of new subdivision and land use proposals including housing.'</i>	Clarify council's roles in housing supply.
On page 7 amend <i>'How this Strategy is being prepared'</i> to <i>'How this Strategy has been prepared'</i> .	Updating from exhibition version.
On page 8 remove the last sentence of the first paragraph: <i>The community engagement outcomes and background paper represent Stage 1 of the draft Housing Strategy.</i>	Once the strategy is adopted this sentence will be confusing.
Page 10, amend the info graphic that refers to '389 new dwellings are approved each year in Ballina Shire', to include <i>'on average between FY15/16 and FY21/22)</i> .	This information clarifies the quoted statistic.
Page 11, amend the last sentence under the heading Declining Household Size. Replace the words <i>'new residents as well as the existing population as more dwellings become homes for 'empty nesters'</i> with the words: <i>'the same number of forecast new residents.'</i>	The change makes this sentence less confusing.
Page 11, within the paragraph under the Housing Affordability heading, insert the words <i>'a median house price of</i> before \$344,000 and \$670,000.	This information clarifies the quoted statistic.
Page 12, in the third paragraph under the Housing Affordability heading change the increase in houseless people from 2021 to 2023 from 30% to 50%.	The count of houseless people in 2023 was 30 people, this was up from 20 people in 2021. An increase of ten people is an increase of 50% not 30%.
Page 13, in the second paragraph amend <i>'existing residential zoned land'</i> to <i>'existing vacant residential zoned land'</i>	Provides greater clarity.
Page 21, amend first sentence to replace the words, <i>'ensuring housing options are available'</i> with the words: <i>'streamlining controls and encouraging new housing delivery methods.'</i>	These words align better with Desired Outcomes
Page 21, in the second paragraph replace the words: <i>'This has been the case for the past 30 years'</i> with <i>'This work will continue through Council's planning framework.'</i>	The proposed change is a more relevant and future focused statement.
Page 21, amend third paragraph to remove the words: <i>'for up to 6,467 lots (based on a density of 15 dwellings per hectare / 600sqm lots) all well serviced by infrastructure,'</i>	This represents unnecessary detail for a strategic principle.
Page 21, amend fourth paragraph to replace the words: <i>'High land prices and demolition / construction costs remain a constraint to redevelopment for many of these sites'</i> with: <i>'Picking up the State Government's lead, changes to low and mid-rise housing will be incorporated to inform local controls.'</i>	This update reflects State policy changes.

8.2 Ballina Shire Housing Strategy - Finalisation

Recommended changes	Rationale
Page 22, amend third Desired Outcome to replace the words: ' <i>match the increasing proportion of small households</i> ' with ' <i>provide more choice in housing types</i> '.	Refer to Item 5 Table 1 above.
Page 23, amend the first Desired Outcome to read: <i>Limit on additional greenfield release areas.</i>	To clarify this does not limit the urban release of lands already identified as Strategic Urban Growth Areas.
Page 23, include the following Desired Outcome: <i>New release areas are serviced by local centres in a timely manner.'</i>	Refer Item 6 Table 1 above.
Page 24, include a new Desired Outcome: <i>New housing is resilient to natural hazards.</i>	In response to concerns regarding natural hazard resilience. Refer Items 4 and 8 in Table 1 above.
Page 24, remove Desired Outcome 3 and replace with: <i>Planning for emergency housing for disaster recovery is proactive'.</i>	Clarifies the intent of Desired Outcome 3.
Page 27, in Action 8: include the words ' <i>centrally located</i> ' before social and affordable housing.	Refer Item 10 Table 1 above.
Page 28, amend key activities within Action 12 to include: ' <i>Continue to seek up-to-date research and data on the benefits and impacts of STRA on local housing supply and economic growth.</i> '	Refer Item 2 Table 1 above.
Page 30, include a new action (17) under Diverse Housing. <i>Encourage tiny homes in appropriate areas.</i> Key activities: <ul style="list-style-type: none"> • Monitor current tiny homes pilot programs in other areas. • Produce educational materials on approval pathways for Tiny Homes. • Review controls relating to Tiny Homes. 	Refer Item 4 Table 1 above and discussion following this table.
Page 31, change the priority of Action 19 from low to high.	Refer Item 9 Table 1 above.

Delivery Program Strategy / Operational Plan Activity

Preparation of a Housing Strategy is identified in Council's adopted 2023-2027 Delivery Program and Operational Plan:

- Strategy PE3.2 – Prepare Housing Strategy including affordable housing framework.

Community Engagement Strategy

The community engagement strategy for the exhibition of the draft Ballina Shire Housing Strategy included the following elements:

- Advertisement in the Ballina Wave February 2024

8.2 Ballina Shire Housing Strategy - Finalisation

- Media release prior to exhibition commencement incorporating a link to the draft strategy documents.
- Email to persons and groups on contact list from 2022 phase 1 community consultation.
- Included in Council's enews x 2
- Included in Council's Community Connect February 2024
- Project 'Your Say' webpage and online feedback form; and
- Three social media posts

The online feedback form was hosted on the webpage from 5 February to 15 March 2024.

During the public exhibition phase the Draft Ballina Shire Housing Strategy webpage had 1,600 visits from 1,142 people and a total of 655 downloads were completed.

Financial / Risk Considerations

Actions recommended in the draft Housing Strategy will not raise any specific legal obligations beyond compliance with the *Environmental Planning and Assessment Act 1979* where they relate to review and amendment of planning controls.

All actions have an estimated resource intensity assigned within the draft Ballina Shire Housing Strategy. Wherever possible staff will utilise existing budgets to achieve outcomes.

Where actions fall outside existing resources, grant funding will be sought.

Funding can also be considered for specific projects through the annual Delivery Program and Operational Plan and associated long term financial planning process.

Options

Option 1 - Council adopt the Ballina Shire Housing Strategy.

Under this option Council would adopt the Ballina Shire Housing Strategy (Attachment 1), which includes amendments made in response to submissions, as detailed in Tables 1 and 2. Council may also wish to include further changes to the strategy.

This is the recommended option, considering the time and resources invested in the community consultation phases and the overall sentiment of submissions.

Option 2 – Defer a decision on adoption of the Ballina Shire Housing Strategy.

Council could defer a decision of adoption of the strategy to seek further information. This approach is not recommended as there is sufficient information and engagement to adopt the strategy.

8.2 Ballina Shire Housing Strategy - Finalisation

RECOMMENDATION

That Council adopts the Ballina Shire Housing Strategy 2024, as per Attachment 1 to this report.

Attachment(s)

1. Ballina Shire Housing Strategy 2024 - Final [⇒](#)
2. Ballina Shire Housing Strategy - Online Feedback Form Summary [⇒](#)
3. Ballina Shire Housing Strategy - Submissions Received [⇒](#)

8.3 Corporate Emissions Reduction Plan - Adoption

8.3 Corporate Emissions Reduction Plan - Adoption

Section	Strategic Planning
Objective	To outline a Corporate Emissions Reduction Plan which sets out the pathway to achieve Council's adopted 2030 climate change goals and seek direction from Council on adoption of the Plan.

Background

At the July 2021 Ordinary meeting Council considered the draft Climate Change Policy and resolved as follows:

1. *That Council adopts the draft Climate Change Policy, as exhibited, as per Attachment 1 to this report.*
2. *That Council commence implementation of the policy through the 'Method 3 approach' indicated in Table 2 of this report.*
3. *That Council seek grant funding for the preparation of a community wide emission target and associated emissions reduction plan.*

The adopted Policy builds on Council's long history of acting on climate change through organisational emissions reduction programs and through its corporate policies and strategies.

The Policy sets organisational goals of:

- using 100% renewable electricity for operations by 2030
- reducing operational greenhouse gas emissions to net-zero emissions by 2030.

Council has made considerable progress in implementing cost effective emissions reduction initiatives over the years.

By continuing to invest in efficient energy technology, implementing better controls, and maintaining the measures already in place, Council can continue to achieve emissions reductions and incremental savings through continuous improvement.

The 'Method 3' implementation approach referred to in item 2 of the July 2021 Council resolution, is reproduced from the 22 July 2021 report in Table 1, as follows, along with the Implementation status of each item.

The second task in the table is the subject of this report.

Council engaged specialist consultancy 100% Renewables to develop the Corporate Emissions Reduction Plan (CERP).

A copy of the CERP is included as Attachment 1 to this report.

8.3 Corporate Emissions Reduction Plan - Adoption

Table 1: Endorsed Implementation 'Method 3 Approach' and Status.

Method 3	Cost	Year	Source of Funding	Status
Adopt the Climate Change Policy	No cash cost	2020-2021	n/a	Complete July 2021
Engage a consultant to develop the Emissions Reduction Plan	\$20,000 to \$25,000	2021-2022	Strategic Planning reserve	Subject of this report
Complete the Statewide Mutual Climate Change Risk Assessment	No cash cost	2020-2021	n/a	Complete December 2021
Complete a Corporate Adaptation Plan	\$6,000	2021-2022	Strategic Planning operating budget	Planned completion by mid-2024
Allocate funding for a dedicated part-time staff member to coordinate and implement the policy and plans	\$47,000 per annum	From 2021-2022	Endorsed in 2021/22 Workforce Plan	Complete funding allocated. Staff member appointed.

The aim of the CERP is to set out the practical pathway for Council to reach its 2030 climate change goals through short, medium, and long term actions.

Developing the CERP involved analysis and identification of opportunities for emissions reduction.

The key areas of emissions reduction opportunity in the short term (1-3 years) are 'behind-the-meter solar', 'buying clean energy', and 'energy efficiency'. New areas of focus in the short to long term (1- 5 years, and to the 2030 target year) include broadening Council's emissions accounting to align with global standards and development of a carbon sequestration and offsetting strategy to achieve the 2030 target.

Reaching 100% renewable electricity is achievable by 2030. However, there will be challenges to achieving the net zero goal. Carbon offsetting and sequestration will be necessary to deal with emissions from heavy vehicle and plant as well as other emissions that cannot be removed by other methods.

The actions in the CERP are suggestions to help guide Council.

Site specific project quotes and feasibility assessments will be required to refine projects and develop business cases to inform annual delivery and operational planning processes including budget cycles and consideration of grant funding submissions.

This report provides an outline and summary of the CERP and its proposed actions.

It is recommended that Council finalise and adopt the plan and proceed with implementation.

The CERP as recommended for adoption is included as Attachment 1.

8.3 Corporate Emissions Reduction Plan - Adoption

Key Issues

- Actions to achieve Council's Corporate Climate Change Targets by 2030
- Finalisation of the Corporate Emissions Reduction Plan

Discussion

Climate Change Targets and Definitions

The CERP details Council's Climate Change Policy targets and describes the global, national, and local context for emissions reduction action in Section 1.

Council's targets are in support of the lower of the Paris Agreements aims of limiting warming to only 1.5°C, and the Intergovernmental Panel on Climate Change (IPCC's) recommendation to achieve this with rapid short-term emissions reduction.

The targets are considered ambitious but reasonable considering the focus is on Council operations.

Council has committed to:

- using 100% renewable electricity for operations by 2030
- reducing operational greenhouse gas emissions to net-zero emissions by 2030.

The benefits of working towards a net-zero target include reduced operational costs and increased efficiencies, enhanced reputation, demonstrated leadership, and meeting community expectations of environmental responsibility.

Local governments and communities across Australia are leading the way in acting on climate change. There are a wide range of commitments from targets that align State and Territory Government goals, to more ambitious targets which align with the lower Paris Agreement.

The State Government recently legislated its targets of 50% emissions reduction on 2005 levels by 2030, 70% reduction on 2005 levels by 2035, and net zero by 2050 through the *NSW Climate Change (Net Zero Future) Act 2023*.

Definition of 100% Renewable Electricity

100% renewable electricity means generating or purchasing electricity from a renewable source such as on-site solar systems and large-scale wind and solar farms. Typically, councils can achieve around 20% of their electricity needs through onsite solar installations, and the rest would be sourced through other methods such as a Power Purchase Agreement (PPA) with a large-scale generator/supplier and/or Greenpower.

Definition of Net Zero Emissions

Net zero emissions means achieving a balance between emissions produced and emissions taken out of the atmosphere, for example, by sequestration activities. Net zero emissions means every tonne of human-made greenhouse gas that is emitted must be matched by a tonne removed from the atmosphere.

8.3 Corporate Emissions Reduction Plan - Adoption

The CERP pathway to net-zero emissions follows the reduction hierarchy of avoid, reduce, produce, and purchase.

The pathway means making deep emissions cuts and persisting on this path to reach and maintain net zero emissions.

Net zero can be achieved by:

- **Reducing** greenhouse gas emissions at the source i.e. reducing electricity consumption and fuel use.
- **Removing** residual greenhouse gas emissions from the atmosphere after taking all possible actions. Methods include afforestation, habitat restoration, soil carbon capture, bioenergy and carbon capture and storage.
- **Offsetting** the remaining (residual) emissions that are unable to be removed using carbon credits.

How the CERP was developed

The CERP was developed through engagement with stakeholders, analysis of baseline and projection data, site visits, and assessment of opportunities to reduce emissions across Councils operations and assets.

The scope of work and methodology for preparing the CERP is detailed in section 2 of the Plan, including key findings from staff engagement and site visits.

Short, medium, and long term emissions reduction actions were assessed based on the below categories:

1. Grid decarbonisation
2. Buying clean energy
3. Behind-the-meter solar
4. Energy efficiency
5. Sustainable procurement
6. Sustainable transport
7. Waste Management
8. Gas to electric technologies
9. Carbon sequestration / offsets

Stakeholders saw onsite solar, energy efficiency, and sustainable transport as the most important abatement initiatives. Sustainable procurement to influence value chain emissions was noted as an emerging area.

Barriers to achieving net zero were noted as availability (lack of) of suitable electric vehicle options, declining feed-in-rates from solar exports, space for further on-site solar installations, general availability of funds to progress initiatives and organisational awareness/knowledge of Council's targets.

Corporate Carbon Footprint

Section 3 of the CERP describes Council's carbon footprint and emissions reduction progress between 2012 and 2022.

8.3 Corporate Emissions Reduction Plan - Adoption

Council's key focus is on emissions that it can act directly on, described as Scope 1 and 2 emissions (fuel and electricity consumption), with some indirect Scope 3 emissions related to energy usage and waste management.

Other Scope 3 emissions relating to Council's supply chain, for example, purchased goods and services, business travel, capital works, are currently excluded, mainly due to past complexities of analysing these emissions.

However, the CERP notes that carbon accounting methods have improved, and it is now more common for councils to incorporate Scope 3 emissions in their carbon accounting and targets.

Scope 3 emissions can increase an organisation's footprint by around 40%.

To align with international standards the CERP recommends that Council consider aligning emissions accounting and reporting with the international standards in the short to medium term.

Emissions Reduction Progress

Section 3.3 of the CERP details the actions Council has made over the past 10 years in implementing actions to reduce and report on organisational emissions.

Council has not only reduced emissions but has made significant cost savings and been protected from the full effect of electricity price increases. This demonstrates that emissions reduction actions make good business sense.

Key projects include LED lighting upgrades, installation of 11 solar systems, energy efficiency upgrades of air conditioning and pumps as well as formation of an Energy Management Group to direct sustainable energy use across Council's operations.

The impact of these actions is illustrated by the 2012-2022 Emissions Profile graph on page 27 of the CERP. Council's emissions could have been 55% higher by 2022 if no action was taken.

Council's Carbon Footprint – Base Year 2019

Section 4 of the CERP details Council's carbon footprint for the 2018-2019 financial year, the baseline year.

Around 75% of Council's emissions were from electricity for facilities and streetlighting.

Fuel use accounted for around 15% of emissions and emissions from wastewater processes, transported landfill waste and LPG accounted for around 10%.

Council's emissions trend since the base year shows a 7% decline in emissions in 2020 due to COVID and an increase of 6% as operations returned to normal in 2021.

Continued energy efficiency initiatives resulted in the 2022 emissions being slightly lower than pre-COVID 2019.

8.3 Corporate Emissions Reduction Plan - Adoption

There has been a steady increase in diesel usage between 2019 and 2022, due to an increase in the number of light commercial utilities and vans and a steady decrease of unleaded fuel.

Council now contracts garbage collection which should result in a further decrease in diesel from this year.

Sewage treatment plants accounted for 40% of Council's electricity consumption, buildings use 15%, street lighting 14%, swimming pools 13% and sewer pumping 12%.

Business as Usual Forecast to 2030

Section 5 of the CERP provides a forecast of Council's emissions to 2030 if no further emissions reduction actions were implemented (Business as Usual (BaU)).

Typically, emissions would rise in-line with population growth. However, increased renewable energy inputs into the NSW grid will reduce grid emissions and, as a result it is estimated that Council's emissions could be around 30% less in 2030 compared to 2019 (Figure 19).

If Council aligns its emissions accounting and reporting with international standards the inclusion of Scope 3 emissions could increase the forecast by around 40%. Figure 20 in the CERP illustrates this effect.

Opportunities to Reduce Emissions

Section 6 details the identified opportunities for emissions reduction, which are presented in the nine 'opportunity' categories.

The opportunities are summarised as follows and are compiled in an Action Plan in Section 10 of the CERP for ease of reference.

Behind-the-meter solar (on-site), energy efficiency, sustainable procurement, and carbon sequestration/offsets are identified as the key areas of focus.

1. Grid decarbonisation

The change to a renewable energy grid will have a significant impact on electricity emissions for Council's operations as power is increasingly provided from clean energy sources in the grid.

[The NSW Net Zero Plan Stage 1: 2020-2030](#) together with the [NSW Electricity Strategy](#) provide the pathway to transition to net zero emissions.

Four of the five NSW coal power stations are expected to close within 15 years, and these four power stations account for three-quarters of NSW's electricity supply.

The Stage 1 plans set out how this gap will be filled by renewable energy.

This will strengthen investment certainty in renewable technologies and give confidence for organisations and communities to commit to renewable energy goals.

8.3 Corporate Emissions Reduction Plan - Adoption

Action Summary:

This effect should be reviewed annually and factored into the emissions pathway. Refer point 6.1 and 10.1 of the CERP.

This action could be achieved in the Short Term (1-3 years) with existing resources.

2. *Buying Clean Energy:*

Council's electricity agreement will see the 12 Large sites using 100% renewable electricity by 2025.

Action Summary:

Determine the timeline to increase to 100% renewable electricity for all Small contract sites. And assess opportunities for some Small sites to become Large Market sites. Refer Point 6.2 and 10.2 of the CERP.

This action could be achieved in the Short Term (1-3 years) with existing resources.

3. *Onsite Solar PV and Storage:*

There are opportunities identified for expansion of some existing systems including battery storage and additional solar PV systems. This could more than double Council's existing solar generation from 1,073kW to around 2,500kW, with potential for 650kWh of battery storage. This would increase Council's solar production from 11% of its needs to over 20%.

Action Summary:

Plan and budget for proposed installations based on feasibility assessments/quotes and review annually. Refer point 6.3 and 10.3 of the CERP.

The first five sites identified in the Action Plan for solar installations will be under 100kW. The Alstonville Cultural Centre and Swift Street Pump Station have an identified capacity of around 60kW and a payback of less than 7 years.

The other three sites solar sizing is yet to be determined but it is likely that they would be under 100kW and payback periods also under 7 years. Therefore, these would likely be able to be installed with existing resources and operational budgets in the short term (1-3 years).

All other proposed solar locations have quite lengthy payback periods between 10 and 20 years. This is due to either the large size of the system, use of innovative technology and/or inclusion of battery storage which is still relatively expensive.

These sites will be well suited to grant submissions offering 50/50 co-funding which would halve Council's payback period. This could alleviate some of the potential risks to Council in the use of innovative technologies i.e. battery storage as well as supporting the growth of the renewable energy industry and technology development.

8.3 Corporate Emissions Reduction Plan - Adoption

Council could also proceed with some projects with longer payback periods accepting a slower rate of return and recognising other social and environmental benefits.

Importantly project parameters and pay back periods can quickly change so regular review of projects is beneficial.

One potential grant program is the Commonwealth Government's [Community Energy Upgrades Fund Program](#) (CEUF), which is targeted only to local government owned and/or operated facilities.

Should Council decide to apply for a grant the CERP will be a valuable guide to identify projects and develop a detailed project plan for submissions as well as demonstrating Council's commitment to emissions reduction. Round 2 of the program is scheduled to open in January 2025.

4. Energy Efficiency:

Short, medium and long term site-specific opportunities are identified for continued energy efficiency including LED lighting upgrades, optimisation of equipment and implementing better controls and monitoring systems. These actions will build on measures already in place.

There are several projects identified that could be completed in the Short Term to Medium Term (1-5 years) with existing resources. For example, monitoring and reporting on electricity usage, upgrading to smart meters, LED lighting retrofits.

Longer Term actions such as replacing LPG heating with heat pumps and LED streetlighting can be done as routine maintenance at end of life of the infrastructure.

Action Summary:

Plan/budget for site specific opportunities, review opportunities annually, implement controls and monitoring systems. Refer Point 6.4 and 10.4 of the CERP.

5. Gas Transition Plan:

Council gas use is quite small, however, there are opportunities to replace gas water heating pumps with electric devices at five community facilities.

This is a Medium to Long term (5 years to target year) action that could be achieved through routine asset management programs. It could be possible to achieve this in the Short to Medium Term (1-5 years) through grant funding.

Action Summary:

Replace gas devices with electric by 2030. Refer point 6.5 and 10.5 of the CERP.

6. Sustainable Transport/EV Fleet Transition:

An indicative pathway for transition of the fleet to Electric Vehicles (EV) has been identified. Transport emissions account for around 15% of Council's emissions.

8.3 Corporate Emissions Reduction Plan - Adoption

Mowers and passenger vehicles currently have commercially available options, utilities and vans are assumed to be feasible after 2025 and trucks and heavy plant items are assumed to be feasible in the period after 2030 to 2040. While hydrogen may play a role in powering larger trucks the assumption is that electric battery-driven vehicles and plant will be the way forward.

Participation in trials and monitoring for developments in incentives and grant funding can be achieved in the Short Term with existing resources and will assist in development of a Fleet Transition Strategy.

Action Summary:

Develop a Fleet Transition Strategy, participate in trials, training and charging investigations, monitor grant funding and incentives. Refer Points 6.6 and 10.6 of the CERP.

Developing a Fleet Transition Strategy in the Short Term to identify timing, costs, and whole of life costings for commercially feasible options will likely require assistance from specialist consultants. Council could achieve this with support from government programs such as Sustainability Advantage. Alternatively internal funding would need to be identified.

Transitioning to an EV fleet is a Medium to Long term project which may go beyond the 2030 target year or require purchasing of carbon offsets to reach net zero by 2030. The pathway for this action will be guided by the Fleet Transition Strategy.

7. Waste Management:

Council's corporate waste management can focus on in-office waste separation, lifting recycling rates, and reducing overall waste in line with the NSW Waste and Sustainable Materials Strategy 2041.

Action Summary:

Align corporate waste reduction with NSW Waste and Sustainable Materials Strategy 2041. Refer point 6.7 and 10.7 of the CERP.

This action could be achieved in the Medium Term (within 5 years) with existing resources.

8. Value Chain and Sustainable Procurement:

The value chain is the full range of activities which are required to provide a product or service, for example, purchase of goods and services, staff commute, air travel, emissions embedded in materials used for capital works, leased assets.

Council does not currently account for these emissions as historically they have been difficult to analyse.

However, accounting methods have improved and the definition of 'net zero' has been recently clarified to include value chain (Scope 3) emissions.

8.3 Corporate Emissions Reduction Plan - Adoption

Many organisations are aligning their emissions accounting with international standards and the Greenhouse Gas (GHG) Protocol, and it is now more common for councils to include scope 3 emissions in their scope.

The CERP recommends that the scope of Council's carbon footprint should be broadened to include value chain (scope 3) emissions and accounting and reporting should be aligned with the [International Organisation for Standardisation \(ISO\) Net Zero Guidelines](#) (ISO Net Zero Guidelines) and the framework of the [Greenhouse Gas \(GHG\) Protocol](#).

Development of a Sustainable Procurement Policy can assist in reducing Council's broader value chain emissions over time through purchasing decisions.

Council also can influence emissions reduction by its suppliers and contractors through its procurement process decision making. This will be increasingly important in future years for governments to reach net zero emissions targets.

The LGNSW *Sustainable Procurement Guide for NSW Local Governments* can be used as a guide.

Actions Summary:

Investigate the implications of aligning emissions accounting and reporting with international standards, include Scope 3 emissions in Council's Carbon footprint, develop a Sustainable Procurement Policy. Refer Points 6.8 and 10.8 of the CERP.

Investigating the implications of aligning emissions accounting and reporting with international standards can be achieved in the Short Term (1-3 years) with existing resources.

This process will identify if additional resources will be required for more detailed emissions profiling and development of a sustainable procurement framework as well as if specialist consultants might be required to assist in the first stages.

Should additional resources be required for more detailed emissions accounting, Council could achieve this in the Medium term (1-5 years) with support from government programs such as Sustainability Advantage, through a grant fund, or identification of funds in Council's operational budget.

9. Emissions offsetting and Sequestration:

To achieve net zero emissions by or before 2030 Council will have to consider the role of carbon offsets, whether through purchasing offsets or by creating offsets through sequestration.

In the past, buying carbon offsets was a common method of dealing with emissions that could not be reduced or removed. However, the ISO Net Zero Guidelines recently provided clarity around 'net zero' and carbon offsetting.

Organisations should prioritise removing emissions through methods such as sequestration (afforestation, habitat restoration, and soil carbon capture) and buying carbon offsets should only be used when no other option is available.

8.3 Corporate Emissions Reduction Plan - Adoption

As discussed in Section 6.6 of the CERP trucks and heavy plant items are assumed to be feasible in the period after 2030 to 2040, therefore it is likely that Council will need to consider emissions offsets for the fleet to be net zero by 2030.

Purchasing of carbon offsets requires due diligence to ensure their integrity and alignment to Council's values and global standards. Development of a Carbon Offset and Sequestration Strategy to determine the scope and pathway for offsetting and sequestration is recommended.

Actions Summary:

Investigate aligning carbon offsetting and reporting with international standards and programs, such as the [Climate Active](#) program, develop a carbon sequestration and offset strategy. Refer Point 6.9 and Section 10 of the CERP.

This investigation can be achieved in the Short Term (1-3 years) with existing resources.

This process will identify if additional resources, and/or specialist consultants would be required for development of a carbon sequestration and offset strategy and subsequent routine reporting.

This could be achieved in the Medium term (1-5 years) with support from government programs such as Sustainability Advantage, through a grant fund, or identification of funds in Council's operational budget.

Emissions Reduction Pathway to 2030

Section 7 of the CERP details the model inputs to develop the indicative 2030 emissions reduction pathway, which is illustrated in Figure 25.

The CERP states that achieving the 100% renewable electricity target by 2030 is well within reach through solar, battery storage, and the purchase of renewable energy through the Council's current Power Purchase Agreement (PPA) and GreenPower which is illustrated in Figure 25.

To achieve the net zero target by 2030 there will be challenges due to the limited options for electric trucks and heavy plant.

Timing and scale of any of the measures may change over time due to modern technology, ideas, constraints and priorities.

Funding Emissions Reduction Measures

Section 8 of the CERP describes three common funding methods for councils' emissions reduction actions.

Grant funding from State and Commonwealth government is often key to enable councils to develop complex strategies and install large capital works projects.

Successful grant funding can expediate implementation of projects, particularly those with a payback period of more than 10 years and could enhance project delivery including expanding the scope for initiatives or bringing actions forward.

8.3 Corporate Emissions Reduction Plan - Adoption

With the recent introduction of the NSW government's net zero emissions targets in the [Climate Change \(Net Zero Future\) Act 2023](#), it is anticipated that a range of grant funding opportunities will continue to be made available.

Site specific project quotes and feasibility assessments will be required to refine projects and develop business cases to inform annual delivery and operational planning processes including budget cycles and for consideration of grant funding submissions.

The submission window for grants is usually quite short, so it is important to have projects shovel ready for upcoming grant opportunities to minimise the risk of missed opportunities.

Several projects in the CERP are likely to be excellent contenders for the upcoming Commonwealth government energy efficiency grant program in 2025.

For example, the use of innovative technology, such as floating solar, and solar projects with battery storage. This would require a financial contribution from council as it is a 50/50 co-funding program.

Council's commitment to emissions reduction actions through the CERP will be an advantage when applying for grant applications.

The State Government Sustainability Advantage (SA) peer support network of which Council is a member, is also an avenue for implementing projects.

The membership includes capped access to specialist consultants each year to assist councils to develop strategies or to conduct feasibility studies and scope capital works projects.

Council can select projects from the CERP each year to put forward to SA for consideration.

Council could also consider a revolving energy fund (REF) whereby savings from projects are tracked and used to replenish the fund for the next round of investments.

For example, electricity costs savings from Council's existing solar systems could be repaid into a REF and used to fund further projects.

Some councils deposit their [Large Scale Renewable Energy Generation certificates](#) from large scale solar systems (over 100kW) into a REF.

Point 8.2 of the CERP details options for establishing a REF.

The main ongoing cost to Council will be staff resources to plan and implement the CERP actions. Where possible existing staff resources will be used for emissions monitoring and reporting and development of strategies.

Proposed actions outside of Council's routine maintenance programs are subject to Council's procurement and decision-making processes, and annual delivery and operational planning processes including budget cycles.

8.3 Corporate Emissions Reduction Plan - Adoption

Action Summary:

A planned and structured approach to the identification of projects to be implemented, and to the securing of budget or external funds to implement projects should be developed.

Implementation of the CERP

Section 9 describes implementation of the CERP, which can be used to inform annual Operational Plans and 4-year delivery Program.

Coordination of implementing the CERP is the responsibility of Strategic Planning in consultation with the Energy Management Group. The CERP applies to all sections of Council.

Monitoring and reporting of the emissions reduction progress will be conducted quarterly and reported to the Executive Team.

An annual review of the CERP will be conducted to update project status and to respond to current information, technology, constraints, and ideas. The actions will be considered as part of the annual budget and DPOP cycles.

Delivery Program Strategy / Operational Plan Activity

The CERP was prepared in line with the 2023-2027 Delivery Program and Operational Plan Actions:

- *HE1.1 Our Planning considers past and predicted changes to the environment:*
 - *HE1.1c Prepare and implement Emissions Reduction Plan*

The CERP also relates to:

- *HE2.2 Use our scarce resources wisely*
 - *HE2.2c Minimise light fleet greenhouse gas emissions*
- *HE2.3 Reduce resource use through innovation:*
 - *HE2.3a Reduce CO2 emissions from our built assets*
 - *HE2.3b Increase renewable energy generated on Council owned and operated sites*
 - *HE2.3c Reduce the energy consumption from our built assets*

The CERP is a key strategy to guide actions across portfolios during day-to-day operations to progress Council to its 2030 Climate Change Policy targets.

The CERP provides a basis for continued action and can be used to inform Council's annual Operational Plans and 4-year Delivery Program.

Community Engagement Strategy

The Corporate Emissions Reduction Plan is a technical operational plan for Council and therefore its preparation did not involve community engagement.

The plan seeks to support implementation of Council's adopted climate change policy which has been the subject of community engagement.

8.3 Corporate Emissions Reduction Plan - Adoption

If the CERP is adopted by Council, information about the actions arising will be provided to the community over time, including through Community Connect.

Financial / Risk Considerations

The financial implication of adopting the CERP will be dependent on the method of implementation and the short, medium, and long term actions. All actions have an estimated resource intensity assigned.

Therefore, short term investment in effective implementation of the policy will result in long-term financial benefits to Council. Wherever possible staff will utilise existing budgets and processes to achieve actions.

For example, low resource intensity actions are predominantly related to existing work programs and can be achieved with existing staff resources and planning through the annual Delivery Program and Operational Plan.

Where actions fall outside existing resources, funding will need to be considered alongside other council priorities. Grant funding opportunities have also been identified in the CERP and outlined in this report.

Options

Option 1 - Council adopt the Corporate Emissions Reduction Plan as presented in Attachment 1 and proceed with implementation of the action plan.

This approach is recommended as it supports reducing Council's emissions and the ongoing reporting on progress towards Council's 2030 Climate Change targets. This option enables a structured approach to achieving the Climate Change Policy targets and aligns with the 2023-2027 Delivery Program and Operational Plan Actions and Council's Climate Change Policy objectives and principles to act on climate change.

Option 2 – Defer consideration of the Corporate Emissions Reduction Plan as presented in Attachment 1.

Council could defer this matter to seek additional information, or to consider amendments. This option is not recommended noting Councillors received a briefing on the plan on 7 May 2024.

RECOMMENDATION

That Council adopts the Corporate Emissions Reduction Plan, as per Attachment 1 to this report.

Attachment(s)

1. Corporate Emissions Reduction Plan - Final [⇒](#)

8.4 Policy (Review) - Community Property Leasing and Licensing

8.4 Policy (Review) - Community Property Leasing and Licensing

Section Open Spaces

Objective To review the Community Property Leasing and Licensing Policy.

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements.

The purpose of this report is to review the Community Property Leasing and Licensing policy.

Council first adopted the policy on 28 July 2016.

The policy was substantially reviewed on 24 September 2020.

Key Issues

- Whether the policy meets the requirements of Council and current legislation.
- Having guidelines in place for leasing particular Council owned or Council managed community properties to Not for Profit Community Groups.
- Ensuring the leasing of the community properties listed in the policy is transparent and as consistent as possible, considering the different property types and different tenant uses.

Discussion

The objective of the policy is to provide a process and criteria to assess the granting and renewal of leases of community properties to sporting bodies, community groups and charitable groups (collectively referred to in the policy as Not for Profit Community Groups).

The policy only applies to leasing the community properties listed in Attachment 1 of the policy to Not for Profit Community Groups.

The list of properties in Attachment 1 of the policy may change over time.

For example:

- a property may be removed from the policy if it is sold or becomes available for casual hire by the public rather than longer term lease to one organisation: or
- a property may be added to the policy if it is proposed to be leased to a Not-for-Profit Community Group.

This review has identified minor proposed changes as follows:

8.4 Policy (Review) - Community Property Leasing and Licensing

- to update references to the implementation of the *Crown Land Management Act*, as Council has now adopted the Plan of Management for Community Land 2023. The Plan of Management for Community Land 2023 incorporated many of the Crown Land parcels managed by Council as Crown Land Manager
- to update the list of properties in Attachment 1 of the policy
- to remove the minimum rent transition period in Attachment 3 of the policy.

Prior to the 24 September 2020 review, many Not for Profit Community Groups leasing properties on Council owned land were being charged an annual rent of \$1 per annum. The policy review on 24 September 2020 introduced a change so that Not for Profit Community Groups would be required to pay at least the statutory minimum rent amount that Crown Lands charges similar community groups leasing Crown Land (currently \$590 per annum). The policy referred to a transition period for the introduction of the higher rental amount. That transition period has now ended and has been removed as part of this policy review.

Otherwise the policy is still considered to be contemporary and reflects current legislation.

A copy of the amended policy is attached to the report. New words are marked in yellow and deleted words are shown in red strikethrough.

Delivery Program Strategy / Operational Plan Activity

The policy broadly aligns with the following strategic directions from the Delivery Program and Operational Plan:

- CC2.2 – Encourage community interaction, volunteering and wellbeing
- CC3.1 – Provide strategies for older residents to be part of our community
- CC3.2 – Provide young people with a range of leisure activities
- CC3.3 – Support improved health outcomes by providing equitable access to community facilities

Community Engagement Strategy

As the changes are minor it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment.

If any submissions are received, they can be reported back to Council. There will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

Most of the tenants leasing properties covered by the policy are run by volunteers from our community.

There are some exceptions to this, such as the preschools and youth centre, which have paid employees.

8.4 Policy (Review) - Community Property Leasing and Licensing

Council is receiving below market rents for the community properties listed in Attachment 1 of the policy.

This is because the tenants of these properties are not for profit community groups providing benefits to the broader community.

The rents received are insufficient to carry out any major capital repairs or capital improvements.

The tenants of these properties generally rely on grant funding opportunities if considering any improvement works to these properties.

Options

Council may accept or amend the proposed changes to the policy. The changes included are minor and it is recommended that the policy be adopted as presented.

It is also recommended that if no submissions are received from the exhibition process, no further action is required.

RECOMMENDATIONS

1. That Council adopts the amended Community Property Leasing and Licensing 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.

Attachment(s)

1. Policy (Review) - Community Property Leasing and Licensing [⇒](#)

8.5 Policy (Review) - Festival and Events Sponsorship (Commercial)

8.5 Policy (Review) - Festival and Events Sponsorship (Commercial)

Section	Open Spaces
Objective	To review the Festival and Events (Commercial) Sponsorship Program policy.

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements.

The purpose of this report is to review the Festival and Events (Commercial) Sponsorship Policy.

Council first adopted the Festival and Events Sponsorship Program (Community) policy in December 2010. It was originally established to provide funding to eligible community groups who coordinate events and festivals in the Ballina Shire.

The program is now guided by two policies being Council's Festival and Events (Community) Sponsorship Program and the Festival and Events (Commercial) Sponsorship Program.

Both policies were updated and amended in July 2017. At the time it was decided to develop the Commercial Sponsorship Policy to provide an opportunity for commercial groups to also apply for funding under the existing program and recognise the economic and social development opportunities commercial operators may bring to our festival and event program.

This policy was last reviewed in March 2020.

Key Issues

- Whether the policy meets the requirements of Council and current legislation
- Whether the policy meets the Council's objectives of the sponsorship program
- Equitable process for organisations seeking event financial sponsorship
- Open and transparent decision making process for event sponsorship

Discussion

This review of this policy identified only minor changes as follows:

- Wording "support" changed to "sponsorship" reflecting the name of the policy.

The changes have been marked in yellow.

A copy of the amended policy is attached to the report.

8.5 Policy (Review) - Festival and Events Sponsorship (Commercial)

Delivery Program Strategy / Operational Plan Activity

This policy is consistent with:

Direction outcome CC2 – We Feel Connected to the Community and is specifically linked to delivery program strategy CC2.1 – Create events and activities that promote interaction and education, as well as a sense of place.

Community Engagement Strategy

As the changes are only minor it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment. If any submissions are received, they can be reported back to Council. There will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

Council has a designated budget for festival and event sponsorship (commercial and community events combined) which is currently \$120,000.

Council allocates funding based on an application and evaluation process in the financial year before the event is planned. This supports planning and development for events which often involves a long lead time.

Event organisers are required to provide information demonstrating that appropriate planning has been undertaken and risks are suitably considered, along with information demonstrating funding has been used appropriately for the intended purpose.

Options

Council may accept or amend the proposed changes to the policy. The changes included are minor and therefore it is recommended that the policy be adopted as per Attachment 1.

It is also recommended that if no submissions are received from the exhibition process, no further action is required.

RECOMMENDATIONS

1. That Council adopts the amended Festival and Events (Commercial) Sponsorship Program 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.

Attachment(s)

1. Policy (Review) - Festival and Events (Commercial) Sponsorship Program
[⇒](#)

8.6 Policy (Review) - Festival and Events Sponsorship (Community)

8.6 Policy (Review) - Festival and Events Sponsorship (Community)

Section Open Spaces

Objective To review the Festival and Events (Community) Sponsorship Program policy.

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements.

The purpose of this report is to review the Festival and Events (Community) Sponsorship Program policy.

Council first adopted the Festival and Events Sponsorship Program (Community) policy in December 2010. It was originally established to provide funding to eligible community groups who coordinate events and festivals in the Ballina Shire.

The program is now guided by two policies being Council's Festival and Events (Community) Sponsorship Program and the Festival and Events (Commercial) Sponsorship Program.

Both policies were updated and amended in July 2017. At the time it was decided to develop the Commercial Sponsorship Policy to provide an opportunity for commercial groups to also apply for funding under the existing program and recognise the economic and social development opportunities commercial operators may bring to our festival and event program.

This policy was last reviewed in March 2020.

Key Issues

- Whether the policy meets the requirements of Council and current legislation
- Whether the policies meet the Council's objectives of the sponsorship program
- Equitable process for organisations seeking event financial sponsorship
- Open and transparent decision making process for event sponsorship

Discussion

This review of this policy identified no changes.

The policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended.

A copy of the policy is attached to the report.

8.6 Policy (Review) - Festival and Events Sponsorship (Community)

Delivery Program Strategy / Operational Plan Activity

The Policy is consistent with:

Direction outcome CC2 – We Feel Connected to the Community and is specifically linked to delivery program strategy CC2.1 – Create events and activities that promote interaction and education, as well as a sense of place.

Community Engagement Strategy

As there are no changes it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment. If any submissions are received, they can be reported back to Council. There will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

Council has a designated budget for festival and event sponsorship (commercial and community events combined) which is currently \$120,000.

Council allocates funding based on an application and evaluation process in the financial year before the event is planned. This supports planning and development for events which often involves a long lead time.

Event organisers are required to provide information demonstrating that appropriate planning has been undertaken and risks are suitably considered, along with information demonstrating funding has been used appropriately for the intended purpose.

Options

Council may endorse the policy without change or make adjustments. No changes have been identified through the review process, so it is recommended that the policy be adopted as per Attachment 1.

It is also recommended that if no submissions are received from the exhibition process, no further action is required.

RECOMMENDATIONS

1. That Council adopts the Festival and Events (Community) Sponsorship Program 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.

Attachment(s)

1. Policy (Review) - Festival and Events (Community) Sponsorship Program
[⇒](#)

9.1 Use of Council Seal

9. Corporate and Community Division Reports

9.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following document.

US2024/7	<p>Ballina Shire Council Sublease to Charmonne Pty Ltd for Part Lots 321/755745 and 7003/92641 being that part of the building known as the "Old Tintenbar Council Chambers", Alstonville known as Area 2 for a three-year sublease with a two-year option at market rent.</p> <p>Explanation Charmonne Pty Ltd have subleased the above property for five years and have been a good tenant. The current sublease expires on 30 June 2024.</p>
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Attachment(s)

Nil

9.2 Investment Summary - April 2024

9.2 Investment Summary - April 2024

Section	Financial Services
Objective	To provide details of Council's cash and Investments portfolio breakup and performance

Background

In accordance with the Local Government (General) Regulation 2021, the Responsible Accounting Officer of a council must provide a monthly investment report setting out the council's cash and investments.

The report is to be presented at the ordinary meeting, immediately following the end of the respective month.

This report has been prepared to confirm the cash and investments held as at 30 April 2024.

This report provides details of the total funds invested, where the investments are held and other related matters, to confirm that Council is complying with Council's Investment Policy and to ensure transparency.

The Responsible Accounting Officer certifies that the investments made during April 2024, have been made in accordance with the Act, the Regulations and Council's Investment Policy.

Key Issues

- Compliance with Investment Policy
- Return on investments

Discussion

Council's investments are in accordance with Council's Investment Policy, Section 625 of the Local Government Act 1993, and the Local Government (General) Regulation 2021.

A copy of the Investment Policy, adopted 27 July 2023, is available on Council's website.

The total balance of investments, as at 30 April 2024, was \$97.9m, compared to a balance of \$101.9m as at 31 March 2024.

Council's investments, as at 30 April 2024, were invested at a weighted average interest rate of 5.240%, which was 0.864% higher than the April average 90 Day Bank Bill Index (BBSW) of 4.376%.

The balance of Council's Commonwealth Bank business account, as at 30 April 2024 was \$13,980,807, which compares to a balance of \$10,747,980 as at 31 March 2024.

9.2 Investment Summary - April 2024

Total combined cash and investments, as at 30 April 2024 was \$111,880,807 compared to \$112,647,980 as at 31 March 2024.

The net decrease of \$0.77m in cash and investments from March to April was due to capital expenditure payments, regular creditor payments, loan payments and the quarterly contribution to the Richmond Tweed Regional Library, offset by some grant funds received from Transport for NSW and the Department of Infrastructure.

TCorp's monthly Economic Commentary report for April 2024 can be viewed using the following link: [Monthly economic report – April 2024 \(nsw.gov.au\)](https://www.nsw.gov.au/monthly-economic-report)

Restricted Reserves

The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for specific purposes.

The following table reflects the portfolio percentages based on balances as at 30 June 2023.

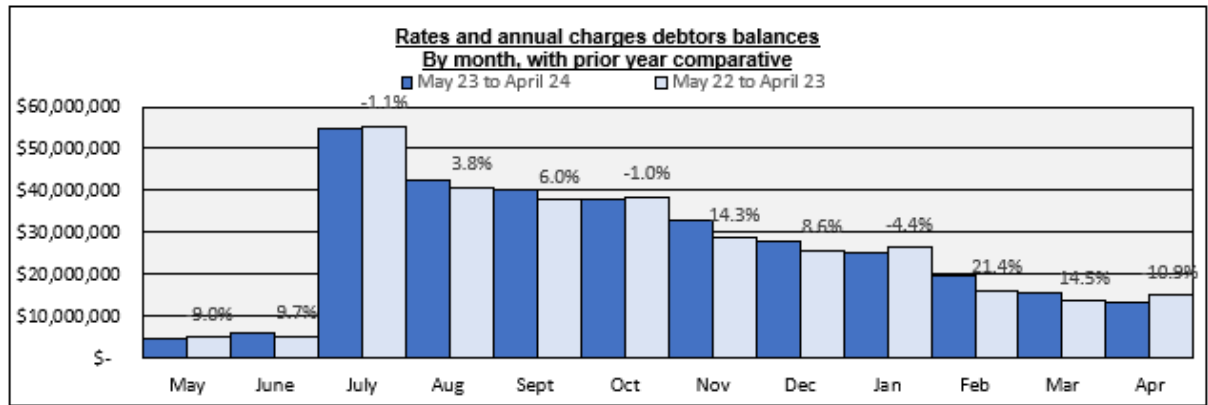
Reserve Name	Restriction	% Portfolio
Wastewater (incl developer contributions)	External	18.18%
Water (incl developer contributions)	External	15.32%
Section 7.11 Developer Contributions	External	13.40%
Domestic Waste Management	External	1.49%
Bonds and Deposits	External	3.88%
Specific Purpose Unexpended Grants	External	8.74%
Commercial Properties	External	0.81%
Carry Forward Works	Internal	2.43%
Bypass Maintenance	Internal	2.72%
Management Plans / Studies	Internal	1.15%
Airport	Internal	7.48%
Landfill and Resource Management	Internal	1.60%
Employee Leave Entitlements	Internal	2.22%
Quarries	Internal	0.49%
Property	Internal	5.85%
Plant and Vehicle Replacement	Internal	1.14%
Road Works	Internal	2.00%
Open Spaces	Internal	1.61%
Miscellaneous Internal Reserves	Internal	2.45%
Community Facilities	Internal	0.62%
Financial Assistance Grant in Advance	Internal	4.21%
Unrestricted		2.21%
Total		100.00%

Debtors

The following chart presents the month end balance of rates and annual charges debtors for the 12-month period ended 30 April 2024, and the percentage variance, in comparison to the prior year.

The balance, as at 30 April 2024, was 10.9% lower than the balance as at 30 April 2023. This shows an improvement from last month.

9.2 Investment Summary - April 2024



A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	31 March \$'000	30 April \$'000	Quota %	% of Total
AMP Bank *	No	BBB+	6,000	6,000	20%	6.13%
Australian Unity	Yes	BBB+	5,000	5,000	20%	5.11%
Auswide Bank	Yes	BBB	7,000	3,000	20%	3.06%
Bank of Queensland *	Yes	A-	6,000	6,000	20%	6.13%
BankVic	n/a	BBB+	5,000	5,000	20%	5.11%
Bendigo & Adelaide Bank *	Yes	A-	1,000	1,000	20%	1.02%
Beyond Bank *	Yes	BBB+	2,000	2,000	20%	2.04%
Commonwealth Bank	No	AA-	10,000	10,000	20%	10.22%
Defence Bank Ltd *	n/a	BBB+	3,000	3,000	20%	3.06%
Great Southern Bank	Yes	BBB	4,000	4,000	20%	4.09%
IMB Bank	Yes	BBB	4,000	4,000	20%	4.09%
ING Bank (Australia) Ltd	No	A	17,000	17,000	20%	17.36%
Macquarie Bank	No	A+	1,600	1,600	20%	1.63%
MyState Bank Ltd	Yes	BBB+	2,000	2,000	20%	2.04%
National Australia Bank	No	AA-	12,000	12,000	20%	12.26%
Newcastle Perm Build Society *	Yes	BBB+	1,000	1,000	20%	1.02%
Suncorp Limited	Yes	A+	13,300	13,300	20%	13.59%
Westpac Bank Corp	No	AA-	2,000	2,000	20%	2.04%
Total			101,900	97,900		100.0%

*S&P recently upgraded several Australian Banks due to strengthened Institutional Framework. Most institutions that were upgraded remained within the same credit rating category. Bank of Queensland and Bendigo & Adelaide Bank were the only institutions that changed category moving from BBB to A- or higher category in the table below.

Credit Rating Summary	Maximum Allowed		Value 31 March \$'000	Value 30 April \$'000	%	%
	%	Value				
as per the Investment Policy						
A- or Higher	100%	97,900	55,900	62,900	54.9%	64.2%
BBB	60%	58,740	46,000	35,000	45.1%	35.8%
Total			101,900	97,900	100.0%	100.0%

Liquidity Risk Parameters	Maximum Allowed		Value 31 March \$'000	Value 30 April \$'000	%	%
	%	Value				
as per the Investment Policy						
Term equal to 1 year or less	100%	97,900	93,000	89,000	91.3%	90.9%
Term > 1 year and < 3 years	40%	39,160	-	-	-	-
Term > 3 years	20%	19,580	8,900	8,900	8.7%	9.1%
Total			101,900	97,900	100.0%	100.0%

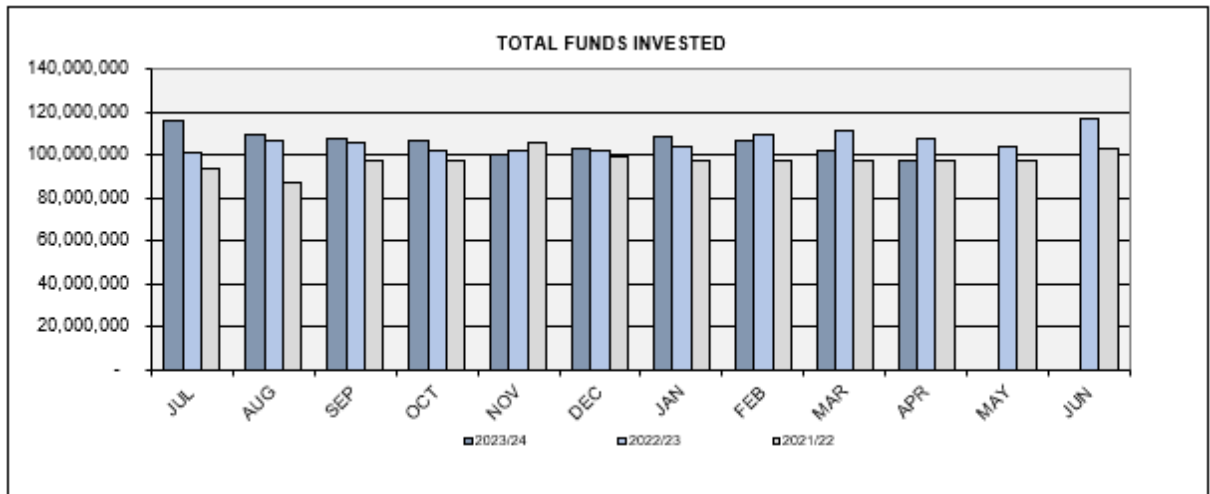
9.2 Investment Summary - April 2024

B. Fossil Fuel Free and Green Investments

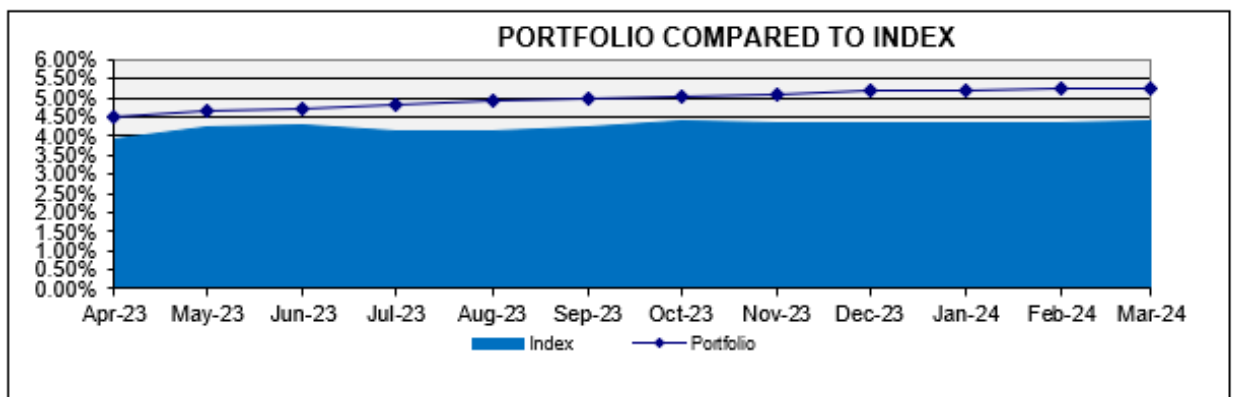
Environmental Classification	31 March		30 April	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned and Non-Green Investments	48,600	47.7	48,600	49.6
Fossil Fuel Free Investments	45,300	44.4	41,300	42.2
Green Investments	0	0.0	0	0.0
Not Classified	8,000	7.9	8,000	8.2
Total	101,900	100.0	97,900	100.0

In April 2024, two investments matured totalling \$4m. These were both held with a non-fossil fuel institution. There were no new investments placed during the month.

Monthly Comparison of Total Funds Invested

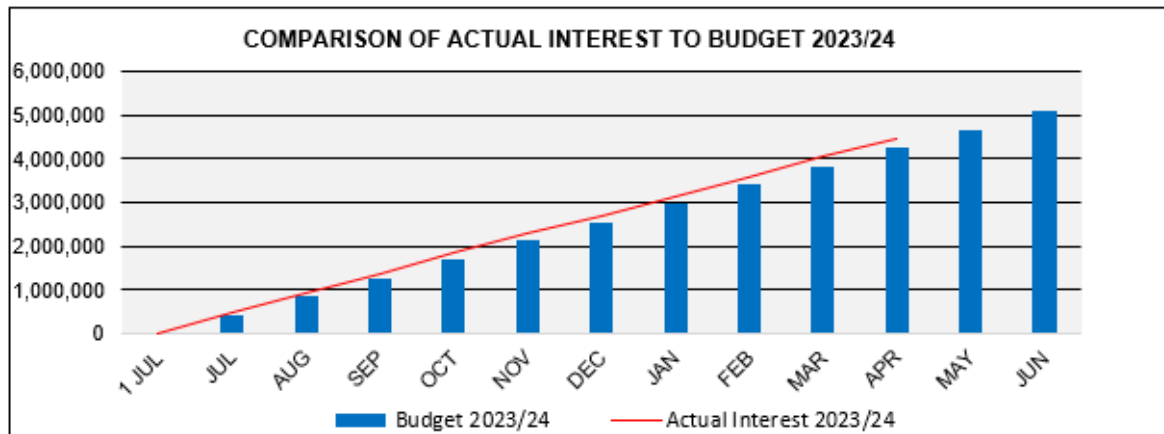


C. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.2 Investment Summary - April 2024

D. Progressive Total of Interest Earned to Budget



Interest for the year to date is trending reasonably when compared to budget.

E. Investments held as of 31 March 2024 and 30 April 2024

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 March \$'000	30 April \$'000
24/02/21	Suncorp-Metway Limited	FRN	4.83%	24/02/26	1,300	1,300
04/03/21	Newcastle Permanent Bld Society	FRN	5.00%	04/03/26	1,000	1,000
18/06/21	Bendigo & Adelaide Bank	FRN	5.01%	18/06/26	1,000	1,000
29/06/23	AMP Bank	FRN	5.99%	29/06/26	1,000	1,000
14/09/23	Macquarie Bank Limited	FRN	5.19%	14/09/26	1,600	1,600
20/02/24	Westpac Banking Corporation	FRN	5.20%	20/02/29	2,000	2,000
19/03/24	Suncorp-Metway Limited	FRN	5.33%	19/03/29	1,000	1,000
04/04/23	Auswide Bank	TD	4.90%	02/04/24	3,000	-
04/04/23	Auswide Bank	TD	4.90%	10/04/24	1,000	-
23/05/23	Great Southern Bank	TD	5.11%	21/05/24	2,000	2,000
30/05/23	MyState Bank Ltd	TD	5.10%	28/05/24	2,000	2,000
31/05/23	Great Southern Bank	TD	4.70%	04/06/24	2,000	2,000
21/06/23	Australian Unity Bank	TD	5.60%	18/06/24	2,000	2,000
27/06/23	Commonwealth Bank of Australia	TD	5.50%	25/06/24	3,000	3,000
28/08/23	Commonwealth Bank of Australia	TD	5.41%	26/08/24	3,000	3,000
29/08/23	Commonwealth Bank of Australia	TD	5.41%	27/08/24	4,000	4,000
27/09/23	National Australia Bank	TD	5.32%	23/09/24	2,000	2,000
05/10/23	ING Bank (Australia) Ltd	TD	5.27%	01/10/24	4,000	4,000
17/10/23	ING Bank (Australia) Ltd	TD	5.20%	15/10/24	2,000	2,000
01/11/23	ING Bank (Australia) Ltd	TD	5.47%	29/10/24	3,000	3,000
08/11/23	ING Bank (Australia) Ltd	TD	5.48%	06/11/24	2,000	2,000
08/11/23	Australian Unity Bank	TD	5.48%	12/11/24	1,000	1,000
29/11/23	Auswide Bank	TD	5.50%	26/11/24	1,000	1,000
05/12/23	BankVic	TD	5.47%	03/12/24	2,000	2,000
06/12/23	BankVic	TD	5.47%	03/12/24	2,000	2,000
12/12/23	Beyond Bank	TD	5.40%	10/12/24	2,000	2,000
19/12/23	AMP Bank	TD	5.25%	17/12/24	4,000	4,000
22/12/23	AMP Bank	TD	5.35%	19/12/24	1,000	1,000
02/01/24	ING Bank (Australia) Ltd	TD	5.32%	02/01/25	4,000	4,000

9.2 Investment Summary - April 2024

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 March \$'000	30 April \$'000
09/01/24	BankVic	TD	5.23%	07/01/25	1,000	1,000
09/01/24	Defence Bank Ltd	TD	5.23%	07/01/25	3,000	3,000
10/01/24	ING Bank (Australia) Ltd	TD	5.22%	08/01/25	2,000	2,000
18/01/24	Auswide Bank	TD	5.25%	15/01/25	2,000	2,000
23/01/24	National Australia Bank	TD	5.15%	23/01/25	7,000	7,000
29/01/24	Suncorp-Metway Limited	TD	5.20%	27/01/25	4,000	4,000
13/02/24	IMB Bank	TD	5.05%	13/08/24	4,000	4,000
14/02/24	Suncorp-Metway Limited	TD	5.08%	10/07/24	7,000	7,000
23/02/24	Bank of Queensland	TD	5.05%	04/09/24	4,000	4,000
23/02/24	National Australia Bank	TD	5.10%	19/11/24	3,000	3,000
28/02/24	Australian Unity Bank	TD	5.10%	27/02/25	2,000	2,000
13/03/24	Bank of Queensland	TD	5.17%	11/09/24	2,000	2,000
	Total				101,900	97,900
	TD=Term Deposit; FRN=Floating Rate Note					

RECOMMENDATION

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

Attachment(s)

Nil

9.3 Donation - Australian Representation

9.3 Donation - Australian Representation

Section	Communications
Objective	To determine an application for Australian representation

Background

Council occasionally receives requests to financially support individuals who reside in the Ballina Shire chosen to represent Australia in a team or event.

These applications are assessed under Council's Donations - Australian Representation policy.

A recent application has been received from Heart of Dance Line Dance Team seeking a donation or sponsorship to help their line dancing group attend the World Dance Masters in Blackpool, England.

This report seeks Council's determination on the request.

Key Issues

- Compliance with Council policy
- Equity in donation assistance

Discussion

The Heart of Dance Line Dance Team has qualified for the World Dance Masters in Blackpool, England in July 2024.

The group are seeking support for their troupe of 14 dancers travelling to compete, ranging in ages from 9 to 26 years of age, to help cover the costs of participation, travel, accommodation, and uniform expenses which are estimated at \$9,000 to \$10,000 per participant.

In terms of compliance with the Donations – Australian Representation policy, the application complies with the selection criteria including:

- Ballina Shire residents selected to represent Australia as an individual or as a member of a national team
- the group are confirmed residents of the Ballina Shire
- the group has not previously received a donation this year
- assistance is for the expenses incurred in their role representing Australia.

Historically, a successful application under this policy has been through a selection process in order to be nominated. The qualification process in this instance was attending the Winter Wipeout competition on the Gold Coast.

Heart of Dance is a registered business, where the teacher is paid for the dance lessons, however students are expected to pay for uniforms, travel and accommodation expenses associated with events.

9.3 Donation - Australian Representation

Should Council endorse the application, the level of assistance provided under the Donations – Australian Representation Policy, as detailed in the policy, is \$535 (overseas representation in 2024).

Council considered a similar request at the 23 February 2023 Ordinary meeting, for the Lennox Beach Line Dancing and Council resolved:

That Council approves a donation in the amount of \$513 under the Donations - Australian Representation Policy to the Lennox Beach line dancing group for travel expenses relating to World Dance Masters in England.

Delivery Program Strategy / Operational Plan Activity

CC3.2 - Provide young people with a range of leisure activities.

Community Consultation Policy

This matter has not been the subject of community consultation.

Financial / Risk Considerations

There is no specific budget allocation for the Donations - Australian Representation policy as the donation requests are ad hoc and the funds donated are relatively minor in comparison to Council's overall budget.

The level of assistance available under the current Policy is \$535 for Ballina Shire residents who represent Australia overseas. The last consideration of an application under this policy was in April 2024.

Options

Council has an option to support the application or not to support.

The application from Heart of Dance Line Dance Team aligns with the Donations for Australian Representation Policy and is recommended for approval.

RECOMMENDATION

That Council approves a donation of \$535 under the Donations - Australian Representation Policy, to the Heart of Dance Line Dance Team, for travel expenses relating to World Dance Masters in England for July 2024.

Attachment(s)

1. Donation - Australian Representation - Heart of Dance Line Dance Team - July 2024 [↔](#)

9.4 Policy (Review) - Donations - Rates and Charges

9.4 Policy (Review) - Donations - Rates and Charges

Section	Financial Services
Objective	To review the Donations - Rates and Charges Policy and provide guidelines for the management of recurring donations by Council for rates and charges.

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Donations – Rates and Charges policy.

The Donations – Rates and Charges Policy has been in place for many years.

The objective of the policy is to identify the community-based service organisations, typically located on Council owned or controlled land, who receive a recurrent donation of their rates and charges from Council.

Council resolves annually to confirm the donation of the various rates and charges for each assessment, in accordance with Section 356 of the Local Government Act 1993 (LGA).

Council adopted the current policy on 23 July 2020.

Key Issues

- Whether the policy meets the requirements of Council and current legislation
- Equity amongst community groups

Discussion

There are only minor changes recommended to this policy, outlined as follows:

- Ballina / Lismore Jnr SLSC is currently known as Surf Life Saving FNC Branch Inc.
- Ballina Jetboat Surf Rescue is now known as Marine Rescue NSW following a merge in November 2023.
- Alstonville Scouts has been added within the policy detail as it had not been specifically listed. The organisation is not liable for ordinary rates or water/wastewater annual charges but is liable for the annual on-site septic management (OSSM) charge.
- Alignment with current template to include definitions, scope and related legislation/documentation.

Otherwise, the policy is still considered to be contemporary and reflects current legislation.

In previous reviews of the policy, Council has, at times, sought to examine the financial sustainability of organisations listed in this policy.

9.4 Policy (Review) - Donations - Rates and Charges

There has been particular reference to preschools and based on this staff have looked at the financial reports published on the Australian Charities and Not for Profits Commission website and the Australian Children's Education and Care Quality Authority website.

The public data suggests that some preschools/playgroups are profitable, while others are making losses, with the latest data available being the 2022 financial year.

These reports do not provide an indication of the overall financial health of the organisation as the information does not reflect potential capital investment liabilities, such as sinking funds for asset renewal or expansion, or other liabilities, such as maintenance and repairs, that may form part of a group's financial planning.

The pre-schools and playgroups listed in the policy, are on Council owned or controlled land (crown land), with the exception of Biala Special School and the Lennox Head-Preschool.

A copy of the policy with the amendments mentioned, is included as Attachment 1 to this report.

The proposed changes to the policy wording have been marked in yellow.

Delivery Program Strategy / Operational Plan Activity

The policy provides financial support to community organisations which allows them to spend more money on providing their specific service to the local community. This aligns with Delivery Program Strategy CC2.2 'Encourage community interaction, volunteering and wellbeing'.

Community Engagement Strategy

As the changes are only minor it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment. If any submissions are received, they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

The donations are funded in the annual Operational Plan and budget.

Each financial year, an itemised report is provided to Council annually to seek approval to make the donations to each assessment.

The provision of donations is in accordance with Section 356 of the Local Government Act 1993.

Options

Council may accept or amend the proposed changes to the policy. The changes included are minor and largely housekeeping and it is recommended that the policy be adopted as presented.

9.4 Policy (Review) - Donations - Rates and Charges

It is also recommended that if no submissions are received from the exhibition process, no further action is required.

RECOMMENDATIONS

1. That Council adopts the amended Donations – Rates and Charges 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.

Attachment(s)

1. Policy (Review) - Donations Rates and Charges [⇒](#)

9.5 Legal Matters - Update

9.5 Legal Matters - Update

Section Governance

Objective To provide the quarterly update on court litigation involving Council.

Background

This is a quarterly report that provides an update on legal matters to ensure that the community is informed on Council litigation.

The report focuses on Council's planning, building and compliance activities.

Key Issues

- Type, outcomes and cost of litigation

Discussion

A summary of current and recent legal cases follows.

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Parker and Kissane Solicitors	Ooh! Media Assets Pty Ltd v Ballina Shire Council	Land and Environment Court - Class 1 Appeal Proceedings – Deemed refusal of development application 2022/33	50,000	134,000

Comment

DA 2022/33 involves the erection of an advertising structure for the purposes of digital advertising on land at 44 Bangalow Road, Ballina (Ballina Central).

The matter was the subject of a section 34 conciliation conference on 28 February 2023. This conference was terminated, and a hearing was set for 3 and 4 August 2023.

This hearing was adjourned pending the parties preparing additional information concerning the permissibility of the proposed development.

The matter was heard on 11 and 12 March 2024. The commissioner has reserved judgement.

9.5 Legal Matters - Update

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Lindsay Taylor Lawyers	Impact Property Consultancy Pty Ltd v Ballina Shire Council	Land and Environment Court - Class 1 and 2 Appeal Proceedings – Deemed refusal of development application 2021/420 and section 68 applications relating to DA 2018/51 and 2022/284.	75,000	106,500
<p>Comment</p> <p>DA 2020/284 and DA 2018/51 relate to approved subdivisions and DA 2021/420 to a proposed subdivision at 20 North Creek Road, Lennox Head (The Crest). The appeals related to a deemed refusal of section 68 applications associated with subdivision works certificates for DA 2020/284 and DA 2018/51 and a development application for additional lots and lots redesign under DA 2021/420. A section 34 conciliation conference was held on 1 December 2022.</p> <p>Further site investigations and design documentation were undertaken by the applicant in advance of the section 34 conference resuming on 26 April 2023. The investigations revealed that Council's concerns were well founded necessitating a revised design.</p> <p>Following the cancellation of the conciliation conference and a revised set of plans, the matter was heard from 4 to 11 December 2023. The class 1 appeal (deemed refusal of DA 2021/420) was terminated by the applicant at the commencement of the hearing.</p> <p>After six days of evidence predominantly in relation to engineering, hydrological and ecological issues, the commissioner reserved judgment on both class 2 matters (deemed refusals of section 68 applications for DA 2018/51 and 2020/284). The commissioner delivered the following judgment on 26 April 2024:</p> <ol style="list-style-type: none"> Both appeals dismissed. Both section 68 applications refused. The section 138 application refused. <p>The judgment reflects Council's long-standing concerns.</p>				
Lindsay Taylor Lawyers	GTH Resorts v Ballina Shire Council	Land and Environment Court - Class 1 Proceedings – Deemed refusal of development application 2022/721	500,000	184,400
<p>Comment</p> <p>DA 2022/721 for the development of 148 independent living units for a seniors housing community with associated manager's residence, community facilities, infrastructure and services at 550-578 River Street, Ballina. At the first directions hearing on 21 August 2023 a section 34 conciliation conference was scheduled for 8 March 2024.</p> <p>The DA was reported to the Northern Regional Planning Panel for determination on 30 November 2023. The Panel determined to refuse the DA.</p> <p>The section 34 conciliation conference was held on 8 March 2024 and was subsequently terminated. The court has set the matter down for hearing from 16 – 20 and 23 September 2024.</p> <p>On 10 April 2024 the Court granted the applicant leave to amend the DA to rely on amended plans and materials. The DA has been amended to 146 independent living units.</p>				

9.5 Legal Matters - Update

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Lindsay Taylor Lawyers	Alstonville Agricultural Society Inc. v Ballina Shire Council	Land and Environment Court - Class 1 Proceedings – Order Issued for Unauthorised Works	35,000	6,700
<p>Comment</p> <p>Council issued an Order under Schedule 5 of the Environmental Planning and Assessment Act 1979 on 21 September 2023 to the Alstonville Agricultural Society Inc. regarding the unlawful erection of stock holding yards at the Alstonville Showground. The applicant lodged a Class 1 appeal against the Order.</p> <p>At the first directions hearing on 6 November 2023, a section 34 conciliation conference was scheduled for 30 April 2024. A DA was lodged in January 2024.</p> <p>At the Section 34 conciliation conference held on 30 April 2024, agreement was reached to modify the terms of the Order. Having now received a DA, the modified Order alters the time for the demolition work specified in the Order to align with the withdrawal or final determination of the DA. It is anticipated that the court will now dispose of the proceedings.</p> <p>The DA remains under assessment. Key issues under consideration in the assessment of the DA include noise impacts, stormwater and waste management and odour and dust impacts.</p> <p>A request for additional information has been issued to the applicant in relation to these matters. The applicant has indicated an intention to respond to the information request and Council is awaiting further correspondence.</p>				
Lindsay Taylor Lawyers	Trevor Brand	Land and Environment Court – Class 1 Proceedings – Refusal of development application 2022/333 – 43 Ballina Street, Lennox Head	50,000	15,200
<p>Comment</p> <p>This relates to a Class 1 Appeal against Council's refusal of DA 2022/333 for alterations and additions to an existing dwelling house, two lot strata subdivision and construction of a new dwelling at 43 Ballina Street, Lennox Head. The matter is listed for hearing on 29-31 July 2024.</p>				

Delivery Program Strategy / Operational Plan Activity

Legal cases are linked to Delivery Program strategies such as:

- HE3.2 - Match infrastructure with development to mitigate any impacts on the environment
- HE3.3 - Minimise negative impacts on the natural environment

Community Consultation Policy

This report is provided in open Council to ensure the community is informed on legal matters. If Council wishes to discuss any details, it may be necessary to resolve into confidential session to ensure any legal advice is not discussed in open session.

9.5 Legal Matters - Update

Financial / Risk Considerations

The following table provides a summary of planning related legal costs for recent years including costs for 2023/24 to early May 2024.

Table 1 – Legal Expenditure 2021/22 to May 2024

Description	2021/22	2022/23	2023/24
DA 2017/244 - Skennars Head – Aureus – Intrapac	32,000	0	3,200
The Beach House	4,000	14,400	0
DA 2020/49 – 38 Newrybar Swamp Road (Anderson)	13,700	0	0
DA 2020/192 – GTH Resorts (GemLife)	307,300	0	4,900
DA 2021/137 – 10 Old Pacific Highway (Newrybar Pty. Ltd)	0	26,100	0
DA 2021/605 – 38 Dress Circle Drive (Snashall)	0	114,000	0
DA 2022/33 – Bangalow Road (Advertising Sign)	0	18,000	115,800
DA 2022/284 – The Crest (DA 2018/51 and 2021/420)	0	16,100	90,400
DA 2022/333 – 43 Ballina Street, Lennox Head	0	0	15,200
DA 2022/469 – 404 Old Byron Bay Road (New DA)	0	11,800	0
DA 2022/721 – GTH Resorts (GemLife)	0	7,600	176,800
DA2023/504 – Alstonville Showground	0	0	6,700
Compliance – 19 Old Pacific Highway, Newrybar	22,800	3,800	0
Compliance – Coolgardie Road	0	10,800	0
Compliance – Swimming Pools	37,100	26,300	0
Compliance – 254 Hutley Drive, Lennox Head	0	17,800	3,300
Other Compliance, Insurance and Planning Agreements	54,100	30,600	29,500
Total Actual Expenditure	471,000	297,300	445,800
Legal Expenditure Budgets	465,000	315,000	360,000
Expenditure Budget Result – Surplus / (Shortfall)	(6,000)	17,700	(85,800)
Legal Actual Income from Costs Recovered	364,000	8,000	1,400
Legal Income Budget	160,000	120,000	80,000
Income Budget Result – Surplus / (Shortfall)	204,000	(112,000)	(78,600)
Net Budget Result – Surplus / (Shortfall)	198,000	(94,300)	(164,400)

The legal expenditure budget for 2023/24 is over expended, with the quarterly review report later in this agenda recommending an increase of \$150,000.

Legal expenditure can vary significantly each year, as shown in the next table, which provides an eight year summary of results.

Table 2 – Legal Expenditure – Period 2015/16 to 2022/23 (\$'000)

Year	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Expense	88	353	967	503	1,042	736	471	297
Income	20	90	108	61	157	539	364	8
Net Cost	68	263	859	442	885	197	107	289

Options

This report is provided for public information as there is public interest in legal matters involving Council.

RECOMMENDATION

That Council notes the contents of this Legal Matters – Update report.

Attachment(s)

Nil

9.6 Financial Year 2023/24 - 31 March 2024 Review

9.6 Financial Year 2023/24 - 31 March 2024 Review

Section	Financial Services
Objective	To provide a quarterly review of the 2023/24 financial year based on the known results to 31 March 2024.

Background

In accordance with Clause 203 of the Local Government (General) Regulations, the Responsible Accounting Officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year.

This report provides the third quarterly review for the 2023/24 financial year.

Key Issues

- Variations to the budget and financial performance of Council

Discussion

The purpose of this report is to provide information on how the financial forecast is tracking compared to budget, and to confirm any known budget variances, as at 31 March 2024.

The format of the report complies with the Quarterly Budget Review Statement Guidelines set down by the Office of Local Government (OLG). To comply with these guidelines an Operating Statement, Capital Budget, Cash and Investment Statement, Key Performance Indicators, Contractors, Consultants, Legal Information and Certification by the Responsible Accounting Officer are required.

A brief overview of the information provided in the report is as follows:

Section One – General Fund Long Term Financial Plan (LTFFP)

This section provides an overview of the General Fund including a high-level summary of the ten-year Long Term Financial Plan.

Section Two - Operating Income and Expenditure Budgets 2023/24

Outlines the 2023/24 operating income and operating expenditure budgets for the Funds (General, Water and Wastewater).

Section Three - Capital Budgets 2023/24

Outlines the 2023/24 capital expenditure budgets.

Section Four - Cash and Investment Statement

Provide details of the projected movements in the cash reserve balances.

Section Five - Key Performance Indicators

The ratios provide an indication of the financial health of the organisation.

Section Six - Contractors/Consultants/Legal Expenses

Details expenses incurred.

Section Seven – Other Matters

Seaside Signage Lennox Head

The adopted 2023/24 tourism budget included \$30,000 for Seaside Signage for Lennox Head. This budget is well short of the confirmed estimate.

Further information is provided within Section Seven of this report.

Section Eight– Certification

This is a Statement by the Responsible Accounting Officer as to whether the current year's estimated financial performance is or is not satisfactory.

Section One – General Fund Long Term Financial Plan

The following tables provide an overview of how the General Fund Long Term Financial Plan (LTFFP) has changed after the exhibition of the draft Delivery Program and Operational Plan (DPOP) for 2024/25.

Draft 2024/25 - Forecast General Fund Operating Result (\$'000)

Year	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
Operating Income	92,565	92,310	95,318	99,160	103,159	107,127	110,979	114,962	119,010	123,307	127,784
Operating Exps	71,738	72,800	74,253	76,373	79,414	81,831	83,758	86,368	88,807	91,948	94,225
Result before Non-Cash items	20,827	19,510	21,065	22,787	23,745	25,296	27,221	28,594	30,203	31,359	33,559
Less Depreciation and Non-cash	22,790	22,272	23,014	23,711	23,709	24,497	25,312	26,152	27,016	27,905	28,825
Surplus/(Deficit)	(1,963)	(2,762)	(1,949)	(924)	36	799	1,909	2,442	3,187	3,454	4,734
Work Cap Result	(339)	(718)	(109)	(30)	248	607	936	705	818	950	1,092
WC Balance	1,416	698	589	559	807	1,414	2,350	3,055	3,873	4,823	5,915

Revised 31 March 2024 - Forecast General Fund Operating Result (\$'000)

Year	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
Operating Income	90,507	92,317	95,070	98,959	102,949	106,909	110,753	114,727	118,764	123,045	127,518
Operating Exps	71,623	73,194	74,151	76,208	79,237	81,648	83,569	86,173	88,603	91,736	94,005
Result before Non-Cash items	18,884	19,123	20,919	22,751	23,712	25,261	27,184	28,554	30,161	31,309	33,513
Less Depreciation and Non-cash	22,790	22,272	23,014	23,711	23,709	24,497	25,312	26,152	27,016	27,905	28,825
Surplus/(Deficit)	(3,906)	(3,149)	(2,095)	(960)	3	764	1,872	2,402	3,145	3,404	4,688
Work Cap Result	(444)	(892)	(210)	(132)	143	499	827	594	705	833	972
WC Balance	1,311	419	209	77	220	719	1,546	2,140	2,845	3,678	4,650

This forecast shows the General Fund reaching an operating surplus in 2027/28.

This March quarterly review forecasts a deterioration of \$1.943m to the operating deficit for 2023/24.

9.6 Financial Year 2023/24 - 31 March 2024 Review

The following section provides commentary in relation to the forecast changes impacting on the General Fund.

Section Two – Operating Income and Expenditure Budgets 2023/24

General Fund – Operating Income and Expenses

This section deals with the General Fund operations.

The **Forecast Operating Result**, as at **31 March**, is a loss of \$3.906m.

This compares to a forecast loss of \$2.088m following the 31 December 2023 review.

The estimated movement in **Unrestricted Working Capital**, as at **31 March**, is a deficit of \$444,000.

This compares to a forecast deficit of \$330,000 following the December 2023 review as reported to the February 2024 Ordinary meeting.

The next two tables detail operating income and operating expenses including recommended variations to budget, as per the “Changes for Approval” column.

General Fund – Operating Income (\$'000)

Operating Income	Original Budget	Dec Budget	Other Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
Planning and Environmental Health Division							
Strategic Planning	305	1,106	0	1,106	57	1,163	165
Development Services	2,692	2,542	0	2,542	(280)	2,262	1,617
Environment / Public Health	695	760	0	760	70	830	793
Community Gallery	125	125	0	125	0	125	94
Open Spaces	2,483	1,430	0	1,430	59	1,489	1,211
Sub Total	6,300	5,963	0	5,963	(94)	5,869	3,880
Civil Services Division							
Infrastructure Planning	275	225	0	225	(50)	175	64
Roads and Bridges	5,094	7,371	0	7,371	(1,773)	5,598	6,561
Emergency Services	327	417	0	417	0	417	117
Landfill and Resource Mgmt	12,700	11,804	0	11,804	(90)	11,714	9,161
Domestic Waste Mgmt	9,258	8,793	0	8,793	0	8,793	8,741
Sub Total	27,654	28,610	0	28,610	(1,913)	26,697	24,644
Corporate and Community Division							
Governance	0	0	0	0	19	19	19
Comms / Customer Service	9	92	0	92	0	92	58
Financial Services	35,646	36,861	0	36,861	0	36,861	30,532
Information Services	233	233	0	233	0	233	148
People and Culture	205	205	0	205	0	205	224
Commercial Property	3,088	3,268	0	3,268	70	3,338	2,900
Ballina Byron Gateway Airport	8,980	8,980	0	8,980	(100)	8,880	7,313
Community Facilities	951	836	0	836	(40)	796	642
Facilities Management	47	387	0	387	0	387	406
Library Services	134	193	0	193	0	193	193
Swimming Pools	1,169	1,299	0	1,299	0	1,299	1,132
Tourism	230	214	0	214	0	214	195
Fleet and Plant	5,369	5,424	0	5,424	0	5,424	3,991
Sub Total	56,061	57,992	0	57,992	(51)	57,941	47,753
Total Operating Income	90,015	92,565	0	92,565	(2,058)	90,507	76,277

General Fund – Operating Expenses (\$'000)

Operating Expenses	Original Budget	Dec Budget	Other Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
Planning and Environmental Health Division							
Strategic Planning	649	1,068	0	1,068	(213)	855	267
Development Services	3,773	3,828	0	3,828	150	3,978	3,028
Environment / Public Health	3,044	3,169	0	3,169	100	3,269	2,305
Community Gallery	446	507	0	507	5	512	309
Open Spaces	7,747	6,890	0	6,890	0	6,890	5,690
Sub Total	15,659	15,462	0	15,462	42	15,504	11,599
Civil Services Division							
Infrastructure Planning	1,483	1,483	0	1,483	0	1,483	928
Roads and Bridges	9,083	9,036	(125)	8,911	(676)	8,235	6,701
Emergency Services	886	976	0	976	(5)	971	647
Landfill and Resource Mgmt	12,963	11,829	0	11,829	60	11,889	8,306
Domestic Waste Mgmt	8,900	8,500	0	8,500	134	8,634	6,353
Sub Total	33,315	31,824	(125)	31,699	(487)	31,212	22,935
Corporate and Community Division							
Governance	1,190	1,237	0	1,237	15	1,252	1,259
Comms / Customer Service	600	707	0	707	0	707	422
Financial Services	726	726	0	726	0	726	585
Information Services	3,261	3,429	0	3,429	0	3,429	3,455
People and Culture	401	431	0	431	0	431	574
Commercial Property	2,055	2,145	0	2,145	0	2,145	1,448
Ballina Byron Gateway Airport	6,292	6,292	0	6,292	95	6,387	4,951
Community Facilities	1,117	1,142	0	1,142	20	1,162	872
Facilities Management	751	751	0	751	0	751	686
Library Services	1,830	1,889	0	1,889	0	1,889	1,418
Swimming Pools	1,802	1,932	0	1,932	0	1,932	1,395
Tourism	654	608	0	608	0	608	430
Fleet and Plant	3,288	3,288	0	3,288	200	3,488	2,860
Sub Total	23,967	24,577	0	24,577	330	24,907	20,355
Total Operating Expense	72,941	71,863	(125)	71,738	(115)	71,623	54,889
Op Result Before Dep	17,074	20,702	125	20,827	(1,943)	18,884	21,388
Depreciation and Non-Cash	21,202	22,790	0	22,790	0	22,790	17,093
Net Operating Result	(4,128)	(2,088)	125	(1,963)	(1,943)	(3,906)	4,296

The larger adjustments to the General Fund Operating Result include:

- Development Services income revised down by \$280,000
- Roads operating income of \$1.827m, relating to the Regional and Local Roads Repair Program, reclassified from operating to capital income
- Salaries budgets in Strategic Planning decreased by \$300,000
- Development Services legal expenses increased by \$150,000
- Roads operating expenditure of \$730,000, for the Regional and Local Roads Repair Program, reclassified from operating to capital expenditure
- Domestic Waste Management expenditure increased by a net \$134,000
- Fleet and Plant operating expenses have been increased by \$200,000.

General Fund Working Capital Movements (\$'000)

Item	Original Budget	Dec Budget	Other Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
Increase / (Decrease)	(992)	(330)	(9)	(339)	(105)	(444)	N/A

Working capital is a measure of short-term liquidity and Council aims to target a break-even result for the General Fund.

This review provides a deterioration to the forecast movement in working capital, based on numerous adjustments.

Comments on the main budget variations are as follows.

General Fund - Operating Income

Planning and Environmental Health Division

Strategic Planning

Income of \$57,000 raised for grant funding received from Transport for NSW under the under the Vibrant Streets Package: Open Streets Program.

The project includes installation of pod seating, temporary closure of part of Richmond Street (Wardell) for a one day event and artist led workshops.

A matching expenditure budget has also been raised.

Development Services

This section has income budgets totalling \$2,542,000.

The larger revenue streams are Development and Town Planning Fees, (current) budget of \$660,000, Plumbing / Drainage Application Fees, budget of \$550,000, Construction Certificate Fees, budget of \$220,000 and Section 7.11 Fees, budget of \$175,000.

Several income streams continue to be trending down, including Development and Town Planning Fee and Construction Certificate Fees.

Decreases totalling \$280,000 across various income streams are proposed for this review.

Environmental and Public Health

Grant funding of \$241,000 confirmed from the Department of Planning and Environment – Coastal and Estuary Grants program. This funding is for the Maguires Creek Rehabilitation project, with matching Council funding through Council’s Healthy Waterways (HW) budgets.

An income budget of \$70,200 is raised for 2023/24, with the total grant funds allocated as follows.

9.6 Financial Year 2023/24 - 31 March 2024 Review

Year	Grant funded	Council Funded	Total Budget
2023/24	70,200	70,200	140,400
2024/25	120,300	120,300	240,600
2026/27	50,500	50,500	101,000
Totals	241,000	241,000	482,000

Open Spaces

Income budget of \$59,000 raised for NSW Public Works under Natural Disaster Funding. This payment is for eligible costs incurred by Council following the February / March 2022 severe weather and flooding event.

As this income relates to expenditure incurred in the previous financial year, this amount has been transferred to an Open Spaces Reserve.

Civil Services Division

Infrastructure Planning

Forecast income for Development Engineer Inspection Fees continues to trend down. A further revision of \$50,000 is proposed to a revised budget of \$135,000.

Roads and Bridges

An operating income budget of \$1.827m was raised in the December 2023 budget review, for grant funding under the Regional and Local Roads Repair Program.

It was anticipated that there would be no major expenditure within the 2023/24 year and this amount was placed into reserve.

As the planned program of works has now commenced, this funding has been determined as capital in nature and is transferred from operating income to capital income as part of this review. This adjustment represents a major negative impact for the forecast operating result for 2023/24.

Grant funding has been confirmed from the NSW Reconstruction Authority to Develop Agricultural Levee Guidance.

Currently there are no formal planning controls in place to guide the construction of new levees, or when changes are required to existing levees.

This presents a risk for some landowners, when levees built on neighbouring properties can impact flood levels on their own property.

To mitigate these risks, guidelines and planning controls are to be developed for the construction of new levees, or changes to existing levees.

Of the total funding of \$197,000, an income and expenditure budget of \$30,000 has been raised for 2023/24, with the balance of \$167,000 to be included within the 2024/25 budget.

9.6 Financial Year 2023/24 - 31 March 2024 Review

The income budget for the Transport for NSW Block Grant has been revised upwards \$18,000, from \$852,000 to \$870,000 based on actual income.

Landfill and Resource Management (LRM)

Income budgets revised down by a net \$90,000.

The income budget for gate fees from Council works is reduced by \$150,000, to \$850,000.

This represents a trend noted in the December 2023 review, with efficiencies and savings associated with improved waste management, resource recovery and waste avoidance operations associated with the delivery of Council's capital works projects.

Corporate and Community Division

Governance

A rebate income budget of \$19,000 is raised, being a credit received from Statewide Mutual.

This reflects Council's motor vehicle claims experience for the 2022/23 year.

This amount has been transferred to the Corporate and Community Division's Legals / Audit / Revaluations reserve.

Commercial Property

The rental income budget for the Cessna Crescent property has been increased by \$70,000, to \$360,000 for 2023/24.

Of this increase, \$34,000 is transferred to the Wigmore Reserve, as reimbursement of funding that this reserve had provided for the purchase of a crane for the Cessna Crescent property.

The balance, being \$36,000 is transferred to the Property reserves.

Ballina Byron Gateway Airport

The Airport has experienced a slight decline in passenger numbers, over the last quarter, on the back of major airline schedule inconsistencies.

All regional airports are experiencing similar airline schedule variations, affecting passenger numbers.

This has, in turn, affected other revenue streams, such as rental car and car park income.

Forward schedules until October are expected to provide comparable results.

A review of the current budgets has identified a reduction in the income budget for Car Rental Franchises, decreased by \$100,000, to \$1m.

No other adjustments to income budgets are proposed.

Community Facilities

Although facilities individually are not deviating materially, overall income for this section is trending down.

The income budgets for the Lennox Head Cultural Centre and the Ballina Indoor Sports Centre have been reduced by \$20,000 each, with revised budgets of \$200,000 and \$170,000, respectively.

General Fund - Operating Expenses

Planning and Environmental Health Division

Strategic Planning

As noted in the 31 December 2023 review, salary budgets in this section are trending down significantly.

A budget adjustment to recognise these savings was flagged to occur as part of this March 2024 review. With a continuation of this trend, the 2023/24 salaries budget is decreased by \$300,000 to recognise the savings anticipated for the current year.

An expenditure budget of \$57,000 is raised for the Vibrant Streets Package: Open Streets Program, as noted earlier.

An expenditure budget of \$30,000 is raised for the Ballina Shire CCTV Scoping Study.

This budget is funded by Strategic Reserves, as per the resolution from the April 2024 Ordinary Meeting:

“That Council undertake the CCTV scoping study, with the contract funded from the Strategic Planning Reserve.”

Development Services

The current expenditure budgets in this section include a budget of \$350,000 for legal costs, following an increase of \$30,000 as part of the December 2024 budget review.

Expenditure incurred, as at the date of writing this report, has already reached \$446,000. A further budget increase of \$150,000, to a revised budget of \$500,000, is proposed as part of this review.

This increase is funded from the Salaries /Legals / Revaluation reserve that had been put aside from favourable budget adjustments in previous years.

The increase to the current year budget expends the balance of that reserve.

Environmental and Public Health

An expenditure budget of \$140,400 is raised for the Maguires Creek Rehabilitation Project, as noted earlier.

This expenditure is 50% funded from the Department of Planning and Environment – Coastal and Estuary Grants program, with the remainder funded from Council's Healthy Waterways budget.

The budget for Environmental Health Education / Projects is increased by \$20,000 to assist in the roll out of actions from the Illegal Dumping Strategy.

The budget for Destruction of Pests / Vector Control is increased by \$10,000, for the review of the Mosquito Management Program.

These two adjustments budgets are funded from the Compliance Reserve.

Community Gallery

An expenditure budget of \$5,000 has been raised within the Gallery budgets, for an Art and Well Being Event.

This budget is transferred from an existing budget in the Emergency Services Section, which has been grant funded from the Community Recovery Program.

Civil Services Division

Roads and Bridges

The current operating expenditure budget of \$730,000, relating to the Fixing Local Roads (Regional and Local Roads Repairs) Program, requires reclassification from operating expenditure to capital expenditure.

As noted earlier, an expenditure budget of \$30,000 has been raised for Develop Agricultural Levee Guidance, funded through the NSW Reconstruction Authority.

The expenditure budget for Regional Rural Roads Operations is revised upwards by \$18,000, to match the adjustment made to the Transport for NSW Block Grant income budget, as noted earlier.

Emergency Services

Budget of \$5,000 (grant funded from the Community Recovery Program) transferred to the Community Gallery budgets, as noted earlier.

Landfill and Resource Management (LRM)

Expenditure budgets have been revised upwards by \$60,000, being an increase to the budget for maintenance.

Increased hardstand maintenance works were required to facilitate improvements in resource recovery and bulk loadout operations.

There has also been above average weather-induced hardstand degradation in response to ongoing wet weather.

Combined with the adjustments proposed to LRM income budgets, there is a net reduction of \$150,000 to the LRM reserve.

Domestic Waste Management (DWM)

Expenditure budgets have been revised upwards by a net \$134,000.

The budget for Urban Kerb Collection of Organic Waste has been increased by \$180,000, to a revised budget of \$1.1m.

This adjustment is necessitated by increased expenditure associated with volumes of food and garden organic material, being 15-20% higher than anticipated.

The budget for Kerb Collection Organic Processing has been reduced by \$100,000, to a revised budget of \$820,000.

Increases in contract costs have been lower than anticipated.

As there are no adjustments proposed to DWM income budgets, there is a net reduction of \$134,000 to the LRM reserve.

Corporate and Community Division

Governance

The budget for Code of Conduct Complaint management has been increased by \$15,000, to a revised budget of \$16,000, to meet costs to date.

Ballina Byron Gateway Airport

Expenditure budgets increased by \$95,000.

The budget for Paid Car Parking has been increased by \$60,000, to \$160,000.

The budget for cleaning has been increased by \$35,000, to a revised budget of \$95,000.

Community Facilities

The budget for Ballina Surf Club Operations has been increased by \$20,000, with a revised budget of \$151,000.

Fleet and Plant

The budgets for Plant Operations Expenditure budgets have been increased by \$200,000, to a revised budget of \$2,250,000.

This increase is required based on the trend of plant repairs and plant tyre expenses to date, and the actual registration and insurance incurred for this year.

Water Operations

The following table details the forecast operating result for the Water Fund.

Water - Statement of Operating Income and Expenses (\$'000)

Item	Original Budget	Dec Budget	Other Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
Operating Income	15,219	15,829	0	15,829	0	15,829	11,028
Operating Expenses (excl. dep)	14,403	13,419	0	13,419	150	13,569	10,629
Operating Result Before Dep	816	2,410	0	2,410	(150)	2,260	399
Depreciation and Non-cash	2,268	2,268	0	2,268	0	2,268	1,701
Net Operating Result	(1,452)	142	0	142	(150)	(8)	(1,302)

The **Forecast Operating Result** (inclusive of depreciation) **as at March** is a small deficit of \$8,000, based on a deterioration of \$150,000.

The expenditure budgets for Water Mains have been increased by \$150,000, to a revised total budget of \$1,665,000, based on trend.

Wastewater Operations

The following table details the forecast operating result for the Wastewater Fund.

Wastewater - Statement of Operating Income and Expenses (\$'000)

Item	Original Budget	Dec Budget	Other Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
Operating Income	23,331	24,104	0	24,104	150	24,254	22,149
Operating Expenses (excl. dep)	14,980	14,116	0	14,116	500	14,616	9,166
Operating Result Before Dep	8,351	9,988	0	9,988	(350)	9,638	12,983
Depreciation and Non-cash	5,359	5,190	0	5,190	0	5,190	3,893
Net Operating Result	2,992	4,798	0	4,798	(350)	4,448	9,091

The **Forecast Operating Result** (inclusive of depreciation) **as at March** is a surplus of \$4.448m, based on a deterioration of \$350,000.

The income budget for non-residential access charges is increased by \$100,000, to a revised budget of \$2.283m.

The income budget for non-residential usage charges is increased by \$50,000, to a revised budget of \$1.385m.

The above adjustments are based on amounts levied for the first two quarters of this year.

Expenditure budgets have been increased by \$500,000 in total.

Budgets for Wastewater Treatment Operations have been increased by \$200,000 and Wastewater Treatment Maintenance budgets increased by \$250,000, based on trending for the year to date.

Section Three – Capital Budgets 2023/24

This section of the report looks at capital expenditure.

General Fund - Capital Budget - Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Dec Budget	Other Approved Changes	Revised Budget	Changes for Approval	Mar Budget	Actual to Mar
General revenue	8,062	8,284	(26)	8,298	0	8,298	41,902
Reserves	19,421	25,961	(119)	25,802	525	26,327	
Loans	8,164	5,164	(640)	4,524	0	4,524	
Section 7.11 contributions	2,703	2,961	(945)	2,016	0	2,016	
Grants and contributions	21,440	25,590	(1,050)	24,540	400	24,940	
Total Funding	59,790	67,960	(2,780)	65,180	925	66,105	41,902
Planning and Environmental Health Division							
Strategic Planning	0	66	0	66	0	66	66
Environmental Health	2,182	2,311	(1,000)	1,311	0	1,311	327
Open Spaces	7,311	9,502	(1,110)	8,392	0	8,392	4,492
Civil Services Division							
Infrastructure Planning	0	178	0	178	0	178	0
Roads and Bridges	27,563	29,700	(1,192)	28,508	925	29,433	16,819
Emergency Services	2,010	2,080	0	2,080	0	2,080	1,692
Waste Management	850	824	100	924	0	924	311
Domestic Waste Management	950	0	0	0	0	0	0
Corporate and Community Division							
Commercial Property	8,630	5,910	434	6,344	0	6,344	3,166
Ballina Byron Gateway Airport	4,200	12,843	(435)	12,408	0	12,408	11,448
Facilities Management	3,526	1,585	38	1,623	0	1,623	855
Swimming Pools	378	238	0	238	0	238	178
Tourism	0	108	0	108	0	108	27
Fleet and Plant	2,190	2,615	385	3,000	0	3,000	2,521
Total Expenditure	59,790	67,960	(2,780)	65,180	925	66,105	41,902

General Fund

Council reviewed the capital works program at the April 2024 Ordinary meeting.

The following further adjustments are proposed:

Roads and Bridges

Roads budgets have been revised as follows:

Description	Budget adjustment	Comment
North Creek Road (LG Recovery Grant Capital Works)	195,000	This budget is funded from LG Recovery funding, which had been placed into reserves.
Fixing Local Roads (Regional & Local Roads Repairs) program	730,000	Reclassification of operating budgets to capital budgets, as noted within the Operating Expenditure section of this report.
Net	925,000	

Stormwater budgets have been revised to allow the commencement of Lindsay Crescent works this financial year:

9.6 Financial Year 2023/24 - 31 March 2024 Review

Description	Budget adjustment	Comment
Lindsay Crescent, Wardell	367,000	Expenditure brought forward from 2024/25 budgets. Of this budget, \$200,000 was funded from LG Recovery Grant funding.
Owen Street, Ballina	(128,000)	Deferred to 2024/25
Cherry Street, Ballina	(131,000)	Deferred to 2024/25
John Sharpe Street, Ballina	(108,000)	Deferred to 2024/25
Net	0	

Water Fund

Water - Capital Budget - Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Dec Budget	Other Approved Changes	Revised Budget	Changes for Approval	Mar Budget	Actual to Mar
Funding							
Reserves	2,749	2,893	(33)	2,860	0	2,860	2,971
Section 64 contributions	760	1,440	(280)	1,160	0	1,160	
Grants and contributions	0	37	0	37	0	37	
Total Funding	3,509	4,370	(313)	4,057	0	4,057	2,971
Capital Expenditure	3,509	4,370	(313)	4,057	0	4,057	2,971

Council reviewed the capital works program at the April 2024 Ordinary meeting. No further adjustments are proposed.

Wastewater Fund

Wastewater - Capital Budget - Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Dec Budget	Other Approved Changes	Revised Budget	Changes for Approval	Mar Budget	Actual to Mar
Funding							
Reserves	5,793	6,375	(2,200)	4,175	0	4,175	4,530
Section 64 contributions	7,012	2,812	0	2,812	0	2,812	
Total Funding	12,805	9,187	(2,200)	6,987	0	6,987	
Capital Expenditure	12,805	9,187	(2,200)	6,987	0	6,987	4,530

Council reviewed the capital works program at the April 2024 Ordinary meeting. No further adjustments are proposed.

Section Four – Cash and Investment Statement

The next table shows the forecast for externally and internally restricted reserves.

Forecast Restricted Reserves as at 30 June 2024 (\$'000)

Reserve Title	Dec Budget	Other Approved Changes	Revised Budget	Changes for Approval	Mar Budget
Externally Restricted					
Section 7.11	20,893	946	21,839	0	21,839
Domestic Waste Management	2,300	0	2,300	(134)	2,166
Section 64 Water	11,668	280	11,948	0	11,948

9.6 Financial Year 2023/24 - 31 March 2024 Review

Reserve Title	Dec Budget	Other Approved Changes	Revised Budget	Changes for Approval	Mar Budget
Water	7,925	33	7,958	(150)	7,808
Section 64 Wastewater	12,391	0	12,391	0	12,391
Wastewater	14,917	2,200	17,117	(350)	16,767
Total Externally Restricted	70,094	3,459	73,553	(634)	72,919
Internally Restricted					
Council Elections	265	0	265	0	265
Financial Assistance Grant	5,670	0	5,670	0	5,670
Local Government Recovery Grant	1,847	200	2,047	(395)	1,652
Bushfire Recovery Grant	3	0	3	0	3
Legal / Audit / Revaluations	350	0	350	19	369
Employee Leave Entitlements	2,994	0	2,994	0	2,994
Risk Management Projects / Insurance	181	0	181	0	181
Property Reserves	4,349	(500)	3,849	(3,240)	609
Wigmore Arcade	892	(34)	858	34	892
Crown Properties Rental	77	0	77	0	77
Flat Rock Tent Park	181	100	281	0	281
Quarries	503	0	503	0	503
Airport	1,210	435	1,645	(195)	1,450
Facilities Management	1,188	0	1,188	0	1,188
Library Special Projects	291	0	291	0	291
Plant Renewal / Replacement	1,060	(385)	675	(200)	475
Admin Building and Depot	754	0	754	0	754
Other Corporate and Community	141	0	141	0	141
Strategic Planning Studies and Proposals	439	0	439	(30)	409
Section 7.11 Plan Reviews	358	0	358	0	358
Other Planning and Environmental Health	150	0	150	(150)	0
Public Art	103	0	103	0	103
Compliance	45	0	45	(30)	15
Healthy Waterways and Other Projects	767	0	767	0	767
Coastal Management Plans	309	0	309	0	309
Vegetation Works	640	0	640	0	640
Public Amenities	160	0	160	0	160
Open Spaces	1,037	0	1,037	459	1,496
Sports Fields	670	0	670	0	670
Cemeteries	204	0	204	0	204
Stormwater Capital	667	478	1,145	200	1,345
Stormwater and Environ Mgmt Plans	558	0	558	0	558
Canal Dredging	118	0	118	0	118
Bypass Funds	3,420	0	3,420	0	3,420
Road Works	3,854	(85)	3,769	0	3,769
Other Civil	130	0	130	0	130
Ancillary Footpaths	192	170	362	0	362
Boat Ramps and Infrastructure	60	0	60	0	60
Landfill and Resource Management	1,264	(100)	1,164	(150)	1,014
Total Internally Restricted	37,101	279	37,380	(3,678)	33,702
Total Restricted	107,195	3,738	110,933	(4,312)	106,621

Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investment summary for 31 March 2024, funds invested amounted to \$101,900,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 31 March 2024 to the amount of \$10,747,980.
4. Actual year to date cash and investments amounted to \$112,647,980 at 31 March 2024.

This amount includes cash at bank of \$10,747,980 and funds invested of \$101,900,000 which has been reconciled to the bank statements and investment reports.

Comment on Cash and Investment Position

The changes in this report decrease the reserves by a net \$4.3m resulting in the current forecast restricted reserves of \$106.6m.

Many changes to reserves made as part of this review have been noted earlier in this report within either 'Section One-Operating Income and Expenditure' or 'Section Two – Capital Budgets'.

The changes are summarised as follows.

Domestic Waste Management

There is a decrease of \$134,000 to this reserve, being the adjustments to the operating result noted within this report.

Water Reserves

There is a decrease of \$150,000, being the net of adjustments to the operating result noted within this report.

Wastewater Reserves

There is a decrease of \$350,000, being the net of adjustments to the operating result noted within this report.

Local Government Recovery Grant

There is a decrease of \$395,000 to this reserve. Of this, \$200,000 is for stormwater works for Lindsay Crescent, Wardell, which have been brought forward from 2024/25. A further \$195,000 is for North Creek Road.

Legal/Audit/Revaluations

There is an increase of \$19,000 to this reserve, for the insurance rebate received.

Property Reserves

There is a net decrease of \$3.24m to the reserves forecast for 30 June 2024.

Sales of \$4.8m for the Southern Cross industrial estate are deferred to 2024/25 and 2025/26.

As a result of the deferral of the sales income, the repayment of the existing line of credit facility, of \$1.524m, has also been deferred from 2023/24 to 2024/25.

An increase of \$36,000 to this reserve results from an increase in the budgeted income from rental properties.

Wigmore Arcade

There is an increase of \$34,000 to this reserve.

As budgeted income from rental properties has increased, the Wigmore Arcade reserve is reimbursed \$34,000 for having partially funded, a previously approved capital purchase, for rental properties.

Airport

There is a decrease of \$195,000, being the net of adjustments to the operating result noted within this report.

Plant/Renewal / Replacement

There is a decrease of \$200,000, being the net of adjustments to the operating budgets noted within this report.

Strategic Planning

There is a decrease of \$30,000 to these reserves, being the funding provided for the Ballina Shire CCTV Scoping Study.

Other Public and Environment Health Reserve

There is a decrease of \$150,000, being the increase to the legals budget. This expends all the funds held within this reserve.

Compliance Reserve

There is a decrease of \$30,000, being increases to expenditure budgets as noted within the Environmental and Public Health section.

Open Spaces

There is an increase of \$400,000 to this reserve, representing a reallocation of funding sources, as follows

As per the "Capital Expenditure – 31 March 2024 Review" report to the 24 April 2024 Ordinary meeting, the expenditure budget for the Tamar Street Bus Shelter was deferred from 2023/24 to 2024/25.

The expenditure budget in 2023/24 was part funded by a LRCI Phase 3 grant. It has been since identified that the LRCI Phase 3 grant funding conditions requires expenditure completion by 30 June 2024.

The Tamar Street Bus Shelter expenditure deferred to 2024/25 is not able to be funded from that grant funding.

Council has approval from the funding body to reallocate this grant funding from the Tamar Street Bus Shelter project to the following 2023/24 projects, which form part of the Open Spaces capital works program, funded from Council revenue.

Project	2023/24 Budget
Madden Park, Ballina Heights	130,000
Swift Street Park Basketball, Ballina	100,000
Ballina Heights Sports Field	170,000
Total	400,000

As these projects are revenue funded, the \$400,000 is being transferred to the Open Spaces Reserves in 2023/24, to then fund the Tamar Street Bus Shelter project in 2024/25.

The \$400,000 for the playground projects in 2023/24, is now funded from LRCI Phase 3.

There is also a further increase of \$59,000, being an amount received under Natural Disaster Funding.

Stormwater Capital

As noted, stormwater works for Lindsay Crescent, Wardell have been brought forward from 2024/25.

These works are funded by the LG Recovery Reserve.

There is an increase of \$200,000 to the Stormwater Capital Reserve, representing deferral of stormwater works to 2024/25.

Landfill and Resource Management Reserve

There is a decrease of \$150,000, being the net of adjustments to the operating result noted within this report.

Section Five - Key Performance Indicators

This section of the report takes selected financial benchmarks and compares the 30 June 2022 and 2023 ratios with the forecast at 31 March to 30 June 2024.

The performance indicators have a short-term focus, which suits the quarterly review.

Each ratio typically contains numerous variables, and the forecast should be viewed as a guide only.

Key Performance Indicators - Description

- Operating Performance Ratio** – Total continuing operating revenue (excluding capital grants/contributions and fair value adjustments) less operating revenue (excluding capital items and profit or loss on sale) as a percentage of continuing operating revenue (less capital items and fair value adjustments).

Purpose: this percentage measures whether the Council is sustainable in terms of its operating result.

Council should not be recording recurring operating deficits or funding operating results from capital revenue.

Indicator type: Financial Performance

Benchmark: = > 0 (NSW Code of Accounting Practice)

- Unrestricted Current Ratio** - Unrestricted current assets divided by unrestricted current liabilities.

Purpose: this ratio is used to measure Council's ability to meet short term liabilities with available short-term assets.

Indicator type: Financial Position

Benchmark: >1.5 (NSW Code of Accounting Practice)

- Debt Service Cover Ratio** – Operating result (excluding fair value adjustments, capital grants/contributions, depreciation/amortisation, interest expense and profit or loss on sale) as a percentage of loan interest and capital payments.

Purpose: The purpose of this percentage is a measure of whether Council has excessive debt servicing costs relative to the adjusted operating result.

Indicator type: Financial Position

Benchmark: >2 (NSW Code of Accounting Practice)

Benchmark Indicators – General Fund

- Operating Performance Ratio – General Fund**

Benchmark: >0

2021/22	2022/23	2023/24 March
Actual	Actual	Estimate
-4.34%	-3.49%	-2.33%
Fail	Fail	Fail

Comment

This is a key performance benchmark and has historically been difficult to achieve.

The General Fund failed this benchmark in 2021/22 and 2022/23.

The current LTFP forecasts this benchmark will not be met until 2027/28. The strategy to improve this ratio is to reduce operating expenses and increase income.

2. Unrestricted Current Ratio – General Fund

Benchmark: >1.5

2021/22	2022/23	2023/24 March
Actual	Actual	Estimate
2.87	2.52	1.77
Pass	Pass	Pass

Comment

The General Fund is expected to continue to meet this benchmark.

3. Debt Service Cover Ratio – General Fund

Benchmark: > 2

2021/22	2022/23	2023/24 March
Actual	Actual	Estimate
3.65	4.36	2.38
Pass	Pass	Pass

Comment

This ratio has moved just above the benchmark of 2.

Proceeds from sales generated from Boeing Avenue, Wollongbar Urban Expansion Area and Russellton developments will repay loans and the current LTFP shows this ratio will continue to steadily improve.

The strategy to continue to meet the benchmark is to limit further borrowings, unless matched by offsetting revenues, and strengthen the operating result by increasing income and decreasing expense.

Benchmark Indicators – Water

1. Operating Performance Ratio - Water

Benchmark: > 0

2021/22	2022/23	2023/24 March
Actual	Actual	Estimate
-3.41%	5.64%	2.80%
Fail	Pass	Pass

Comments

The Water Fund achieved this target in 2022/23 and is currently forecast to meet this target in 2023/24.

2. Unrestricted current ratio - Water

Benchmark: >1.5

2021/22	2022/23	2023/24 March
Actual	Actual	Estimate
27.60	39.73	44.47
Pass	Pass	Pass

Comments

The ratio meets the benchmark comfortably as the Fund has reasonable reserves and no debt.

3. Debt Service Cover Ratio - Water

Benchmark: >2

2021/22	2022/23	2023/24 March
Actual	Actual	Estimate
0.0	0.0	0.0
N/A	N/A	N/A

Comments

The Fund has no external borrowings.

Benchmark Indicators – Wastewater

1. Operating Performance Ratio - Wastewater

Benchmark: >0

2021/22	2022/23	2023/24 March
Actual	Actual	Estimate
18.76%	21.55%	18.34%
Pass	Pass	Pass

Comments

The Wastewater Fund has achieved a positive operating performance ratio and this trend is expected to continue for future years.

2. Unrestricted current ratio - Wastewater

Benchmark: >1.5

2021/22	2022/23	2023/24 March
Actual	Actual	Estimate
2.87	2.42	3.02
Pass	Pass	Pass

Comments

The Wastewater Fund met this benchmark in 2022/23 and it is anticipated that the Fund will meet the benchmark in future years.

3. Debt Service Cover Ratio - Wastewater

Benchmark: > 2

2021/22	2022/23	2023/24 March
Actual	Actual	Estimate
1.97	2.05	1.94
Fail	Pass	Fail

Comments

The Wastewater Fund has had difficulty in meeting this ratio for several years due to high debt levels, but the ratio has generally been improving year on year, as the level of debt continues to fall. The ratio looks to be just below the benchmark of 2 in 2023/24 and is subject to any changes in the forecast operating result.

Section Six – Contractors/Consultants/Legal Expenses

Contractors

Contracts (over \$50,000) entered during the quarter are as follows.

Contractor Name	Purpose	Amount (GST Excl)	Award Date	Contract Duration	Incl in Budget
Interflow Pty Ltd	Wastewater Mains Relining (expenditure)	\$265,000	04/03/2024	6 months	Y
Durack Civil Pty Ltd	Ross Lane Safety Improvements (expenditure)	\$3,430,000	04/03/2024	4 months	Y
Bluecoast Consulting Engineers Pty Ltd	Ballina Coast and Estuary Coastal Management Program (expenditure)	\$320,000	04/03/2024	1 year	Y

Consultants

The Office of Local Government defines a consultant as:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high-level specialist or professional advice to assist decision making by management. Generally, it is the advisory nature of the work that differentiates a consultant from other contractors.

Expenditure to 31 March 2024 on consultants is as follows:

Item	Expenditure YTD (excl GST) (\$)	Included in Budget
Consultancies	3,481,000	Yes

A listing of those consultancies with an individual expenditure balance of \$50,000 or higher for 2023/24 is as follows:

9.6 Financial Year 2023/24 - 31 March 2024 Review

Consultant	Expenditure YTD (\$)	Purpose
GeoLINK Consulting Pty Ltd	419,000	<ol style="list-style-type: none"> 1. Tuckombil quarry ecological and traffic reports for rezoning 2. Southern Cross Industrial Expansion precinct ecological reports for rezoning 3. Russellton Industrial Estate Expansion ecological reports and management 4. North Creek Road Concept (RFT1720) including Aboriginal heritage investigations, hydrological water quality investigations, noise assessment reporting, visual landscape investigations 5. Daintree Drive Lennox Head Stormwater and Flood investigations 6. Bush regeneration works monitoring 7. Tamar Street Interchange Road Safety Audit and Safe System Assessment.
Virtus Heritage	330,000	Aboriginal heritage advice, documentation and works supervision for projects including Ross Lane, Coastal Path, Lennox AHIP, Cronulla Street drainage, Lennox Village Vision.
Pitt & Sherry (Operations) Pty Ltd	274,000	Design and certification of runway upgrade works.
Mecone Group Pty Ltd	190,000	External Development Assessment.
Latsyrc Project Management	177,000	Preparation of technical submissions to TfNSW for natural disaster funding for landslip repairs. These costs are covered by a grant.
Hydrosphere Consulting	160,000	Technical advice relating to coastal management and healthy waterways programs.
BMT Commercial Australia Pty Ltd	155,000	Flood modelling for Southern Cross Industrial Expansion Precinct, BBGA upgrade, update of the Flood Study, acting as expert witness reports and for developers on a fee basis.
BM Curtis Pty Ltd	148,000	Project management - Airport Infrastructure
Planit Consulting Pty Ltd	121,000	Rezoning Tuckombil Quarry and Southern Cross Industrial Expansion Precinct.
Newton Denny Chapelle	110,000	Boeing Avenue civil construction project management, Russellton Industrial Estate Expansion design and project management.
Projence Pty Ltd	105,000	Project management services.
Engeny Australia Pty Ltd	78,000	Stormwater modelling and design.
Wilde - Engineering Consulting Pty Ltd	70,000	Stormwater and Drainage engineering services.
Grant Thornton Australia Limited	65,000	Internal Audit Services.
Aus Hydro Pty Ltd	62,000	Plumbing and drainage technical advice, inspection and assessment services.
Avisure Pty Ltd	58,000	Wildlife management surveys for BBGA.
Willow & Sparrow Pty Ltd	55,000	Various engineering services including project management for stormwater relining contract, water main design (Fishery Creek Bridge), Sewer main design, recycled water main design.
Peter Brown Consulting Pty Ltd	53,000	Stormwater and Drainage engineering services.
Total	2,630,000	

Legal Expenses

The next table summarises the expenditure incurred to the end of March 2024 on legal fees. Legal fees have been included where there is a dispute situation.

This includes, for example, recovery of rates not paid but excludes processing of infringement notices (no dispute at this point) and amounts paid to legal firms that may be related to the creation of a lease or sale of land.

Item	Expenditure YTD (excl GST) (\$)	Included in Budget
Legal Fees	500,133	Yes*

*This review includes an increase to budgeted legal fees of \$150,000

Section Seven - Other Matters

Seaside Signage Lennox Head

The adopted 2023/24 tourism budget included \$30,000 for Seaside Signage for Lennox Head.

This budget was in response to a submission from the Lennox Head Chamber of Commerce, noting a lack of appropriate highway signage on the M1 to promote Lennox Head as a holiday destination and requesting improved signage be funded in 2023/24 at a cost of \$30,000.

A copy of that submission is included as Attachment 1.

The staff response included within the “Delivery Program and Operational Plan-Adoption” report to the 22 June 2023 Council meeting was as follows:

The installation of tourism signage on the motorway will support the promotion of the area as a holiday destination and stimulate business growth.

Council received preliminary advice from Transport for NSW in March 2022 that seaside village signage would be applicable. However, to ensure current eligibility and obtain updated cost estimates, Council will need to submit a formal application to Destination NSW.

The Lennox Head Chamber advise that they understand the cost to be approximately \$30,000 for this relatively small seaside village signage.

As Wardell, Ballina and Alstonville / Wollongbar all now have bypass signage, it is reasonable to try and secure this signage, albeit that there are concerns that \$30,000 may not be sufficient.

The budget of \$30,000 was funded from the Tourism Signage recurrent budget (\$10,000) and a further \$20,000 from the Strategic Planning Reserve. The Strategic Planning Reserve includes unexpended economic development activities funding from previous years, which provides a nexus to this project.

Recent correspondence with Transport for NSW has indicated the costs for this signage to be \$109,000, representing a budget shortfall of \$79,000.

A copy of that quotation and the associated signage dimensions are included as Attachments 2 and 3.

The options are to proceed or not to proceed with this project.

Due to the magnitude of this variation, and with Council having previously resolved to lobby Transport for NSW to change the Ballina Bypass signage, with no success to date, no budget adjustment has currently been included within this report, as it is unclear whether Council still wishes to proceed with the Lennox Head signage.

Should Council wish to proceed, a resolution including a budget allocation will need to be added to this report.

No preferred funding source has been identified and this may need to be delegated to the General Manager if Council wishes to proceed.

Section Eight- Certification

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2021.

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 31 March 2024 indicates that Council's projected financial position at 30 June 2024 is satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The satisfactory position is based on the short term (twelve month) outlook.



Signed Linda Coulter, Responsible Accounting Officer

Delivery Program Strategy / Operational Plan Activity

The content of this report relates directly to the financial sustainability of Council. This is identified within Council's adopted Delivery Program, under Direction 4: Engaged Leadership.

EL2.1d - Pursue compliance with the Fit for the Future Benchmarks.

Community Consultation Policy

This report has been prepared to inform the community of budget variations. Staff have been consulted in the preparation of this report.

Financial / Risk Considerations

This report details financial results to date in comparison to budget.

Options

Council may approve the budget amendments proposed or make further changes.

The proposed changes reflect Council resolutions or adjustments based on the trending of actual income and expenses.

RECOMMENDATION

That Council notes the contents of this report for the March 2024 Quarterly Financial Review and approves the budget changes identified within the report.

Attachment(s)

1. Submission to 2023/24 Delivery Program and Operational Plan - Lennox Head Chamber of Commerce - Lennox Head Signage [⇒](#)
2. TfNSW - Quotation for Lennox Head Signage [⇒](#)
3. TfNSW - Lennox Head Signage Design and Dimensions [⇒](#)

9.7 Tender - Road Line Marking Services

9.7 Tender - Road Line Marking Services

Section	Engineering Works
Objective	To report the outcomes of the tender evaluation for the Tender - Road Line Marking Services

Background

A procurement process was undertaken to establish a panel for the provision of road line marking services to Council for the next three years.

Tenders were called on 7 February 2024 and at the close of tenders on 29 February 2024, three tender submissions were received.

This report outlines the results of the tender process.

Key Issues

- Comply with the Local Government (General) Regulation 2021
- Obtain value for money

Discussion

Seven companies downloaded the documentation with tenders received from:

- Top of The State Line marking Pty Ltd
- Complete Linemarking Services
- Workforce Road Services QLD

The tender submissions were assessed to ensure conformance with the conditions of tender and the mandatory criteria, being:

- Insurance
- Work Health and Safety
- Required registrations or accreditations

All tender submissions met the mandatory assessment and were assessed using the following weighted assessment criteria:

- Pricing structure 60%
- Local and community 20%
- Experience and capability 20%

Contractors will be contracted based on their tendered prices and on the contractor's ability to provide the services in a timely manner.

All tenderers have been assessed as the preferred tenderers based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

9.7 Tender - Road Line Marking Services

Community Engagement Strategy

Council has undertaken a public tender process in accordance with the Local Government (General) 2021.

Financial / Risk Considerations

Purchases under this tender are costed against program budgets. Using a mixture of the tendered rates and quoted works provides appropriate flexibility in respect of maintaining an efficient procurement process and ensuring best value for money.

There is no estimated total contract value, as the outcome of this evaluation is to have a panel of providers for a volume of works that cannot be accurately estimated.

Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2021, which requires that:

- (1) *After considering the tenders submitted for a proposed contract, the council must either:*
 - (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) *decline to accept any of the tenders.*

Based on the tender evaluation, it is recommended that Council accepts the tender from all companies assessed as part of the evaluation process as each company has met the tender specification requirements and are appropriately capable to meet our operational requirements.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contracts to Top of The State Line Marking Pty Ltd, Complete Linemarking Services and Workforce Road Services QLD for the Tender - Road Line Marking Services for the rates tendered.
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Tender Report - Confidential Memorandum - Road Line Marking Services (Under separate cover) (Confidential)

9.8 Tender - Labour Hire Services

9.8 Tender - Labour Hire Services

Section	People and Culture
Objective	To report the outcomes of the tender evaluation for the Tender - Labour Hire Services

Background

The works to be undertaken under this contract are Labour Hire Services.

Tenders were called on 15 March 2024 and at the close of tenders on 18 April 2024 Council received 15 tender submissions.

This report outlines the results of the tender process.

Key Issues

- Comply with the Local Government (General) Regulation 2021
- Obtain value for money
- Appoint a panel of up to three contractors

Discussion

Thirty-two companies downloaded the documentation with 15 tenders received;

- Chandler Macleod Group Limited
- Protech Group (Aust) Pty Ltd
- Recor
- Fennec Services Pty Ltd
- Macquarie Labour Hire
- Edsico Management
- RRC Australia Pty Ltd
- Workforce Recruitment and Labour Services Pty Ltd
- APG Workforce
- Workfast Infrastructure Australia Pty Ltd
- Spinifex Recruiting
- CG Recruitment
- Nortec Employment & Training Limited
- Complete Staff Solutions
- Men And Women At Work

The tender submissions were assessed to ensure conformance with the conditions of tender and the mandatory criteria, being:

- Insurance – Public Liability
- Insurance – Workers Compensation

Fourteen tender submissions met the mandatory assessment and were assessed using the following weighted assessment criteria:

9.8 Tender - Labour Hire Services

Pricing	20%
Experience and Past Performance	20%
Capability	20%
Staffing	15%
Knowledge of Industry	10%
Social and Community	15%

Spinifex Recruiting, Complete Staff Solutions and Chandler Macleod Group Limited have been assessed as the preferred panel members based on the evaluation. Details of the assessment and scoring have been provided to Councillors by a confidential memorandum.

Community Engagement Strategy

Council has undertaken a public tender process in accordance with the Local Government (General) 2021.

Financial / Risk Considerations

Labour hire costs are managed within operational budgets and incurred within operational expenditure.

Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2021, which requires that:

(1) After considering the tenders submitted for a proposed contract, the council must either:

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) decline to accept any of the tenders.*

Based on the tender evaluation, it is recommended that Council accept the tenders from Spinifex Recruiting, Complete Staff Solutions and Chandler Macleod Group Limited.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards contracts to Spinifex Recruiting, Complete Staff Solutions and Chandler Macleod Group Limited for the Tender - Labour Hire Services for the rates tendered.
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Tender Report - Confidential Memorandum - Labour Hire Services (Under separate cover) (Confidential)

9.9 Tender - Management of Flat Rock Tent Park

9.9 Tender - Management of Flat Rock Tent Park

Section Commercial Services

Objective To report the outcomes of the tender evaluation for the Tender - Management of Flat Rock Tent Park

Background

The works to be undertaken under this contract are management of Flat Rock Tent Park. Tenders were called on 15 March 2024 and at the close of tenders on 23 April 2024, two tender submissions were received. This report outlines the results of the tender process.

Key Issues

- Comply with the Local Government (General) Regulation 2021
- Obtain value for money

Discussion

25 companies downloaded the documentation with tenders received from:

- H & J Nairne P/L
- Northern Rivers Facilities Management P/L

The tender submissions were assessed to ensure conformance with the conditions of tender and the mandatory criteria, being:

- Insurance
- Work Health and Safety

One tender submission met the mandatory assessment with the other providing an undertaking that they would secure necessary insurances should they be awarded the tender. The evaluation panel accepted the undertaking and both submissions were assessed using the following weighted assessment criteria:

- | | |
|-----------------------------------|-----|
| • Pricing Structure | 40% |
| • Experience & Customer Relations | 25% |
| • Capability & Resources | 20% |
| • Local and Community | 15% |

Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Community Engagement Strategy

Council has undertaken a public tender process in accordance with the Local Government (General) 2021 Regulations.

9.9 Tender - Management of Flat Rock Tent Park

Financial / Risk Considerations

Contract expenses comprise an annual retainer and an entitlement to a 15% commission of operating income from tourist sites. The following table shows the income, expenditure and cash surplus for the last five years, with 2023/24 being an estimate.

Item	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)	2022/23 (\$)	2023/24 (\$)
Income	207,367	439,160	356,915	541,975	338,946
Expenditure (Excluding Depreciation)	169,612	261,143	323,633	359,042	200,223
Net (Excluding Depreciation)	37,756	180,103	44,753	195,541	146,971

The lowest tender is a significant increase on the current contract, and it is not financially viable for Council to accept a tender based on the current financial performance of the Tent Park.

Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2021, which requires that:

- (1) *After considering the tenders submitted for a proposed contract, the council must either:*
- (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) *decline to accept any of the tenders.*

Based on the tender evaluation, it is recommended that Council declines to accept any tenders.

Sections 178(3) and (4) of the regulations provide direction in the circumstances where a Council declines to accept any tenders in accordance with section 178(1)(b); i.e.

- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
- (a) *postpone or cancel the proposal for the contract,*
 - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*

9.9 Tender - Management of Flat Rock Tent Park

- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) carry out the requirements of the proposed contract itself.*
- (4) If a council resolves to enter into negotiations as referred to in subclause 3 (e), the resolution must state the following:*
- (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
 - (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

The preference is to negotiate as this will enable staff to resolve any outstanding points in the contract, review the final scope of works with a preferred contractor, and limit the overall change required to the budget.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Tender - Management of Flat Rock Tent Park 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 - Management of Flat Rock Tent Park.
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, whether or not they have tendered, with a view to entering into a contract in relation to the subject matter.

Attachment(s)

1. Tender Report - Confidential Memorandum - Management of Flat Rock Tent Park (Under separate cover) (Confidential)

10. Civil Services Division Reports

10. Civil Services Division Reports

Nil Items

11.1 Notice of Motion - Richmond River Catchment

11. Notices of Motion

11.1 Notice of Motion - Richmond River Catchment

Councillor

Cr Bruem

I move

That the document 'From Pristine to Polluted', authored by Dr Matt Landos, be noted and a copy of the paper be provided to State and Federal Government Ministers responsible for catchment related issues, and local members of State and Federal parliament, to raise awareness about key waterway management issues in the Richmond River Catchment and to encourage holistic and long term catchment based management of the Richmond River.

Councillor Comment

'From Pristine to Polluted' summarises existing information and data available for three catchment areas and highlights issues relating to water quality and land use management practises in the Richmond River catchment.

Ballina Shire Council, Rous County Council and other councils in the Richmond River Catchment in collaboration with other organisations are undertaking on ground works and projects within the scope of local government to improve outcomes and water quality parameters within the catchment.

Many of the approaches to improve catchment health identified in the paper, such as broad scale land use management change and 'polluter pays' initiatives, are areas of State and Federal government responsibility. Engagement and leadership from these levels of government is critical to advancing actions to bring about change.

The paper provides an information platform to engage with State and Federal Ministers with catchment related responsibilities to raise awareness about the Richmond catchment and management needs.

Staff Comment

Council is continuing to work with other councils in the catchment through the development of the Richmond River - Coastal Management Program (CMP).

This CMP, being prepared in collaboration with other relevant stakeholders and state agencies, is the mechanism to document and advance Council lead, as well as State and Federal Government, projects and initiatives.

Significant monitoring is being undertaken and information is also being gathered through the Ballina Shire Council - Coast and Estuary CMP.

11.1 Notice of Motion - Richmond River Catchment

The Marine Estate Management Authority (MEMA) advises the State Government on the management of the marine estate and the Richmond River was identified as a case study. Significant investment and projects are ongoing within the catchment through MEMA.

For example, the Riparian Bank Condition Assessment for the Richmond River Catchment and the Marine Vegetation Strategy are about to be conducted by Department Primary Industry under MEMS (for the tidal component of the estuary).

It is important that MEMA continues to engage and deliver significant projects and initiatives in the Richmond River Catchment as the governance authority in collaboration and coordination with local councils and stakeholders.

In writing to State and federal Ministers, staff would incorporate reference to the MEMA program as well as local initiatives that are underway for context and demonstration of the initiatives underway in the catchment.

A link to the Dr Matt Landos report is as follows.

[From Pristine to Polluted | IPEN](#)

COUNCILLOR RECOMMENDATION

That the document 'From Pristine to Polluted', authored by Dr Matt Landos, be noted and a copy of the paper be provided to State and Federal Government Ministers responsible for catchment related issues, and local members of State and Federal parliament, to raise awareness about key waterway management issues in the Richmond River Catchment and to encourage holistic and long term catchment based management of the Richmond River.

Attachment(s)

Nil

12. Advisory Committee Minutes

12. Advisory Committee Minutes

Nil Items

13.1 Mayoral Meetings

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

13.1 Mayoral Meetings

Councillor Sharon Cadwallader

Activities I have attended, or propose to attend, as at the time of writing this report, since the April 2024 Ordinary meeting are as follows:

<u>Date</u>	<u>Meeting</u>
25 April	ANZAC Day Dawn Service, March, Commemorative Service and luncheon
29 April	NSW Reconstruction Authority Draft Regional Vision meeting
30 April	Housing Round Table with Minister for Housing The Hon. Rose Jackson MLC and Janelle Saffin MP
30 April	TfNSW meeting re Alstonville Bruxner Highway project
2 May	NRCG Exhibition Launch
3 May	Living Lab Overview and 'Bring it on home' Exhibition Tour
3 May	Ballina Netball Fundraiser Gala Evening
5 May	Our Kids Day Out
5 May	BACCI Art Exhibition
5 May	Domestic Violence Event
6 May	Australian Coastal Councils Association (ACCA) Zoom meeting
6 May	Economic development meeting
6 May	Lennox Head Residents Association (LHRA) meeting
7 May	Northern Rivers Housing Forum - Solve Property
7 May	Essential Energy Consumer Advocacy Group (CAG) Meeting
7 May	Cr Briefing - Corporate Emissions Reduction Plan
9 May	NSW Reconstruction Authority Briefing on Drain Reset Program
9 May	C Ward Committee Meeting
10 May	2024 Lennox Head Annual Tree Planting Day
10 May	Meeting Resilient Lands Program Jamie Simmonds (NSWRA)
11 May	Together Arts & Community Wellbeing Day
11 May	Opening of the Alstonville Tennis Club pickleball facilities with The Hon. Ben Franklin MLC
13 May	Australian Coastal Councils Association (ACCA) Zoom meeting
13 May	Minister Paul Scully re employment land Southern Cross Precinct Expansion
13 May	Headliners Book Launch event
14 May	NSW Reconstruction Authority and Ballina Shire Council meeting
14 May	A Ward Committee Meeting
15 May	Rous County Council Workshop
15 May	Rous County Council Extraordinary Meeting
15 May	Delivery Program and Operational Plan (DPOP) Community Information Session – Wardell
17 May	Cherry Street Sports NSW Club Awards Purple Friday
17 May	NRJO Board Meeting
17 May	Rotary District 9640 Conference welcome event
18 May	Alstonville Quota Women's Friendship High Tea luncheon
18 May	Rotary District 9640 Conference dinner
20 May	Northern Rivers Community Leaders Forum - Mayors and MPs
20 May	B Ward Committee Meeting

13.1 Mayoral Meetings

21 May	Aviation Careers Expo
21 May	Country Mayors Association Squadron Energy virtual meeting
21 May	Ballina Shire Economic Activation Group meeting
21 May	Meeting with NSW Reconstruction Authority A/CEO Mal Lanyon APM and Susie George
22 May	Northern Regional Planning Panel - Council Briefing
22 May	Meeting Byron Studios
23 May	Ordinary meeting
23 May	Meeting with NSW Reconstruction Authority A/CEO Mal Lanyon APM and Susie George

RECOMMENDATION

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

Attachment(s)

Nil

13.2 Councillor Johnston - Report on Attendance at Two Functions

13.2 Councillor Johnston - Report on Attendance at Two Functions

Councillor Eoin Johnston

I submit a brief summary of key presentations delivered at two meetings I recently attended in Sydney on behalf of Council.

The Rural and Regional Summit: Thursday 9 May, State Library of NSW

LGNSW President, Darriea Turley welcomed attendees and before introducing the Minister for Local Government, Ron Hoenig she touched on the negative impacts of rate pegging and the rapid expansion in cost shifting which, she claims, has made it increasingly difficult for councils to balance the books.

She stressed the need for the three tiers of government to work together to ensure that funding and planning for essential infrastructure is delivered on an equitable basis.

Minister Hoenig reflected on his first year in office and emphasised the need to adequately provide the essential services to enhance "quality of life" in our communities.

He highlighted the exceptional contribution by the General Manager of Brewarrina Shire, David Kirby, who has encouraged and assisted many long term unemployed indigenous folk to join the council workforce.

Despite naysayers doubting his endeavours, the council is thriving, school attendance is up, and crime rates have plummeted.

Amongst other examples, the Minister spoke highly of the resilience and tenacity of staff and councillors on the Northern Rivers who faced the many challenges presented by our devastating floods.

He touched on the problems with rate pegging, the costs of auditing and the requirements of the Electoral Commission.

He was critical of some demands of the ICAC, for example in requiring councils to seek at least three tenders for local infrastructure works.

He said that for communities to prosper, councils must be encouraged to engage local contractors, wherever possible.

I quote his concluding remarks; "Unless you act like councillors and maintain community respect, you will destroy democracy. Act like adults, respond to the hopes, aspirations and dreams of the people who elected you."

The ability of Councils to fund infrastructure was discussed by Carmel Donnelly, Chair of the Independent Pricing and Regulatory Tribunal (IPART), Brett Whitworth, Deputy Secretary of the Office of Local Government and Joseph Drew, Professor of Local Government, University of Newcastle.

Brett's bureaucratic role is significant. He has responsibility for the legal, governance and finance frameworks governing the local government sector

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across NSW. That sector covers 48,000 employees, \$13 billion in yearly expenditure and more than \$170 billion in assets under management.

Ms Donnelly referred to the progress of the Parliamentary Inquiry into sustainability. 15 years ago IPART was designed to oversee rate pegging on a 'one size fits all' basis but it is becoming more apparent that a rate peg does not cater to areas of high population growth.

The other speakers both agreed that the sustainability issue for councils needs far more data.

It is clear that the gap between "haves and have nots" both on a personal level and in local government is growing exponentially.

"Renewable Energy Transition - Making it work for Rural and Regional NSW" was a topic our Council visited in a recent briefing.

The Mayor of Armidale, Cr Sam Copeland, and Cr Des Kennedy, the Mayor of Mid-Western Council were scathing about the State and Federal Governments lack of preparation in overseeing the rush to renewables.

They claim that authorities have not done their homework on the merits of the companies installing the infrastructure and there is a huge pushback to the downsides of establishing both wind and solar farms in their electorates.

There are many questions regarding the longevity of the components and, allegedly, there are contracts between companies and landholders that are silent on the costs of repair, rehabilitation and disposal of obsolete material.

Cr Copeland suggested that farmers have been 'enticed with trinkets' and will be caught up in the costs of de-commissioning.

The Mayor of Byron Shire, Michael Lyon and Brewarrina's General Manager were the speakers in the 'Excellence in Rural and Regional Local Government Sector.'

I will not repeat the impressive contribution of David Kirby, but I do suggest his story is well worth a 'search.'

Cr Lyon's recognition is a result of him being at the forefront of advocating for housing equity, environmental conservation and ensuring his council's financial sustainability.

He spoke of his success in advocating for a 60-day cap on non-hosted short term holiday rentals in an attempt to 'normalise' housing stability for residents and provide affordable accommodation for essential workers.

Our Premier, the Honorable Chris Minns addressed the gathering after lunch and moved straight to the crisis areas of shortages in policing, teachers, nurses, paramedics and all 'coalface' workers.

He raised the seriousness of rural crime and the need to address all those issues, pointing out what his government has in train by way of remedies.

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Wendy Tuckerman, the Shadow Minister for Local Government and Small Business responded to the Premier's address and again, emphasised the need for accessible and affordable housing for workers in rural regions of our State.

Tara Moriarty, Minister for Agriculture, Regional NSW and Western NSW reiterated the need for rural councils to encourage and welcome workers and new citizens to their communities.

Essential workers must be offered incentives to move to rural regions particularly to those areas well away from the popular coastal hubs.

A well-known figure in our Northern Rivers flood recovery process, Mal Lanyon, wound up the meeting.

He has been appointed Acting CEO of the NSW Reconstruction Authority and spoke with enthusiasm of his role in preparing to mitigate the effects of future disasters and improve recovery and reconstruction.

There are still many affected residents on the Far North Coast who may not share his confidence for the future, but we can only wish him well.

I have not acknowledged all the speakers on the day, but the heavyweight issues are clearly identified and, by and large, they are mostly on the same page with the essential needs and wants from our mosaic of rural councils.

The library was an excellent venue, and the speakers, organisers and caterers did a fine job in bringing it all together.

The Country Mayors Association of NSW Inc General Meeting: Friday 10 May, Club York House

I attended this meeting on behalf of Mayor Sharon Cadwallader, and the 89 councils represented created a record.

It was noted there are now only three rural councils who have not joined the association.

The Honorable Jenny Aitchison, Minister for Regional Transport and Roads delivered the first address and took a large number of submissions from delegates as the meeting progressed.

Clearly, the natural disasters of recent years have created a huge demand on her Ministry, aside from its role in future planning.

Professor Joseph Drew presented a more detailed version of his speech from the previous day suggesting that all areas of local government should seek out more comprehensive and more accurate data on all areas of operation.

He produces such data, and it can be found on the internet.

Karen Taylor from the NSW Audit Office declared that her office does not comment on the merits of government policy.

She did, however, attempt to respond to some robust questions relating to the 31% increase in audit fees over the last twelve months and a 16% increase the previous year.

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She was asked, fairly, in my view, why Rural Councils cannot rely on local auditors to provide a more affordable service than the industry giants, based in the Sydney CBD, provide to the Audit Office.

Carmel Donnelly, the Chair of IPART, revisited the podium and addressed proposals for streamlining responses to the many thousands of requests to her office by introducing a “concierge” on their portal.

They wish to “fix what they’ve got before taking on more roles.”

IPART offers impartial regulatory advice to enhance essential services’ productivity, efficiency, safety, and equity.

Association business was attended to, and the meeting concluded on an optimistic note. It would appear that, although both meetings covered much the same ground, the real benefit is in the networking and exchange of ideas amongst the attendees from right across the State.

RECOMMENDATION

That Council notes the contents of the report from Cr Johnston on his attendance at the Rural and Regional Summit and the Country Mayors Association meeting.

Attachment(s)

Nil

14. Confidential Session

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Nil Items