

Agenda

Ordinary Meeting

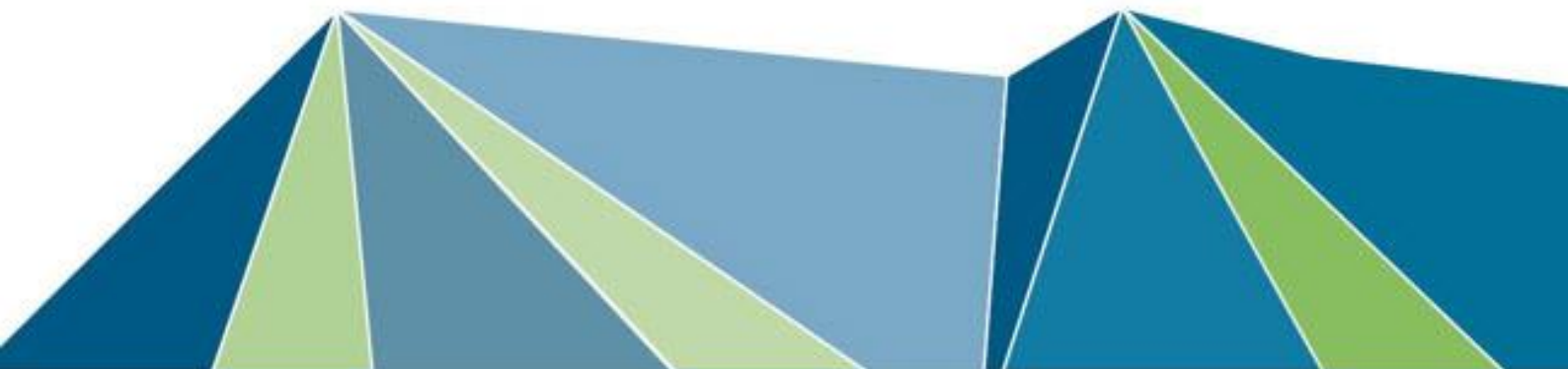
27 June 2024

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **27 June 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 will provide an Acknowledgement of Country.

3. Apologies

An apology has been received from Cr Phillip Meehan.

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 May 2024 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 May 2024.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2023/448 - Alterations and Additions - 24 Hillcrest Drive, Tintenbar

8. Planning and Environmental Health Division Reports

8.1 DA 2023/448 - Alterations and Additions - 24 Hillcrest Drive, Tintenbar

Applicant	Sally McGarry
Property	24 Hillcrest Drive, Tintenbar
Proposal	Alterations and additions to an existing dwelling, including additional bedrooms, bathrooms, garage, swimming pool and rooved decks
Effect of Planning Instrument	The land is zoned RU1 Primary Production under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan and aerial plan included as Attachment 1 and Attachment 2.

Introduction

Council has received a Development Application proposing alterations and additions to an existing dwelling with a variation to Council's Local Environmental Plan (BLEP) Clause 4.3 Height of Buildings Standard.

DA 2023/448 proposes to carry out internal alterations, demolition work and additions to the dwelling. The alterations and additions include new bedrooms, new bathrooms, a garage and some rooved decks. An existing swimming pool is to be demolished and a new swimming pool is proposed. Plans of the proposal are included as Attachment 3.

The variation to development standard Clause 4.3 Height of Buildings is greater than ten percent, which means the variation is required to be determined by the elected Council.

Council is also required to determine the complete development application.

Reportable Political Donations

- Nil

Applicable Planning Instruments

Environmental Planning and Assessment Act 1979 (EP&A Act)

Ballina Local Environmental Plan 2012 (BLEP).

Report

Matters for Consideration

8.1 DA 2023/448 - Alterations and Additions - 24 Hillcrest Drive, Tintenbar

The proposed development has been assessed under the heads of consideration in Section 4.15 of the EP&A Act. This report is to be read in conjunction with the Section 4.15 assessment report which is included as Attachment 4.

This report will focus on the Clause 4.6 BLEP variation to clause 4.3 - Height of Buildings


The applicant submitted a request to vary Clause 4.3 – Height of Buildings, in order to address an area of the proposed new deck roofline at the rear of the dwelling.


The height variation is largely attributed to the sloping topography as the site slopes downward away from the street toward the rear of the lot.

The proposal has an overall height of 10.1m. This exceeds the maximum height shown for the land on the Height of Buildings map of 8.5m.

The applicant’s request for variation report is contained in Attachment 6.

BLEP 2012 - Clause 4.6	
Assessment of requested variation	
a) What is the development standard being varied?	<p>The development seeks to vary Clause 4.3 of the Ballina Local Environmental Plan 2012.</p> <p>The maximum height established under this clause is 8.5m</p> <p>A portion of the proposal has a building height of 10.1m which exceeds the maximum allowance of 8.5m, by 1.6m or 19%.</p>
b) What is the underlying objective of this development standard?	<p>The objectives of Clause 4.3 are as follows—</p> <p>(a) to ensure that the height of buildings is compatible with the bulk, scale and character of the locality,</p> <p>(b) to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality,</p> <p>(c) to protect significant views from public places.</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 unnecessary in the circumstances of the case, 	<p>Yes</p> <p>The applicant attributes the height variation to the sloping topography of the site. This results in the dwelling appearing to be single storey from the street, whilst the main bulk of the dwelling will be the rear elevation, not visible from the street.</p>

BLEP 2012 - Clause 4.6	
Assessment of requested variation	
<p>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? 	<p>The portion of roof that will breach the 8.5m height limitation is located at the rear of the dwelling, over the proposed new deck.</p> <p>Given the approximate 15m setbacks to adjoining properties and existing vegetation, it is considered that there are no unreasonable impacts on solar access and overshadowing to the adjoining properties.</p> <p>The generous setbacks from the front and rear boundaries and the existing vegetation also screen the dwelling well from public view.</p> <p>There are no adverse impacts on amenity to private or public land.</p> <p>Approximately 10% of the total roof area exceeds the 8.5m height.</p>  <p>View of rear of existing dwelling</p> <p>It is unreasonable and unnecessary to require strict compliance with the 8.5m standard when the majority of the development will comply.</p> <p>The portion that contravenes the standard will have minimal impact on views or amenity.</p> <p>The proposed development is consistent with the objectives of the building height standard and the objectives of the zone.</p> <p>On this basis the development is considered to be in the public 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>No</p> <p>The proposed height variation is situated on the rear (southern) elevation of the</p>

BLEP 2012 - Clause 4.6	
Assessment of requested variation	
	<p>dwelling which will not result in a demonstrable impact to adjoining properties or to the scenic/landscape quality of the locality.</p> <p>Site inspection revealed that the existing dwelling is well setback from the streetscape, with substantial mature vegetation obscuring the bulk of the buildings from the street and from neighboring properties.</p>  <p>Street view of subject property taken from Hillcrest Drive</p> <p>Existing dwellings on the low side of Hillcrest Drive are constructed in response to the sloping land and are of similar size and bulk to the proposed development with generous setbacks from the allotment boundaries and ample landscaping.</p> <p>The cumulative impact would not result in a detrimental impact to the amenity of the area, nor undermine the objectives of the zone.</p>
<p>The consent authority must be satisfied that the matters in clause 4.6(3)(a) and 4.6(3)(b) have been demonstrated in the written request:</p> <p>(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—</p> <p>(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and</p> <p>(b) there are sufficient environmental planning grounds to justify the</p>	<p>Yes</p> <p>The proposal is appropriate and consistent with the objectives and intent of Clause 4.3 of the LEP.</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></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>

BLEP 2012 - Clause 4.6	
Assessment of requested variation	
<p>contravention of the development standard.</p>	<p>(c) <i>to protect significant views from public places.</i></p> <p>The objectives of the standard are satisfied as the proposed building and strict compliance with the standard in this case is unreasonable and unnecessary for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development does not result in adverse amenity impacts on neighbouring residential properties or the character of the locality. The building design responds to the site's topography. • The proposal will not result in the loss of views, nor will it result in adverse amenity impacts from public viewing points. • Although the departure represents a 19% exceedance of the height limit, the departure from the height control proposed has been assessed as minor in the context of the building, with it relating to a small section of eave and deck roof. <p>As outlined within this report, the proposed development is an appropriate response to the site and that the variation is justified in this instance.</p>

Options

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

Option 1 - Approve the Development Application

Approval of the development application for alterations and additions to an existing dwelling, including additional bedrooms, bathrooms, garage, swimming pool and rooved decks is recommended. This is on the basis that the proposal satisfies the applicable planning provisions including the objectives of Clause 4.3 Height of Buildings.

The subject development is permissible with consent in the RU1 Primary Production zone of the Ballina Local Environmental Plan 2012.

The subject development has been assessed against the relevant considerations under the Environmental Planning and Assessment Act 1979, including the provisions of all relevant Environmental Planning Instruments, the objectives of the Ballina Local Environmental Plan 2012 and the objectives of the above zone.

It has been determined that the site is suitable for the subject development and that the development is unlikely to have a significant adverse impact on the

8.1 DA 2023/448 - Alterations and Additions - 24 Hillcrest Drive, Tintenbar

natural and built environments and is unlikely to have a significant adverse economic or social impact on the locality.

Approval of the development is in the public interest.

A set of draft conditions of consent is included as Attachment 5.

Option 2 – Refuse the Development Application

Council could refuse the development application. This option could be taken if Council considers the departure from the Height of Buildings development standards as excessive and it is not satisfied that the proposal is consistent with the objectives of the standard or the objectives of the zone.

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* and the *Ballina Development Control Plan 2012*.

The proposal seeks approval for alterations and additions to an existing dwelling, including additional bedrooms, bathrooms, garage, swimming pool and rooved decks.







The objectives of the building height development standards can be achieved despite the variation to Clause 4.3 of the BLEP 2012.

The recommendation is to grant consent to DA 2023/448 with conditions.

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 alterations and additions to an existing dwelling, including additional bedrooms, bathrooms, garage, swimming pool and rooved decks, for the reasons outlined in this report.
2. That Development application 2023/488 for “Alterations and additions to an existing dwelling, including additional bedrooms, bathrooms, garage, swimming pool and rooved decks” be **APPROVED** subject to the application of the conditions of consent contained in Attachment 5, and including standard planning, building, engineering and environmental health conditions applicable to this type of development.

Attachment(s)

1. Locality Map 
2. Aerial Map 
3. DA Plans submitted by Applicant 
4. Section 4.15 Assessment Report 
5. Draft Conditions of Consent 
6. Applicant's Variation to Standard Report 

8.2 DA 2017/643 - 78 Moon Street, Ballina - Developer Contributions

8.2 DA 2017/643 - 78 Moon Street, Ballina - Developer Contributions

Section Development Services

Objective To outline a request from the Minister for Housing for developer contributions and charges to be set aside for planned social housing in Ballina.

Background

Council has received a request from the Minister for Housing, Rose Jackson MLC, for a reduction in developer contributions and charges applying to DA 2017/643. A copy of the request is included as Attachment 1.

DA 2017/643 was approved in October 2018. The approval is for nine units under the then terms of State Environmental Planning Policy (Housing for Seniors or People with a Disability). A modification to the development was approved in March 2022 (this related to design changes and did not change the number of units).

The units within the development were defined as in fill self-care housing under the SEPP. A copy of the approved plans is included as Attachment 2.

Under the 2022 modification approval, developer contributions and charges were levied in accordance with Council's adopted contributions plans and development servicing plans in relation to open spaces and community facilities, roads, water and wastewater infrastructure.

The total contribution amount, at the time, was \$271,752.39 (noting that this amount is subject to annual indexing in accordance with the adopted plans). This total charge includes a contribution of \$52,405.98 that is collected on behalf of Rous County Council.

The purpose of this report is to seek direction from Council on a reduction or setting aside of the levied contributions.

Key Issues

- Ministerial Direction relating to contributions applying to social housing
- Applicability of contributions charges for various infrastructure relative to provision of seniors housing by a State Government agency

Discussion

The Minister's request for a reduction in contributions levied in relation to DA 2017/643 is on the basis that:

- The Aboriginal Housing Office (AHO) has acquired the development site and intends to construct the approved development by June 2025
- The housing is being delivered as part of the AHO's flood recovery program.

8.2 DA 2017/643 - 78 Moon Street, Ballina - Developer Contributions

- The AHO assumes a significant reduction in fees for developing seniors housing based on a 2007 Ministerial Direction.

There are benefits in social housing being provided by the State Government in the local community. However, when it comes to contributions levied for infrastructure, this housing still generates demand for infrastructure and services.

This means requests for setting aside of contributions for this form of housing, does equate to Council subsidising State Government led development, through foregone revenue, that is collected for defined service provision.

Essentially these funds have to be raised elsewhere, to fund the infrastructure identified in the contribution and servicing plans.

Regardless though, there are important social factors and context to consider, particularly in relation to this request.

There is also a Ministerial Direction in place that guides the consideration of this matter.

The Ministerial Direction is reproduced below:

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

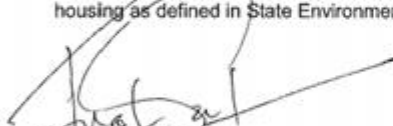
Revocation of Direction in force under section 94E And Direction under section 94E

I, the Minister for Planning:

1. Pursuant to sections 4(8) and 94E of the *Environmental Planning and Assessment Act 1979* ("the Act"), revoke the direction in force under section 94E of the Act made by Craig Knowles, the former Minister for Infrastructure and Planning, on 6 November 2000, in relation to development applications to carry out development under *State Environmental Planning Policy No 5 – Housing for Older People or People with a Disability* ("SEPP 5"). This revocation applies to development applications made on or after commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)* ("the SEPP").
2. Pursuant to section 94E of the Act, direct consent authorities that there are no public amenities or public services in relation to which a condition under Division 6 of Part 4 of the Act may be imposed on the class of development consents identified in Schedule A granted to a social housing provider as defined in the SEPP. This direction applies to development applications made by such a social housing provider on or after commencement of the SEPP.

Schedule A

Development consents to carry out development for the purposes of any form of seniors housing as defined in *State Environmental Planning Policy (Seniors Living) 2004*.



Minister for Planning

Sydney, 14 Sep 2007.

8.2 DA 2017/643 - 78 Moon Street, Ballina - Developer Contributions

This direction has the effect that a consent authority cannot levy contributions, amenities, or public services, on a development consent for seniors housing, where the applicant is a social housing provider.

In this instance, the contributions were levied because the original applicant and first beneficiary of the approval granted was a private developer.

Although the site is now owned by a social housing provider (the AHO), the contributions have been levied correctly and continue to apply.

However, the AHO could lodge a modification application to request removal of the contributions in accordance with the Minister's direction and Council would need to determine this in line with the direction.

Although there are various technical points about how the direction applies to current instruments, it is likely the reduction would be granted in relation to Section 7.11 contributions through a modified consent.

Essentially the intent of the direction is that Section 7.11 charges are not applied to social housing providers.

The distinction between Section 7.11 contributions and Section 64 developer charges is important.

Section 7.11 contributions are levied under the Environmental Planning and Assessment Act (open spaces, community facilities and roads in this instance) whereas Section 64 developer servicing charges (water and wastewater in this case) are levied under the Local Government Act.

The Ministerial direction does not apply to section 64 charges under the Local Government Act.

The Rous County Council water charges that have been levied are not something Council can set aside in the absence of a new DA, as this is a charge applied by another entity.

Council collects the charges on behalf of Rous County Council.

The four key things to consider with this request having regard for the Ministerial direction are:

- Whether or not to set aside Section 7.11 contributions in relation to open space, community facilities and roads (equating to \$157,961.78 on the development consent subject to annual indexing)
- Whether or not to set aside Ballina Shire Council Section 64 developer charges in relation to water and wastewater (equating to \$61,384.64 on the development consent subject to annual indexing)
- Council cannot set aside the Rous County Council Section 64 water charge (equating to \$52,405.98 on the development consent subject to annual indexing) without the agreement of Rous County Council

8.2 DA 2017/643 - 78 Moon Street, Ballina - Developer Contributions

- Whether or not to require the AHO to lodge a modification application to formally seek to amend the development consent in relation to the developer contributions and charges that have been levied.

In summary, it is reasonable to set aside the Section 7.11 contributions based on the Ministerial direction, and without the need for the AHO to lodge a formal modification application.

The application process will attract application fees and require resources of the AHO and Council, to likely arrive at the position of setting the contributions aside.

With the Section 64 contributions under Council's servicing plans, these are not subject to the direction, and it is reasonable to continue to apply these, as they support essential water and sewerage services that the development is directly reliant on.

However, Council may set the charges aside if it prefers in recognition of the social housing outcome involved.

The Rous County Council water charge cannot be adjusted by Council.

The AHO will need to approach Rous County Council, if it wishes to pursue this charge being set aside.

Delivery Program Strategy / Operational Plan Activity

Consideration of this matter relates to the following Delivery Program and Operational Plan Strategies:

- PE3.3 Deliver infrastructure that supports residential living.
- HE3.3 Match infrastructure with development to mitigate any impacts on the environment.

Community Engagement Strategy

No community engagement has been undertaken in relation to this request.

Financial / Risk Considerations

The key financial issue is foregone income for delivery of planned works as set out in the applicable contributions and developer servicing plans.

Essentially any charges set aside will need to be funded from alternate revenue sources when delivering the planned infrastructure (e.g. grants, charges paid by the private development sector). Setting aside charges can also have the effect of delaying works as it takes longer to raise the funds needed for large projects.

Options

Council has the following options:

1. Not set aside the levied contributions and charges.

8.2 DA 2017/643 - 78 Moon Street, Ballina - Developer Contributions

2. Set aside only Section 7.11 contributions levied.
3. Set aside both Section 7.11 and Section 64 contributions and charges levied.

Option 2 is the recommended approach on the basis that it is consistent with the intent of the Ministerial Direction relating to social housing, albeit that the proper process is to address this through the development application process.

A DA process now would ultimately lead to unnecessary delays and costs.



Levying of the Section 64 charges is a reasonable compromise in the circumstances whereby there is a significant reduction in contributions costs for the AHO, but essential water and sewerage infrastructure costs are still met.

Council cannot set the Rous County Council charge aside.

RECOMMENDATION

That based on the 14 September 2007 Ministerial Direction relating to social housing providers and contributions, Council approves the reduction of the contributions and charges applying to DA 2017/643 by not applying Section 7.11 contributions for open space, community facilities or roads in the amount of \$157,961.78 (subject to annual indexing from the issue of the development consent).

Attachment(s)

1. Minister Jackson Request - AHO Development - 78 Moon Street Ballina 
2. DA 2017/643 - 78 Moon Street Ballina - Approved Plan Set 

8.3 Sharpes Beach - Car Park Upgrade

8.3 Sharpes Beach - Car Park Upgrade

Section Open Spaces

Objective To outline options for the redevelopment of the Sharpes Beach Car Park and seek adoption of a preferred plan for implementation.

Background

Council resolved at the 23 November 2023 Ordinary meeting to endorse the Draft Sharpes Beach Car Park Upgrade Concept for public exhibition.

The draft concept plan (as per Attachment 1 to this report) was exhibited for a period of eight weeks from 1 December 2023 to 31 January 2024.

Key feedback from the submissions and a recommended concept plan was presented to the 24 April 2024 Ordinary meeting where Council resolved to defer the matter pending a report on further options.

Matters arising at the April 2024 Ordinary meeting related to car parking, layout and design, traffic circulation and trees.

These matters have been considered in the compilation of the options presented in this report.

Key Issues

- Stakeholder and community engagement
- Design outcomes and amendments
- Retention of Norfolk Island Pine trees
- Number of car parks
- Grant funding and construction timeframes

Discussion

This report provides alternate design options for the Sharpes Beach Car Park Upgrade having regard to different approaches relating to tree retention and number of parking spaces.

The submissions received in response to the exhibition of the draft concept plan are addressed in the 24 April 2024 report to Council.

Summary information relating to car parking and site vegetation is provided as follows for reference in relation to the design options presented.

Summary of Submissions

Council received 156 submissions with 149 responding to the online survey.

Overall, respondents indicated support or disagreement with the draft plan as follows:

8.3 Sharpes Beach - Car Park Upgrade

- 51% supported the Draft Concept Plan
- 10.7% neutral and
- 38.3% do not agree with the Draft Concept Plan

Number of Car Parks

With regard to the number of car parking spaces compared to landscape and amenity improvements at the site, responses indicated as follows:

- 39.5% 'Less car parking and greater emphasis on coastal landscape amenity'
- 27.2% 'More car parking and less emphasis coastal landscape amenity'
- 33.3% 'Don't feel strongly either way and appreciated a balance.'

The car park layout in each option has considered the requirements for pedestrian and vehicle movement corridors as well as construction requirements to achieve the optimum number of car parks.

Vegetation Management and Tree Retention

The retention of existing trees and vegetation was a key topic of submissions.

Some respondents expressed a desire for existing Norfolk Island Pine trees to be retained.

Of the 156 submissions received, 43 referenced trees on the site.

Of these submissions, 33 respondents noted a preference for retention of Norfolk Island Pines at the site.

This represents 21% of respondents to the exhibition.

Of the 156 submissions received, 107 referenced vegetation on the site.

Of these submissions 34 (22% of all submissions) indicated a preference for retention of existing vegetation or more vegetation on the site.

30 submissions (19% of all submissions) indicated a preference for less vegetation generally on the basis of preference for increased car parking.

As per these responses there is a wide range of feedback that Council needs to consider.

The alternate designs presented have been developed with consideration for mature tree growth and protection requirements.

Design Options

Three alternative designs have been compiled for consideration (the original exhibited design is also addressed).

The basis of each option and key elements are set out as follows.

8.3 Sharpes Beach - Car Park Upgrade

A plan for each option is contained in the referenced attachment.

Broadly, one issue that arose in the previous debate was traffic circulation.

In relation to this, arrows indicating potential one- or two-way vehicle movement around the car park are indicative only.

Whether circulation is one way or two way does not change the width required for the carriageway in the designs.

With respect to tree retention, one element to consider is that for trees to remain in place, the expected full size of the tree in its life cycle needs to be accounted for, and in turn this requires incorporation of larger tree protection zone areas than apply in relation to current tree size.

It is also possible that despite best intentions, the construction process, or future use of the car park, may cause one or more trees to degrade and ultimately die or need removal.

Table 1 provides a summary of the key aspects of each option relative to car parking and the Norfolk Island Pine trees.

For comparison with respect to car parking, it is estimated that there are approximately 104 informal car parking spaces within the existing car parking area, although car parking in the area can be highly variable and creative on busy days.

In all of the plans, the amenities building has been retained in the location as it was shown on the exhibited plan.

In relation to cost, whilst it may appear that it should be cheaper to build an option with less parking spaces and more trees retained, there are significant costs associated with works to manage the retention of the trees long term.

In this regard there may be some reduction in cost in relation to option 3, no significant cost savings have been identified between the other options.

Table 1: Options Comparison

Option	Norfolk Island Pine Tree Removal	Regeneration Area Removal	Car Parking Spaces*
1	9	1,000m ²	85
2	2	1,000m ²	71
3	0	0	54
4	0	1,000m ²	67

* Note: the car parking spaces count includes motorcycle spaces, long vehicle spaces, informal spaces and disabled designated spaces (detailed breakdown is provided in relation to each option below).

8.3 Sharpes Beach - Car Park Upgrade

Option 1 – Exhibited Plan (Attachments 1 and 2)

This is the exhibited draft plan presented to the 24 April 2024 Ordinary meeting.

Key Details

- Number of Car Parks
 - 85 (Includes: 75 Standard, 3 long vehicle, 4 motorcycle, 3 disabled)
- Impact to Trees and Vegetation
 - 9 Norfolk Island Pines
 - Approximately 1000m² of regenerating coastal vegetation removed.

Option 2 – Half Gravel (Attachment 3)

This option maintains a portion of the car park as a gravel surface with informal parking. Compared to options 1 and 2, seven additional Norfolk Island Pines are retained, but exclusion measures and reinforced structural surfacing will be necessary in the gravel area.

This option may result in what looks like a half-finished car parking upgrade and will require regular regrading to repair corrugations in the area that remains as gravel.

This option also includes some practical challenges and uncertainties as the Norfolk Island Pines grow. As the trees grow the carriageway width between the trees and the centre isle will reduce.

For comparison the aisle width in the bitumen section is 6.2m but it could reduce to around 3m in the gravel section once the trees are fully grown. This creates potential for increased vehicle maneuvering to move through the car park (i.e. navigate around the trees rather than progressing in a direct straight line).

The extent to which this will be an issue is uncertain because the ultimate size of the trees can only be estimated.

Key Details

- Number of Car Parks
 - 71 (Includes: 52 Standard, 1 long vehicle, 4 motorcycle, 2 disabled and space for 12 informal spaces)
- Impact to Trees and Vegetation
 - 7 Norfolk Pines retained.
 - 2 Norfolk Island Pines and approximately 1000m² of regenerating coastal vegetation removed.

Option 3 – Reduced Footprint for Tree and Vegetation Retention (Attachment 4)

This option retains most of the existing trees and vegetation at the site.

To protect the trees additional measures may need to be considered such as structural cells or reinforced bridging structures to protect both the asphalt pavement and the trees and allow natural root development.

8.3 Sharpes Beach - Car Park Upgrade

Key Details

- Number of Car Parks
 - 54 (Includes: 45 Standard, 1 long vehicle, 6 motorcycle, 2 disabled)
- Impact to Trees and Vegetation
 - 9 Norfolk Island Pines retained.
 - No impact to regenerating coastal vegetation

Option 4 – Norfolk Island Pines Retention (Attachment 5)

This option retains the existing Norfolk Island Pine trees while extending the carpark south into the regenerating coastal vegetation to enable additional car parking spaces.

To protect the trees additional measures may need to be considered such as structural cells or reinforced bridging structures to protect both the asphalt pavement and the trees and allow natural root development.

Key Details

- Number of Car Parks
 - 67 (Includes: 58 Standard, 1 long vehicle, 4 motorcycle, 2 disabled)
- Impact to Trees and Vegetation
 - 9 Norfolk Pines retained.
 - Approximately 1000m² of regenerating coastal vegetation removed.

Delivery Program Strategy / Operational Plan Activity

This project is listed in the capital works expenditure plan under Council's current Delivery Program and Operational Plan.

Community Engagement Strategy

Exhibition of the plan has been carried out in accordance with the community engagement strategy.

Further engagement with the community will be carried out in association with a development application for the works.

Financial / Risk Considerations

A budget of \$1.3m is currently assigned to this project with \$1.05m in funding approved through the NSW Government Regional Tourism Activation Fund.

This grant funding was to be expended by 30 June 2024 however Council has obtained an extension to 31 October 2025.

8.3 Sharpes Beach - Car Park Upgrade

It is important that Council progresses this plan in a timely manner to avoid putting this grant funding at risk, particularly as development consent is required, as well as a review of lease arrangements with the landholder, having regard for the endorsed redevelopment plan.

It is also likely that construction costs will exceed the current budget and ongoing delays may result in further cost increases. At this stage staff are working based on a cost of around \$2m as the basis of achieving the core elements of the plan.

Also of note is the accessible viewing platform east of the coastal recreation path, whilst planned for, is likely to have significant cost attached to it and will be subject to a detailed risk assessment.

Further consideration of funding and project staging will be required as detailed design, planning processes and costings progress. The aim, at present, is to confirm an agreed plan, formalise this with the landowner and then seek development consent for the overall plan.

Options

1. Endorse Option 1.

Council can resolve to proceed with development of the carpark based on Option 1 as the preferred design developed for the site.

This is the previously exhibited draft plan and is consistent with the recommendation to the April 2024 meeting of Council. This is the recommended approach as it provides the optimal balance between car parking, function and landscape amenity.






2. Endorse one of the alternate Options 2, 3 or 4.

Council can resolve to proceed with development of the carpark based on one of the alternate options presented in the report.

RECOMMENDATION

That Council endorses Option 1, as per Attachments 1 and 2 to this report, as the basis for the redevelopment of the Sharpes Beach car park upgrade, noting that this represents a balancing of amenity and use considerations, including car parking availability and retention and provision of site vegetation and landscaping.

Attachment(s)

1. Sharpes Beach Car Park - Exhibited Draft Concept Plan - Option 1 
2. Sharpes Beach Car Park - Detailed Design - Option 1 
3. Sharpes Beach Car Park - Option 2 
4. Sharpes Beach Car Park - Option 3 
5. Sharpes Beach Car Park - Option 4 

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

Section	Strategic Planning
Objective	To present the outcomes of the public exhibition of the planning proposal to amend Ballina LEP 2012 to rezone the Council-owned Tuckombil Quarry site to SP4 Enterprise and seek direction on finalising the LEP amendment.

Background

The Council-owned Tuckombil Quarry site is located at 540 Gap Road Alstonville. Quarrying ceased at the site in 2016 and it has remained vacant since then, apart from operations within two existing commercial leases on part of the site, being Boral Asphalt and Ron Southon. Both leases expire on 31 December 2024. Council has previously resolved not to renew the Boral Asphalt Lease.

Since quarrying activities ceased at the site, Council has been investigating future use options and a range of potential uses were reported to Council's Finance and Facilities Committee meeting held 19 May 2022.

As a result of that meeting, Council resolved as follows:

1. *That Council engage the relevant experts to prepare a planning proposal to support a proposed rezoning of the property to provide for film, arts, high technology, recreational and community use at the Tuckombil Quarry site.*
2. *That Council seek a Gateway Determination for the site rezoning and authorise the public exhibition of that proposal.*
3. *That Council receive a report on the findings from the public exhibition process.*

The planning proposal was prepared, including supporting studies assessing traffic, biodiversity, noise and potential land use conflict, and potential for contamination.

These assessment reports concluded that the proposed use can be accommodated on the site without significant impacts.

The planning proposal seeks to rezone the quarry site from the current 1(e) Rural (Extractive and Mineral Resources) under *Ballina Local Environmental Plan 1987* to a zoning of SP4 Enterprise under *Ballina Local Environmental Plan 2012* (included as Attachment 1 to this report).

Ballina LEP 2012 does not currently include the SP4 zone, so this proposal will introduce that zoning into the LEP.

Associated LEP adjustments relating to minimum lot size, building height and other elements are also proposed (as set out in the Planning Proposal in Attachment 1).

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

The (then) Department of Planning and Environment issued a Gateway Determination for the proposal in August 2023, conditional on updates to the contamination assessment to include the lease area within Lot 3 (leased to Ron Southon Pty Ltd).

A copy of the Gateway determination is included as Attachment 2 to this report, along with the most recent extension of time to complete the Planning Proposal.

Following receipt of that assessment, public exhibition of the Planning Proposal and supporting documents was undertaken between 6 November and 15 December 2023, in accordance with the terms of the Gateway.

State Agency consultation was also undertaken at that time.

Seven public submissions were received, four in support of the proposal, two objecting and one containing a suggestion the site be zoned for sporting fields and recreational uses.

Agency responses were received from Transport for NSW, Mining, Exploration and Geoscience Division of Regional NSW, Heritage NSW and Biodiversity and Conservation Division of the (then) Department of Planning and Environment.

Transport for NSW required updates to the traffic assessment to include consideration of potential impacts to the intersection of Bruxner Highway and Ballina Road.

Based on comments from Biodiversity and Conservation Division, the rezoning proposal has been updated to include a proposal to apply a C2 Environmental Conservation zone to two areas of intact vegetation recognizing the presence of Lowland Rainforest species on the site.

Attachment 1 contains the planning proposal, as amended, to reflect the outcomes of the exhibition and agency consultation.

The submissions are contained in Attachments 3 and 4.

This report outlines the submissions and comments received, the response to the issues raised and seeks direction on the finalisation of the proposed rezoning following consultation and public exhibition.

Key Issues

- Outcomes of the public exhibition and consultation process
- Finalisation of the LEP amendment

Discussion

Proposed use and zoning of the site

Since the Tuckombil Quarry ceased production in 2016, Council has been investigating alternate future uses of the site. In 2021, Byron Studios Pty Ltd expressed an interest in entering a long-term lease of the land to establish a film production and creative industry precinct at the site.

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

As shown in Figure 1, the quarry site consists of Lot 22 DP1243105, being the bulk of the land, including the previously quarried area, Lot 3 DP113030, leased to and occupied by Ron Southon Pty Ltd for the storage of components used in the manufacture of explosives for industrial purposes, and Lot 21 DP1243105, leased to Boral Pty Ltd.

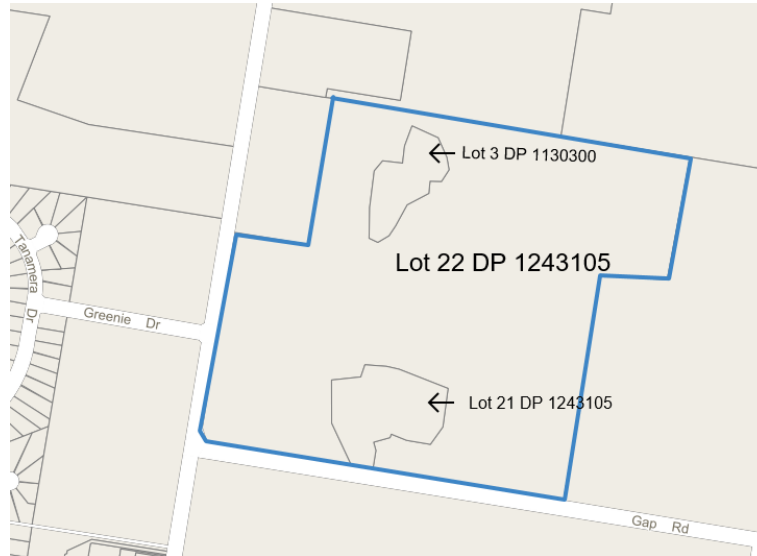


Figure 1: Tuckombil Quarry Site

Boral Pty Ltd previously operated an asphalt plant at the site and is currently in the process of decommissioning that plant.

At the 27 May 2021 Ordinary meeting, Council supported proceeding with investigations into the potential benefits of the Byron Studios proposal, resulting in the resolution in May 2022 to proceed with the rezoning of the site to SP4 Enterprise.

The Tuckombil quarry site is currently zoned 1(e) Rural (Extractive and Mineral Resources) under *Ballina Local Environmental Plan 1987*. The development of film production facilities is not consistent with that zoning, hence the resolution of Council to progress a rezoning of the land.

The State Government has recently updated the standard LEP template 'employment zones' available to councils and changed the existing business, commercial and industrial zones to a range of "E zones". As part of this process, a new zone – SP4 Enterprise – is available to councils, which can be used for specialised sites and circumstances where a conventional employment zone is not suitable.

The objectives of the SP4 Enterprise Zone are to provide for land uses that support enterprise and productivity and provide opportunities for new and emerging creative and high technology industries and recreational land uses. It is suitable for the proposed rezoning of the Tuckombil Quarry site without creating potential for wider industrial use.

The SP4 Enterprise zone objectives and land uses mandated by the State Government's *Standard Instrument Template* are shown in **BLACK** text in the zone table below. The objectives and land uses identified in **RED** have been included by Council based on local provisions/ issues.

Zone SP4 Enterprise

1. Objectives of zone

- To provide for development and land uses that support enterprise and productivity.
- To provide opportunities for new and emerging creative and high technology industries and recreational land uses.

2. Permitted without consent

Environmental protection works

3. Permitted with consent

Artisan food and drink premises; Building identification signs; Business identification signs; Car Park; Community facility; Creative Industry; High Technology Industry; Plant nursery; Recreation area; Recreation facility (outdoor); Roads; Take-away Food and drink premises

4. Prohibited

Agriculture; Commercial premises; Industry; Residential accommodation; Any other development not specified in items 2 or 3.

In terms of the uses permitted with consent, *artisan food and drink premises*, *creative industry* and *high technology industry* are each a type of *light industry*. The broader definition of *light industry* is not included as it potentially allows a wide range of industrial activities.

The SP4 zone has not yet been implemented in *Ballina Local Environmental Plan 2012*. This Planning Proposal will introduce this zoning into the LEP.

The planning proposal, as exhibited, proposed to apply the SP4 Enterprise zoning to the whole of the site. As detailed below, following comments from State Government Agencies, two areas of existing site vegetation are now proposed to be zoned C2 Environmental Conservation.

The recommended zoning is shown in Figure 4.

New LEP local provision

Long term plans of Byron Studios Pty Ltd include accommodation for workers and others involved in film productions at the site. Such accommodation would be temporary, depending on the nature, scale, and timeframe of approved activities at the site. Accommodation would only be available to persons involved in approved activities on the site.

As such, it is considered that making *tourist and visitor accommodation*, or *residential accommodation* permissible land uses in the SP4 Enterprise zone would create the potential for accommodation proposals that are not ancillary to other permissible or approved uses.

The Planning Proposal therefore proposes to add a new site-specific clause to Part 7 of BLEP 2012. In addition to specifying ancillary tourist and visitor accommodation as a use permitted with development consent on this site, the site-specific clause provides the matters for consideration in the assessment of applications for development of the site.

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

A draft of the proposed clause is included in the Planning Proposal in Attachment 1. Final wording of the clause will be subject to Parliamentary Counsel review.

Site investigations

The planning proposal prepared for the site demonstrates that it is suitable for the intended use. To support this, a range of technical assessments were undertaken, including:

- Contamination assessment, which investigated the potential for soil contamination within Lot 22. The investigation did not examine the Boral lease area as the terms of that lease require Boral to investigate and rehabilitate the site as part of the decommissioning of its plant. It also did not investigate Lot 3 as it was considered that the existing operations on that site would remain.

In accordance with a condition of the Gateway determination, a subsequent contamination assessment was undertaken for Lot 3, concluding that the site is suitable for its current use and future uses consistent with an SP4 zoning.

- Traffic assessment, which addressed the suitability of the current local road network for the increased traffic anticipated to be generated by the new land use.

As required by Transport for NSW, the Traffic Impact Assessment was subsequently updated to include an assessment of the intersection of Ballina Road and the Bruxner Highway. The assessment concludes that development at the site will not result in significant impacts at that intersection.

- Biodiversity assessment which identified vegetation of environmental value within the site. This has been considered in the final zoning recommendation for the land.
- Land Use Conflict and Noise Assessment examined the potential implications of the film studio use of the land in relation to the rural and agricultural land uses and activities on adjacent and nearby properties. The assessments conclude that the site can be suitably used for the proposed purpose in relation to these matters. It may be the case though the design and mitigation measures will be appropriate for further consideration in relation to a specific development proposal.
- Explosives Risk Assessment specific to an examination of the risks associated with increased on-site activity, in the context of the existing operation of Ron Southon Pty Ltd.

Gateway Determination

In accordance with Council's resolution, a Gateway Determination allowing the planning proposal to proceed to public exhibition was issued on 8 August 2023. The Gateway determination was subsequently altered in January 2024 with the amendment to be completed by 8 May 2024.

Following delays in finalising the updated traffic study, a further Gateway extension was granted in April 2024, with the LEP Amendment to be completed by 8 July 2024. The Gateway determination and the final extension of time is provided as Attachment 2.

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

Public exhibition of the Planning Proposal

Public exhibition of the Planning Proposal and supporting documents was undertaken between 6 November and 15 December 2023, in accordance with the terms of the Gateway.

Seven public submissions were received, with four in support of the proposal, two objecting and one containing a suggestion that the site be zoned for sporting fields and recreational uses. Copies of submissions are included as Attachment 3.

A summary of the reasons given for objecting to the proposed rezoning are provided in the table below, along with staff responses:

Table 1: Issues Raised in Community Submissions

Issue	Comments
Reference to the original quarry approval – DA 1995/276. Approval required environmental rehabilitation of the quarry after completion of the extraction works	<p>Rehabilitation of the site was the intention of Council at the time of the quarry approval in the 1990s.</p> <p>The rezoning as proposed would still allow areas of the site, particularly the site's edges, to be rehabilitated through weed control and additional tree planting.</p> <p>The suggestion in the submission is that total revegetation of the site would be less intrusive in the locality.</p> <p>The noise and land use conflict assessments demonstrate that the site can be used for its intended purpose in a manner that will result in minimal disruption in the local area.</p>
Concern on learning that Lot 3 is used for storage and manufacture of explosives.	<p>Lot 3 has been used for the storage of the components used in the manufacture of explosives. This use is not directly related to the rezoning.</p> <p>The facility is subject to SafeWork NSW requirements and has never been the subject of any infringement notices or any other local issues.</p> <p>A report on the potential conflict between the existing facility and potential future uses was considered by Council's Commercial Services Committee on 20 April 2023, noting that the current use is incompatible with the proposed rezoning.</p> <p>Based on that, Council resolved:</p> <p><i>That based on the Risk Assessment Report for the Tuckombil Quarry Site, which identifies the current use is incompatible with the proposed rezoning, Council authorises the General Manager to offer Ron Southon Pty Ltd a new 5+5 lease effective 1 January 2025, including a "break clause" granting Council, as landlord, the right to terminate the lease by giving 12 months' notice.</i></p>
Site should be rezoned for the community, planted with "big scrub trees" and a picnic area created for residents to enjoy.	<p>Council previously considered a range of options for the future use of the property, including an open space use.</p> <p>Council resolved to proceed with the proposed rezoning based on the range of uses proposed.</p> <p>Environmental restoration can be undertaken on the site in conjunction with proposed future land uses.</p>

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

Issue	Comments
Site would be better used for active and passive recreation.	As above. These uses were considered by Council in 2022. It is noted that <i>recreation area</i> and <i>recreation facility (outdoor)</i> are uses permitted with consent in the SP4 zone.

State Agency consultation

State Agency consultation was also undertaken during the exhibition period. Responses received are discussed below.

Copies of the responses are included as Attachment 4.

Table 2: State Agency Submissions and Responses

Agency Response	Comments
<i>Transport for NSW</i>	
The initial response requested that further assessment be provided addressing the potential impact on the Ballina Road / Bruxner Highway intersection.	An updated Traffic Assessment Report was prepared and provided to TfNSW on 10 April. By letter dated 10 May 2024, TfNSW advised that they have reviewed the updated traffic report and have no objections to the proposed rezoning.
<i>Regional NSW – Mining, Exploration & Geoscience</i>	
No concerns in relation to the proposed rezoning.	Response addresses the requirements of Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> Direction 8.1 – Mining, Petroleum Production and Extractive Industries.
<i>Heritage NSW</i>	
Suggested consultation with the Widjabul Wia-bal Registered Native Title Body Corporate, as traditional owners of land in the area.	Correspondence was sent to NTS Corp, the contact organisation for the Native Title Body Corporate, seeking comment on the proposal. A response was not received. Notably the land is freehold land owned by Council.
<i>Department of Planning - Biodiversity and Conservation Division</i>	
Recommend that all areas identified in the Biodiversity Assessment as High Environmental Value should be protected by way of a C2 Environmental Conservation Zone.	See discussion below.
<i>Rural Fire Service</i>	
The RFS has no objection to the rezoning and LEP amendment and notes that future development applications will need to address bushfire threat.	Noted

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

Biodiversity

The Biodiversity Assessment (GeoLINK, 2023) includes the following map identifying the vegetation communities across the site and their environmental condition.

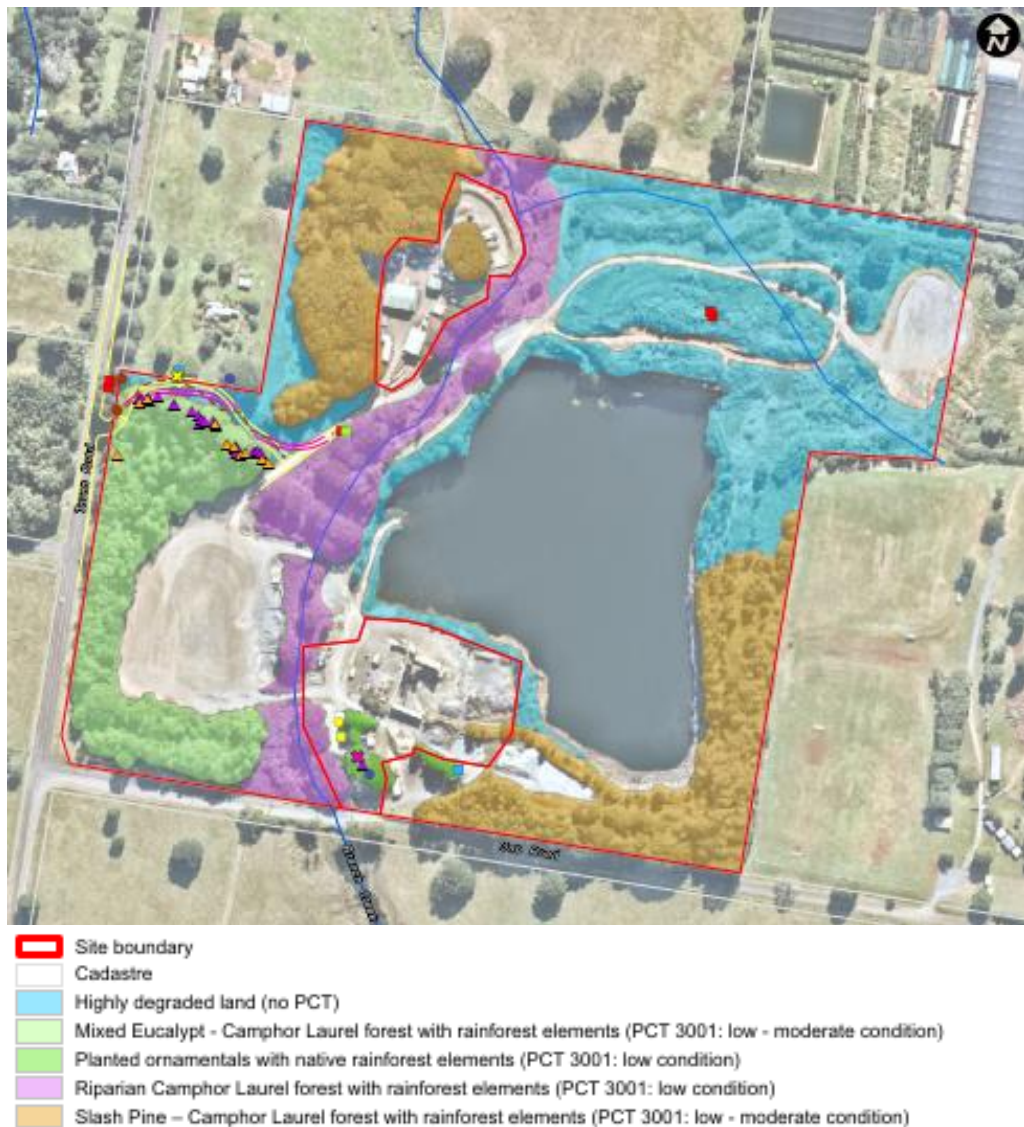


Figure 2: Vegetation Assessment

The area occupied by Branch Creek is also mapped on the State Government's Biodiversity Values Map, as shown in Figure 3.

The riparian area has been modified by culverts/ pipes for two internal road crossings (see photos below).

The remaining riparian corridor is significantly degraded and heavily weed infested.

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

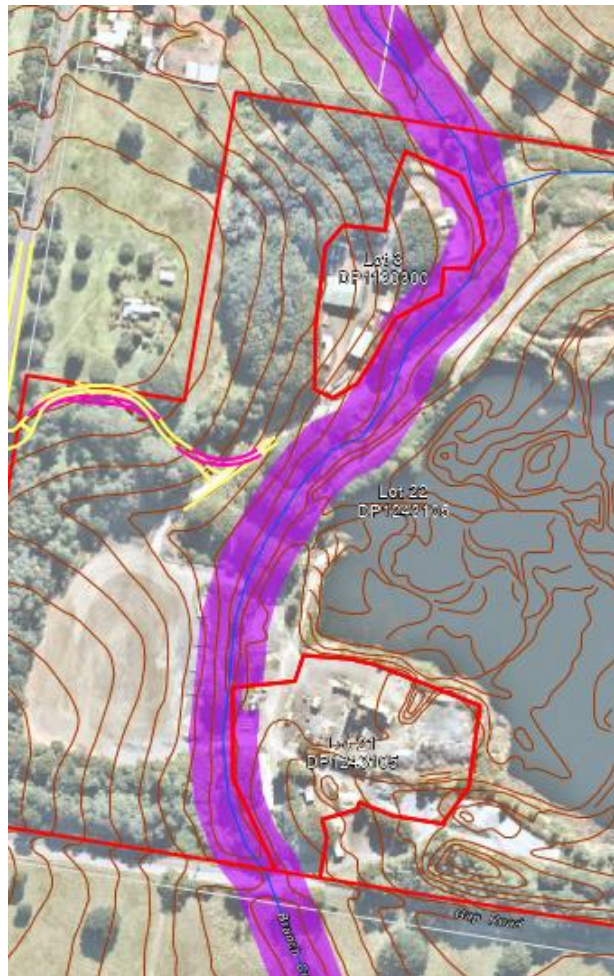


Figure: 3 Extract from Biodiversity Values Map



Internal road creek crossings

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation



Weed infestation of creek

The biodiversity assessment provides an overview of the environmental attributes on the site and identifies that there are some notable environmental values, such as lowland rainforest species, present at the site.

The areas containing vegetation of environmental value is typically heavily degraded though.

This does though present opportunity to undertake valuable environmental restoration works on the land in association with future development.

As part of any future development application process, more detailed assessment of the biodiversity attributes on the site will be required.

At this point, based on the biodiversity assessment, two areas are proposed for protection by way of a C2 Environmental Conservation zone, being the eastern area and the north-western area around Lot 3 (Figure 4).



Figure 4: Proposed Zoning

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

The proposed zoning arrangement provides for a recognition and protection of rainforest vegetation on the site.

The remaining vegetation on the site, including along the remaining riparian areas of Branch Creek, will be managed as part of a future development application process, and via weed control and rehabilitation.

It may also be the case that additional areas are ultimately deemed suitable for an environmental protection zone.

Council, as landowner, can ensure that such works are undertaken and maintained as part of a future lease arrangement.

Conclusion

There are no issues raised in community and state agency submissions which would prevent the rezoning progressing to finalization.

The only change recommended to the Planning Proposal, as exhibited, is the inclusion of two areas of C2 Environmental Conservation zoning relating to existing vegetated areas.

In addition to the zoning change, the planning proposal will also amend the following LEP maps:

- Land Application Map – including the site within this map as it will no longer be a “deferred matter”,
- Minimum Lots Size Map – applying 1,000m² to the SP4 area and 40 ha to the C2 area, and
- Height of Buildings Map – applying a maximum height of 10m to the SP4 area.

Community Engagement Strategy

The Planning Proposal was exhibited in accordance with Council’s Community Engagement Strategy and the requirements of the *Environmental Planning and Assessment Act 1979* and the Gateway Determination.

Public exhibition of the Planning Proposal and supporting documents was undertaken between 6 November and 15 December 2023.

Financial / Risk Considerations

Rezoning of the site will allow Council to continue negotiations for future lease arrangements to provide for a creative industry/ technology industry use of the land, ideally for a film studio development.

Options

The following options are presented for Council’s consideration.

8.4 Planning Proposal - Tuckombil Quarry Alstonville - Finalisation

Option 1 – Finalise the LEP Amendment

This is the recommended option.

Finalising the amendment will provide a zoning for the site that could facilitate its use for film studio / high tech / creative industry uses that would provide significant economic benefits to the Shire and the wider region.

The studies undertaken to support the rezoning demonstrate that such uses are appropriate for the site and can be designed and constructed in a manner that avoids and minimises local environment and social impacts.





Option 2 – Discontinue the planning proposal

This option is not recommended as the reporting has demonstrated that the planning proposal has sufficient merit to warrant its finalisation.

RECOMMENDATIONS

1. That Council endorses the amendment to rezone the Tuckombil Quarry site at Gap Road, Alstonville to part SP4 Enterprise and part C2 Environmental Conservation, as outlined in Planning Proposal BSCPP 22/006 included as Attachment 1 to this report.
2. That Council submit planning proposal BSCPP 22/006 to the Department of Planning, Housing, and Infrastructure for finalisation.

Attachment(s)

1. Tuckombil Quarry Planning Proposal (Final) (Under separate cover) 
2. Gateway Determination and Alteration 
3. Public Submissions 
4. Agency Submissions - Tuckombil Quarry Rezoning (Under separate cover) 

8.5 LEP Amendment Request - 34 Racecourse Road, Ballina

8.5 LEP Amendment Request - 34 Racecourse Road, Ballina

Section	Strategic Planning
Objective	To seek direction from Council in relation to a planning proposal (PP-2024-1016) for an amendment to Schedule 1 of the Ballina Local Environmental Plan 2012 to facilitate a gymnasium on land at 34 Racecourse Road, Ballina.

Background

This report considers a proponent-initiated planning proposal for the construction of a gymnastics focused recreational facility on the property known as 34 Racecourse Road, Ballina (Lot 1 DP 812651).

This planning proposal provides for the same outcome as the planning proposal previously considered by Council, at the Ordinary meeting held 23 February 2023.

The previous report to Council (Item 8.6) may be accessed from the following link [Agenda of meeting on 23 February 2023](#).

At that meeting Council resolved to '*cease further action in relation to the Planning Proposal*'. In such circumstances the proponent may request the Department of Planning, Housing, and Infrastructure to undertake a rezoning review.

The request must be submitted within 42 days from the date of written advice of the decision.

The review application is then considered by the Regional Planning Panel.

No review application was lodged within the required time. Therefore, a new planning proposal is required should the proponent seek to have the matter further considered.

If Council again rejects the planning proposal, this will again trigger the rezoning review process.

The proponent initially proposed to undertake pre-lodgment consultation with Council but was advised to lodge the proposal formally on the NSW Planning Portal, given Council's 2023 decision.

Consistent with Council's 2023 resolution this report recommends that the planning proposal not be supported. The recommendation is made due to the potential for land use conflicts between the proposal and existing uses.

Key Issues

- Reconsideration of planning proposal
- Land use conflicts

Discussion

Location, Zoning and Land Use

34 Racecourse Road (the subject site) is located on the northern side of Racecourse Road, Ballina, approximately 200 metres from the intersection of Ascot Road.

The subject site was at one time utilised as an equine veterinary clinic, in accordance with a development consent granted in 2002.

The site contains three buildings. The building facing Racecourse Road is currently used as a dwelling and contains four stables. The rear buildings and yard, stable ten horses.

The subject site has an area of 3,604m² and is burdened by a 5-metre wide Right of Carriageway (ROC). The ROC is located adjoining the rear northern boundary and part of the eastern boundary.

The ROC facilitates horse access from the stables located on the northern side of Racecourse Road, to the stables located on the Ballina Racecourse site.

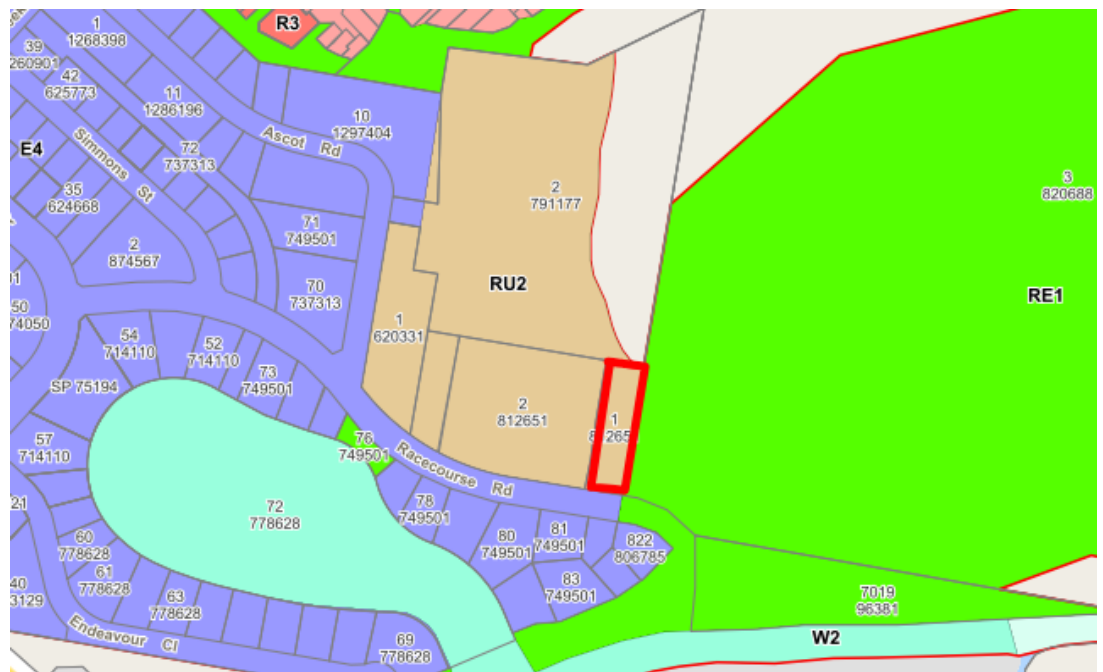
A recent inspection of the site has confirmed that the ROC is still being used.

The subject site is zoned RU2 Rural Landscape zone (RU2) under the provisions of Ballina LEP 2012 (BLEP 2012).

Figure 1 shows the site location, outlined in red, and the zoning of adjoining and nearby properties.

The proposed gymnasium is not permitted within the RU2 zone and would require an amendment of BLEP 2012 to permit such use.

Figure 1 – Location and Extract from Ballina LEP 2012



Adjoining and Nearby Land Uses

8.5 LEP Amendment Request - 34 Racecourse Road, Ballina

The subject site is one of four properties located on the northern side of Racecourse Road, east of Ascot Road. The three properties to the west are utilised in connection with horse racing activities and contain stables. Stables are also located adjoining the site along its eastern boundary, on the Ballina Racecourse site. The majority of lots containing stables also contain dwellings.

The land at the rear, and to the northwest of the subject site, contain agistment yards for horses and cattle. This land is in the same ownership as a large stable complex located on the corner of Ascot and Racecourse Roads.

Figure 2 shows the land uses located in the vicinity of 34 Racecourse Road.

Figure 2 – Land Use Diagram



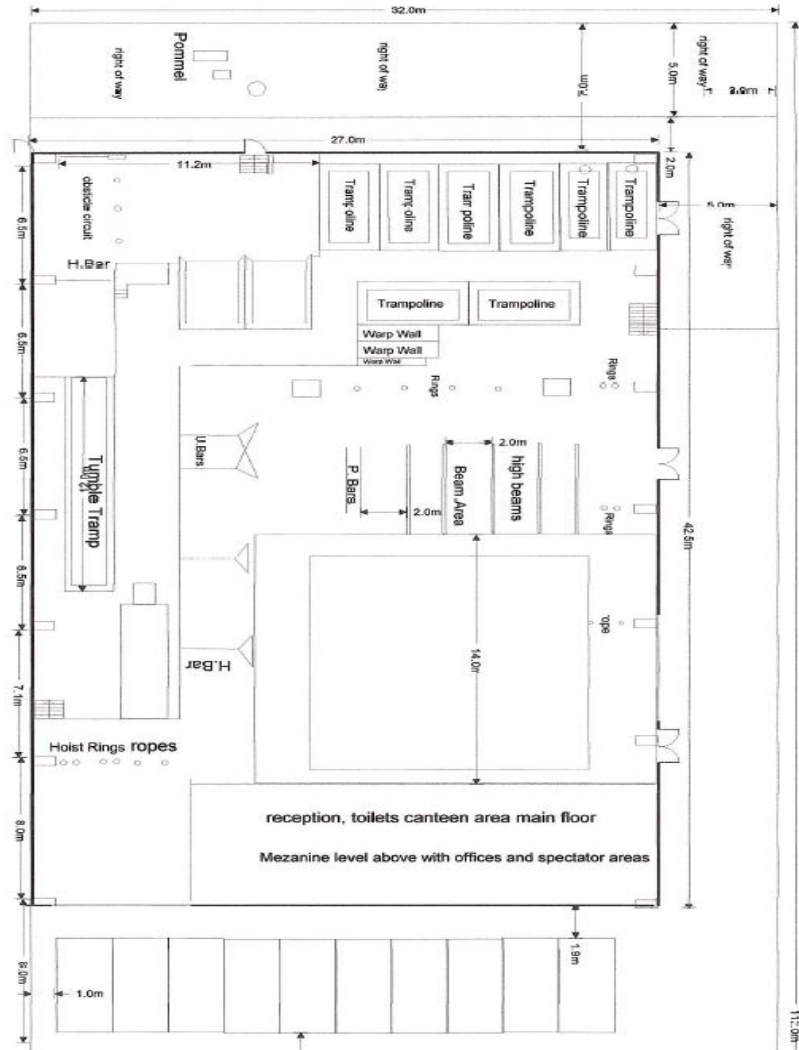
Current Planning Proposal (PP-2024-1016)

The planning proposal submission has been lodged by Planners North on behalf of the proponent, Mr John Reynolds of JR Commercial Property Holdings Pty Ltd (property owner). Attachment 1 to this report contains a copy of the submission.

The planning proposal is substantially the same as the proposal considered by Council in February 2023. It seeks to permit, with development consent, a *recreation facility (indoor)* as an additional permitted use on the site. Specifically, the proponent is seeking to permit a gymnasium that would operate to teach and practice gymnastics. The submission states that *'the proposed usage will be for junior gymnastics with a maximum of 150 pupils and the operation will align more closely to a dance studio than a traditional gym'*.

Figure 3 shows the internal layout of a 27m x 42.5m building proposed for the rear of the site. The existing building, at the front of the site, is proposed to be retained. Preliminary plans also make provision for 60 off-street car parking spaces.

Figure 3 – Extract from Planning Proposal – Proposed Building Layout



Evaluation of Planning Proposal

The planning proposal contains the following statements that warrant further discussion:

‘Since the previous application Council has completed a strategic review of land in the Local Government Area suitable for rezoning for commercial and light industrial purposes. The subject site is a SUGA area and has recently been re-confirmed by Ballina Shire Council as strategically important for future industrial use.

Racing NSW has acquired the land immediately westward of the subject site and made an uncommercial offer to JR Commercial Property Holdings Pty Ltd to acquire the subject land. Given the reinforcement of Council’s strategic urban growth initiatives for the locality and the lack of a commercial purchase offer from Racing NSW this matter is now resubmitted for Council’s consideration’.

The subject site, together with adjoining land, as outlined in yellow in Figure 4, has been retained as a Strategic Urban Growth Area (SUGA) following the Council’s review of SUGAs at the 25 May 2023 Ordinary meeting.

Figure 4 – Racecourse Road Ballina SUGA (outlined in yellow)



In retaining the land as a SUGA, Council did not specifically confirm the land as strategically important for future industrial use.

Council's decision to retain the land as a SUGA recognised the complex nature of the site, the multiple adjacent land use types, as well as the need for more detailed assessments through the planning proposal process.

That said the North Coast Regional Plan 2041 does designate the land as an Investigation Area for Employment Land.

Flooding related impacts are one of the more significant site constraints that impact this SUGA.

Having regard to the concentration of horse racing related activities within this SUGA, and elsewhere in Racecourse Road, it could also be argued that the land's current RU2 zone is a good zoning fit. The current zone permits, with consent, *recreation facility (major)* which includes racecourse uses. It also permits with consent, *animal boarding and training establishments*.

If the SUGA were to be zoned E4 General Industrial (same as the Southern Cross Industrial Estate) then *recreation facilities (major)* would not be permitted with consent.

8.5 LEP Amendment Request - 34 Racecourse Road, Ballina

The E4 zone would, however, permit with consent, a *recreation facility (indoor)* which is the subject of the planning proposal.

In terms of the viability of horse racing within this SUGA area, Racing NSW purchased 22-32 Racecourse Road in June 2023. This land has an area of 1.4ha and adjoins the western boundary of the subject site.

The Ballina Jockey Club has also advised in May 2024 (email contained in Attachment 2) that it has received \$1.3m in funding from Racing NSW for infrastructure upgrades.

It has also advised that it has now significantly commenced a previously approved DA for various site upgrades.

Figure 2 shows the location of 22-32 Racecourse Road labelled Racing NSW in relation to the subject site.

The subject site is located between two significant properties, which provide stable facilities associated with the Ballina racecourse.

Having regard for the current land use pattern and ownership continued use of the land for horseracing related activities, provides for a land use outcome compatible with the character of the area.

The property owner is, however, entitled to pursue other land use opportunities, consistent with the current zoning or strategic planning framework.

The report previously considered by the Council in respect to the 2022 planning proposal (Item 8.6 to 23 February 2023 Ordinary meeting) concluded that:

'Development of the gymnasium as proposed will not prejudice future investigations of this wider investigation area and is consistent with the likely longer-term land uses of the area.'

'Preliminary assessment of the issues associated with such a development indicates that it is possible to carry out the development in a way that does not result in significant environmental, social, or economic impacts.'

Having regard to the recent purchase of 22-32 Racecourse Road by Racing NSW, and the potential for land use conflicts between the proposed use and the existing equine land uses, the above conclusions are no longer supported.

Further assessment of the planning proposal has also confirmed the consolidation of horse racing related land uses within a generally 200 metre radius of the subject site (Figure 2).

This consolidation has been recently reinforced by the Ballina Jockey Club commencing significant infrastructure upgrade works.

Rezoning Review Process

If Council notifies the proponent that it does not support the proposal, the proponent may seek a rezoning review by the Department of Planning, Housing and Infrastructure (DPHI) within 42 days of the notification, or 90 days from the date of lodgment if a decision has not been made.

8.5 LEP Amendment Request - 34 Racecourse Road, Ballina

To facilitate the review the DPHI schedules a meeting of the Regional Planning Panel (RPP), which then reviews the planning proposal. The review process includes a meeting between the panel, the proponent and Council staff.

The RPP will make a recommendation relating to whether the planning proposal should, or should not, proceed to a Gateway determination, and the nature of any Gateway requirements.

In making such a recommendation, the RPP will consider whether the planning proposal has strategic and site-specific merit. Site specific merit includes consideration of existing approved and likely future uses of land in the vicinity of the land to which the proposal relates.

If the RPP recommends that the planning proposal proceed to Gateway, it will also identify the Principal Planning Authority (PPA) for the proposal.

In cases where the Council has refused the planning proposal, the planning panel may appoint itself as the PPA.

Delivery Program Strategy / Operational Plan Activity

Processing of LEP amendments and planning proposals is identified in Council's 2023/24 – 2026/27 Delivery Program and Operational Plan (DPOP) as follows:

- *HE3.1 – Implement plans that balance the built environment with the natural environment*
- *HE3.1g – Maintain Local Environmental Plan (LEP)*

Community Engagement Strategy

At this stage community engagement (including government agency referrals) for this planning proposal has not been undertaken. Community engagement processes are triggered once a positive Gateway determination has been made.

Attachment 2 to this report contains the submissions previously made by the General Manager of the Ballina Jockey Club, as well as a more recent email received on 30 May 2024.

Financial / Risk Considerations

This is a landowner-initiated proposal, and the proponent has previously paid the commencement fee, as well as an additional initial scoping fee for the process to date, in accordance with Council's adopted Fees and Charges.

Further processing fees will be payable at subsequent stages, should Council resolve to proceed with the Planning Proposal.

Options

Option 1 – Not support the planning proposal

This is the recommended option.

The planning proposal will give rise to potential land use conflicts due to the proposed location of a people intensive use in an area containing significant equine related uses.

More specifically the proposed gymnasium is located between two existing stable complexes, and at the rear of stables located on the subject site.

This approach is consistent with the previous decision of Council.

Option 2 – Proceed with the Planning Proposal

If Council considers that the planning proposal has sufficient merit to warrant its progression for a Gateway determination, it could resolve generally in accordance with the recommendations contained in the report to 23 February 2023 Ordinary meeting.

Attachment 3 contains a copy of that recommendation, with minor amendment for context to this report.

Proceeding with the planning proposal will result in a submission to the DPHI for a Gateway determination.

Subject to an affirmative Gateway determination the planning proposal would then proceed to public exhibition.

Public exhibition will enable the views of all relevant parties to be sought including Racing NSW, the Ballina Jockey Club and nearby property owners.




Council would also be afforded an opportunity to reconsider the desirability of completing the planning proposal, following public exhibition.

Due to the potential for land use conflicts, between the proposed use and the existing equine land uses, this option is not supported.

RECOMMENDATION

That Council does not support Planning Proposal PP-2024-1016, as detailed in this report, as the proposal may give rise to land use conflicts between existing adjoining equine land uses and the proposed use.

Attachment(s)

1. Planning Proposal PP-2024-1016 - Submission 
2. Ballina Jockey Club - Submissions 
3. Ordinary meeting - 23 January, 2023 - Recommendation (amended) 

8.6 Local Environmental Plan Amendments and Planning Proposals - Status

8.6 Local Environmental Plan Amendments and Planning Proposals - Status

Section	Strategic Planning
Objective	To report on the status of Local Environmental Plan amendments and planning proposals that are currently under consideration.

Background

Council has an ongoing program of processing amendments to the Ballina Local Environmental Plan 2012 and where necessary, Ballina LEP 1987 and associated planning proposals.

This report provides an update of matters currently pending.

Key Issues

- Status of rezoning and LEP amendment requests

Discussion

LEP Amendment Requests and Planning Proposals Status

Table 1 provides an overview of the LEP amendment requests and planning proposals currently being considered and processed by Council and those finalised since the last update report was provided.

The term planning proposal refers to the documentation prepared to describe a request to amend the Ballina Local Environmental Plan/s.

Requests are typically referred to as planning proposals once Council has agreed to progress the initial LEP amendment request and has prepared the required planning proposal documentation for Gateway determination by the NSW Department of Planning, Housing and Infrastructure (DPHI).

8.6 Local Environmental Plan Amendments and Planning Proposals - Status

Table 1: Status of LEP amendment requests and planning proposals

Item	Name and Status	Summary and Notes	Completion Due
21/004	Conservation Zones Review (Deferred Matter Integration into BLEP 2012) (Stage 6)	<p>Proposal by Council to integrate certain deferred matters into the BLEP 2012. Proposal also seeks to amend clause 41 of the BLEP 1987 to limit the temporary use of land to a maximum of 14 days per annum.</p> <p>Public exhibition concluded on 17 March 2023. The assessment of submissions has been completed.</p> <p>At its Ordinary meeting on 29 September 2023 Council resolved to allocate a conservation zone only to properties in the planning proposal where a written request from the landowner has been received to do so, with all other properties to be zoned the closest equivalent zone to their current BLEP 1987 zone.</p> <p>At its November 2023 Ordinary meeting, Council resolved to amend the exhibited planning proposal and to adopt a staged approach to completing the transitioning of deferred matters from Ballina LEP 1987 to Ballina LEP 2012. Further to the resolution, a request was sent to the DPHI on 29 November 2023 with all mapping and other documentation to seek an amended Gateway determination and enable an extension of time to complete the amended planning proposal. Significant additional information has been submitted to the DPHI assist the Department's consideration.</p> <p>Council is awaiting a decision on Council's proposed approach and the LEP amendment from the DPHI.</p>	<p>15/12/2023*</p> <p>* Matter pending DPHI decision.</p>
22/005	Southern Cross Industrial Estate Expansion (Stage 2)	<p>Proposal by Council for the rezoning of land adjacent to the existing Southern Cross Industrial Estate from its current rural zoning to enable a mixture of industrial and employment-type land uses.</p> <p>An updated flood study that takes account of future airport operations has been completed. This matter was the subject of a report to Council's February 2024 Commercial Services Committee. The Commercial Services Committee resolved to:</p> <ol style="list-style-type: none"> <i>Note the contents of the report regarding the land use planning conflicts between the Southern Cross Expansion Precinct Rezoning and the Ballina Byron Gateway Airport Land Use Plan.</i> <i>Authorise the Mayor to make further representations to the State Government and Minister for Planning to identify opportunities that would allow the Southern Cross Expansion Precinct – Rezoning to proceed, to then provide critical employment lands for the Northern Rivers region.</i> <p>Representations have been made to the State Government and Council has been invited to submit additional material for the Minister's consideration.</p>	#

8.6 Local Environmental Plan Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
22/006	Tuckombil Quarry High Technology (Stage 4)	<p>At its 26 May 2022 Ordinary meeting Council adopted recommendations from the 19 May 2022 Finance and Facilities Committee meeting to engage relevant experts to prepare a planning proposal and seek a Gateway Determination for the site rezoning to SP4 Enterprise Zone under the BLEP 2012 and authorise public exhibition of that proposal.</p> <p>The (then) Department of Planning and Environment issued a Gateway determination on 8 August 2023 that included a condition to require an update to the Contamination Assessment.</p> <p>A contamination assessment report was completed, and public exhibition of the proposal concluded. Seven submissions were received.</p> <p>Submissions from the NSW State Biodiversity Conservation Division and Transport for NSW (TfNSW) were also received. TfNSW requested further traffic assessment, which has been completed.</p> <p>The issues raised through the exhibition process are addressed in a separate report elsewhere in this business paper. The report recommends that the LEP amendment be finalised.</p> <p>The DPHI has approved an extension of time to 8 July 2024 to finalise the planning proposal.</p>	08/07/2024
22/008	Johnstone Land (Stage 1)	<p>Proposal to rezone land in the Banyan Hill Estate (known as the Johnstone Land) from rural to residential (R2) and associated adjustments to the minimum lot size was received in 2022.</p> <p>The proponent has been advised that additional information is required including more recently in relation to biodiversity considerations.</p> <p>The proponent is currently undertaking further site investigations.</p>	#
24/001	Sheather Land (Stage 1)	<p>Proposal to rezone land on the western edge of Banyan Hill Estate to enable residential subdivision.</p> <p>The proponent has submitted additional information requested by Council. Staff have reviewed the documentation and provided a response. The applicant has advised that an urban designer has been engaged to review the draft subdivision layout and will provide a revised planning proposal in due course.</p>	#
22/001	Additional Permitted Use for a 'gymnastics focused recreational facility', Racecourse Road, Ballina	<p>Proposal to amend Schedule 1 of the Ballina LEP 2012 (Additional Permitted Uses) to enable development for the purpose of a <i>gymnastics focused recreational facility</i> at 34 Racecourse Road, Ballina. Council considered the same proposal at its Ordinary meeting on 23 February 2023 and resolved that the no further action be taken.</p> <p>The proponent has requested reconsideration of the previous decision.</p> <p>This planning proposal is the subject of a separate report elsewhere in this business paper.</p>	#

8.6 Local Environmental Plan Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
LEP Amendment Request/Planning Proposal Processing Stages			
1.	Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council.		
2.	Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council).		
3.	Gateway Determination - DPHI determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination).		
4.	Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation.		
5.	Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment.		
5a.	Public Hearing - Public Hearing held, where required.		
6.	Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal.		
7.	Finalisation - DPHI finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning may finalise, alter or terminate the amendment.		
#	<i>Denotes proposal number and due date subject to Gateway determination.</i>		
<i>The completion due date is a date determined by the Department of Planning, Housing and Infrastructure.</i>			

Proposed LEP Amendment Requests

The following planning proposals are anticipated soon:

- Cumbalum Precinct B (CURA B) – Council resolved at the 24 April 2024 Ordinary meeting to place on public exhibition amendments to the Development Control Plan, applying to the land known as Cumbalum Precinct B (CURA B) at Kinvara, adjacent to Ross Lane.

A planning proposal to amend the LEP is required to relocate the existing commercial centre zone consistent with the draft DCP Structure Plan. It is anticipated this will be received in the short term.

- General LEP amendment – various elements of the LEP have been reviewed in response to development proposals, operational considerations and Court decisions and a series of amendments are under consideration. The proposed amendments will be reported to Council for consideration in July or August.

Delivery Program Strategy / Operational Plan Activity

Processing of LEP amendment requests and planning proposals is identified in Council's adopted Delivery Program and Operational Plan as follows:

- Strategy HE3.1 - Implement plans that balance the built environment with the natural environment.
- Activity HE3.1g – Maintain Local Environmental Plan (LEP).

Community Engagement Strategy

Community engagement in accordance with Council's Community Participation Plan and Gateway determinations issued by the DPHI has been, or will be, undertaken in relation to individual planning proposals.

8.6 Local Environmental Plan Amendments and Planning Proposals - Status

Financial / Risk Considerations

The work program associated with LEP amendment requests and planning proposals is undertaken within existing resources.

Fees are applied in accordance with Council's fees and charges in relation to external requests for amendments to the LEP and processing of subsequent planning proposals.

Options

The status of the LEP amendments and planning proposals outlined is provided for information.

RECOMMENDATION

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

Attachment(s)

Nil

8.7 Electric Vehicle Charger - Pole Mounted Trial

8.7 Electric Vehicle Charger - Pole Mounted Trial

Section	Strategic Planning
Objective	To seek direction on participating in an EVX/Essential Energy pole mounted EV charger trial at two locations in Ballina Shire.

Background

In 2023 the Northern Rivers Joint Organisation of Councils (NRJO) participated in a site analysis study to identify suitable sites for installation of pole mounted Electric Vehicle (EV) chargers through a trial partnership program with [EVX Polecharger - EVX](#) (the supplier) and Essential Energy (EE).

A copy of the survey report for Ballina Shire is included as Attachment 1.

The analysis identified two preferred sites in the Ballina Shire:

- 44 Cherry Street, Ballina.
- 1 Ross Street, Lennox Head.

The purpose of the program is to trial a network of telegraph pole mounted chargers, in conjunction with regional councils, to enable EVX and EE to gather data on the margins and overall commercial viability of the pole mounted infrastructure through to 2026.

With respect to the chargers themselves, there are no ground works required, and no installation, or maintenance, costs to Council, as the chargers are mounted directly onto telegraph poles.

The chargers would be commercially operated by EVX, in a commercial trial arrangement with Essential Energy. EVX receives a user charge when in use.

Councils are asked to contribute to the signage and road marking for the EV car spaces.

The proposal is for a trial for the chargers until 2026. If successful there would be an opportunity to discuss a lease agreement and profit share with Council.

The Local Traffic Committee endorsed the proposal at the 14 February 2024 meeting. Feedback about the proposal was sought from Councillors through the 8 March 2024 Councillor Bulletin.

Some feedback raised concerns about the suitability of allocating two high use car parks adjacent to the Northern Rivers Community Gallery, and the commercial use of public car parking spaces.

The purpose of this report is to provide further information about the proposal and seek direction from Council about participation in the EVX EV pole mounted charger trial.

8.7 Electric Vehicle Charger - Pole Mounted Trial

Key Issues

- Council's participation in a pole mounted EV charger trial
- Allocation of two car parks to EV charging at two sites in the Ballina Shire

Discussion

EVX Pole Charger Details

As EVX chargers are mounted directly onto telegraph poles there are no planning approval processes, transformer upgrades, ground works, installation or maintenance costs to Council.

The chargers would be commercially operated by EVX in a commercial trial arrangement with Essential Energy. EVX receives a user charge per hour of 0.50cents per kilowatt / hour, typically around \$3.50 to \$5.50 per hour depending on the vehicle type.

EVX has provided the following operational, commercial, and unit details. An example of the charger is shown in Figure 1.

Table 1: EVX trial operational, commercial, and unit details

Operational Details	Commercial Details	Unit Details
<ul style="list-style-type: none"> • EVX is the manufacturer, owner, and operator of the chargers. • EVX has a facilities access agreement (FAA) with Essential Energy (EE) that allows the installation of EV charging infrastructure onto Essential Energy's assets. • Council, Essential Energy and EVX work to a project plan for deployment (can be as little as 2-3 weeks from council feedback on the appropriate sites). • EVX manages the charging infrastructure including equipment, installation, and maintenance and 24-hour customer support. • EVX provides reporting on network performance and utilisation to council. 	<ul style="list-style-type: none"> • The chargers would be commercially operated by EVX in a commercial trial arrangement with Essential Energy. • There is no cost to council for the chargers that are deployed. • Councils are generally asked to provide signage and road-marking at the charger locations. • EVX user charge is 0.50cents per kilowatt /hour, typically around \$3.50 to \$5.50 per hour. • EVX is willing to enter into a binding Memorandum of Agreement (MOA) which allows for long term revenue or margin sharing with council on the charging network installed (post the trial period). • No lease for spaces is required upfront. However, this can be put into a non-binding Memorandum of Agreement (MOA) for long term consideration. 	<ul style="list-style-type: none"> • The units are a dual 22kw AC (concurrent) charging station (2 car spaces required). • Chargers are all BYO cable, universal type 2. • Extremely reliable (built in house at EVX in Sydney) with 100% uptime on installations to date. • Tap and go functionality available to customers after their initial profile registration (tap card to stop and start charging). • Installation and commissioning are complete on-site in 4-6 hours and no disruptive civil works are required.

8.7 Electric Vehicle Charger - Pole Mounted Trial



Figure 1: EVX Pole Charger

Site Audits and Preferred Locations

EVX conducted site audits of eight sites in Ballina Shire (as per Attachment 1) which considered:

- the capacity of the Essential Energy infrastructure (poles)
- space
- parking permit conditions, and
- proximity and access to shops.

The site audits narrowed the assessment to four sites, which are pictured as follows (Figures 2, 3, 4 and 5):

1. 44 Cherry Street, Ballina
2. 1 Ross Street, Lennox Head
3. 2 Grandview Street, East Ballina
4. 18 Shelly Beach Road, East Ballina



Figure 2: Site 1, 44 Cherry Street – close to gallery, shops, cafes

8.7 Electric Vehicle Charger - Pole Mounted Trial



Figure 3: Site 2, 1 Ross Street, Lennox Head – close to beach, lake, surf club



Figure 4: Site 3, 2 Grandview Street, East Ballina – benefit residents in apartments that may be unable to install EV chargers



Figure 5: Site 4, 18 Shelly Beach Road, East Ballina – close to beach, café

8.7 Electric Vehicle Charger - Pole Mounted Trial

Preferred Sites 1 and 2

The preferred locations are Cherry Street, Ballina and Ross Street, Lennox Head, as the chargers are Level 2 chargers, which take two to three hours for a full charge.

Therefore, they are ideal to place in, or close to CBDs, and tourist locations that enable use of cafes, shops, and recreational / tourist activities for a couple of hours while the car is charging.

It is recommended that the car parks are signed 'EV Charging only', with a time limit of four hours.

Four-hour parking is recommended, as this provides a balance between necessary charging time, opportunity for patrons to visit the Ballina CBD and surrounds, or utilise Lake Ainsworth, or the beach respectively, supports turn over and consistency in parking restrictions (two or four hours preferred noting two hours is probably too short for a full charge to be completed).

Proposed Line Marking and Signage

Cherry Street, Ballina Location

This location is on the western side of Cherry Street, Ballina, between Holden Lane and Crane Street (near the Community Gallery). The area is currently within an 18m long 45 degree Angle Parking – Rear to Kerb Vehicles under 6m only zone. The parking bays are not currently line marked. The northern end adjoins a disabled car parking zone. The EV charging area would occupy two parking spaces, immediately south of the disabled car parking zone.

If 60 degree parking is used, instead of the currently signed 45 degrees, the parking bay width reduces to 2.9m and 6 vehicles could legally be accommodated in the 18m length instead of 5. Observations also confirm that drivers resist parking at 45 degrees, when bays are unmarked, and nearly always park at an angle greater than 45 degrees (example shown in Figure 6).



Figure 6: Cherry Street Aerial View – Parking Configuration

8.7 Electric Vehicle Charger - Pole Mounted Trial

To enable the charging station in Cherry Street it is proposed to:

- Sign and line mark the west side of Cherry Street between Holden Lane and Crane Street for 60-degree angle parking, with a bay width of 2.9m measured along the kerb.
- Retain the disabled car parking area to the north in its current location but it be line marked at a 60 degree angle.
- Provide additional signage and pavement markings (see examples below) for the northern two bays (adjacent to the disabled parking bay) to designate these spaces as a 4P EV charging zone.

Line marking of the Cherry Street location results in a gain of one standard car park, which means that, overall, there would be a net loss of only one standard car park to an EV car park space at this site.

Impacts on commercial operators are also important, with the Gallery Café operating at this location. Generally customers for the café, park in Crane Street, and the net loss of one car park, in Cherry Street, should not impact adversely on the café.



Figure 7: Example EV Parking Signage

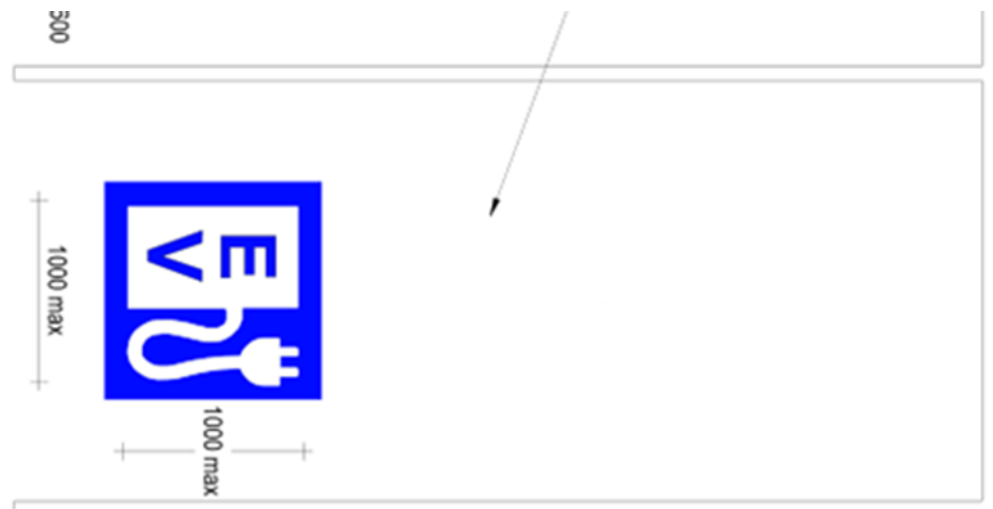


Figure 8: Example EV Parking Bay Marking

8.7 Electric Vehicle Charger - Pole Mounted Trial

Ross Street, Lennox Head Location

This location is on the north side of Ross Street, Lennox Head, centred on a pole 42m west of Pacific Parade (Figure 9 with parking area outlined in yellow).

This is a kerbside parallel parking area, adjacent to the caravan park, with no time restrictions or parking bay line marking.

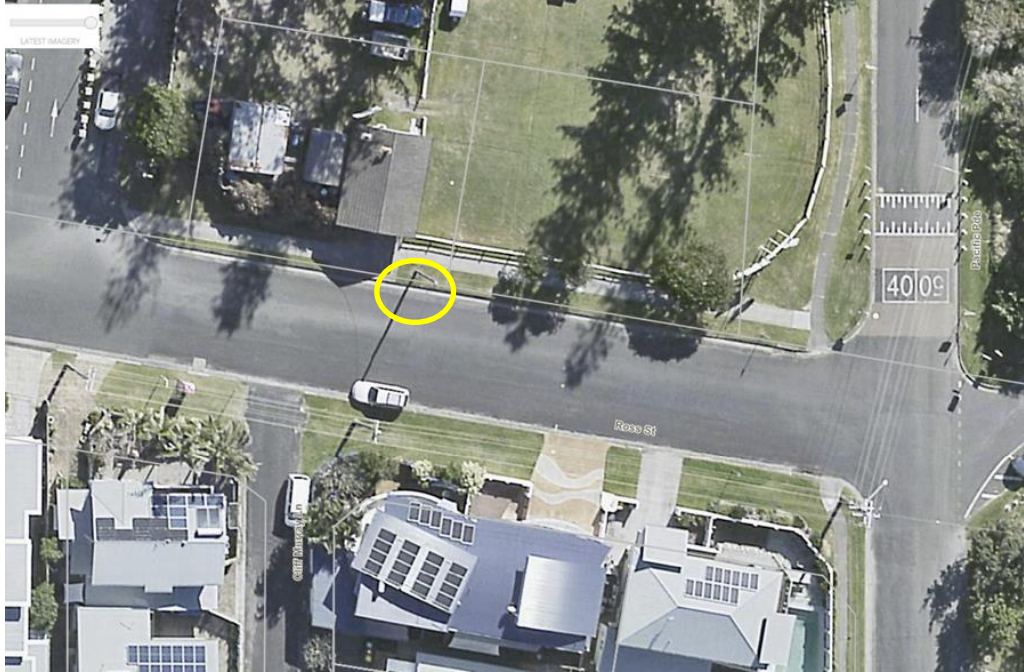


Figure 9: Ross Street Aerial View

To enable the charging stations in Ross Street it is proposed to:

- Sign and line mark two kerbside parallel parking bays on the north side of Ross Street, centred on an electricity pole 42m west of Pacific Parade.
- Provide additional signage and pavement markings (see Figure 7 and for examples) for the marked parallel parking bays to designate the spaces as a four hour EV charging zone.

Council Contribution

The line marking and signage to be installed has an estimated cost of \$4,000 for the four spaces.

EVX has offered to pay half this cost.

Four car parking spaces would be designated for EV chargers.

As the proposal is a trial, to determine the viability of the chargers, it is reasonable for Council to support the trial without upfront lease arrangements, or revenue sharing in the short term.

Following the trial period, a Memorandum of Agreement (MOA) regarding a lease and profit sharing can be considered, which allows for long term revenue, or margin sharing, with Council, if the chargers remain in place.

8.7 Electric Vehicle Charger - Pole Mounted Trial

Local Traffic Committee

A report was submitted to the Traffic Committee at the 14 February 2024 meeting.

The Traffic Committee endorsed the following recommendations:

1. *Changing the existing, 18m long “45° Angle Parking – Rear to Kerb, Vehicles under 6m Only” zone on the west side of Cherry Street Ballina, north of Holden Lane to “60° Angle Parking – Rear to Kerb, Vehicles under 6m Only”.*
2. *Retaining the existing disabled parking bay at the northern end of 1 above but changing to 60 degrees angle.*
3. *Designating the two northern parking bays of 1 above as 4P EV charging spaces (or other time as determined by Council).*
4. *Designating two kerbside parallel parking bays on the north side of Ross Street Lennox Head, centred on an electricity pole 42m west of Pacific Parade as 4P EV charging spaces.*
5. *Provision of associated signage, pavement markings and parking bay line marking for 1, 2, 3 and 4 above, as generally described in the body of this report.*
6. *Parking signage to confirm with Standard Signs: R5-1-12n-Parking (1p-10p) Times (Various), Electric Vehicles Only While Charging.*

Trial Benefits

Council

Participation in the trial enables Council to collaborate with industry for development of an innovative technology and to support the growth of the EV network in the Northern Rivers (Byron Shire Council is participating).

Although public car parking spaces are involved, the trial facilitates additional EV charging infrastructure, without significant costs to Council associated with owning / operating EV charging equipment.

If the trial is successful a revenue/profit sharing agreement can be put in place for the longer term.

Alternatively, if the trial identifies negative outcomes associated with the stations Council can remove the EVC limitation on the car parking spaces.

Community

There are currently no public EV chargers in the Ballina CBD or near Lake Ainsworth.

The trial provides the community access to four EV charging car spaces in these popular locations.

Typically, there are flow on economic benefits to local businesses and tourism, when people stay for 1-3 hours in a location, to charge their EV cars.

The two proposed locations offer a range of café's, shops, community facilities (Northern Rivers Community Gallery) and tourist locations within close proximity.

8.7 Electric Vehicle Charger - Pole Mounted Trial

EVX

EVX will benefit from gathering data to analyse the margins and overall commercial viability of the pole mounted charger through to 2026.

The revenue from the charge per hour assists EVX in providing the pole mounted charges free of charge for participating councils.

Delivery Program Strategy / Operational Plan Activity

The proposal aligns with Council's 2023-2027 Delivery Program Strategy:

- HE1.1 - Our planning considers past and predicted changes to the environment

Financial / Risk Considerations

EVX has agreed to fund half of the line marking and signage costs.

The one-off cost to Council can be funded from recurrent Civil Services budgets.

If the trial is successful, Council can engage in discussion with EVX about a profit-sharing arrangement through a Memorandum of Agreement (MOA).

If the trial is unsuccessful the car parks can be returned to standard car spaces.

Options

Option 1: Council endorse participation in the EVX/EE pole mounted EV charger trial through to 2026.

This option involves allocating two car parks at 44 Cherry Street and 1 Ross Street Lennox Head for EV charging, with a time limit of four hours.

This is the recommended option as it aligns with Council's Climate Change Policy relating to the advancement of community climate change mitigation, adaptation and resilience; supporting State and Federal Government climate change commitments; and collaborating with industry to deliver long term effective action.

Participation in the trial enables Council to support the growth of the EV network in the Northern Rivers.

Option 2: Council cease further consideration of the EVX/EE pole mounted EV charger trial.

Council could resolve to cease action in relation to the trial.

This is not recommended as this approach does not establish a contemporary approach for Council's response to climate change related issues and contemporary trends in the growth of electronic vehicles.

8.7 Electric Vehicle Charger - Pole Mounted Trial

RECOMMENDATIONS

1. That Council approves participation in the EVX/Essential Energy pole mounted Electric Vehicle Charger trial until the end of 2026.
2. That Council designate two car parking bays at 44 Cherry Street, Ballina and two car parking bays at 1 Ross Street, Lennox Head for installation of an EVX pole mounted EV charger.
3. That Council mark the car parking bays and provide signage that states 'EV Charging only', with parking spaces time limited to four hours.

Attachment(s)

1. EVX Site Candidate Study - Ballina Shire 

8.8 Policy (Review) - Public Art

8.8 Policy (Review) - Public Art

Section	Strategic Planning
Objective	To review the Public Art Policy.

Background

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

The purpose of this report is to review of the Public Art policy.

The policy seeks to encourage the provision of public art in key locations in the shire and sets out how the objectives will be achieved.

Council first adopted this policy on 25 August 2005. The last review was in May 2020.

The current review of the Public Art policy was discussed at the Public Art Advisory Panel (PAAP) meetings on 20 March and 12 June 2024.

This report details the changes proposed to the Public Art policy as a result of this review.

Key Issues

- Whether the policy meets the requirements of Council and current legislation
- Ensure policy reflects Council's current practices and procedures with respect to public art
- Whether the specified value of public art should be increased

Discussion

The review of this policy identified the following changes:

- Lands to which the policy applies.

Text has been included in the first paragraph under Section 2 of the policy to provide greater clarity about the land impacted by the policy.

Reference is made to public land such as parks, recreational areas, streetscapes and public buildings, and relevant private developments that interface with the public domain.

- Detail on the value of private developments requiring public art and the minimum value of public art required and development control plan matters generally.

8.8 Policy (Review) - Public Art

Section 2.1 of the policy currently sets out the value of relevant private developments that are required to incorporate public art, being those with a capital value exceeding \$1m, and the minimum value of the artwork that is to be provided, being \$16,000. It notes that the public art is to be an integral part of the development in a civic space.

Alternatively, development proponents can request that the public art required pursuant to the DCP be placed on public land.

In this circumstance, Council may accept a payment to the minimum value of public art towards the provision of public art in a public place.

Funds received contribute to the commissioning of permanent public artworks in public areas as determined by the PAAP.

This information is replicated in Chapter 2 of the DCP.

It is proposed to remove the monetary values and other requirements for public art that are replicated in the DCP. The policy is not the most appropriate legal mechanism for levying contributions on development.

Additionally, removing the requirements from the policy reduces the need to update both the policy and the DCP if changes are required.

It is also more appropriate for these requirements to be contained in the DCP.

Further to this, a clear statement is included that Chapter 2 of the DCP governs the provision of public art by private developments.

Increasing the value of public art

The PAAP recently considered the merits of increasing the value of public art (currently \$16,000) and raising the minimum threshold of construction costs (currently stipulated as exceeding \$1m).

The favoured approach of the PAAP to improve public art outcomes is raising the minimum threshold of construction cost for relevant developments from \$1m to \$2m and introducing a sliding scale to determine the value of public art based on the construction costs of individual developments.

As the monetary values will be removed from the policy, this issue will be explored in more detail in a separate DCP amendment report to Council in the coming months.

- Arts Northern Rivers and Northern Rivers Creative directory

Reference to Arts Northern Rivers and the Northern Rivers Creative directory in section 2.1 have been replaced with the Northern Rivers Community Gallery, as Council is no longer a member of Arts Northern Rivers.

- Master planning for open spaces, the public domain and Council assets with a public interface.

8.8 Policy (Review) - Public Art

Council currently considers public art when master planning for public spaces and public domain areas, including Ross Park Lennox Head, Wollongbar District Park, Lennox Head main street upgrade and Wardell Community Green Space.

Public art is also integrated in the design of new or refurbished Council owned buildings (where required by the DCP) and other assets (not required by the DCP) that have an interface with the public domain.

Recent examples include the airport terminal expansion and the Airport Boulevard Road.

An additional paragraph is proposed in Section 2.2 of the Policy to reflect and strengthen this current Council practice.

- Public Art Advisory Panel (PAAP)

Changes are proposed to this section of the policy to reflect the current membership and operation of the PAAP. This includes removing the requirement for a Councillor to chair the meetings. Council staff have chaired the PAAP meetings since its inception to enable Councillors to focus on matters being considered by the panel.

As Council is no longer a member of Arts Northern Rivers, this section is also updated to include reference to a suitably qualified non-council representative instead of an Arts Northern Rivers representative.

- Public art register and public art maintenance

Council currently maintains a register of public art within the shire including those on public land and works that have been commissioned on private land as a requirement of the DCP. All Council owned public art works are appropriately maintained and insured in accordance with Council's Asset Management Policy.

These current procedures are proposed to be included in section 2.2 'Council and Public Art'.

- Related Documentation

Section 6 of the policy is proposed to be updated to reflect new relevant documents, policies and plans relevant to public art in the shire.

A copy of the amended policy is included as Attachment 1 to this report with proposed changes marked in yellow shading for new text or red strike-out for deleted text. No other changes are proposed as the policy is still considered to be contemporary and reflects current legislation.

Community Engagement Strategy

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

This report recommends changes to the Public Art policy that have no financial or risk implications.

Changes to monetary values relating to public art will be further considered in a future report to Council regarding DCP amendments.

Options

Council may accept or amend the proposed changes to the policy. 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 revised Public Art Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, no further action is required.

Attachment(s)

1. Policy (Review) - Public Art 

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.

US2024/8	<p>Ballina Shire Council Variation to Lease to Elmia Air Pty Ltd for Part Lot 1 DP 1277071, 210 Southern Cross Drive, Ballina known as the Salt Bar and Beach Grill, Ballina Byron Gateway Airport Terminal. The variation to lease is to add an additional five-year term to the current lease at market rent.</p> <p>Explanation: Elmia Air have exercised the option on the current lease for a further five-year term and requested consideration of an additional term. It is proposed to vary the current lease to add an additional five-year option at market rent. This will equate to a five + five-year lease. Elmia Air has been in occupation of the new premises since the terminal upgrade works in 2019 and were in occupation of the previous café in the airport terminal.</p> <p>The lease fee is based on the greater of a base rent, or percentage of turnover, to ensure that the fee moves with passenger growth.</p>
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Attachment(s)

Nil

9.2 Investment Summary - May 2024

9.2 Investment Summary - May 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 31 May 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 May 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 and the review of that policy is a separate report in the agenda to this meeting.

The total balance of investments, as at 31 May 2024, was \$95.9m, compared to a balance of \$97.9m as at 30 April 2024.

Council's investments, as at 31 May 2024, were invested at a weighted average interest rate of 5.242%, which was 0.877% higher than the May average 90 Day Bank Bill Index (BBSW) of 4.365%.

The balance of Council's Commonwealth Bank business account, as at 31 May 2024 was \$17,867,175, which compares to a balance of \$13,980,807 as at 30 April 2024.

9.2 Investment Summary - May 2024

Total combined cash and investments, as at 31 May 2024 was \$113,767,175 compared to \$111,880,807 as at 30 April 2024.

The net increase of \$1.9m in cash and investments from April to May was due to rates received for the fourth instalment, due at the end of May, along with grant funds received from Transport for NSW and NSW Reconstruction Authority, offset by capital expenditure payments and regular creditor payments made during the month.

TCorp's monthly Economic Commentary report for May 2024 can be viewed using the following link: [Monthly economic report – May 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.

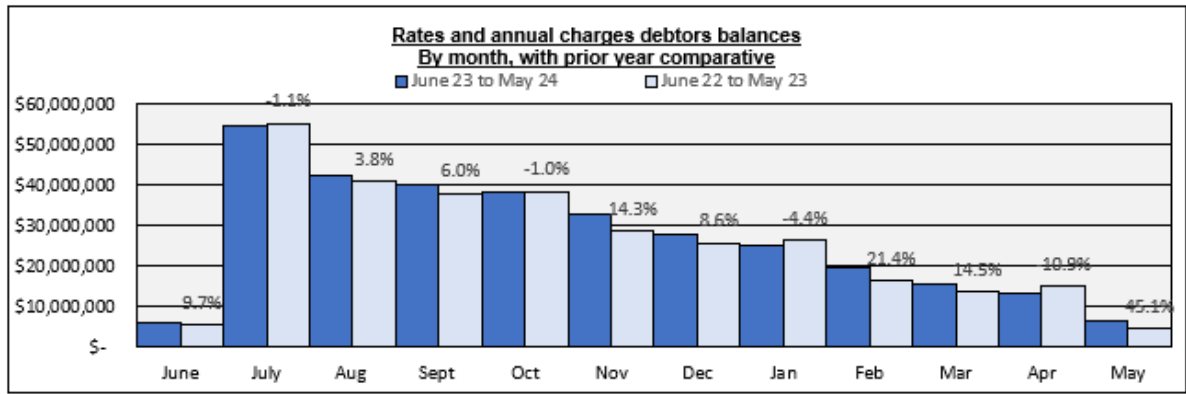
Reserve Name	Restriction	% Portfolio
Wastewater (incl developer contributions)	External	18.18%
Water (incl developer contributions)	External	15.32%
Section 7.11 Developer Contributions	External	13.40%
Domestic Waste Management	External	1.49%
Bonds and Deposits	External	3.88%
Specific Purpose Unexpended 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 31 May 2024, and the percentage variance, in comparison to the prior year.

The balance, as at 31 May 2024, was 45.1% higher than the balance as at 31 May 2023. This increase is predominately due to a change in the timing of the water billing cycle. The % difference is high, as compared to the dollar value, due to the decreasing debtor balance as the end of year approaches.

9.2 Investment Summary - May 2024



A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	30 April \$'000	31 May \$'000	Quota %	% of Total
AMP Bank	No	BBB+	6,000	6,000	20%	6.25%
Australian Unity	Yes	BBB+	5,000	5,000	20%	5.21%
Auswide Bank	Yes	BBB	3,000	3,000	20%	3.13%
Bank of Queensland	Yes	A-	6,000	6,000	20%	6.25%
BankVic	n/a	BBB+	5,000	5,000	20%	5.21%
Bendigo & Adelaide Bank	Yes	A-	1,000	1,000	20%	1.04%
Beyond Bank	Yes	BBB+	2,000	2,000	20%	2.09%
Commonwealth Bank	No	AA-	10,000	10,000	20%	10.43%
Defence Bank Ltd	n/a	BBB+	3,000	3,000	20%	3.13%
Great Southern Bank	Yes	BBB	4,000	2,000	20%	2.09%
IMB Bank	Yes	BBB	4,000	4,000	20%	4.17%
ING Bank (Australia) Ltd	No	A	17,000	17,000	20%	17.73%
Macquarie Bank	No	A+	1,600	1,600	20%	1.67%
MyState Bank Ltd	Yes	BBB+	2,000	2,000	20%	2.09%
National Australia Bank	No	AA-	12,000	12,000	20%	12.51%
Newcastle Perm Build Society	Yes	BBB+	1,000	1,000	20%	1.04%
Suncorp Limited	Yes	A+	13,300	13,300	20%	13.87%
Westpac Bank Corp	No	AA-	2,000	2,000	20%	2.09%
Total			97,900	95,900		100.0%

Credit Rating Summary	Maximum Allowed		Value 30 April \$'000	Value 31 May \$'000	% 30 April	% 31 May
	%	Value				
as per the Investment Policy						
A- or Higher	100%	95,900	62,900	62,900	64.2%	65.6%
BBB	60%	57,540	35,000	33,000	35.8%	34.4%
Total			97,900	95,900	100.0%	100.0%

Liquidity Risk Parameters	Maximum Allowed		Value 30 April \$'000	Value 31 May \$'000	% 30 April	% 31 May
	%	Value				
as per the Investment Policy						
Term equal to 1 year or less	100%	95,900	89,000	87,000	90.9%	90.7%
Term > 1 year and < 3 years	40%	38,360	-	-	-	-
Term > 3 years	20%	19,180	8,900	8,900	9.1%	9.3%
Total			97,900	95,900	100.0%	100.0%

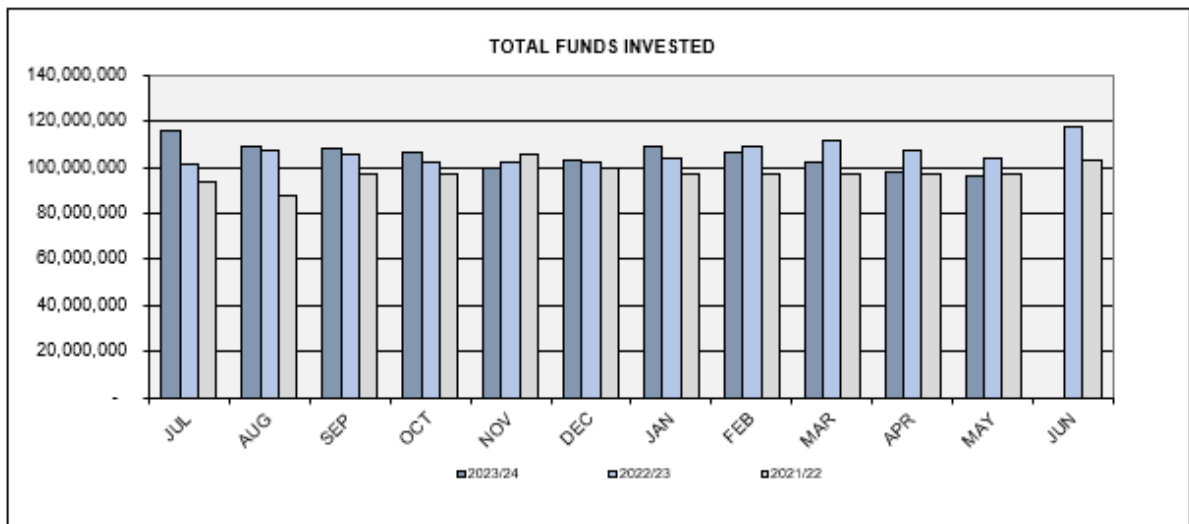
9.2 Investment Summary - May 2024

B. Fossil Fuel Free and Green Investments

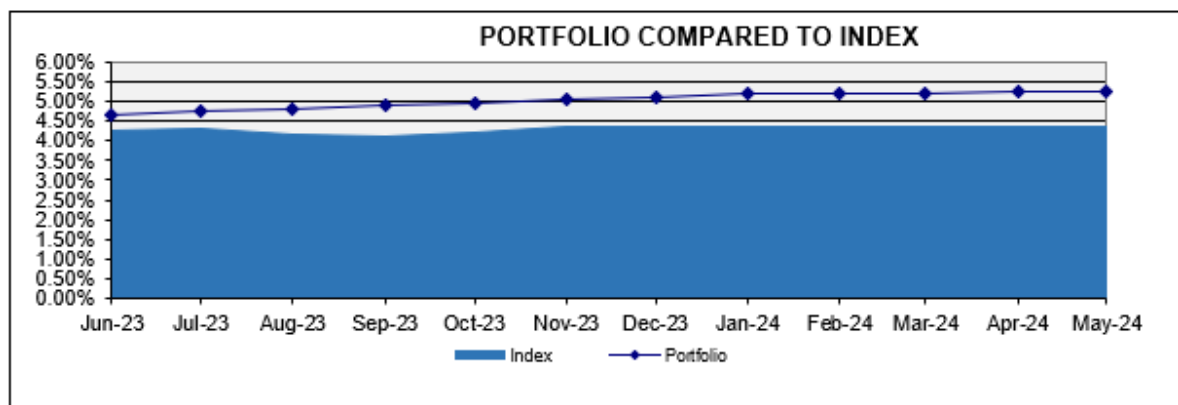
Environmental Classification	30 April		31 May	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned and Non-Green Investments	48,600	49.6	48,600	50.7
Fossil Fuel Free Investments	41,300	42.2	39,300	41.0
Green Investments	0	0.0	0	0.0
Not Classified	8,000	8.2	8,000	8.3
Total	97,900	100.0	95,900	100.0

In May 2024, four investments matured totalling \$7.3m. Three of the investments were held with non-fossil fuel aligned institutions (\$5.3m). Three new investments totalling \$5.3m were placed. Based on the available returns offered on the days that the investments were taken, two of the investments were with non-fossil fuel aligned institutions with a value of \$3.3m.

Monthly Comparison of Total Funds Invested

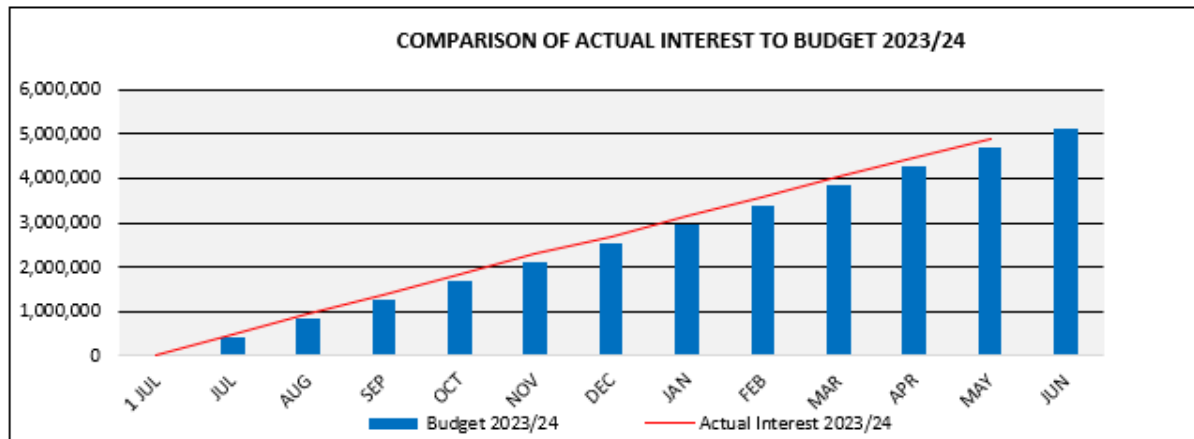


C. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.2 Investment Summary - May 2024

D. Progressive Total of Interest Earned to Budget



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

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	30 April \$'000	31 May \$'000
24/02/21	Suncorp-Metway Limited	FRN	4.79%	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	5.21%	20/02/29	2,000	2,000
19/03/24	Suncorp-Metway Limited	FRN	5.33%	19/03/29	1,000	1,000
23/05/23	Great Southern Bank	TD	5.11%	21/05/24	2,000	-
30/05/23	MyState Bank Ltd	TD	5.10%	28/05/24	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
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

9.2 Investment Summary - May 2024

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	30 April \$'000	31 May \$'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
28/05/24	MyState Bank Ltd	TD	5.25%	27/08/2025	-	2,000
	Total				97,900	95,900
	TD=Term Deposit; FRN=Floating Rate Note					

RECOMMENDATION

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

Attachment(s)

Nil

9.3 Policy (Review) - Investments

9.3 Policy (Review) - Investments

Section	Financial Services
Objective	To review the Investment Policy.

Background

The Investment Policy is regularly reviewed, in accordance with the Office of Local Government's investment policy guidelines, to ensure it remains contemporary given changes that may occur to the economic and legislative environments.

The Investment Policy sets out the investment objectives and includes criteria to frame investment decisions, risk management parameters, and governance standards to ensure transparency, internal controls, and performance management.

The scope of Council's investments is mandated under the NSW Local Government Act, through a Ministerial Investment Order, that constrains the type of investments to deposits and / or bonds in Federal, State or Local Governments and in Approved Deposit Taking Institutions (ADIs) under the Banking Act 1959. Councils are not permitted to invest in prohibited investments, such as equities and derivatives.

The Audit Risk and Improvement Committee (ARIC) also review and monitor Council's investments, through the Investment Report presented to Council each month.

This report provides the latest review of the Investment Policy.

Key Issues

- Investment outcomes
- Environmental outcomes
- Whether the policy meets the requirements of Council and current legislation

Discussion

Council's Investment Policy addresses the legislative requirements governing NSW local government organisations investing activities and incorporates additional considerations to encourage positive environmental outcomes.

Legislative Requirements

NSW councils are only allowed to invest in accordance with the Ministerial Investment Order issued by the Minister for Local Government. A copy of the current order is attached to the Investment Policy, as per Attachment 1 to this report.

9.3 Policy (Review) - Investments

The Investment Order's approved investments include:

- Public funds or securities issued by or guaranteed by the Commonwealth, any State of the Commonwealth, or a Territory
- Debentures or securities issued by an NSW Council
- Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (ADI), but excluding subordinated debt obligations
- Bills of exchange issued by or accepted by an authorised deposit-taking institution and not more than 200 days to maturity and
- Deposits with the New South Wales Treasury Corporation (TCorp) or investments in TCorp unit trusts or managed funds.

Council's surplus funds are currently invested in term deposits and Floating Rate Notes (FRNs) with ADIs. The returns available on these cash-based investment instruments depend on the Reserve Bank of Australia cash rate and predominantly use the Bank Bill Swap rate (BBSW) as the reference rate.

Investment Parameters

Investment parameters operate to ensure Council funds are invested within approved and effective liquidity and credit risks that optimise interest income, while ensuring the security of these funds, and maintaining adequate liquidity to meet Council's operational requirements.

The investment parameters are defined in the Investment Policy. This review always considers whether any changes in Council's circumstances or risk environment have occurred that might trigger a need to alter the parameters.

With respect to the recent years, Council's substantive operations and risk environment have not changed, so there are no recommended changes to those parameters.

The only recommended change to the policy is to amend the review timeframe from annually to every four years, or as required in the event of legislative changes. This is consistent with the balance of Council's policies.

A copy of the amended policy is included as Attachment 1 to this report. The proposed additions to the policy wording are highlighted in yellow and any text no longer required is showing with a red strike through.

Community Engagement Strategy

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 Investment Policy maintains a portfolio that is conservative and comprises investments in institutions with high investment credit ratings, whilst allowing for flexibility for investment opportunities that enhance Council's financial, social, and environmental objectives.

9.3 Policy (Review) - Investments

Options


Council may accept or amend the proposed changes to the policy. 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 revised Investment Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, no further action is required.

Attachment(s)

1. Policy (Review) - Investments 

9.4 Policy (Review) - Rates and Charges - Debt Recovery

9.4 Policy (Review) - Rates and Charges - Debt Recovery

Section	Financial Services
Objective	To review the Rates and Charges - Debt Recovery Policy.

Background

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

The most recent review of this policy was completed in March 2023.

The objective of this policy is to establish guidelines for the collection of outstanding rates and charges.

Since the policy's last revision, Council's Water Notices have been split out from the Rates and Charges Notices. In light of the change made to the issue of notices, a review of the policy is appropriate.

Key Issues

- Whether the policy meets the requirements of Council and current legislation

Discussion

The purpose of this policy is to ensure that Council fulfills its statutory requirements in relation to the recovery of outstanding rates and charges, and to ensure that Council has appropriate debt recovery processes in place.

It provides a framework for recovery action of all amounts due to Council, which are to be considered in conjunction with the relevant sections of the Local Government Act 1993.

Since this policy's last review, Council's Water Notices have been split out from the Rates and Charges Notices, with that change effective from July 2023.

The primary reason for the change was due to a software upgrade of Council's finance system, that no longer supported a combined Rates and Charges Notice and Water Notice. With this change, Council staff considered the timing of Notices and staggered the issue and payment deadline, to enable ratepayers to better manage their cash flow.

Despite widespread communication to ratepayers in the lead up and subsequent to that change, there remains some uncertainty around the issue of Water Notices.

Some ratepayers are not understanding the Water Notices are to be paid separately, and in addition to the Rates and Charges Notice.

9.4 Policy (Review) - Rates and Charges - Debt Recovery

Proposed amendments to the policy clarify the debt recovery processes, to include both Rates and Charges Notices and Water Notices, and amend the thresholds applied for the issue of reminder letters.

Clause 1 of the policy is amended to include the issue of Water Notices, as well as the issue of Rates and Charges Notices.

Water Notices are issued one month after the Rates and Charges Notices, with payment due dates also falling one month after the Rates and Charges Notices due dates.

Clause 3 of the policy outlines the issue of reminder letters.

The existing policy identifies reminder letters to be issued for outstanding balances greater than \$500. The threshold of \$500 was appropriate when all charges were on the single Rates and Charges Notice (including water consumption charges).

The recommended amendments clarify that reminder letters are to be issued for both Rates and Charges Notices, and for Water Notices. A review of the thresholds is also appropriate in view of the split of the charges between the two notices.

The estimated instalment for a Rates and Charges Notice, for an average residential ratepayer for 2024/25 is approximately \$770 per quarter. It is noted this estimate is based on the average land valuation, which varies significantly across the shire.

Is it proposed to retain the threshold for issue of reminder letters for Rates and Charges Notices at \$500, as this threshold does provide for the issue of a reminder to the majority of ratepayers, should they miss one instalment.

The estimated average instalment for a Water Notice, for a residential ratepayer, is approximately \$106 per quarter, noting that there will be many above, or below, this average.

The current threshold for issue of reminder letter for Water Notices, is now too high. Under the current policy threshold of \$500, the average residential ratepayer will not receive a reminder letter for outstanding Water instalments until several unpaid instalments have accumulated.

It is proposed to decrease the threshold for the issue of reminder letters for Water Notices to \$100. This is to allow the issue of a reminder letter to a wider majority, should the payment of a water notice be missed.

The reminder letter assists in reaching ratepayers at an early stage, many of whom may have genuinely misplaced or forgotten to make payment, or whom may have misunderstood that the Water Notice requires separate payment.

The reminder letter is also a valuable process in assisting ratepayers to make payment, or to contact Council to enter an appropriate plan to avoid formal debt recovery later.

Clause 4 outlines allowable timeframes for payment arrangements. The current policy sets a maximum period of 24 months, for which debts may be paid under a suitable arrangement.

9.4 Policy (Review) - Rates and Charges - Debt Recovery

This is still appropriate for amounts due under the Rates and Charges Notices.

It is proposed that a maximum period of 12 months apply for amounts due under the Water Notices.

This is consistent with the Concealed Water Leaks-Financial Assistance Policy, which allows a payment arrangement of 12 months.

Clause 7 states that outstanding balances greater than \$2,000 will be forwarded to Council's debt collection agency for commencement of legal proceedings.

The policy wording is amended to clarify that this threshold applies to the combined amounts outstanding.

This is for clarification only and represents the current process.

Outside of the proposed changes to the reminder letter thresholds, the policy is still contemporary and reflects current legislation.

A copy of the amended policy is included as Attachment 1 to this report. The proposed additions to the policy wording are highlighted in yellow and any text no longer required is showing with a red strike through.

Community Engagement Strategy

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

For various reasons, ratepayers from time to time may fail to pay their rates and charges when they become due and payable to Council. This becomes a financial risk to Council.

The policy provides for risk prevention measures and outlines the process for debt recovery to ensure prompt payment of all amounts due to Council.

Options

Council may accept or amend the proposed changes to the policy.

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.

9.4 Policy (Review) - Rates and Charges - Debt Recovery

RECOMMENDATIONS

1. That Council adopts the revised Rates and Charges Debt Recovery Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, no further action is required.

Attachment(s)

1. Policy (Review) - Rates and Charges - Debt Recovery 

9.5 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges

9.5 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges

Section	Financial Services
Objective	To review the Financial Assistance (Hardship) - Rates and Charges Policy

Background

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

The most recent review of this policy was completed in March 2023.

The policy provides ratepayers experiencing genuine and significant financial difficulties, the opportunity to apply for extended rate relief options, including:

1. Periodical payment arrangements
2. Interest free period
3. Deferral of the general rate following a revaluation
4. Other ratepayer assistance

The current policy does not have any specific provisions that allows rate relief for persons who may be subject to domestic and family violence. Changes proposed within this report are to provide clarification on how support can be provided to persons in this circumstance.

Key Issues

- Whether the policy meets the requirements of Council and current legislation

Discussion

The purpose of this policy is to provide financial assistance to eligible ratepayers who are experiencing genuine and significant financial difficulties in paying their rates and charges.

It provides guidelines for the consistent and equitable determination of all financial hardship applications, which are to be considered in conjunction with the relevant sections of the Local Government Act 1993.

The policy also provides regulation in terms of offering periodical payment arrangements, granting an interest free period, or writing off accrued interest charges in extenuating circumstances, deferral of the general rate following a revaluation and other ratepayer assistance.

An internal review of this policy identified that it does not adequately make provision for ratepayers who may be subject to domestic and family violence.

9.5 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges

The two clauses in the policy that typically prevent assistance in these circumstances are:

- the property must be the applicant's principal place of residence
- the applicant must not own any other property.

It also does not allow for circumstances, which may prevent a person having control over the ability to sell properties or having adequate income or cash assets to settle debts in the short to medium term.

To enable support, the amendments to the policy proposed include:

- remove the requirement that applicants must be residing at the property
- remove the requirement that applicants own one property
- allow for the other relief options under the policy to be made available to applicants, if a Hardship Rate Relief Application Form is lodged, or
- failing the lodgement of a Hardship Rate Relief Application Form, allow for staff to place a hold on all debt recovery actions for any rates and charges outstanding, for a period of six months.
- Interest charges would continue to apply.
- This would be appropriate where a ratepayer has advised staff they are impacted by domestic and family violence that prevents them from making financial settlement in the short to medium term.

Otherwise, the policy is still considered to be contemporary and reflects current legislation and no further changes are recommended.

A copy of the amended policy is included as Attachment 1 to this report. The proposed additions to the policy wording are highlighted in yellow.

Community Engagement Strategy

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 policy review considers ratepayers in financial difficulty yet ensures debts owing to Council are still recovered in a timely manner.

While there may be some economic cost to Council in providing the financial assistance, the assistance provided under this policy is negligible regarding the impact on Council's overall budget.

9.5 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges

Options


Council may accept or amend the proposed changes to the policy. 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 revised Financial Assistance (Hardship) – 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, no further action is required.

Attachment(s)

1. Policy (Review) - Financial Assistance (Hardship) - Rates and Charges


9.6 Policy (Review) - Equal Employment Opportunity (EEO) Policy

9.6 Policy (Review) - Equal Employment Opportunity (EEO) Policy

Section	People and Culture
Objective	To review the Equal Employment Opportunity (EEO) Policy and EEO Management Plan.

Background

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

To comply with the requirements of the Anti-Discrimination Act 1977 and Section 345 of the Local Government Act 1993, Council is required to implement an Equal Employment Opportunity (EEO) Management Plan.

Council also adopts an EEO Policy to support the EEO Management Plan. The purpose of this report is to review the EEO Policy and provide an update on the EEO Management Plan. They were last reviewed in 2021.

Key Issues

- Compliance with legislation
- Outcomes from the policy

Discussion

To reinforce Council's commitment to equal employment opportunity, Council's EEO Policy (as per Attachment 1 to this report) outlines Council's commitment to the principles of EEO.

The policy also refers to the EEO Management Plan (as per Attachment 2). The Management Plan is an operational document that identifies strategies, specific actions, and targets to support EEO goals and objectives.

Council staff review and update the EEO Management Plan, in consultation with the Staff Consultative Committee (this Committee is made up of staff and union representatives from a cross section of occupational groups) and other members of the workforce.

This review of the policy includes additions highlighted in yellow and red text for suggested removal. Key changes are as follows:

- An update to the latest policy template
- A change in name to reflect contemporary and best practice, from Equal Employment Opportunity Policy to Diversity, Equity and Inclusion Policy
- Alignment with Anti-Discrimination Act definitions
- Review of legislation and reference documents
- Removal of information that is already contained in legislation
- Removing duplicated information
- Updates to Anti-Discrimination NSW contact details.

9.6 Policy (Review) - Equal Employment Opportunity (EEO) Policy

It is proposed to change the name of the Policy to the Diversity, Equity and Inclusion (DEI) Policy.

The intent is to expand the Policy focus, whilst maintaining our commitment for continuous improvement and aligning Council's approach with best practice.

The EEO Management Plan name will not change, as it is a legislative requirement.

Community Engagement Strategy

An internal consultation process on the review of the EEO Policy and EEO Management Plan has been completed with Council's staff Consultative Committee and other key stakeholders.

It is recommended that Council adopt the policy as presented, however the documents 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

Initiatives in the EEO Management Plan are funded from existing budgets.

Options



The options are to accept, or amend, the proposed changes to the EEO Policy.

The recommendation is to support the proposed changes as they align with legislative requirements and Council's established internal procedures and processes.

RECOMMENDATIONS

1. That Council adopts the Diversity, Equity and Inclusion and Policy, as per Attachment 1 to this report.
2. That Council notes the contents of the EEO Management Plan, as per Attachment 2 to this report.
3. That Council place this policy and plan on exhibition for public comment, with any submissions received to be reported back to Council. If no submissions are received, no further action is required.

Attachment(s)

1. Policy (Review) - Equal Employment Opportunity (Diversity, Equity and Inclusion) 
2. Equal Employment Opportunity Management Plan 2024 to 2027 

9.7 Tender - Construction of Depot Storage and Administration Building

9.7 Tender - Construction of Depot Storage and Administration Building

Section Facilities Management

Objective To report the outcomes of the tender evaluation for the Tender - Construction of Depot Storage and Administration Building

Background

The works to be undertaken under this contract are the construction of a Storage and Administration Building at the Ballina Shire Council works depot located on Southern Cross Drive, Ballina.

The Council depot was established in the 1980s and has continued to grow with the population growth of the Ballina Shire. The main administration building at 40 Cherry Street, Ballina, was also built in the 1980s, and is now at capacity in terms of the number of staff that can comfortably work in the building.

The construction of the two-level Depot Storage and Administration Building will maximise the use of the existing buildings at the Depot, through relocation of work teams, stored equipment and to cater for staff that are currently based at 40 Cherry Street, Ballina.

The new Depot Storage and Administration Building's ground floor storage area will include a forklift accessible storage facility primarily for the Water and Wastewater Section's (W&WW) equipment and spare parts. The top floor will provide staff workstations, meeting rooms, and amenities.

Tenders were called on Monday 29 April 2024 and at the close of tenders on Wednesday 29 May 2024, 10 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

37 companies downloaded the documentation with tenders received from:

- Fennec Services
- Greg Clark Building
- Boulus Constructions
- J Hutchinson Pty Ltd
- T F Woollam & Sons Pty Ltd
- GMB Commercial Group
- Alder Constructions Pty Ltd
- Baker Built
- Bennet Constructions
- Reeman Constructions

9.7 Tender - Construction of Depot Storage and Administration Building

This was a good tender response with a wide range of pricing. 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

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

- Pricing structure 50%
- Capability and Experience 35%
- Local and Community 15%

Alder Constructions Pty Ltd has been assessed as the preferred tenderer based on the evaluation.

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

Delivery Program Strategy / Operational Plan Activity

This project is identified in Council's Delivery Program and Operational Plan as a major item of capital expenditure.

Community Engagement Strategy

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

Financial / Risk Considerations

The budget allocated to this project is currently \$5.5m (excluding GST). The amount is derived from the following funding sources.

Funding Source	Amount (\$)
2024/25 and 2025/26 Wastewater Fund – Capital Budget	1,900,000
2024/25 and 2025/26 Water Fund – Capital Budget	1,900,000
2023/24 General Fund - Facilities Management Section - Capital Budget (largely expended on architectural fees and pre-construction activities such as planning approvals)	200,000
2024/25 General Fund - Facilities Management Section – Capital Budget	1,500,000

The total cost of the preferred tender is \$6,026,426.33, excluding GST.

Based on the preferred tender the total budget shortfall is as follows.

9.7 Tender - Construction of Depot Storage and Administration Building

Total Project Cost	Amount (\$)
Pre-construction Activities (Expended to June 2024)	194,000
Preferred Tender	6,026,000
5% Contingency for Preferred Tender	301,000
Site Preparation and Relocation Costs (Allowance for Council Expenditure)	100,000
Total Project Cost	6,621,000
Total Funding Allocated	5,500,000
Budget Shortfall	1,121,000

As the 5% contingency and site preparation and relocation allowance are nominal figures, the preference is to round the total budget to \$6.6m requiring additional \$1.1m in funding.

Site preparation costs relate to the relocation and removal of a significant amount of depot equipment and material located on the site of the new building, as well as relocating staff and equipment during and after construction.

The funding for this project is apportioned 75% to the Water / Wastewater Funds and 25% to the General Fund, based on planned usage. This results in the additional \$1.1m in funding being sourced as follows.

Funding Sources	Amount (\$)
2024/25 Wastewater Fund Reserves	412,500
2024/25 Water Fund Reserves	412,500
2024/25 General Fund – Facilities Management Section Reserves	275,000
Increase in Total Budget	1,100,000

The Wastewater and Water Funds have sufficient reserves to finance the additional contributions of \$412,500 per Fund.

The Facilities Management Section has two reserves available to finance the \$275,000 General Fund component of this variance, being:

1. Administration Centre and Depot Program Reserve – This reserve has a forecast closing balance of \$89,400 as at 30 June 2025 – The full amount of this reserve is allocated to this project to partly fund the \$275,000.

9.7 Tender - Construction of Depot Storage and Administration Building

2. Building Assets Renewal Program Reserve – This reserve has a forecast closing balance of \$188,200 as at 30 June 2025 – \$185,600 of this reserve is allocated to this project to fund the balance of the \$275,000, leaving a small balance of \$2,600 in the reserve.

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 tender from Alder Constructions Pty Ltd. It is also recommended that Council approves the budget adjustment as detailed in this report.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Alder Constructions Pty Ltd for the Tender - Construction of Depot Storage and Administration Building for the total amount of \$6,026,426.33 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.
3. That based on the preferred tender, Council approves an increase of \$1.1m in the budget for this project as per the following table:

Funding Sources	Amount (\$) (Ex GST)
2024/25 Wastewater Fund Reserves	412,500
2024/25 Water Fund Reserves	412,500
2024/25 General Fund – Admin Centre and Depot Reserve	89,400
2024/25 General Fund – Building Assets Renewal Reserve	185,600
Total	1,100,000

Attachment(s)

1. Confidential Memorandum - Construction of Depot Storage and Administration Building (Under separate cover) (Confidential)

9.8 Delivery Program and Operational Plan - Adoption

9.8 Delivery Program and Operational Plan - Adoption

Section Communications

Objective To consider submissions received during the exhibition period for the draft 2024/25 to 2027/28 Delivery Program and the 2024/25 Operational Plan and to adopt the documents prior to 30 June 2024.

Background

The NSW Office of Local Government's Integrated Planning and Reporting (IP&R) Framework requires all councils to adopt several documents prior to 30 June each year, to confirm the outcomes sought for the community, as well as the rates and charges payable for the next year.

Council's draft 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan (including supporting documents; Fees and Charges, Long Term Financial Plan (LTFP), Budget, Strategic Asset Management Plan and Workforce Plan) were placed on exhibition following the Finance and Facilities Committee meetings held in March and April 2024.

Council held one public meeting as part of the exhibition process, provided an online presentation and invited submissions during the exhibition period.

The intention of this report is to adopt the 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan (DPOP), including the supporting documents, after considering the submissions and other information relevant to the documents since they were prepared.

As the exhibited documents are extensive, they have not been reproduced for this report.

Copies of the documents, as exhibited, have been loaded to the Councillor hub under the title of Integrated Planning and Reporting.

Hard copies are available from Council.

Key Issues

- Contents of submissions
- Additional amendments
- Balancing demand for services against available resources

Discussion

This report has three main sections:

- A. Review of the submissions
- B. Recommended updates based on contemporary information
- C. Other matters

A. Submissions

The submissions can be categorised under two main headings:

1. Submissions for funding assistance in response to Council's donations programs (i.e. community groups, capital works assistance for sporting groups)
2. Submissions for works and services

1. Submissions for Funding Assistance

The draft LTFP includes the following allocations for funding assistance / donations for 2024/25:

Donation Description	Budget (\$)
Donations - Rates and Charges	40,000
Richmond Room – Chair Set Up (RSL Lighthouse Day Club)	8,000
Donations – Community Groups	84,000
Capital Works Assistance - Sporting Groups	33,000
Assistance with Council Fees - Community Groups	4,000
Total	169,000

All donations, excluding the Richmond Room, are supported by Council policies.

The Richmond Room item is a standing resolution where Council has approved a donation to the Ballina Rotary Club to help set up the chairs in the Richmond Room for the Ballina RSL Lighthouse Day Care Club.

As Council is invoiced by the Rotary Club, it is more a service provided to Council, and as such does not need an annual donation resolution.

However, it is included in this list as it is effectively a donation to the Day Care Club.

The submissions identified in this report relate to the Donations – Community Groups and Capital Works Assistance – Sporting Groups allocations, for which Council calls for annual applications under these policies.

The policies for these donations state that Council will form a working party, consisting of Councillors, to provide recommendations on the allocation of the funds to the July Ordinary meeting.

This process of Councillors reviewing the applications prior to the July Council meeting has worked well, for many years, in determining a preferred funding allocation, as the applications are almost always more than the available funds.

Details of the applications received are summarised in the next two tables. Applicants are required to complete a standard application form.

General Donations – Community Groups

Table One outlines the submissions for community donations.

9.8 Delivery Program and Operational Plan - Adoption

Table One: Submissions for Community Donations

Ref	Description/Project	Organisation name	Request (\$)
1	Lions Club of Ballina Inc	Event costs - Magic Show (Application WITHDRAWN \$700)	-
2	Our Kids	Event costs - Our Kids Day Out temporary fencing	1,000
3	Lennox Arts Board Inc	Part venue hire - LHCC, artists costs, sound engineer, food and beverage	1,000
4	Dementia Inclusive Ballina Alliance	Event costs - Symposium	4,500
5	Rotary Club of Ballina on Richmond	Venue hire - BISC (DV Walk)	597
6	Ballina and District Ministers Association Incorporated	Event costs - Riverside Carols	8,000
7	Ballina Community Gardens Inc.	Minor works - undercover area	4,000
8	Ballina Breast Cancer Support Group - The Bosom Buddies	Venue hire - Kentwell Community Centre	600
9	Northern NSW Helicopter Rescue Service Ltd	Event costs - Ballina Show n Shine in February 2025 (traffic management)	1,000
10	Richmond Tweed Family History Society Inc	Operating expenses - rent support	700
11	Lennox Head Residents' Inc Heritage Committee	Part venue hire - LHCC (Love Lennox), and insurance	500
12	Community Mental Health	Event costs - Wellbeing Day Mental Health Month Event in October 2024	5,000
13	Northern Rivers Pickleball	Event costs - Northern Rivers Regional Doubles Pickleball Tournament in August 2024	839
14	Ballina Shire Concert Band Inc	Operating expenses - music charts, instruments, repairs, insurance and electricity	2,250
15	Sewing Group	Venue hire - Northlakes Hall	1,006
16	Ballina And District Historical Society	Minor works - additional kitchen storage and DA Fees for a machinery shed	2,618
17	Lions Club of Ballina Inc	Venue hire - Richmond Room	1,710
18	Rous Mill and District Memorial Hall Inc	Minor works - deck maintenance and insurance costs	12,279
19	Rotary Satellite Club Of Ballina Lifestyle	Operating expenses - supplies, microphone & amplifier and insurance costs	2,031
20	Ballina Lighthouse RSL Day Club	Venue hire - Richmond Room	9,729
21	Quota Alstonville Inc.	Event costs - Quota Alstonville Craft & Garden Fair in August 2024	3,967
22	Plateau Quilters Incorporated	Operating expenses - insurance, rent and Fair Trading fee	800
23	Lennox Head Residents' Association Inc	Part venue hire - CWA Hall (Boomerang Bags), and insurance	1,400
24	Combined Sports Lennox Head Carols Committee	Event costs - Christmas Carols in the Park @ Williams Reserve Lennox Head	10,000
25	Ballina Hospital Auxiliary	Event costs - catering for the annual Motorcycle Show	800

9.8 Delivery Program and Operational Plan - Adoption

Ref	Description/Project	Organisation name	Request (\$)
26	Rotary Club of Ballina-on-Richmond	Event costs - Rotary Duck Race in November 2024	3,500
27	Rotary Club of Ballina-on-Richmond	Event costs - 'Ballina Shire Says NO to Domestic and Family Violence' Walk in December 2024	3,000
28	Ballina Hot Meal Centre	Operating expenses - food staples to produce weekly meals	1,000
29	Patchs Beach Dunecare	Operating expenses - to purchase a pump to utilise the water stored in the cube provided by Council for dune regeneration work	1,000
30	North Coast Academy of Sport	Operating expenses - to support the NCAS Skate pathway program for junior athlete development	1,000
31	Pearces Creek Hall	Operating expenses - insurance	4,000
32	Lennox Community Gardens	Operating expenses - purchase of garden tools	313
33	Ballina Hockey Club	Event costs - Hockey NSW Women's Masters State Championships July 2024	4,000
34	Lennox Head Playgroup	Venue hire - LHCC	2,200
35	Wardell and District Tennis Club	Minor works - upgrade and installation of court lighting	9,583
36	Lions Club of Lennox Head Inc.	Operating expenses - insurance, stationery and supplies	3,655
37	Volunteer Marine Rescue NSW Ballina Unit	Operating expenses - insurance and maintenance	9,000
38	Ballina Croquet Incorporated	Operating expenses - to cover membership fees for four disadvantaged women wanting to play Croquet	624
39	Wollongbar Community Action Team	Minor works - repainting the interior of the Wollongbar Hall	20,000
40	Lennox Lightning Toastmasters Club	Venue hire - LHCC	1,800
41	Tintenbar School of Arts	Minor works - installation of solar lighting to enhance safety	11,000
42	Ballina Region for Refugees	Event costs - 'Belonging in Ballina' events to enhance community connection	1,000
43	Alstonville Junior Water Polo	Operating expenses - purchase of two outdoor inflatable water polo fields	3,500
44	Ballina Branch of CWA	Minor works - installation of a second air conditioning unit at the CWA Rooms in Ballina	10,000
45	Ballina - General Cancer Support Group	Venue hire - Richmond Room	550
46	Rous Public School Parents and Citizens Association	Event costs - Rous Bonfire Night school fundraiser e.g. equipment hire, security/safety, food	3,000
47	Lennox Head Chess Club Inc	Part venue hire - LHCC, funding free courses and activities for primary students, insurance and website development	2,768
48	Rural Doctors Network	Operating costs - Bush Bursary Program	1,500
Total			174,318

9.8 Delivery Program and Operational Plan - Adoption

Notes in relation to the submissions are:

1. The Lions Club of Ballina withdrew an application (application 1) to prioritise their venue hire request (application 17). This action aligns with the policy criteria, which states that only one application per community group will be considered per financial year.
2. The Rotary Club of Ballina on Richmond has submitted four requests (applications 5, 19, 26, 27). This is in addition to the standing resolution for an annual donation to help set up the chairs in the Richmond Room for the Ballina RSL Lighthouse Day Care Club.
3. Lennox Head Residents' Association Inc has submitted two requests (applications 11 and 23).
4. The request from the Wardell & District Tennis Club (application 35) was received under the Community Donations program. The request seeks upgrades and new court lighting. The applicant does not meet the matching fund condition, which is a requirement under the Capital Works Assistance - Sporting Groups Policy.

Donations - Capital Works for Community Sporting Groups

Table Two outlines the submissions for capital works assistance for community sporting groups.

Council writes to approximately fifty sporting groups each year advising of the program and encouraging submissions.

Table Two: Submissions for Community Sporting Groups

Ref	Organisation name	Description/Project	Request (\$)
1	Alstonville Tennis Club	BBQ and additional seating as part of clubhouse extensions (DA approved)	8,000
2	Northern Rivers Outrigger Canoe Club	Turf improvements - topdressing materials and delivery	800
3	Ballina Tennis Club Inc	Replacement of chain wire fencing surrounding courts 1 to 5	10,000
4	Ballina Croquet Incorporated	DA costs for croquet infrastructure including two lawns and a multi-use clubhouse at Hampton Park	10,000
Total			28,800

Copies of the submissions for Tables One and Two have not been included with this report as they are extensive.

Submissions have been loaded to the Councillor Hub, under the title of Donations Working Party.

2. Submissions to Works and Services

The following topics are included within the submissions received, with the Your Say submissions included as Attachment 1 to this report and the other submissions included as Attachment 2 to this report.

9.8 Delivery Program and Operational Plan - Adoption

Ballina Heights - Timeframes for Development Consent

Submission from K Oxley (Your Say Respondent 1) noting concerns with the timeframes for the development consents for the first two stages of the Ballina Heights Estate retail / shop / supermarket / bottle shop.

Staff response:

There are two development applications for the Ballina Heights commercial centre currently under assessment. DA 2023/270 is for stage 1 and DA 2023/535 is for stage 2.

For both applications, planning assessment staff are currently working through referrals and responses from internal specialist staff and external agencies.

This process involves a range of key matters such as traffic and access, noise, crime prevention, and building standards across a variety of technical disciplines including engineering, building surveying, plumbing and drainage and environmental health.

The next step in the process for both DAs is to determine if any further information is required to enable the applications to be determined.

The status of the applications can be monitored through Council's DAs online facility available via Council's website.

Ballina Heights – Request for Childcare Centre

The submission from K Oxley (Your Say Respondent 1) included comment on the need for a childcare centre in the Ballina Heights Estate, with a request for Council to progress that need.

Staff response:

A childcare centre is not proposed as part of the two development applications relating to the commercial site at Ballina Heights.

The provision of a childcare centre is a commercial decision for the landowner and / or a centre operator. Council cannot require the provision of a childcare centre as part of the commercial centre.

Ballina Heights – Request for review of Bus Stops

The submission from K Oxley (Your Say Respondent 1) included a request for a bus stop, with weatherproof structures, for the intersection of Power Drive and Ballina Heights Drive, and a review of the bus stops more broadly throughout the Ballina Heights Estate.

Staff response:

Council's bus shelter operating budget is approximately \$5,000 per annum. This allows for the maintenance of existing bus shelters. The construction of new structures requires funding, costing approximately \$10,000 each structure.

9.8 Delivery Program and Operational Plan - Adoption

The Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) provides subsidies to support the construction, or upgrade of bus stop infrastructure.

The subsidies represent Transport for NSW's (TfNSW) financial contribution towards improving the accessibility and quality of kerbside passenger transport infrastructure in regional areas.

Council receives other bus shelter requests throughout the year that are not submitted as formal submissions to the Delivery Program. These are recorded as potential projects and assessed to determine a priority ranking.

Council been successful with CPITGS funding in recent years, and it is proposed to apply for CPITGS funding for several priority sites for 2024/25, including Ballina Heights.

Ballina Heights – Playground Equipment Upgrade for Cumbalum Sports Fields

The submission from K Oxley (Your Say Respondent 1) included a request for the upgrade of playground equipment at the Cumbalum Sports Fields, with consideration to be given to age-appropriate equipment.

Staff response:

Council is currently completing the installation of basketball facilities to support the existing playground at Ballina Heights (Cumbalum) Sports Fields.

Council's Playground Upgrade and Management Plan (PUMP) establishes a hierarchy for the distribution of playground facilities.

The PUMP identifies forthcoming facilities as part of the Banyan Hill development to meet the needs of a larger, district playground, noting its location within a larger landscaped park, containing additional facilities, such as community facilities and a community garden.

Off Street Parking, Crane Street, Ballina

A submission was received (Your Say Respondent 2), requesting the sealing of parking areas along Crane Street, Ballina, commenting that this area needs to be sealed and lines painted between the two primary schools.

Staff response:

This request for the sealing of the gravel shoulders along Crane Street, Ballina was previously discussed in 2020/21.

The request for upgrading and sealing the gravel shoulders requires reconstruction of the existing road shoulder. The existing road shoulder is made up of original soils, plus, as required, gravel has been added and is maintained to facilitate the parking demand.

The reconstruction of the existing road shoulders in front of the schools allows for a minimum pavement, plus a bitumen seal, and is estimated at \$135,000.

This project is not funded in the Roads Reconstruction Program.

9.8 Delivery Program and Operational Plan - Adoption

Council had previously approved \$20,000 for the upgrading and sealing the drop off zone on the eastern end of Crane Street, out the front of Ballina Public School.

No change is currently recommended based on other priorities.

It is regularly asked why Council does not undertake road reconstruction to the limit of the kerb lines and rebuild the gravel or grass shoulders on Ballina Island.

An estimate for this shoulder reconstruction work across Ballina Island is more than \$9m, and accordingly the Roads and Transport Asset Management Plan deals with renewal of existing pavements.

Council's Road Asset Management Plan is based on a renewal program, which replaces like for like.

Council typically would not undertake works that involve sealing of grassed verges.

If Council would like to fund these works, a road project of similar value, in the road reconstruction program, would need to be deferred.

Footpath - Teven Road, Alstonville

A submission was received from K Bambook (Your Say Respondent 3) requesting a footpath along Teven Road, to complete the path network along the urban area of Alstonville.

Staff response:

This request is for the inclusion of approximately 546m (estimated cost \$135,000) of new footpath along Teven Road, from the intersection of Kawana Road to the intersection of Ballina Road, Alstonville.

The proposed footpath is listed in the Pedestrian Access and Mobility Plan (PAMP) for 2026/27, with \$135,000 included in the Delivery Program for 2026/27.

For the purposes of reviewing this request, an assessment was made using the original PAMP criteria for priority weighting (ranking) of individual projects within the program.

The individual weighting of PAMP projects has determined the priority order for delivery of our footpath works over a ten-year program, containing approximately 100 individual projects.

The Delivery Program lists the current four-year program, with the weighting of the projects ranging from 60 (highest priority) through to 43 (lowest priority).

The weighting of this Teven Road request is 43.

The detail of the weighted criteria scoring system can be found by viewing the PAMP on Council's website.

9.8 Delivery Program and Operational Plan - Adoption

Based on the weighting of 43, it is not recommended that Council amend the four year works program.

Chickiba Park, Ballina – Drainage and Facilities

Ten submissions were received requesting improvements for drainage and / or facilities at Chickiba Park. These responses are identified as Your Say Respondent 4, Your Say Respondent 6, Z Kowalczyk, Briony, E Hueston-Levack, P Sugden, B Legzdins and M Legzdins, Ballina Little Athletics Inc, and N McCarthy.

Staff response:

During 2017 significant works were undertaken to improve drainage at this site by lowering the groundwater within the adjacent wetland.

More recently, works to provide athletics infrastructure were completed.

The works included the provision of a marked track for year-round use and a long jump pit and throwing cages built to the relevant standards.

These works supported the relocation of athletics from Ballina Heights, noting the inability of that location to facilitate year-round athletics due to conflicts with existing users.

An amount of \$10,000 from Council's Capital Works Assistance Program for Sporting Groups has been allocated to the Ballina Little Athletics (BLA) for 2023/24.

BLA will use these funds to undertake canteen improvements.

An amount of \$41,000 has been allocated in the 2024/25 Council capital works program for sports fields to Chickiba Fields, for minor improvements.

This level of funding reflects Chickiba's use as a local sports field, rather than as a major sports complex.

There are a number of competing priorities from a wide range of sports, noting a high number of requests to replace ageing and outdated facilities (Kingsford Smith Stadium, Saunders Oval Change rooms, Fripp Oval Car park and Clubhouse, Kingsford Smith Netball Clubhouse) as well as the provision of new facilities (Pickleball, Croquet, Cawarra Boatshed Facility).

The funding allocated towards sporting upgrades and renewals within the LTFP, is approximately \$220,000 per annum, which means that larger projects are reliant on grant funding.

Fawcett Park – Improvements

A submission was received (Your Say Respondent 5), requesting improvements to Fawcett Park.

9.8 Delivery Program and Operational Plan - Adoption

Staff response:

Council has completed landscaping works (adjacent to the Ballina CWA building) as part of the initial implementation of the Captain Cook Master Plan.

The adoption of the plan identified that further implementation, including major civil upgrade works, were dependent on the success of obtaining applicable grant funding or through future land sales.

This information was reported to the 9 April 2024 Finance and Facilities Committee meeting (Community Infrastructure – Non-recurrent Capital Projects report) confirming that funding of around \$2m to \$3m was needed to complete the implementation of the Captain Cook Master Plan.

As per the submission, there is currently no funding in the LTFP for further stages of the Captain Cook Master Plan.

Alstonville Main Street, and Cycleway Connectivity

A submission was received (Your Say Respondent 7), requesting improvements to the Alstonville main street and cycleway connectivity. The submission also commented that Alstonville (and other nearby small rural hamlets) have somewhat missed out, with minimal improvement occurring over the last decade or two.

Staff Response:

Council has been heavily investing in the redevelopment of the town centre precincts to improve the amenity and streetscape. This has included road reconstruction and parking improvements, footpath widening and paving, garden areas and tree planting, themed lighting and uniform street furniture.

Works completed, or planned, over a lengthy period include:

- Ballina town centre beautification from 2000 to 2020 with approximately \$15m expended, including the development of Fawcett Park and the beautification of River Street from Grant Street to Martin Street and including sections of Cherry Street and Moon Street.
- Alstonville town centre between 2010 to 2011 with approximately \$3m expended, including the redevelopment of the Main Street Park and the beautification of Main Street.
- Lennox Head town centre between 2022 to 2024 with approximately \$11m expended, including the redevelopment of Ross Park and Lennox Park.
- Wardell town centre is in progress, with approximately \$1m to be spent in the 2024/25 financial year.

The overall town beautification program has supported the business centres of the main population centres, and it always been thought, although not programmed to date, that once Council finished the last town centre beautification, being Wardell, the next step will be to start planning for the next 20-year program of works.

9.8 Delivery Program and Operational Plan - Adoption

In addition to these urban works, grant funding has been secured for an intersection upgrade on the corner of Main Street and The Avenue, Alstonville.

Approximately \$675,000 has been secured in grant funding from the NSW Government's Get NSW Active program and this upgrade will provide a safer environment for pedestrians and cyclists.

New shared paths have already been constructed, which coupled with upcoming works, will improve accessibility to the Alstonville CBD and the visual amenity.

Mountain Biking Infrastructure

The submission from Your Respondent 7 noted that there does not appear to be additional monies allocated to furthering the mountain bike project.

Staff Response:

Funding allocated of \$505,200 for the Stokers Quarry rehabilitation, during the 2024/25 and 2025/26 financial years, aims to combine the quarry rehabilitation with support for approximately 5km of additional mountain bike trails, consistent with the 22 February 2024 Council resolution; i.e.

- 1. That Council proceed with the undertaking of complete rehabilitation of Stokers Quarry inclusive of landform shaping and provision for NRDWMBC trail expansion and improvements consistent with Scenario One of the attached master plan (but not including car parking, skills parks or amenities).*
- 2. That the quarry rehabilitation works be funded from the quarry reserve with any shortfall in funds identified following detailed design to be the subject of further reporting to Council.*

The funds held in Council's Quarry Reserve are fully expended undertaking this rehabilitation project.

There is the opportunity to incorporate trail construction whilst the rehabilitation and safety works are undertaken, with the basic landform shaping of intended trail areas, included in the funded rehabilitation.

The detailed design and construction of the trails is not included in the funding.

Council staff have discussed with the Dirty Wheels Mountain Bike Club representatives the opportunity to coordinate trail construction at the site, while the remediation and rehabilitation works are underway.

Relocation of Road Reserve Stockpile Sites

The submission from Your Respondent 7 also requested the relocation of a mini depot.

9.8 Delivery Program and Operational Plan - Adoption

Staff Response:

Engineering works actively use key road reserve locations for operational waste and material storage, to maximise resource recovery and reduce our significant waste disposal costs.

The stockpile storage location at Dees Lane is centrally located to service the western portion of the shire, with a much larger stockpile at Ross Lane, that services the northern portion of the shire.

The Dees Lane stockpile site is separated into two areas:

- a smaller stockpile area (southwest of Dees Lane) which is bunded, secured with a slide rail with bays to assist in waste separation and sorting.

Separating material in bays provides an opportunity to reuse material in accordance with the NSW Environmental Protection Authority (EPA) Resource Recovery provisions.

- the larger stockpile area (north side of Dees Lane) is used to store reclaimed asphalt pavement or quarried road base. Road base was recently delivered to this area in preparation for upcoming road projects.

Stockpile locations are operated in accordance with land use provisions and our waste management strategy.

Ballina Shire has very few suitable stockpile area locations within Council road reserves.

The sites are essential for efficient project delivery and savings in the order of tens of thousands of dollars, if not more, each year, are generated, through the efficient use of stockpiling.

All efforts are made to ensure stockpiles are maintained in an orderly condition.

Wollongbar Rainforest

A submission was received by Joshua Seage, President of the Wollongbar Community Action Team (Your Say Respondent 8) in relation to the Wollongbar Rainforest.

Staff response:

Council currently undertakes environmental management activities within the Wollongbar Rainforest Reserve, utilising internal staff and external resources.

Current works include bush regeneration, weed control and pathway maintenance through vegetation clearances.

Additionally, the Wollongbar Reserves Vegetation Management Plan 2024 includes additional bush regeneration, track maintenance and infrastructure recommendations and is in the final stages of environmental planning assessment and approval.

9.8 Delivery Program and Operational Plan - Adoption

This plan will continue to guide the ongoing management of the reserve including ecological protection, enhancement, and access opportunities.

If Council wishes to see a higher level of service for this site, then additional resources (funds) should be allocated to this project.

Wollongbar District Park

The submission from Your Say Respondent 8 also commented on play equipment and BBQ facilities the facilities at Wollongbar District Park.

Staff response:

Wollongbar District Park has been constructed in accordance with Council adopted plans.

There are no plans to install additional equipment or facilities at this location, with the park already well serviced.

Saunders Oval Facilities

A submission was received from the Ballina Touch Football Club (Your Say Respondent 9) requesting facilities for the Saunders Oval.

Staff response:

Council remains committed to progressing upgrades to changing facilities at Saunders Oval, in addition to works already scheduled to undertake field improvements.

As mentioned earlier, there are a number of competing priorities from a wide range of sports, noting a high number of requests to replace ageing and outdated sporting facilities (Kingsford Smith Stadium, Fripp Oval Car park and Clubhouse, Kingsford Smith Netball Clubhouse) as well as the provision of new facilities (Pickleball, Croquet, Cawarra Boatshed Facility).

The limited recurrent budget means that most of these larger projects are fully reliant on grant funding. A grant application has recently been lodged under the Federal Government's Play Our Way program for this project.

Seaside Signage, Lennox Head

A submission was received from the Lennox Head Chamber of Commerce (Your Say Respondent 10) seeking the installation of seaside signage on the M1 to promote the town, proposing that Council proceed with the installation of one sign.

Staff response:

The quotation received from Transport NSW was \$109,000 for two signs. At the 23 May 2024 Ordinary meeting, Council resolved not to proceed with the project and transfer the allocated budget of \$30,000, to offset over-expenditure on the Lennox Village Vision project.

9.8 Delivery Program and Operational Plan - Adoption

The Council's investment in the Lennox Head Town Centre between 2022 and 2023 is approximately \$11m.

If Council wishes to now proceed with one or both signs, funding will need to be sourced from areas such the Strategic Planning Projects Reserve (Economic Development), Tourism Signage budget, and tourism related services such as reserves held for the Flat Rock Tent Park and the Airport.

Pat Morton Car Park and Shared Path

The submission from the Lennox Head Chamber of Commerce (Your Say Respondent 10) also requested an upgrade to the Pat Morton Car Park and the construction of a path to link the shared path from the south to the north of Lennox Point.

Staff response:

The request for the Pat Morton section of the shared path, relates to the missing link around the Pat Morton Car Park.

The most recent report on this was to the 24 November 2022 Ordinary meeting, where the concept design was presented.

Council resolved to endorse the Option 1 alignment for the shared path missing link, plus adopt a surface treatment comprising 'rock salt pitted coloured concrete' as the preferred surface.

The Council report identified that there was no funding allocated for the total scope of work (estimated at \$700,000), however, under Council's car park program there was \$100,000 allocated for the car park component.

The preference was to proceed with the whole project, and not just the car park, and that funding opportunities would continue to be sought.

The draft Delivery Program provides the following funds for car park upgrades:

Year	Budget (\$)
2024/25	100,000
2025/56	104,000
2026/27	108,000
2027/28	112,000

The project allocated for 2024/25 is Meldrum Park, Ballina.

From 2025/26 onwards the projects follow the Car Park Upgrade Program adopted by Council in 2020. For each year there are six to eight individual projects involving line marking and installing lighting for existing car parks in the urban area.

The funding required for the Pat Morton car park upgrade and associated paths is well beyond recurrent budgets, which then means other funding solutions such as internal reserves, loans or grant funds are required.

This remains a high priority project, due to the overall poor condition, of what is a highly used car park, along with the missing link in the shared path.

9.8 Delivery Program and Operational Plan - Adoption

Old Bagotville Road, Bagotville – Dust Seal

An early submission was received from B & D Wilkins, in February 2024, requesting Old Bagotville Road as a higher priority in the Dust Seal program.

A preliminary response was provided, noting Council did not intend on changing the current priority, however it was agreed to include this information as a submission to the 2024/25 Delivery Program.

Staff response:

Council's four-year program is informed by the Dust Sealing Program adopted in March 2021. The program sets out the priorities for the next 10 years.

Currently Old Bagotville Road is scheduled for 2027/28, with Phillips Lane, Cooks Lane, Bartletts Lane and Buckombil Mountain Road being the higher priorities.

Based on the scoring in the program it is not recommended that Council amend the four year works program

Footpath – Linking Olivia Circuit and Skennars Head Road

A submission was received from R Mitchell, requesting a footpath to connect to the path at Olivia Circuit and Skennars Head Road, as well as a pedestrian refuge.

Staff response:

Design engineers have reviewed options and costs for the proposed footpath.

This proposed path would be 250 metre long and 2m wide, connecting the existing path from the football field, travelling adjacent to the car park, around the club house and across to Skennars Head Road to the existing pedestrian refuge.

The refuge currently has appropriate kerb ramps and would allow students to cross Skennars Head Road in two sections, improving pedestrian safety.

Approximate cost for the path is \$100,000.

The proposed path is not listed in the PAMP. However, for the purposes of reviewing this request an assessment was made using the original PAMP criteria for priority weighting (ranking) of individual projects within the program.

As mentioned earlier, weighting of the projects within the current four-year program ranges from 60 (highest priority) through to 43 (lowest priority).

The weighting of this request is assessed as 40.

Council has not received any other requests from residents in this area for a duplicate path or upgraded crossing.

9.8 Delivery Program and Operational Plan - Adoption

Key points in respect to this proposal include:

- The duplicate connection would primarily benefit locals off Henderson Drive
- The proposed facility is over 1,000m to nearby generators / attractors (schools, Boulders Beach)
- It is anticipated to have medium to low usage (many school children currently cycle or walk along North Creek Road and Skennars Head, crossing at the refuge further west)
- The Pedestrian Facility User Group Profile for the proposed facility shows it would most likely road users would be children or older road users (this is typical of all assessed paths in Ballina Shire)
- Speed data for 2024 at this location indicates an 85th percentile of 61.38km/h (not suggestive of a significant speeding issue in this 60km/h posted zone)
- There are no reported pedestrian crashes in this location
- There has been one vehicle crash at this location in the last ten years (2015 crash – driver off road and into object)

Looking at scheduled footpaths and shared paths for the next four years, the project is not considered to have higher community demand or benefit.

While this project would address a gap in the footpath network, it does not possess as high a community value and benefit as those scheduled.

Hill Park, Wollongbar – Public Toilet and Other Facilities

A submission was received from W Garrard, requesting the provision of public toilets and other facilities for Hill Park, Wollongbar.

Staff response:

Council's Sport and Recreation Facilities Plan identifies the embellishment and provision of improved cricket facilities at the Wollongbar Sports Fields.

Council considered the current occupation of the Wollongbar Sports Fields at the 25 May 2023 Ordinary meeting, resolving to extend the lease to the NSW Reconstruction Authority (NSW RA) on part of the site by one year (making the lease expiry date 13 April 2025) at the current rent.

Council will be working with NSW RA on make good provisions, including opportunities to implement Sport and Recreation Plan actions, in the lead up to the lease expiration.

The Sport and Recreation Plan currently does not envisage the provision of changing facilities, canteen or storage facilities at Hill Park.

Council maintains an annual upgrade program for public amenities, noting further consideration for upgrades will continue in the preparation of future budgets.

B. Amendments to Delivery Program and Operational Plan and LTFP

This section deals with recommended changes to the exhibited documents based on updated information, feedback or ideas generated from the submissions, or other suggestions to improve the adopted documents.

Roads to Recovery Funding

Council's funding allocation under the Australian Government Roads to Recovery Program for the five-year period 1 July 2024 to 30 June 2029 has been confirmed as \$7.7m. This compares to an exhibited figure of \$4.8m.

This represents total additional funding of \$2.9m across the five-year period, with the increase for 2024/25 being \$550,000 as compared to budget.

This grant funding is recognised as Operating Income.

The corresponding expenditure budgets are capital expenditure.

As such, this improves the forecast operating result, as well as substantially increasing Council's road reconstruction budget.

Grant Funding - Resilient Lands Strategy

Funding of \$210,000 has been confirmed from the NSW Reconstruction Authority, for the implementation of the Resilient Land Strategy.

This funding is to support planning for housing and land development identified in the Ballina Shire Housing Strategy, particularly to accelerate the implementation of the Ballina Housing Strategy and to deliver more housing for local workers in the Ballina Shire.

An operating expenditure budget of \$210,000, with a corresponding grant income budget, has been raised in the Strategic Planning section.

Grant Funding – Airport Public Bus Shelter

Council has also been successful in receiving funding of \$20,000 under the CPTIGS for a bus shelter on Southern Cross Drive.

A 2024/25 capital works budget of \$20,000 is raised in the Ancillary section, with Council's Civil Services team to manage the procurement and installation.

This shelter is expected to be installed and operational prior to Christmas.

C. Other Matters

Ordinary Rate Revenue

Council must adopt the ordinary rates to be levied for 2024/25.

The rates in the dollar and base amounts in the following table reflect an increase of 4.6%, based on the IPART Approved Peg for Ballina Shire for 2024/25.

Table Three - Rates in the Dollar and Base Amounts – 2024/25

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.092240	634	49.89
Business	0.549000	634	14.94
Farmland	0.081810	634	31.89
Mining	0.549000	634	0.00

The recommendations include the making of the rates and the various annual charges (i.e. waste, water, wastewater etc) included in the fees and charges.

Southern Cross Expansion and Innovation Precinct Funding

In 2019 Council received notification of successful grant funding from the State Government of \$3.95m for the construction of industrial land referred to as the Southern Cross Innovation Precinct, being land on the northern side of Airport Boulevard. This land is currently not zoned industrial.

Over the past five years, the rezoning has experienced significant difficulties, with Council having to balance environmental constraints and flood impacts on this site and the Airport.

There is still no firm timeframe on when, or if, the rezoning of this land will ultimately eventuate.

With no certain date available, Council has received notification from Restart NSW advising that no further time extensions will be granted.

This means that Council will not be able to secure this funding for the construction of this industrial land, assuming that the rezoning is completed at some future date.

If Council does eventually have this land rezoned, new grant opportunities will need to be sought, or alternatively the construction of the lots will need to be commercially viable, which based on current forecast prices for industrial land, is extremely likely.

Community Facilities Hire – Fees and Charges

Community Facilities, which includes the Ballina Indoor Sports Centre, Lennox Head Cultural Centre, Lennox Head Community Hall, Richmond Room, Ballina Surf Club, and North Lakes, offer a fee structure that includes a discount for community-based organisations and activities.

Private and commercial bookings are subject to the full rates outlined in the Fees and Charges.

Regular Community Based Activities (RCBA), where the venue is hired to provide regular sessions developed by instructors who charge attendees minimal fees and only make a small surplus for each session, have hire rates discounted by 25%.

9.8 Delivery Program and Operational Plan - Adoption

Community hire, which refers to a community organisation engaged in charitable or other community-based activities operating under Australian law, has hire rates discounted by 50%.

It has been noted that some government agencies have been seeking and benefiting from this discount, despite having budgets to cover such expenses.

It is proposed that for 2024/25, government agencies seeking to hire our Community Facilities pay the RCBA fees (discounted by 25%).

Council Enterprise Information Technology Platform Licensing

Council uses the Civica Authority/Altitude enterprise software platform for all core enterprise software services, including financial management, accounts payable and receivable, assets management, property and rating, development application management, records and document management, stores and inventory management, payroll, customer requests management etc.

The product is deeply embedded in Council operations, and a project is presently underway to migrate to the cloud-based version of the product, Altitude. This migration is scheduled for completion in November 2024.

All software is required to be licensed for use, and licenses are typically renewed annually. The Civica Authority/Altitude license is no different, and with the move to the cloud-based service, this renewal will continue with the addition of a cloud-hosting fee component.

The annual license fee is in the order of \$430,000 including GST for the license period 1 July 2024 to 30 June 2025.

In 2009 Council entered into a self-renewing contract with Civica, based on the Government Information Technology Contracting (GITC) framework, and since that time has used the Authority platform to support Council operations.

Further, Civica has been on the Local Government Procurement contract LGP115 – ITC Products, Services and Consulting, which has meant that, because LGP is a prescribed supplier under the Local Government Act 1993, Council is able to procure products and services from Civica without the need to go through a tender process.

Through the course of the current software license renewal for the period 1 July 2024 to 30 June 2025, it has come to light that Civica are no longer on the LPG115 contract.

This means that to continue to use the services of Civica, including the software that Council operations are dependent upon, technically a tender process is required to put in place a multi-year contract for services and software.

There are only two key vendors in the local government enterprise software platform space that are able to offer a comprehensive, fully integrated product able to satisfy Council's diverse requirements. These vendors are Civica and Technology One.

Each hold approximately half the local government market, and this is reflected within the region, with Lismore, Ballina, Byron and Kyogle using the Civica suite,

9.8 Delivery Program and Operational Plan - Adoption

and Tweed, Richmond Valley and Clarence Valley on the Technology One platform.

Most have been on their respective platforms for approximately fifteen years, as is the case with Council, and all are in various stages of moving to their vendor's cloud-based solution.

Due to the complexities of local government enterprise software platforms, a decision to undertake a tender process for review, or replacement, of these systems, is a significant impost on the organisation from a resourcing perspective, with these projects typically taking multiple years and incurring costs in the millions of dollars.

Decisions to go to tender for enterprise software systems should be based on functionality deficits, within the current software platform, and whether the substantial cost of the process of replacement can be offset by the anticipated functionality and efficiency gains.

In Council's case, there is no imperative to change products either now or into the near future as Civica supports Council's operations well.

Council staff have strong technical product knowledge of Authority/Altitude and have developed deep integration with third-party products, for example with the NSW Planning Portal.

There are significant efficiencies across the organisation using the product and there is no justification for a review, or replacement, at this time.

Under section 55(3)(i) of the Local Government Act 1993, requirements for tendering do not apply to "a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders".

It is recommended this be Council's position, based on a tender process resulting in significant operational disruption, and additional costs, to the organisation with little or no realised benefit.

New Fee – West Ballina TUFLOW model Service Fee

During the exhibition period, a new fee was identified for 2024/25.

The new fee is to recover the administration costs for Council's technical officers, under a service agreement, to provide access for develop proponents to the West Ballina Overland Flood Model.

The proposed fee for 2024/25 is \$900, excluding GST.

This fee will be payable for each development application, that uses the flood model.

As this is a new fee, to comply with section 610F of the Local Government Act, it is necessary for public notice to be given for the proposal.

9.8 Delivery Program and Operational Plan - Adoption

Accordingly, the recommendation is to place the proposed fee on public exhibition.

Dividend to General Fund from Wastewater Fund

The LTFP include an annual non-compulsory dividend from the Wastewater Fund to the General Fund to be expended on stormwater renewal works.

The dividends (\$540,000 for 2023/24 and \$485,000 for 2024/25) are subject to State Government approval, which has not yet been confirmed.

For the non-compulsory dividend to be paid, the Wastewater Fund must meet certain conditions in relation to levels of services, overall asset management and certain financial criteria.

Council lodged a formal Request for Assessment with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) in March 2024, anticipating that the assessment process would be completed in a 60 working day time frame, that had been advised to Council by the department.

DCCEEW has subsequently advised they are still undertaking their initial review. Council is awaiting DCCEEW's response, and it is currently unknown whether the approval will be forthcoming and whether the timing will allow for the taking of this dividend for the 2023/24 year.

The dividend is transferred to reserve with specific stormwater works identified to be funded by the dividend, if approved.

Capital Works

The exhibited draft Operational Plan included over \$81m worth of capital works for 2024/25.

It is important that the annual capital works program is realistic and achievable considering planning approvals, timeframes for tenders and overall staff resources.

A review of the entire capital program has been now completed by Directors and Section Managers to confirm what should be expended during 2024/25, as well as 2025/26.

This review has resulted in the capital works program being reduced to approximately \$78m for 2024/25.

The revised program is included as Attachment 3, 4 and 5 to this report, based on the General Fund (Attachment 3), Water Fund (Attachment 4) and Wastewater Fund (Attachment 5) capital expenditure programs.

Where a change is included, the project has been highlighted in yellow.

The columns titled "Draft LTFP" represents the exhibited information and the columns titled "Recommended" reflects the revised timing.

The attachments only include projects for 2024/25 and 2025/26, whereas the Delivery Program has a four-year program of works.

9.8 Delivery Program and Operational Plan - Adoption

Where a change in timing is recommended, this does not always mean the project is not being delivered, rather it is a better reflection of the likely cash flows.

The preference is also to under-sell and over-deliver, as projects can always be brought forward during the year.

Comments on some of the changes identified in Attachments 3 to 4 are as follows.

Alstonville Cultural Centre - Redevelopment

The Federal Government's Growing Regions Program round one was announced recently, with the Alstonville Cultural Centre project not being successful, in securing a \$5.9m grant application.

Council had progressed to the second phase of the grant assessment process and staff were hopeful of securing the funding.

With a planning consent in place the preference is to continue to advance this project through the calling of construction tenders, primarily as the centre remains closed, and on-going delays typically result in further cost increases.

The latest estimate available for this project is \$16m.

With the grant funds no longer available the recommended funding source for this project is as follows:

Item	2024/25	2025/26
Construction Budget Timing	1,500,000	14,500,000
Funding		
Section 7.11 Contributions	700,000	3,700,000
Community Infrastructure Reserve	800,000	7,800,000
Loan Funds	0	3,000,000
Total	1,500,000	14,500,000

- Section 7.11 – It will be necessary to increase the value of this project in the Open Spaces and Community Facilities Section 7.11 Developer Contributions Plan based on this updated cost. The amounts reflected in this funding summary are based on the plan being updated.
- Community Infrastructure Reserve – During the next two years Council will be generating significant funds from the sale of industrial land at the Southern Cross Industrial Estate (\$8m plus) and the Russellton Estate (\$18m plus) and the Wollongbar Urban Expansion Area (\$11m plus).

A large part of the sales income will be applied to loan debt, and Council still has to decide how certain projects such as the Wollongbar Housing Development are to be funded.

Even so, there should be more than enough funds generated to support the funding allocated, particularly in 2025/26, to this redevelopment of the Alstonville Cultural Centre.

9.8 Delivery Program and Operational Plan - Adoption

- Loan Funds – Loan funds have been included to reduce the overall reliance on land sales and to reflect that funding costs should be apportioned over the life of the project. Repayments on the \$3m loan are \$262,000 over 20 years.

Council will still try and secure grant funds for this project, however this funding proposal is included to demonstrate that Council can call construction tenders, if the preference is to proceed.

The recommendations for this report, include this as the preferred approach.

Roads to Recovery Funding – Additional Funds

As mentioned earlier in this report, the new four-year program for Roads to Recovery Funding has been announced with Council securing \$550,000 in additional funds for 2024/25 as compared to the exhibited budget.

Those funds are yet to be allocated to road reconstruction projects, with the funding likely to assist in the delivery of works in the exhibited program due to significant increases in construction costs each year.

Delivery Program Actions – Kentwell Centre and Treelands Reserve

The actions identified in the Delivery Program direct the allocation of Council staff resources during the year.

In reviewing the actions for 2024/25 and noting the submissions that Council has been receiving in recent years in respect to facilities such as pickleball courts, other indoor sports facilities, closure of squash courts, and the need for improved youth facilities, it is recommended that Council include in the 2024/25 program, an action to complete a master planning process for Treelands Reserve, including the operation of the Kentwell Centre.

Council has previously resolved to examine options for the expansion of the Kentwell Centre and with the balance of Treelands Reserve used sparingly, there may be well be an opportunity to look at the operation of the building, and the use of the balance of the reserve, for more compact and well located facilities and services.

This is not intended to be an expansion, or duplication, of the Ballina Indoor Sports Centre, but rather a more condensed type of facility that could provide a mixture of activities, including youth programs, which would help to address some of the needs being identified in the community.

Council has also resolved to investigate options for additional youth services and activities (April 2024 Finance and Facilities Committee meeting) and this action will help to respond to that resolution.

The current tenants for the Kentwell Centre are CPL, The Family Centre and the Community Transport Company, and this process would also examine the preferred tenancy mix for this building.

Council may well be able to deliver improved outcomes for the community through Council delivered services from this facility.

9.8 Delivery Program and Operational Plan - Adoption

This action, if included in the Delivery Program, would be co-ordinated by the Strategic Planning Section.

Maximum Interest Rate for Outstanding Fees and Charges

In accordance with Section 566(3) of the Local Government Act, the Minister for Local Government has determined that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive) is 10.5% per annum.

The draft LTFP, as exhibited, is inclusive of budgeted interest income of \$82,000, based on the maximum interest rate, as per normal Council practice.

Ratepayers experiencing financial hardship can apply for relief under Council's Financial Assistance (Hardship) Rates and Charges policy.

Councillor and Mayoral Fees for 2024/25

Sections 248 and 249 of the Local Government Act require councils to fix and pay an annual fee to councillors and mayors based on determinations made by the Local Government Remuneration Tribunal.

The Tribunal is required to determine the remuneration categories of councils and mayoral offices, at least every three years, and the level of fees depending on the category the council is in.

The Local Government Remuneration Tribunal last undertook a significant review of the categories as part of its 2023 determination and will next review these categories in 2026.

Ballina Shire remains within the "Regional Centre" classification.

A council cannot fix a fee higher than the maximum amount determined by the Tribunal. If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.

The Tribunal determined an increase of 3.75% for 2024/25 to the minimum and maximum fees applicable to each category.

The recommendation is to adopt the maximum councillor and mayoral fees for 2024/25 as determined by the Local Government Remuneration Tribunal.

Delivery Program Strategy / Operational Plan Activity

The adoption of the draft Delivery Program and Operational Plan establishes the priorities and key actions for the next four years, with a specific focus on 2024/25.

Quarterly reports are provided to Council on the implementation of the actions in the Operational Plan.

Community Engagement Strategy

Council advertised the draft Delivery Program and Operational Plan for public comment during May and early June.

9.8 Delivery Program and Operational Plan - Adoption

The page views for the YourSay webpage were viewed 875 times, and this is an improvement on last year where the page views were 530.

Six documents were posted, with three downloaded 225 times (144 in 2023/24), the most popular download being the Delivery Program and Operational Plan, followed by the Fees and Charges and the Long Term Financial Plan and Budget.

At the close of the exhibition period, ten submissions were received via the Your Say online survey.

Overall, there were twenty-one submissions receive via email or via the Your Say survey.

Your Say submissions are included as Attachment 1 to this report and the other submissions included as Attachment 2.

We also enabled a new tool on the webpage, which allows the community to post a question online and have it answered by staff.

Nineteen questions were posted and answered via the Q&A tool.

In addition, an online presentation was recorded and posted to the webpage and one public meeting was held.

Online presentation posted in May 2024

The online presentation (pre-recorded) was viewed eighty-two times (52 in 2023/24).

Wardell Community Hall: 15 May 2024

There were ten people in attendance excluding Councillors and staff. Cr Cadwallader, Cr Buchanan, Cr Johnston, Cr Dicker and Cr Chate were in attendance with five staff.

Discussion points included:

- Discussion of works recently completed in Wardell and noting of work required for the boardwalk itself and surrounds.
- Comment that there are no Wardell Town Improvement works in the Delivery Program following 2024/25.
- Request for Wollongbar District Park to have more play equipment.
- Ross Park, Lennox Head, Masterplan noted as not at granular level, requesting that playground to appeal to all ages.
- Wollongbar rainforest remnant was raised, noted as having a weed problem requiring attention.
- Toilets at Hill Park Cricket Club, Wollongbar, request to change over to stainless steel toilets.

9.8 Delivery Program and Operational Plan - Adoption

- Question on whether tip vouchers could be introduced. Staff response was they create a false economy and work against recycling initiatives.
- Walsh Park, East Wardell, noted as a flood-prone park.
- Question on how the shire would fare if there was another major flood.

Financial / Risk Considerations

Based on the latest available information the ten-year forecast for the General Fund is as per the following table.

Table Eleven - 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	93,138	95,913	99,790	103,804	107,787	111,020	115,001	119,042	123,322	127,817
Operating Exps	71,593	72,603	73,282	75,783	78,451	81,159	82,931	85,584	87,960	91,254	93,171
Result before Non-Cash items	18,914	20,535	22,631	24,007	25,353	26,628	28,089	29,417	31,082	32,068	34,646
Less Depreciation and Non-cash	22,790	23,232	23,974	24,671	24,669	25,457	26,272	27,112	27,976	28,865	29,785
Surplus/(Deficit)	(3,876)	(2,697)	(1,343)	(664)	684	1,171	1,817	2,305	3,106	3,203	4,861
Work Cap Result	(444)	(838)	6	(69)	220	594	932	724	853	999	1,157
Work C Balance	1,311	473	479	410	630	1,224	2,156	2,880	3,733	4,732	5,889

It is important to reinforce that Council's General Fund is facing significant financial pressures, with large deficits forecast along with significant reductions in working capital for 2023/24 and the next few years.

Options

Council has a legal obligation to adopt the Operational Plan and Delivery Program.

The options include amending the recommendations and / or varying the works and services and / or the proposed fees, charges and rates.

The recommendations reflect the contents of the report.

Finally, it is important that Council ensures that any actions or key tasks planned for 2024/25 are included in the 2024/25 Operational Plan, as the adopted actions are where Council's resources are allocated for the next 12 months.

This then also reduces the need for ad hoc notices of motions during the year that can redirect resources away from the adopted Delivery Program and Operational Plan.

RECOMMENDATIONS

1. That Council adopts the 2024/25 to 2027/28 Draft Delivery Program and 2024/25 Operational Plan, which includes the Long-Term Financial Plan (budget), Workforce Management Plan, Fees and Charges, and Strategic Asset Management Plan as exhibited, inclusive of any amendments arising from this meeting.

9.8 Delivery Program and Operational Plan - Adoption

2. That Council approves the formation of a Working Party, consisting of all Councillors, to review the submissions received for Community Donations and Capital Works Assistance for Sporting Groups, as per Tables One and Two of this report. The recommended allocation of the funding from the Working Party is to be reported to the July 2024 Ordinary meeting.
3. That Council notes the contents of this report in respect to the submissions received on works and services, and thanks the people making the submissions for their time and effort in writing to Council.
4. That Council resolves to make a base rating structure applicable to all rateable land for the levy of the 2024/25 Ordinary Rates as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.092240	634	49.89
Business	0.549000	634	14.94
Farmland	0.081810	634	31.89
Mining	0.549000	634	0.00






The rate in the dollar for 2024/25 applies to the land value of all rateable land within the relevant category.

5. That Council resolves to make the annual charges for 2024/25 as detailed in the Fees and Charges document that forms part of the Delivery Program and Operational Plan for Domestic Waste Management, Stormwater, Waste Management Operations, Water Services, Wastewater Services and Onsite Septic Management.
6. That Council resolves in the 2024/25 Fees and Charges document that Regular Community Based Activities (RCBA) rate (25% discount) be applied to government agencies to hire community facilities.
7. That Council resolves, in accordance with section 55(3)(i) of the Local Government Act 1993, to not undertake a tender process for the renewal of the Civica Authority Enterprise Software platform due to extenuating circumstances, that would not result in a satisfactory outcome for Council and cause significant operational disruption and additional costs to the organisation.
8. That Council, in accordance with section 610F of the Local Government Act, provide public notice of its intention to adopt a Fee for the Access to the West Ballina Overland Flood Model with the rate of this fee being \$900 excluding GST for 2024/25.
9. That Council approves the revised cash flows and budgets for the capital expenditure program, as per Attachments 3, 4 and 5 to this report, for inclusion in the 2024/25 to 2027/28 Delivery Program and Operational Plan.
10. That Council authorises the calling of tenders for the redevelopment of the Alstonville Cultural Centre based on the revised cash flows and funding sources as detailed in this report.

9.8 Delivery Program and Operational Plan - Adoption

11. That Council also approves an update to the Section 7.11 Open spaces and Community Facilities Developer Contributions Plan to reflect the revised estimate for the Alstonville Cultural Centre redevelopment.
12. That Council include in the Delivery Program and Operational Plan an action for 2024/25, to undertake a master planning process for Treelands Reserve and the Kentwell Centre to examine options to provide an expanded mixture of services and facilities to the community, including youth activities, as well as sporting activities where there is an identified shortfall.
13. That Council adopts the maximum interest payable on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive) of 10.5% per annum as determined by the Minister for Local Government.
14. That Council adopts the maximum Councillor and Mayoral fees for 2024/25 as determined by the Local Government Remuneration Tribunal, being 3.75%.

Attachment(s)

1. Draft Delivery Program and Operational Plan - Your Say Submissions 
2. Draft Delivery Program and Operational Plan - Other Submissions 
3. Capital Expenditure Program - General Fund 
4. Capital Expenditure Program - Water Fund 
5. Capital Expenditure Program - Wastewater Fund 

10.1 Water and Wastewater Development Servicing Plans - Adoption

10. Civil Services Division Reports

10.1 Water and Wastewater Development Servicing Plans - Adoption

Section	Water and Wastewater
Objective	To report the outcomes of the public exhibition and to adopt the Development Servicing Plans.

Background

At the 28 March 2024 Ordinary meeting, Council resolved as follows:

“That Council approves the exhibition of the amended draft Development Servicing Plan for Water Supply and the amended draft Development Servicing Plan for Wastewater and Recycled Water Supply, as per Attachments 1 and 2 to this report, for public comment.”

Council has now completed the public exhibition for the amended Development Servicing Plans (DSPs) for Water Supply and Sewerage Services in accordance with the March 2024 resolution and the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2016) (the Guidelines), issued by the Minister for Lands and Water.

One submission was received as a result of the exhibition.

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

Key Issues

- Submission feedback

Discussion

There was one respondent to the public exhibition process, which was APD Projects on behalf of the land holders and developers of Cumbalum Urban Release Area (CURA) Precinct B.

The submission from APD Projects contains two parts.

The first part refers to a proposed agreement between Council, CURA A developers and CURA B developers to allow for easements and asset delivery in relation to wastewater infrastructure.

As the DSP for Wastewater and Recycled Water Supply has already been amended to include this interim infrastructure, this part of the submission does not need to be considered further in adopting the DSPs.

The second part of APD Projects' submission asks for the *“review and further explanation of the increase in charges for the wastewater network”*.

10.1 Water and Wastewater Development Servicing Plans - Adoption

The submission does not provide further details to clarify what further explanation is required and what, if any, concerns are held in relation to the plans.

The charges have been calculated using the methodology in the Guidelines and have been independently audited.

A conservative approach was taken to only include capital works expected to be constructed within the next five years.

Whilst the Wastewater / Recycled Water developer charges increased, the charges in the DSP for Water Supply decreased using the same methodology.

The current (2015) Wastewater DSP was prepared using estimates for the works to the Ballina Wastewater Treatment Plant and other major infrastructure.

The exhibited amended Wastewater DSP uses cost figures from Council's asset register.

The agglomeration process, which combines service areas into DSP areas that are within 30% of highest capital charge, also resulted in less DSP areas, compared to the 2015 DSP for Wastewater and Recycled Water.

Copies of the plans and further information can be obtained from Council's website by following the tab to the agenda for the 28 March 2024 meeting.

Delivery Program Strategy / Operational Plan Activity

Maintaining DSPs is an activity identified in Council's Delivery Program and Operational Plan.

The activity is HE3.3a *Maintain Water and Wastewater Developer Contribution Plans* which sits within the strategy HE3.3 *Match infrastructure with development to mitigate any impacts on the environment*.

Community Engagement Strategy

The amended DSPs were exhibited for 30 working days following a ten working day notification period to relevant stakeholders in accordance with the Guidelines.

Financial / Risk Considerations

The DSPs aim to ensure Council has adequate funds to provide the infrastructure needed to accommodate expected population growth.

The works proposed in the plans have been included in Council's capital works program and the long-term financial plan incorporates the expected works.

By adopting the DSPs Council will be compliant with requirements of the:

- Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, (2016)
- Water Management Act 2000

10.1 Water and Wastewater Development Servicing Plans - Adoption

- Local Government Act 1993

Options


This report considers the feedback from the public exhibition of the amended DSPs.

The recommendation is to adopt the DSPs as exhibited.

RECOMMENDATION

That Council adopts the Development Servicing Plan for Water Supply and the Development Servicing Plan for Wastewater and Recycled Water, as exhibited, and forwards these plans for registration with the NSW Department of Climate Change, Energy, the Environment and Water.

Attachment(s)

1. Public Exhibition - Water and Wastewater Development Servicing Plans - Submission 

10.2 Rural Bin Collection Service - Review

10.2 Rural Bin Collection Service - Review

Section Resource Recovery

Objective To examine options to improve the resource recovery achieved from the rural bin collection service.

Background

Council currently provides two domestic kerbside bin collection services. These are a 3-bin collection service, for approximately 15,200 properties in the urban areas, and a 2-bin service, for approximately 2,500 properties in the rural areas.

The urban service collection consists of a weekly food and garden organics bin, a fortnightly landfill bin, and a fortnightly recycling bin service.

The rural service collection consists of a weekly landfill waste bin and a fortnightly recycling bin.

Shire wide bin composition audits conducted in 2020 and 2022 have highlighted comparative poor environmental and resource recovery performance, in the rural area collection, under the 2-bin collection service model.

This poor performance can be largely attributed to the collection frequency of the rural collection service.

This report discusses these performance issues in context of performance targets and provides a recommended course of action to improve the environmental performance of the rural collection service.

Key Issues

- Diversion from landfill and waste generation performance
- Domestic bin collection service level
- Annual domestic waste management charge

Discussion

Performance Measure Targets

The key environmental performance measures for a residential kerbside bin collection service are the diversion from landfill and waste generation rates.

Diversion from landfill measures the proportion of total waste generated within a household, that is diverted away from landfill for recycling or recovery.

The waste generation rate is the volume of all waste and recycling material generated within a household.

The State Government has introduced the following targets for these performance measures as part of its 20-year Waste and Sustainable Materials Strategy 2041:

10.2 Rural Bin Collection Service - Review

- Diversion from landfill rate – 80% by 2030
- Generation rate – reduce by 10% per person by 2030
- Reduction in organics to landfill – 50% by 2030

Council has an annual residential kerbside collection service diversion from landfill target of >59% in the Delivery Program.

This target is for rural and urban collection services combined and is intended to at least maintain year-on-year consistency in the performance of the combined service.

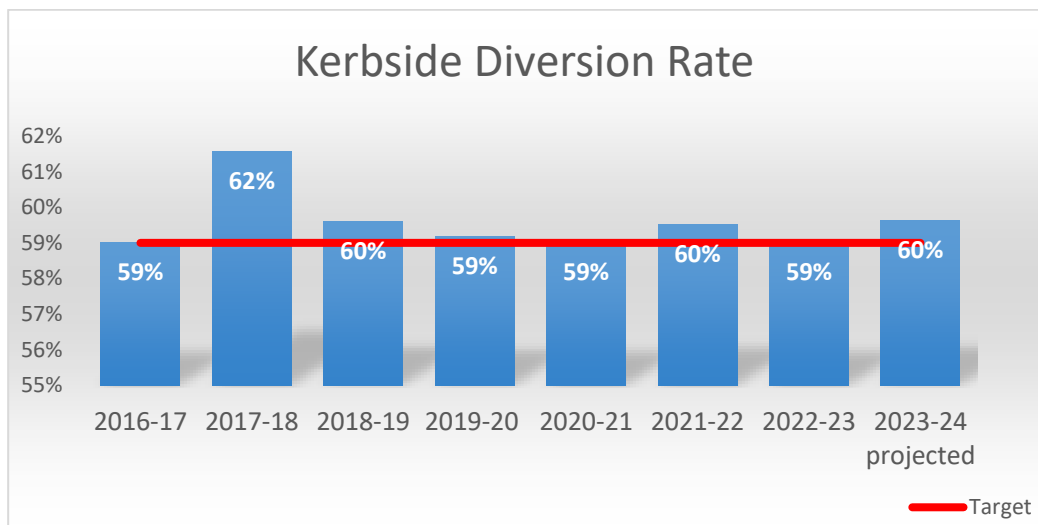
This target is modest when compared to the State Government Strategy, although the State Government has more opportunities to impact performance than Council.

For example, generation rate can be influenced by legislation dealing with design and production standards for goods.

Current Performance

Figure 1 indicates the historic diversion from landfill performance for the combined rural and urban collection service against the target.

Figure One - Kerbside Diversion Rates for Ballina Shire



The results show a consistent trend of a diversion rate around the target level of >59%, however without the ongoing development of new programs, it is unlikely any improvements or increased diversion rates will be achieved.

These results are heavily influenced by the relatively strong diversion rate performance for the urban 3-bin collection service, which was 67% during the last bin composition audit conducted in 2022.

The rural service only achieved a 22% diversion rate in this audit.

10.2 Rural Bin Collection Service - Review

The audit results from the rural collection service are well below the figure achieved in the urban area.

Also, despite being a relatively small proportion of the total households provided with a service, the rural performance impacts the overall performance to 59%, as compared to the 67% for the urban service.

Table One provides a summary of the audit results compared to the targets.

Table One - Collection Service Diversion Rates by Audit

Performance Measure	2020 Result	2022 Result	DPOP Target	2030 State Target
Rural - Diversion from landfill rate	27%	23%	>59%	80%
Rural - Generation rate (change between 2020 and 2022 audit)	-	19%	-	-10%
Urban – Diversion from landfill	68%	67%	>59%	80%
Urban – Generation rate (change between 2020 and 2022 audit)	-	-7%	-	-10%

The poor results for the rural service can be largely attributed to the structure and collection frequency of the 2-bin waste and recycling collection service.

The frequency of a weekly landfill and fortnightly recycling bin collection service does not encourage residents to practice waste avoidance, good recycling and waste management behaviour to the extent that is possible.

Providing landfill bin capacity weekly, does not encourage residents to avoid placing in this bin material that should be composted or recycled.

This results in a significant loss of otherwise recoverable organic and recyclable material.

Figure Two provides further data in respect of the average composition of the landfill waste bin in rural areas receiving the 2-bin collection service.

The data in Figure Two is sourced from the 2022 bin audit.

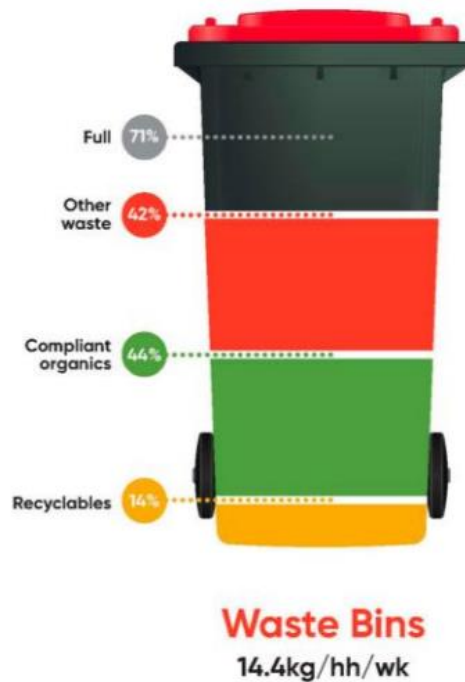


Figure 2

The results show that on average, 58% of the material in the landfill bin of a household receiving the rural 2-bin collection service should be diverted either into compost (or other means to manage organics) or the recycling bin.

This material is currently ending up in landfill.

If correct recycling behavior was implemented by the average household to divert this organic and recyclable material, the average rural resident's landfill bin would only be 42% full.

Improving Performance

Structural change to the rural bin collection service is required to facilitate the improvement of the rural service recycling outcomes and the subsequent environmental performance of the rural collection service.

The recommendation is to investigate changes to the rural 2-bin collection service model, by reducing the landfill bin collection frequency from a weekly, to a fortnightly service.

The reduced collection frequency model provides the required mechanism to disrupt current practice and foster the necessary behavioural change to assist residents to correctly divert organic and recyclable material away from the landfill bin.

This method has proven to be successful in urban areas, where residents receive a 3-bin collection service with a fortnightly landfill bin service.

This service has been in operation for over 10 years and residents adapted to the change easily. Strong customer service satisfaction results have also been recorded over this period.

10.2 Rural Bin Collection Service - Review

Whilst a 3-bin collection service works successfully in the urban areas, providing an additional food and garden organics bin service to rural residents is not an environmentally sound, or economically viable, option.

This is due to the low density of development and large distances between households in the rural areas.

Typically rural residents have the means and opportunity to manage organics on their properties, through home composting and other means (such as feeding animals) given the size and nature of rural allotments.

The change to a service model, with a fortnightly landfill bin and recycling bin in the rural areas is feasible, based on this capacity to manage garden and organic waste on site.

This proposed rural collection service model has successfully operated in the Byron Shire for over 15 years.

Byron Shire Council provide a fortnightly landfill and recycling bin collection service to their rural residents.

The comparative audit data shown in Table Two illustrates a better performance result for that service compared to the Ballina Shire results.

**Table Two - Performance
Ballina and Byron Shire Council's Rural Collection Data**

Performance Measure	Ballina 2-bin weekly landfill collection (2022 audit)	Byron 2-bin f/n landfill collection (2020 audit)
Generation rate - kg/household/week	14.38	4.37
Diversion from landfill	23%	56%
Utilisation - landfill bin % full	71.30%	63.50%
Utilisation - recycling bin % full	79.60%	78.10%

The comparison shows significantly lower generation volumes (greater than 10 kg per household per week) by Byron Shire rural residents, compared to Ballina.

Additionally, the diversion from landfill rate achieved by Byron Shire, is significantly higher at 56%, compared to 23% for Ballina.

Another key piece of data showing the success of the landfill bin fortnightly collection frequency model in Byron Shire, is the utilisation rate (or bin % full) of 63.5% and 78.1% full landfill and recyclable bins.

This data shows that even with the lower collection frequency, Byron Shire rural resident's bins are still less full than in Ballina Shire.

Delivery Program Strategy / Operational Plan Activity

The content and recommendations discussed in this report directly relate to achieving CSP outcome HE2 – *Our operational choices are based on sustainability and limit our impact on the environment* and Delivery Program Strategy HE2.2 *Use our scarce resource wisely* and the specific activity HE2.2a *Increase kerbside recycling diversion rates*.

Community Engagement Strategy

As the proposal is a significant change to an existing Council service, a comprehensive community consultation process, combined with a financial benefit to account for what some will consider to be a reduced service level is needed.

As a first step in this process, it is proposed to conduct a trial, to identify the barriers and enablers for households when implementing the proposed reduced collection frequency model.

The result of the trial will guide the future direction of the consultation and potential change to the rural collection service.

The proposed trial will operate during a six-week period commencing mid-September and running to the end of October 2024. It will involve selecting approximately 80 rural residential households from four different geographical areas (in accordance with the current collection schedule).

The households will be subject to the following provisions under the trial:

- households will have their landfill bin collection reduced to a fortnightly frequency
- households will be provided with a home composting system (if required) to divert food and garden waste from landfill, coupled with support in the form of educational material and workshops
- participants will be provided education and support to reduce food waste and improve commingled recycling behaviour
- each property will be provided a \$50 rebate to account for the reduced level of service. This figure is calculated on refunding one eighth of the annual waste charge (six weeks being one eighth of the year).

Council may prefer to increase this rebate amount as further compensation for participating in the trial

- Prizes will be awarded to encourage positive behavioural change.

The results from the trial will be reported to Council to determine if there is merit in permanently transitioning to the fortnightly landfill bin collection service model for all rural residents.

It would be appropriate for a final decision to be incorporated in the 2025/26 Delivery Program and Operational Plan.

Financial / Risk Considerations

Financial

The financial implications associated with the proposed reduced landfill collection frequency have been modelled to determine the level of impact on the annual domestic waste management charge for each rural household.

Initial modelling shows the proposed reduced collection service frequency would result in a reduction of 15-20% or \$60-\$80 to each household's annual domestic waste management (DWM) charge (based on the 2024/25 annual rural DWM charge of \$401).

This amount is based on the reduced collection contract costs and reduced waste management costs associated with managing the lower volume of landfill bin waste that will be generated through the revised service model.

Risks

A number of risks have been identified associated with the proposed shift to a fortnightly rural landfill bin collection model, including:

- Community dissatisfaction and complaints regarding odour, disposal options for nappies/sanitary items and insufficient capacity of bin
- Criticism of the reduced service level being perceived as a cost saving measure rather than achieving environmental benefits
- Risk of recycling bin contamination
- Risk of increased illegal dumping incidents.

To manage these risks, it is proposed to;

- Conduct a community consultation process including a trial
- Support the change with ongoing education and other programs
- Reduce the charge for the service
- Highlight the environmental outcomes to be achieved
- Assist residents to achieve composting and other outcomes on their land
- Note the success and customer satisfaction from the fortnightly collection service in the Ballina Shire Urban area and Bryon Shire Urban and Rural areas.

Options

Option 1

No change and accept the current performance level for the diversion of waste for the existing rural collection 2-bin service model.

Option 2

Conduct the trial of a fortnightly landfill bin collection frequency service, to investigate the transition to a fortnightly landfill bin collection service, for all rural residents.

10.2 Rural Bin Collection Service - Review

Option 2 is recommended based on the following reasons:

- The environmental performance resulting from the current rural bin collection service model is poor and prevents improvements in the Shire's overall resource recovery and waste management practices
- The proposed fortnightly landfill bin collection service is proven to deliver improved diversion from landfill and waste generation performance
- An initial trial reduces the risk of widespread community dissatisfaction associated with reducing a level of service. The trial results will provide the necessary information to enable Council to make an informed decision on any permanent widespread changes to the rural service.

RECOMMENDATIONS

1. That Council notes the information detailed in this report regarding the poorer performance of the rural bin collection service, from the perspective of relatively high waste generation rates and low landfill diversion rates, when compared to other collection service models.
2. That Council investigate a proposal to change the rural bin collection service, to a fortnightly landfill bin and fortnightly recycling bin collection, by undertaking a trial as detailed in this report.

Attachment(s)

Nil

11.1 Notice of Motion - Skennars Headland - Parking and Access

11. Notices of Motion

11.1 Notice of Motion - Skennars Headland - Parking and Access

Councillor Cr McCarthy

I move:

1. That Council receive a report on options to provide safer vehicular parking on the edge of the Coast Road and safer access to Skennars Headland to meet the needs of whale watchers, surfing wave watchers, day visitors, and maintain a safe and efficient Coast Road transportation link while preserving the character, views and amenity of the surrounding area.
2. That this report confirms, either through the Traffic Committee, or other means, whether the amount of parking available is quantifiable in respect to the amount of parking accumulating in this location.

Councillor Comments

The objective of this motion is to ensure safer vehicular parking on the edge of the Coast Road and safer access to the headland to meet the needs of whale watchers, surfing wave watchers, day visitors and maintain a safe and efficient Coast Road transportation link while preserving the character and amenity of the surrounding area.

Factors that would form part of the assessment of possible improvements to this headland scenic roadside parking and headland access could be:

- Vehicular parallel parking, on the edge of the Coast Road, designed to a width to allow for families to exit and enter their vehicles safely
- Multiple path access, on the top of Skennars Headland, designed to a width to allow for family access to the area safely; particularly a width to allow for the detection of brown snakes
- Meet the demand currently generated by this site
- Protect the amenity of nearby uses of the Coastal Recreational Path and achieve similar standard of design
- Provide a safe environment for both vehicles and pedestrians along the edge of the road and within the site
- Provide pick up and set down areas for a larger vehicle
- Protect the spectacular views looking from the Coast Road.

11.1 Notice of Motion - Skennars Headland - Parking and Access

Skennars is a very popular destination particularly during the Autumn and Winter seasons. It draws significant numbers of visitors for land-based whale watching. This is great for local businesses as it is in their off season.

Also, the surfing community have a long-held tradition of gathering at this location to check-out the waves, particularly during large wave or swell events of Autumn and Winter and Cyclone seasons.

It is a popular picnic area with spectacular view looking east, south and westward to towards Flat Rock and East Ballina.

Currently it is dangerous and interfering with the flow of Coast Road traffic when people are parking and getting out of their cars.

In peak periods there have been cars queuing or stopped on the Coast Road trying to get parking.

There are numerous stories of encounters with brown snakes in the long grass when walking across to the path.

The iconic Skennars Headland is a significant part of Ballina's competitive advantage and unique location. The iconic ocean views from the Coast Road are to be maintained.

Any improvements need to ensure such views are retained and maintained.

COUNCILLOR RECOMMENDATIONS

1. That Council receive a report on options to provide safer vehicular parking on the edge of the Coast Road and safer access to Skennars Headland to meet the needs of whale watchers, surfing wave watchers, day visitors, and maintain a safe and efficient Coast Road transportation link while preserving the character, views and amenity of the surrounding area.
2. That this report confirms, either through the Traffic Committee, or other means, whether the amount of parking available is quantifiable in respect to the amount of parking accumulating in this location.

Attachment(s)

Nil

11.2 Notice of Motion - Pathway Behind Lennox Head to Ross Lane

11.2 Notice of Motion - Pathway Behind Lennox Head to Ross Lane

Councillor

Cr McCarthy

I move:

1. That Council progress the proposed recreational path that travels north from the Shell Service Station, Lennox Head to the existing path near Barrett Drive.
2. This route travels along an existing grassy fire trail and paved area then continues to Lake Ainsworth on an existing cleared boundary zone and fire trial.

Councillor Comments

The proposed path offers a natural, scenic and healthy option to other paths along the edge of busy main roads which exposes users to exhaust fumes.

There are no trees along this fire trail. There is no mass destruction of trees.

Vegetation in the area has been disturbed by past land clearing and the area is now grassed.

This motion seeks to progress development consent for a recreational path that travels north from the Shell Service Station to an existing path located near Barrett Drive.

Google maps show this path's existing fire trail route, an existing path and that it continues to Lake Ainsworth. This path proposal is the missing link to connect the western side of the Lennox Head Heritage Trail.

It is common sense that towns, routing paths away from main roads, and in more natural and scenic areas, improve usage and improve health of their community i.e. This path proposal, (Shell Service Station to near Barrett Drive) is a pathway to a healthy future and puts a stop to the indecent exposure of people to cars and the pollution they create.

By locating paths away from polluting vehicles, you create a low emission zone (LEZs) which produces better health and pleasure benefits. It is clear that the majority of Lennox Head people surveyed (Planet Consulting, Feb 2024, Option Assessment Report) wanted the previous option D, the best path for better lives.

There are now cost and time savings due to the consulting reports being previously completed and the proposed path following a fire trial with no vegetation other than the existing grass and no habitat loss for wildlife due to its small strip size, past disturbance and simple vegetation of grass.

This proposed path route is more fitting to our community values. Creating a better place to live.

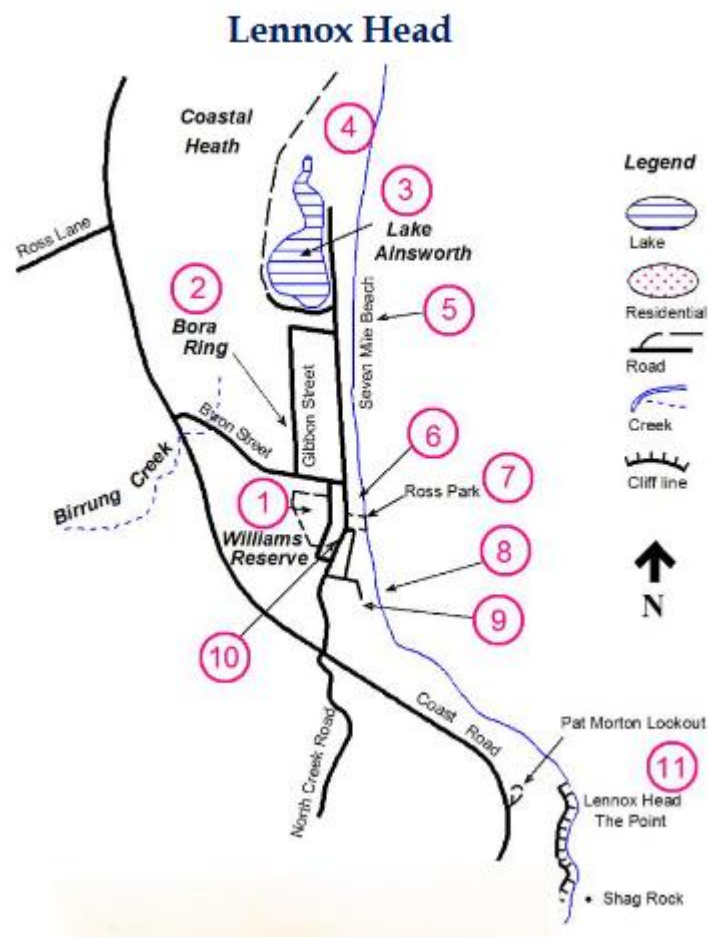
11.2 Notice of Motion - Pathway Behind Lennox Head to Ross Lane

It does not always have to come down to an either/situation. Winners and losers. The pavilion at Lennox Head is great example, if we push a little harder leaving no group behind, we end up with a great result that everyone loves.

Ballina Shire's coastal paths and Lennox Head Pavilion are much loved. Since completion of both, they have been overwhelming successful and embraced by the community. The driving factors behind these trends are:

- pleasant natural environmental experience
- safer
- cleaner air
- healthy natural exercise experience
- pleasurable walking or riding a bike
- accessible by all - young, old, physically compromised, etc.

They suggest we live in a society that increasingly values, healthy living, accessible natural environments, access for families and older people etc. There is no cost to the user of this infrastructure, which is increasingly important to families and older people etc. The success of a recreational path will be measured by how fitting it is to our community values



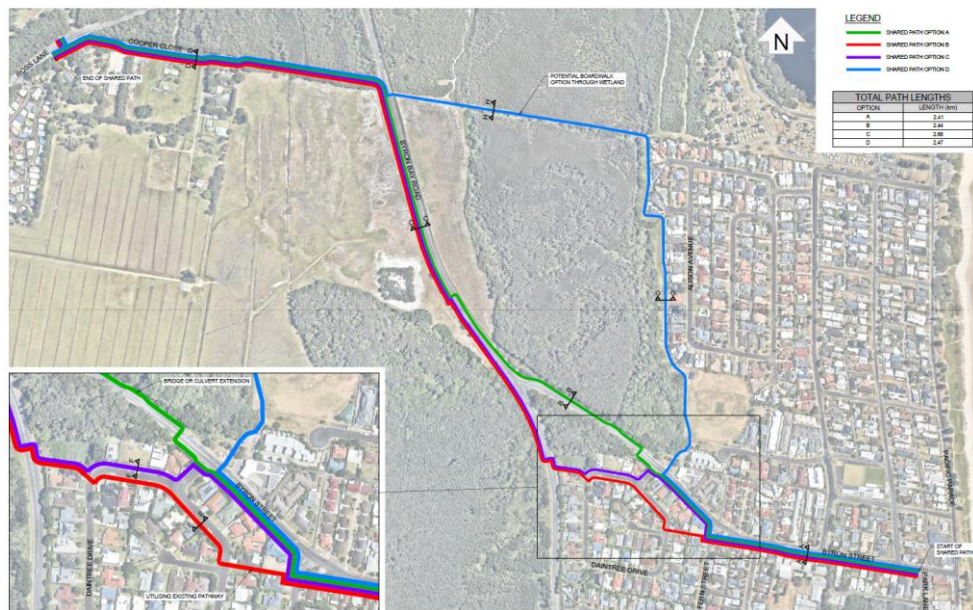
11.2 Notice of Motion - Pathway Behind Lennox Head to Ross Lane

Staff Comments

Council considered this matter at the 22 February 2024 Ordinary meeting and resolved as follows:

That Council adopts Option A of the Planit Consulting Options Assessment Report, as per Attachment 1 to this report, as the preferred route for the Lennox Head Shared Path – Park Lane to Cooper Close project and authorises the General Manager to proceed with the detail design and preparation of planning approval documentation to assist with securing funding for this project.

There were four options presented as part of the community consultation process. The options are shown as follows.



- Option A – Green
- Option B – Red
- Option C – Purple
- Option D – Blue

The notice of motion is consistent with Option D. The wording in the notice of motion does not rule out Option A. Options A and D would be progressed if the motion was supported, unless Council resolves differently.

COUNCILLOR RECOMMENDATIONS

1. That Council progress the proposed recreational path that travels north from the Shell Service Station, Lennox Head to the existing path near Barrett Drive.
2. This route travels along an existing grassy fire trail and paved area then continues to Lake Ainsworth on an existing cleared boundary zone and fire trail.

Attachment(s)

Nil

11.3 Notice of Motion - State Government Housing

11.3 Notice of Motion - State Government Housing

Councillor

Cr Johnson

I move

That Council write to the Minister for Lands to encourage NSW Crown Lands to activate vacant Crown land in the urban areas of Ballina Shire for the provision of housing, community purposes and other development for the social and economic benefit of the local and regional community.

Councillor Comments

The NSW State Government allocated \$5.1 billion in the State budget to create 8,400 new social homes and units. The budget also included \$810 million for maintenance to make properties livable again and conduct critical maintenance.

There is a significant amount of State Government owned land in our Shire, where housing could be built or redeveloped to help address the critical housing shortfall in our region.

With the State budget providing this significant increase in funding it is timely for Council to make further representations to the Minister for Lands to activate the crown land holdings in our Shire.

COUNCILLOR RECOMMENDATION

That Council write to the Minister for Lands to encourage NSW Crown Lands to activate vacant Crown land in the urban areas of Ballina Shire for the provision of housing, community purposes and other development for the social and economic benefit of the local and regional community.

Attachment(s)

Nil

12. Advisory Committee Minutes

12.1 Commercial Services Committee Minutes - 12 June 2024

Attendance

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

Paul Hickey (General Manager), Matthew Wood (Director, Planning and Environmental Health Division), Caroline Klose (Director, Corporate and Community Division), Tracy Lister (Manager Communications and Customer Service), Paul Tsikleas (Manager Commercial Services), Leanne Harding (Coordinator Property), Janelle Snellgrove (Executive Support Officer, Corporate and Community) and Nikki Glassop (Administration Officer, Corporate and Community) were in attendance.

There were three people in the gallery at this time.

1. Acknowledgement of Country

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

2. Apologies

An apology was received from Cr Jeff Johnson.

RECOMMENDATION

(Cr Eva Ramsey/Cr Simon Chate)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nigel Buchanan

3. Declarations of Interest

Nil.

4. Deputations

Nil.

5. Committee Reports

5.1 **Policy (Review) - Private Structures within Council Owned Waterways**

RECOMMENDATION

(Cr Phillip Meehan/Cr Rodney Bruem)

1. That Council adopts the Private Structures within Council Owned Waterways Policy, as per Attachment 2 to this report, subject to the following amendment to clause 1.5:

“Council is unable to guarantee the Council owned waterways profile will always allow floatation of pontoons. Council maintenance of the waterways will be carried out in accordance with the funding allocated in Council’s long term financial plan, as per Council’s adopted Delivery Program and Operational Plan.”

2. That Council also include in the policy a reference that Council will maintain a list of approved contractors.

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

AGAINST VOTE - Cr Eva Ramsey

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nigel Buchanan

5.2 **Ballina Byron Gateway Airport - Car Rental Leasing Proposals**

RECOMMENDATION

(Cr Rodney Bruem/Cr Stephen McCarthy)

That Council notes the contents of this report in respect to the process followed for the car rental leasing proposals, for the Ballina Byron Gateway Airport.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nigel Buchanan

5.3 **Boeing Avenue, Ballina - Industrial Land Sale - Method**

A **Motion** was moved by Cr Eoin Johnston and seconded by Cr Kiri Dicker.

1. That Council authorises the sale of Lots 1 to 9 (inclusive) in proposed plan of subdivision of Lot 1 DP 1290238 by public auction and authorises the General Manager to set price reserves based on market conditions and the current high level of demand for industrial land.
2. That Council authorises the General Manager to enter into open or general agency agreements with local real estate agents who wish to participate in the auction campaign.
3. That the contracts for sale of Lots 1 to 9 (inclusive) in point one, are to include “use it or lose it” provisions to reduce the possibility of land purchase for property speculation and land banking.

12.1 Commercial Services Committee Minutes - 12 June 2024

4. That in respect to point one, the General Manager is authorised to execute all necessary sale documents and affix the Council seal to same.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Simon Chate

1. That Council authorises the sale of Lots 1 to 9 (inclusive) in proposed plan of subdivision of Lot 1 DP 1290238 by public auction and authorises the General Manager to set price reserves based on market conditions and the current high level of demand for industrial land.
2. That Council authorises the General Manager to enter into open or general agency agreements with local real estate agents who wish to participate in the auction campaign.
3. That the contracts for sale of Lots 1 to 9 (inclusive) in point one, are to include “use it or lose it” provisions to reduce the possibility of land purchase for property speculation and land banking.
4. That in respect to point one, the General Manager is authorised to execute all necessary sale documents and affix the Council seal to same
5. That the agents commission be set at 1.5% of the sale price.

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

FOR VOTE - Cr Kiri Dicker, Cr Simon Chate, Cr Stephen McCarthy, Cr Eva Ramsey and Cr Phillip Meehan

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

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nigel Buchanan

RECOMMENDATION

(Cr Eoin Johnston/Cr Kiri Dicker)

1. That Council authorises the sale of Lots 1 to 9 (inclusive) in proposed plan of subdivision of Lot 1 DP 1290238 by public auction and authorises the General Manager to set price reserves based on market conditions and the current high level of demand for industrial land.
2. That Council authorises the General Manager to enter into open or general agency agreements with local real estate agents who wish to participate in the auction campaign.
3. That the contracts for sale of Lots 1 to 9 (inclusive) in point one, are to include “use it or lose it” provisions to reduce the possibility of land purchase for property speculation and land banking.
4. That in respect to point one, the General Manager is authorised to execute all necessary sale documents and affix the Council seal to same.
5. That the agents commission be set at 1.5% of the sale price.

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

5.4 Childcare Centre Site - Lot 31 Dundee Avenue, Wollongbar - Status

RECOMMENDATION

(Cr Rodney Bruem/Cr Phillip Meehan)

That Council notes the contents of this report in respect to the status of the Council owned childcare site at Lot 31 Dundee Avenue, Wollongbar.

FOR VOTE - Cr Sharon Cadwallader, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Eva Ramsey, Cr Phillip Meehan and Cr Rodney Bruem
AGAINST VOTE - Cr Kiri Dicker
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nigel Buchanan

5.5 Wollongbar Medium Density Housing Project - Status

RECOMMENDATION

(Cr Phillip Meehan/Cr Rodney Bruem)

That Council notes contents of this status report on the Wollongbar Medium Density Housing Project.

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

6. Confidential Session

RECOMMENDATION

(Cr Eva Ramsey/Cr Simon Chate)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following item in accordance with Section 10A (2) of the Local Government Act 1993.

Cr Kiri Dicker left the meeting at 05:29 pm.

6.1 Ballina Byron Gateway Airport - Car Rental Leasing Proposals

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the

12.1 Commercial Services Committee Minutes - 12 June 2024

ongoing commercial negotiations and the release of any information could prejudice those negotiations

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nigel Buchanan

(The Council moved into Confidential Session at 5.28pm).

Open Council

RECOMMENDATION

(Cr Simon Chate/Cr Eva Ramsey)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Kiri Dicker, Cr Jeff Johnson and Cr Nigel Buchanan

(The Council moved into Open Council at 5.37pm).

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

6.1 Ballina Byron Gateway Airport - Car Rental Leasing Proposals

RECOMMENDATION

(Cr Rodney Bruem/Cr Phillip Meehan)

1. That Council resolves to adopt option one and offer five-year leases/licenses to the five incumbent car rental operators at the Ballina Byron Gateway Airport, based upon the rental structures detailed in option one of this report.
2. That Council authorises the General Manager to finalise negotiations and affix the Council seal to lease, licences and associated documentation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Kiri Dicker, Cr Jeff Johnson and Cr Nigel Buchanan

Adoption of Recommendation from Confidential Session

RECOMMENDATION

(Cr Simon Chate/Cr Rodney Bruem)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Kiri Dicker, Cr Jeff Johnson and Cr Nigel Buchanan

MEETING CLOSURE

5.39pm

RECOMMENDATION

That Council confirms the minutes of the Commercial Services Committee meeting held 12 June 2024 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

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 May 2024 Ordinary meeting are as follows:

<u>Date</u>	<u>Meeting</u>
24 May	Australia's Biggest Morning Tea Cancer Council fundraiser
24 May	National Volunteers Week morning tea
25 May	Ballina Surf Club 90 th Anniversary Dinner
29-31 May	Australian Coastal Councils Association (ACCA) Conference
4 June	Urbis and Destination North Coast Investor Briefing – North Coast Convention and Exhibition Centre
4 June	Line Dancers Lunch
4 June	Northern Regional Planning Panel Site Inspection – PPSNTH-284 – 2023/537/1 – 18-22 Grant St & 109 Tamar St, Ballina
4 June	Cr Briefing – Scoping Study for CBD CCTV
4 June	Cr Briefing – Review of Rural Waste Services
5 June	Ballina Chamber of Commerce – Service NSW Business Breakfast
5 June	Alstonville Red Cross Branch 110 th Anniversary meeting
6 June	Skennars Head landholding meeting
6 June	Alstonville Croquet Club morning tea
7 June	Ballina Players opening night – The Addams Family
11 June	Public Citizenship Ceremony
11 June	Cr Briefing – Incentives for Biodiversity Conservation on Private Land
12 June	QUT Research on climate and disaster-related community relocation
12 June	Commercial Services Committee meeting
13-14 June	Country Mayors meeting – Kempsey
15 June	Surf Life Saving Far North Coast 2023/24 Awards Night
17 June	Australian Coastal Councils Association (ACCA) Zoom meeting
17 June	Northern Rivers Community Leaders Forum – Mayors and MPs
17 June	Williams Reserve Sporting Clubs meeting
18 June	Ballina Historical Society meeting
19 June	Rous County Council meeting
19 June	Ballina Chamber of Commerce – EV Solutions' 10 th birthday
20 June	Rotary Club of Ballina-on-Richmond 38 th Changeover dinner
21 June	NSW Training Awards
22 June	Lennox Head - Alstonville Surf Life Saving Club Presentation Night
24 June	NSW Shadow Cabinet Community Reception
25 June	Ballina Shire Audit Risk and Improvement Committee meeting
25 June	Rotary Satellite Club Changeover Luncheon
26 June	Witness appearance Standing Committee on State Development Inquiry into the ability of local government to fund infrastructure
26 June	Local Traffic Committee meeting
26 June	Ballina Chamber of Commerce Annual General Meeting
27 June	Ordinary meeting
27 June	Northern Rivers Community Gallery Exhibition Launch

13.1 Mayoral Meetings

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

14. Confidential Session

Nil Items