

Agenda

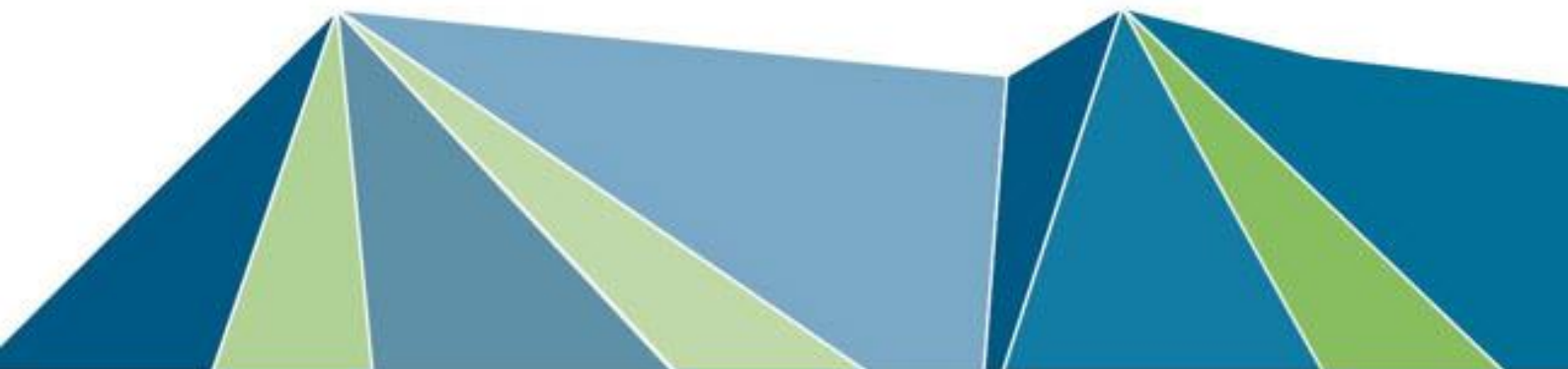
Ordinary Meeting **12 December 2024**

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **12 December 2024 commencing at 9:00 AM.**

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

Paul Hickey
General Manager

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



Ethical Decision Making and Conflicts of Interest

A guide for Councillors, Council employees and community representatives

Ethical decision making

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

Conflict of Interest

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

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

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

The test for a conflict of interest

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

Identifying problems

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

Disclosure and participation in meetings

Pecuniary Interests

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

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

Non-pecuniary Interests

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

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

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

Deputations to Council – Guidelines

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

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

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

Recording and Livestreaming of Council Meetings

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

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1. Australian National Anthem

The National Anthem will be played.

2. Acknowledgement of Country

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 November 2024 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 November 2024.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

8. Planning and Environmental Health Division Reports

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

Section	Strategic Planning
Objective	To outline a planning proposal that seeks to reduce the size of the Skennars Head E1 Local Centre zoned area and increase the area of R3 Medium Density zoned land within the Aureus Estate.

Background

A planning proposal request has been submitted by Intrapac, which seeks to amend the Ballina Local Environmental Plan 2012 (BLEP 2012) to rezone the southern portion of Lot 346 DP 1271483, 21 Aureus Boulevard, Skennars Head from E1 Local Centre to R3 Medium Density Residential.

Attachment 1 contains a copy of the planning proposal request.

Lot 346 has an area of 1.305ha. The planning proposal request seeks to rezone approximately half (6,650m²) of this lot to R3 Medium Density Residential. The remaining 6,402m² would retain the E1 Local Centre zone.

Lot 346 is part of the Aureus Estate. This Estate was initially zoned for urban development in 2014. In 2018 the proponent proposed that the B1 zoned area would accommodate a supermarket and specialty retail shops, along with future uses such as a childcare centre, a gym, and a tavern / alfresco dining area.

In 2019 BLEP 2012 was amended to relocate the neighbourhood centre (B1) zoning to its current location and significantly increase its size from 870m² to 1.305ha.

Attachment 2 contains details of the way the proponent envisaged the site would be developed in 2018.

The proponent had initially sought to establish a significantly larger centre than facilitated through the 2019 rezoning process. Such larger centre, with ultimate proposed floor space of 10,800m², was not supported following a peer review of the proponents *Economic Need and Impact Assessment* report.

The 2019 rezoning, and associated floor space controls were designed to enable the creation of approximately 5,000m² of retail and commercial floor space within the proposed Skennars Head Neighbourhood Centre.

In 2021, the State Government implemented reforms to employment zones. This changed the zoning of the majority of the site from B1 Neighbourhood Centre to E1 Local Centre, which is the same zone that applies to the Epiq Centre, and the Lennox Head and East Ballina commercial centres.

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

Skennars Head is now located within the broader retail catchment area of the Epiq Marketplace local centre. The retail needs assessment accompanying the planning proposal request indicates the Epiq Marketplace has impacted on the demand for retail space within the proposed Skennars Head centre. Further the assessment suggests that due to this factor, together with the rise of ecommerce and a shift to online ordering and grocery deliveries, demand for retail space within retail and commercial centres has been reduced.

Attachment 3 contains the *Retail Needs Assessment* submitted in support of the planning proposal.

This report recommends that the planning proposal be supported and submitted for a Gateway determination.

Key Issues

- Demand for retail and commercial floor space
- Housing supply
- Planning Agreement

Discussion

Overview

Lot 346 is zoned partly E1 Local Centre under the provisions of BLEP 2012 and partly 7(d) Environmental Protection (Scenic / Escarpment) zone under the provisions of Ballina LEP 1987. That part of lot 346 subject to the 7(d) zone is an anomaly which resulted from the misalignment of cadastral and zoning maps at the time that the subdivision creating this lot was registered in December 2021 (this occurs from time due to the different levels of detail at rezoning and survey and subdivision stages in the planning process).

Diagram 1 contains an extract from Council's GIS zoning layer, which shows the zones applicable to Lot 346. The white line represents the cadastral boundaries, and the area enclosed by the red line representing that part of Lot 346 zoned 7(d). The 7(d) zone within lot 346 has an approximate area of 370m².

Diagram 1 – Zoning layer extract from Council GIS system



8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

Lot 346 was intended to contain the whole of the E1 zone located at Skennars Head, excluding a small section of public road.

The 7(d) zone was intended to be contained within Lots 347 and 348, located to the east of Lot 346 and designated as public reserve. Lots 347 and 348 are owned by Council, whereas Lot 346 is owned by Intrapac.

The proponent's planning proposal did not reference the 7(d) zone on Lot 346. This has been corrected within the Council prepared planning proposal contained within Attachment 6.

Lot 346 has an area of 1.305ha. Subject to the floor space ratio controls contained within clause 7.11 of BLEP 2012 this lot has the capacity to yield approximately 5,200m² of commercial floor space.

The proponent's planning proposal request seeks to rezone approximately half (6,650m²) of Lot 346 from E1 Local Centre to R3 Medium Density as shown in Diagram 2.

It also seeks some consequential changes to remove the floor space ratio restrictions from the proposed R3 zoned portion of Lot 346.

As indicated above additional zone changes will be required to remove the sliver of 7(d) zone that affects Lot 346.

The floor space ratio applicable to Lot 346 is 0.8:1 overall with a maximum 0:4:1 ratio applicable to the commercial component of the development as specified in clause 7.11 of BLEP2012.

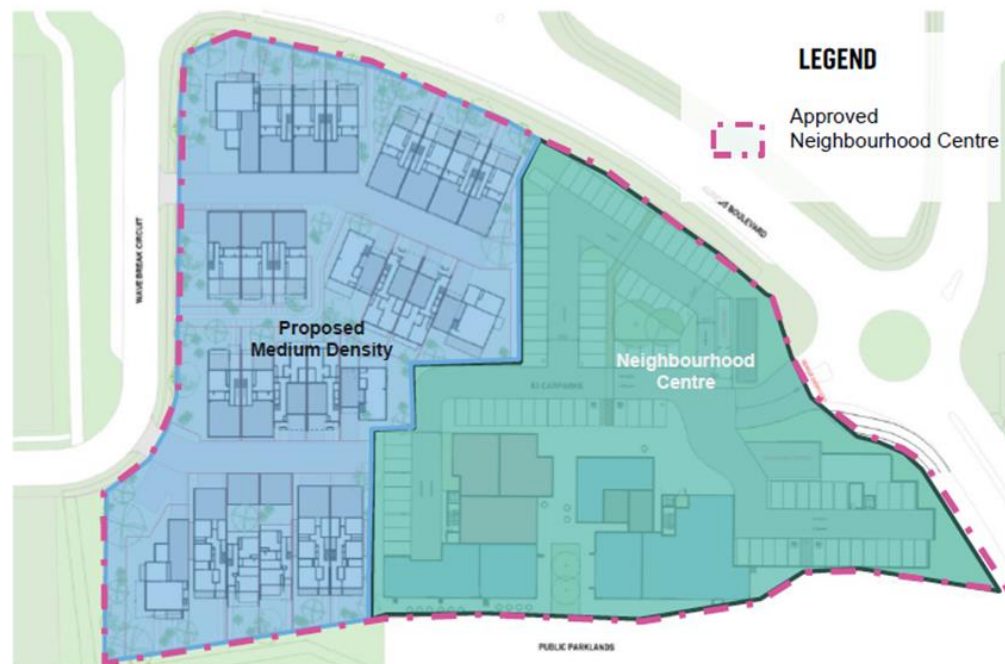
Diagram 2 Proponent prepared existing and proposed zoning plan



An indicative precinct plan, contained within the proponent's traffic assessment report, indicates a yield of approximately 20 to 30 townhouses on the proposed R3 zoned portion of the site.

The E1 portion of Lot 346 has been modelled to yield a neighbourhood centre with a floor space of 1,200m² for the purposes of the traffic assessment.

Diagram 3 – Indicative Precinct Plan



Source: Clarke Hopkins Overall - MEDIUM DENSITY + COMMERCIAL PRECINCT PLAN SK5000 dated 22 August 2024 (Draft)

To put the proposed neighbourhood centre in context, the local centre in the Epiq estate has an approved gross floor area of approximately 6,500m², whereas the Cumbalum Village centre, being constructed at the corner of Power Drive and Ballina Heights Drive, is required by a planning agreement to have a minimum initial size of 1000m².

It is estimated that the Cumbalum centre will ultimately have a size in the order of 2,000 - 3,000m².

The East Ballina neighbourhood centre in Links Avenue has a floor area of approx. 2,000m² located on a 4,200m² site.

As indicated in the Background section of this report, the Aureus neighbourhood centre was originally proposed on a much smaller (870m²) site. It was through the actions of the property owners that this smaller site was abandoned and the current much larger site (1.305ha) established.

Amongst other matters Council's role when assessing the planning proposal in 2019, was to ensure that there was no likely significant negative impact on existing established centres, as a consequence of the proposed centre size increase.

The floor space ratio controls incorporated within BLEP 2012 in 2019 were designed to restrict the size of the proposed centre in line with the limits recommended by retail consultants commissioned by Council.

Retail Needs Assessment Report

The proponent's 2024 planning proposal request is supported by a *Retail Needs Assessment* report prepared by Think Economics (Attachment 3). The report states that the current proposal is for a centre containing 1,184m² of retail commercial floor space, 65 car parking spaces and shop top residential.

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

The report indicates that there have been three main factors which have resulted in a lessening of demand for retail floor space at the Aureus site.

These factors are:

- The completion of the Epiq Marketplace centre in 2020,
- A transition from traditional physical stores to online retailing post Covid-19, and
- Growth of online food and grocery sales with home delivery service.

The report found that the Aureus site will primarily cater for a limited trade area consisting of Skennars Head and a small section of Lennox Head with a population of 2,150 to 3,420 persons by 2036.

This is well below the minimum 8,000 people required to sustain a full line supermarket.

The consultants estimate that there is an opportunity to establish on the Aureus site a small retail centre with a total retail floor space ranging from 1,000m² to 1,500m².

Such a centre (slightly smaller than the East Ballina centre) would require a site area of between 3,000m² and 5,000m².

The conclusions reached by Think Economics in their *Retail Needs Assessment* report are not disputed.

Whilst it will likely be disappointing for many residents of Skennars Head not to have more direct access to a larger neighbourhood centre, as proposed in 2019, there are no effective means available to Council to ensure such larger centre is built.

Consideration of Land Contamination Issues

In accordance with the requirements of the applicable Local Planning Direction (*Direction 4.4 Remediation of Contaminated Land*) the planning proposal authority must consider land contamination issues when rezoning land for residential purposes.

The planning proposal request is supported by a *Remediation of Contaminated Soil Validation Report* prepared in 2019 by ENV Solutions. This report was prepared in relation to the original 34ha subdivision site, which also contained the area the subject of the current rezoning request.

Council's environmental health staff have advised that previous investigations undertaken are sufficient to demonstrate the proposed rezoning area to R3 Medium Density Residential is considered suitable for residential use.

Transport Statement

Traffic and transport engineering advice prepared by Urbis Transport Advisory forms a part of the planning proposal request submission. The report examines the impact of the previous development proposed for the E1 zoned land and compares this with the current proposal involving less commercial floor space and more residential accommodation.

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

The report concluded that the am peak traffic generation will be generally consistent with the previously proposed development concept. In the evening peak a significant reduction in traffic has been estimated. On this basis the consultants have concluded that no adverse traffic impacts are expected as a result of the proposed rezoning.

Council's Development Engineer has advised that trips generated by the multi residential development is less than the commercial centre gross floor area (GFA) rate modelled as part of the approved subdivision development application.

Therefore, the rezoning proposal will reduce traffic impact in the area in the ultimate developed state.

Potential Noise Impacts

A further consideration from an environmental health perspective are noise impacts. This concern relates to road traffic noise impacts and potential noise impacts due to the proximity of proposed residential uses (shop top housing and townhouses) and commercial uses within the E1 Local Centre

At this stage, these matters are considered to be resolvable.

They are matters that will require assessment at the DA stage and do not require further consideration as part of the planning proposal process.

Stormwater, Sewer and Water Servicing Issues

OSKA Consulting Group have undertaken a high-level review examining whether the proposed rezoning area can be serviced and connected to Council's existing stormwater drainage, sewerage and water reticulation networks.

The review has found that servicing of this site is achievable and existing council networks should have adequate capacity. Stormwater quantity and quality standards can be achieved by an onsite detention and treatment tank (or similar).

Sewer and water servicing can be achieved via connection to the existing reticulation networks located in the adjacent verge area.

Council's Development Engineer has advised that the lot has access to water and sewer infrastructure with adequate capacity to service the rezoning. Stormwater has a legal point of discharge and has met flow and treatment requirements.

The rezoning can be supported from an infrastructure perspective.

Environmental Considerations

The site is cleared and has a gentle slope, making it suitable for medium-density residential development without significant environmental impacts.

Future development will be subject to Council's Development Control Plan, which will ensure compliance with environmental and design standards.

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

Local and Strategic Planning Merit

The proposed rezoning of E1 zoned land to R3 medium density, and the correction of the 7(d) zoning anomaly, is not inconsistent with the applicable strategic planning framework.

The proposal is also considered to have sufficient local strategic planning merit to warrant the Council supporting the planning proposal request and to seek a Gateway determination.

Rezoning what amounts to surplus E1 Local Centre land to an R3 Medium Density zone is also in line with the principles contained within the 2024 *Ballina Shire Housing Strategy*.

The rezoning proposal is likely to result in the creation of a more diverse housing mix at Skennars Head, near a proposed neighbourhood centre. Townhouses, as well as potential shop top housing units, will add to the housing mix available at this location.

Due to these factors the planning proposal is considered to have local strategic planning merit.

Planning Agreement

To support the timely development of the commercial portion of the site, the proponent has offered to enter into a (Voluntary) Planning Agreement (PA).

Attachment 4 contains a copy of the proponent's letter of offer.

Through the letter of offer the proponent has agreed that no residential lots (strata or otherwise) will be registered within the area rezoned to R3 Medium Density Residential, until such time as an Occupation Certificate has been issued for at least 50% of the approved commercial floor space.

A draft planning agreement has not yet been prepared pending the Council's consideration of the letter of offer.

At this stage it is considered reasonable that Council support entering into a planning agreement (or other suitable mechanism to deliver the proposed outcome) with the proponent and landowner subject to the following matters being agreed with the proponents:

- The planning agreement specify 600m² as the minimum amount of commercial floor space required to be the subject of the Occupation Certificate
- Unless otherwise agreed by Council's legal advisor the planning agreement be required to be registered on the title of the lot, or that part of the lot containing the proposed R3 zone, and
- The proponent agreeing to pay for Council's reasonable costs associated with the preparation of the planning agreement as provided for in Council's 2024/25 Fees and Charges.

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

Subject to this being agreed it is proposed to authorise the preparation of the draft planning agreement (or other appropriate agreement mechanisms based on Council's legal advice).

A pre-lodgement development application (DA) meeting was held on 3 September 2024 with the proponent's consultant planner.

The development discussed at that time involved a three-building concept for that part of the site proposed to retain an E1 zone.

Each building consisted of three levels.

This proposal contained 1170m² of commercial floor space (804m² of food and drink premises in five tenancies and 366m² of commercial / retail floor space in 4 tenancies) plus 27 shop top housing units.

Car parking for 142 vehicles was also proposed.

It is anticipated that a DA will be lodged in the near future.

Attachment 5 contains a copy of the plans discussed at the pre-lodgement DA meeting on 3 September 2024.

Planning Proposal

Having regard to the above matters a draft planning proposal (BSCPP 24/004 Aureus Village Centre) has been prepared and is contained in Attachment 6 to this report.

The planning proposal provides for the following matters:

- Rezoning of part of Lot 346 from E1 Local Centre to R3 Medium Density Residential
- Rezoning of part of Lot 346 from 7(d) Environmental Protection (Scenic / Escarpment) zone under the provisions of Ballina LEP 1987 to part E1 Local Centre and part R3 Medium Density Residential under the Ballina LEP 2012
- Removal of the proposed R3 zoned portion of Lot 346 from the Floor Space Ratio Map
- Consequential changes to the Land Application Map and zoning relative to property boundaries as required.

Amending the Floor Space Ratio Map will result in the existing floor space ratio restrictions applicable to Lot 346 continuing to apply to the E1 Local Centre zoned portion of the lot.

This provides for an overall floor space ratio of 0.8:1 for this portion of the site. Commercial floor space is, however, limited to 0.4:1 by clause 7.11 of BLEP 2012.

This limitation would enable a maximum of 2560m² of commercial floor space to be erected on this part of the lot.

Delivery Program Strategy / Operational Plan Activity

The processing of planning proposal requests aligns with the 2024 – 2028 Delivery Program and Operational Plan Outcome HE3.1f – Maintain Local Environmental Plan.

Community Engagement Strategy

Should Council resolve to proceed with the recommendations outlined in this report, community engagement will be initiated through the public exhibition of the planning proposal and associated planning agreement following a Gateway determination.

Community engagement will be undertaken as required by the provisions of the *Environmental Planning and Assessment Act 1979* and Council's *Community Participation Plan*.

A minimum exhibition period of 28 days will be required.

Financial / Risk Considerations

Costs associated with the processing of the planning proposal and planning agreement will be required to be met by the proponent as specified in council's *Fees and Charges*.

Options

The options available include:

Option 1 – Provide initial support for the planning proposal request and associated proposed draft planning agreement and seek a Gateway determination to enable public exhibition of the planning proposal.

This is the recommended option.

Adoption of this option will result in broad community consultation and the Council having a further opportunity to consider the merits of what is proposed following community engagement (assuming a Gateway determination is issued by DPHI).

As part of this approach, a planning agreement or other suitable legal document would be drafted in line with the letter of offer contained in Attachment 4 and exhibited in conjunction with the planning proposal.

Option 2 – Decline to support the planning proposal request and the draft planning agreement.

This option is not recommended.

Council has no effective means available which could require the proponent to construct a neighbourhood centre of the size, and containing the facilities, originally proposed in 2018.

As indicated in the submitted *Retail Needs Assessment* report, the retailing environment has changed considerably since the Aureus Neighbourhood Centre was originally proposed.

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

That being the case reducing the size of the E1 zone and increasing the amount of R3 Medium Density land available is considered a reasonable outcome.

The proposed planning agreement will also ensure that a minimum of 50% (600m²) of the commercial floor space currently proposed in the neighborhood centre will be constructed prior to the registration of residential lots within the proposed R3 zoned area.

If Council rejects the proposed planning proposal request, then the proponent may seek to appeal this decision with the Department of Planning, Housing and Infrastructure.

RECOMMENDATIONS

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 relating to the application of a R3 zone to part of Lot 346 DP127483, the correction of the zoning anomaly as it relates to the 7(d) zone, and consequential changes to the Floor Space Ratio Map, and Land Application Map if required, as detailed in planning proposal (BSCPP 24/004 Aureus Village Centre) contained in Attachment 6.
2. That Council submit planning proposal BSCPP 24/004 Aureus Village Centre to the NSW Department of Planning Housing and Infrastructure for Gateway determination.
3. That the Department of Planning Housing and Infrastructure be advised that Council is seeking to be authorised as the Local Plan Making Authority for this LEP amendment and to exercise its delegated plan making functions.
4. That upon an affirmative Gateway determination being received the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
5. That Council endorse the preparation of a draft Planning Agreement as detailed in this report with amendments as proposed.
6. The draft planning agreement (or other suitable legal mechanism) once finalised be publicly exhibited concurrently with the planning proposal.
7. That the planning proposal and associated planning agreement be reported to Council for further consideration following the completion of the public exhibition period.

Attachment(s)

1. Planning Proposal Request - Aureus Village
2. 2018 Proponents Neighbourhood Centre Development Concept
3. Aureus Village Retail Needs Assessment Report
4. Planning Agreement - Intrapac Letter of Offer
5. Pre-lodgement Meeting Plan Set 3 September 2024
6. BSCPP 2024-004 - Planning Proposal - Aureus Village Centre (V1 Commencement)

8.2 Planning Proposal - LEP 2012 General Amendments - Finalisation

8.2 Planning Proposal - LEP 2012 General Amendments - Finalisation

Section	Strategic Planning
Objective	To present the outcomes of the exhibition of the draft general amendments to Ballina LEP 2012 and seek direction on the finalisation of the planning proposal.

Background

Council regularly undertakes reviews of the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) to identify improvements that can be made and ensure that the plan is operating efficiently.

At the July 2024 Ordinary meeting, Council considered a report on a planning proposal which proposed several amendments that resulted from the latest general review of the Ballina LEP 2012.

At that meeting, Council resolved to endorse the planning proposal for Gateway Determination and public exhibition.

A Gateway Determination was issued by the Department of Planning, Housing and Infrastructure (DPHI) on 26 August 2024, requiring some minor amendments to the planning proposal, and authorising the public exhibition and agency consultation.

In accordance with the Gateway Determination, the planning proposal was sent to NSW Rural Fire Service, Department of Climate Change, Energy, Environment and Water – Biodiversity Conservation and Science Division, and Department of Primary Industries and Regional Development.

Responses from those agencies raised no objection to the proposal.

Public exhibition of the planning proposal was undertaken between 24 October and 20 November 2024. Seven submissions have been received.

This report outlines the submissions, the response to the issues raised, and seeks direction on the finalisation of the proposed LEP amendments.

Key Issues

- Active frontage provisions in Alstonville Village Centre
- Prohibition of dwellings in E1 Local Centre Zone
- Permissibility of dual occupancy in R2 Low Density residential zone
- Dwelling entitlement George Street Tintenbar

Discussion

Proposed LEP Amendments

This planning proposal seeks to amend the Ballina Local Environmental Plan 2012 (BLEP 2012) to address a range of routine or minor planning issues, improve the operation of the plan and ensure the plan is contemporary.

8.2 Planning Proposal - LEP 2012 General Amendments - Finalisation

The following table sets out the amendments as presented to the 25 July 2024 Ordinary meeting.

Item	Location	Affects	Details
1	Heritage Wall, Cumbalum	Map: HER_005B HER_005D	Amend reference to Heritage Item I97 within Part 1 of Schedule 5 to the LEP to update the relevant property description. Update Heritage Map sheets to show the item on the correct property.
2	Lennox Head and Alstonville Village Centres	CI 7.13 Map: New Active Frontages Maps	Amend clause 7.13 to replicate active frontage provisions that apply in Ballina CBD to the Lennox Head and Alstonville village centres to promote ground floor uses that attract pedestrian traffic.
3	Shire-wide	CI 4.3A	Amend clause 4.3A - Exceptions to height of buildings to address sites where existing ground levels are higher than the level shown on the Building Height Allowance Map, providing that the maximum height of a building to which this clause applies is measured from the higher of either the existing ground level or the minimum level (AHD) permitted for that land on the map.
4	Shire-wide	CI 7.9	Amend clause 7.9 - Rural and nature-based tourism development to include a reference to agritourism.
5	Shire-wide	E1 Zone	Remove <i>dwelling houses</i> and <i>secondary dwellings</i> from the list of land uses permitted with development consent and include them in the list of prohibited uses.
6	Tintenbar	Map: DWE_005B	Remove land at Tintenbar from the Dwelling Opportunities Reinstatement Map.

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Item	Location	Affects	Details
7	Avalon Estate, 17 Millbrook Terrace, Wollongbar (Lot 129 DP 1276352)	Map: LZN_001B LSZ_001B HOB_001 LAP-001	<p>Rezone the parts of the lot that are currently “deferred matter” to C3 Environmental Management. A small portion of R3 Medium Density zoned land on the western boundary of the lot is also proposed to be zoned C3.</p> <p>This would provide for the subdivision of the land to include one lot containing all the area zoned C3 Environmental Management, which would then have a dwelling entitlement.</p> <p>Subsequent map amendments proposed to:</p> <ul style="list-style-type: none"> • show land as included on Land Application Map; • apply a 40ha minimum lot size to the rezoned part of the site; • apply an 8.5m maximum building height to the rezoned part of the site.
8.	Shire-wide	CI 4.1B CI 7.17 Sch 1 – Items 1A, 8 & 12	<p>Align LEP provisions to SEPP (Housing) 2021 in relation to dual occupancy development.</p> <p>SEPP (Housing) 2021 was recently amended to provide that dual occupancy development is now permitted with development consent in Zone R2 Low Density Residential across the State.</p> <p>Amendment relates to strata subdivision of dual occupancy and removal of associated redundant provisions from the LEP.</p>
9	20 & 22 River Drive, East Wardell	Map: LZN_003A LSZ_003A	Rezone the properties from RU2 Rural Landscape to R2 Low Density Residential and apply a minimum lot size of 1,200m ² , consistent with adjoining residential area.
10	Lot 10 DP 12997404 Ascot Place, Ballina	Maps: LZN_006C LSZ_006C	Amend the E4 General Industrial zone boundary and the minimum lot size map to align with property boundary.
11	Shire-wide	CI 4.2B	Amend wording in clause to clarify intent and application of provision in relation to changes to lot boundaries in rural and conservation zones.
12	Shire-wide	Various zones	Prohibit <i>advertising structures</i> in all zones. Business and building identification signs would continue to be permitted.

8.2 Planning Proposal - LEP 2012 General Amendments - Finalisation

Information regarding the background to these matters, the amendments proposed and the justification for the changes, is outlined in the report to the 25 July 2024 Ordinary meeting, as per the following link:

[Agenda of Ordinary Meeting of Ballina Shire Council - Thursday, 25 July 2024.](#)

The planning proposal, updated as follows, is included as Attachment 1.

Gateway Conditions

The DPHI's Gateway Determination, a copy of which is provided as Attachment 2, included the following conditions (in italics):

Prior to agency and community consultation, the planning proposal is to be amended to:

(a) include mapping of all proposed planning controls changes;

Additional maps were provided in the planning proposal that was exhibited, in relation to Item 7, updating the Height of Building Map and the Land Application Map.

(b) remove Item 9 from the planning proposal;

See table above. Item 9 related to two existing lots at Wardell. The lots are zoned RU2 Rural Landscape but are bounded on both sides by similarly sized lots that are zoned R2 Low Density Residential.

The Department determined that rezoning of these lots could not be included in a "Housekeeping Amendment" and would need to be pursued by a site-specific rezoning proposal.

In accordance with this condition, the item was removed from the planning proposal before it was exhibited.

(c) update the proposed zoning and lot size maps within the document to show that no changes are intended for adjoining land Lot 2 DP 791177;

This relates to Item 10 in the previous table, land at Ascot Place Ballina.

The amendment proposes the correction of a mapping anomaly, to align the zone and lot size map boundaries to the property boundary.

The initial draft of this amendment contained an error which changed the zoning of a small part of an adjoining lot (Lot 2 DP 791177).

That error was corrected in the planning proposal that was exhibited.

(d) clarify that the purpose of Council's proposed amendment of clause 4.2B (Item 11) is to restrict the clause's application to boundary adjustments;

The planning proposal was amended prior to exhibition to clearly state the intention of this amendment.

8.2 Planning Proposal - LEP 2012 General Amendments - Finalisation

(e) *clarify in Item 12 that advertising structures are currently permissible in the E4 General Industrial zone;*

The planning proposal was amended prior to exhibition to provide this clarification.

(f) *include a completed NSW Coastal Design Guidelines 2023 Appendix 1: Assessment checklist for planning proposals; and*

The planning proposal was amended prior to exhibition to include the required checklist.

(g) *clarify that no change to the current permissibility of agritourism in the C3 Zone is intended regarding Item 4.*

The planning proposal was amended prior to exhibition to provide this clarification.

The updated planning proposal was referred to the following State Agencies for comment, as required by the Gateway Determination:

- NSW Rural Fire Service
- Department of Climate Change, Energy, Environment and Water – Biodiversity Conservation and Science Division, and
- Department of Primary Industries and Regional Development.

The agencies have responded, with none raising any concerns about the proposed amendments.

The agency responses are provided as Attachment 3.

Submissions to the Planning Proposal

The proposal was also placed on public exhibition between 24 October and 20 November 2024.

Seven submissions were received, with the issues raised as follows.

Two of the submissions are provided as a confidential attachment.

The submissions are contained in Attachments 4 and 5.

Active frontages in Alstonville (Item 2 in Planning Proposal)

One submission was received regarding this Item.

The proposal is to amend clause 7.13 of the LEP to replicate active frontage provisions that apply in Ballina CBD to the Lennox Head and Alstonville village centres, to promote ground floor uses that attract pedestrian traffic.

Clause 7.13 of the LEP relates to land located within the Ballina Central Business District that is identified as “Active Frontage” on the *Active Frontages Map*.

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The objective of the clause is to promote uses of the land that attract pedestrian traffic at street level by requiring certain nominated land uses at ground level within those sites.

The list of nominated land uses is smaller than the list of land uses permitted with consent in the zone, ensuring that ground floor uses are primarily commercial/ retail in nature, thereby attracting people to the centres.

The current wording of clause 7.13 is:

7.13 Active frontages

- (1) *The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street, park and waterfront frontages in E2 Commercial Centre.*
- (2) *This clause applies to land identified as “Active frontage” on the Active Frontages Map.*
- (3) *Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that all premises on the ground floor of the building facing the street, park or waterfront are to be used for the purposes of centre-based child care facilities, commercial premises, community facilities, educational establishments, entertainment facilities, function centres, hotel or motel accommodation, information and education facilities, medical centres, passenger transport facilities, public administration buildings, recreation facilities (indoor), registered clubs or respite day care centres after the erection of the building.*
- (4) *Development consent must also not be granted to a change of use of premises on the ground floor of a building on land to which this clause applies unless the new use is one of the uses identified in subclause (3).*

The Alstonville and Lennox Village Centres are both zoned E1 Local Centre. The proposal suggests a wording change to part (1) of the clause, to add reference to this E1 zone.

The submission received objects to the application of this clause to the Alstonville Village Centre, on the basis that it would add a further restriction to potential uses, at a time when owners are finding it difficult to get tenants.

Comparing the list of uses permitted under Part 3 of the Active Frontages clause, with the uses permitted with consent in the E1 Local Centre zone, the application of the clause to Alstonville and Lennox would only ‘rule out’ uses of a residential nature – i.e. boarding houses, group home, respite day centre – as well as places of public worship and service stations.

Approval of any of these uses would be detrimental to the viability of the Alstonville Main Street and it is important to the ongoing viability and success of that centre that ground floor uses continue to be of a commercial/ retail nature that attract people into the centre.

It is considered that application of the clause to Alstonville Village Centre will not create any realistic restriction on potential future uses.

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Council can monitor changes over time and respond to any potential negative impacts felt by property owners as needed.

Prohibit dwellings in E1 Local Centre Zone (Item 5 in Planning Proposal)

Two submissions were received on this item.

The proposed amendment would remove *dwelling houses* and *secondary dwellings* from the list of land uses permitted with development consent in the E1 zone and include them in the list of prohibited uses.

The E1 Local Centre zone is intended to provide for the retail and business needs of the local area. Development of dwelling houses within these centres is inconsistent with the objectives of the E1 zone, in that it will not encourage investment in local commercial development that generates employment opportunities and economic growth.

The two submissions received relating to this item suggest that the amendment should not apply to any existing development applications for proposed dwellings in an E1 zone, and that Council should include a 'savings provision' to that effect.

A search of active applications indicates that there are no current development applications for dwellings in an E1 zone.

A previous application, DA 2022/333 at 43 Ballina Street, Lennox Head involving erection of a dwelling, has been refused and appealed in the Land and Environment Court. The matter has been heard but judgement not yet handed down.

Council staff recently advised the Court of the exhibition of the planning proposal so that the Commissioner may consider what weight to give the LEP amendment.

Both submissions received to this issue are from people associated with this Court matter, suggesting that prohibition of dwellings in the E1 zone, without a savings provision, would prejudice that matter.

As mentioned, the Court appeal has been heard, and the Commissioner advised of the draft LEP amendment.

It is for the Court to determine the extent of weight to be given to the proposed amendment and the strategic intent that underpins it.

Inclusion of a savings provision for this matter in the LEP is not recommended.

There was also some concern raised regarding this item, about whether the amendment would mean that an existing dwelling located on land zoned E1 would, in effect, become 'illegal', preventing future applications for alterations and/or additions or affecting any future sale.

This is not the case. Assuming a dwelling in the E1 zone to be lawfully erected, it would enjoy 'existing use rights' after dwellings become prohibited in the zone.

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The *Environmental Planning and Assessment Act 1979* contains provisions that allow existing lawful development to continue to be used and allowing for consideration of applications to alter or amend that use.

The amendment will not restrict the continued use of such dwellings, or the ability to apply for alterations, or the ability to sell the property for use as a dwelling as existing use rights stay with the land, not the property owner.

As such, there is no need to alter or adjust the amendment as proposed.

Dual Occupancy (Item 8 in Planning Proposal)

Two submissions were received regarding Item 4. Both are in Attachment 4.

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) has recently been amended by the State Government, with the effect that development for the purposes of dual occupancy is now permitted with development consent in the R2 Low Density Residential zone across the whole of the State, with some exclusions, notably land that is bush fire prone, flood prone or in a coastal vulnerability area.

As outlined in the exhibited planning proposal, several amendments are proposed to reflect this change, including:

- Amend clause 4.1B such that there would not be a minimum lot size restriction relating to the proposed strata subdivision of residential development (including dual occupancy) in the R2 Low Density Residential zone.
- Remove clause 7.17 and a number of 'Additional Permitted Use' items in Schedule 1 of the LEP, which permit dual occupancy on specified lots in R2 zoned land at Alstonville, Wollongbar and Wardell.

Clause 7.17 currently permits dual occupancies (attached) on R2 zoned lots in Wollongbar with an area of 900m² or greater.

Item 8 in the Additional Permitted Use schedule allows the same thing for R2 zoned lots in Alstonville, where the lots is 900m² or more.

Item 12 in the schedule allows dual occupancy (attached) on R2 lots that are specifically mapped on the Additional Permitted Uses Map (Map Sheet 3A) (lots of a variety of sizes).

Under the current LEP, these are the only clauses that allow dual occupancy development on land zoned R2 Low Density Residential.

The intention of removing cl 7.17 and the additional permitted use items was to allow the permissibility of dual occupancy in these R2 areas to be dealt with under the recently amended provisions of Housing SEPP (subject to the exclusions that apply in that SEPP).

However, where a dual occupancy is permitted under the SEPP but not permitted with consent in the Local Environmental Plan, approval can only be sought by way of a development application (DA).

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Where a dual occupancy is permitted in both the SEPP and LEP, approval can also be sought by way of a complying development certificate.

The unintended effect of the proposed removal of cl 7.17 and the additional permitted use items, would be to remove the landowner's ability to seek approval via complying development.

Given this, it is recommended that these clauses remain in the LEP but be amended to remove any lot size restriction.

It is also recommended that bushfire related provisions be removed noting the exclusion relating to bushfire prone land contained in the SEPP.

This adjustment has been made in the final version of the Planning Proposal in Attachment 1.

Lot sizes for dual occupancy development are addressed in a separate report in this Business Paper.

Both submissions support the proposals relating to dual occupancy development.

One goes further, suggesting that the LEP amendment should list dual occupancy as a permitted land use in the R2 Low Density Residential zone within the Ballina LEP.

This would allow applicants to apply for such development under the provisions of the LEP, rather than relying on the Housing SEPP provisions.

As indicated, the SEPP provisions include exemptions, such that dual occupancy is not permitted on flood prone land or bushfire prone land.

Permitting dual occupancy development in the LEP would mean that issues such as flooding and bushfire would be matters for merit consideration rather than outright prohibitions.

Also, as indicated, permitted dual occupancy development on R2 zoned land in the LEP would provide the option for gaining approval via a Complying Development Certificate.

A separate report in this business agenda addresses this issue in more detail.

Dwelling Entitlement Tintenbar (Item 6 In Planning Proposal)

Two submissions were received on this matter; one from a landowner, and one from a solicitor.

The planning proposal seeks to amend the existing *Dwelling Opportunity Reinstatement Map*, as it relates to land at George Street Tintenbar (Map 5B).

The *Dwelling Opportunities Reinstatement Map* identifies land where Council records indicate historic dwelling entitlements exist.

In several cases, the properties mapped constitute historic groups of lot holdings and clarify that a single dwelling entitlement exists over a group of lots.

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The intention of the mapping is to preserve historic entitlements which pre-date Ballina LEP 1987 and Ballina LEP 2012, with the principle being that if a landowner was legally entitled to apply for approval for a rural dwelling before those LEPs were enacted, that entitlement should remain.

In relation to land at George Street Tintenbar, the current map shows a group of 45 lots (coloured purple and labelled C) as having a single dwelling entitlement, with Lot 289 (coloured pink and labelled A) having a single dwelling entitlement.



The mapping recognises the history of the group of lots, as an “existing holding” in one ownership.

More recently however, a number of individual lots within this holding have been sold, such that the grouping is no longer in single ownership.

The submissions received are from the majority landowner (who sold the individual lots) and from that landowner’s solicitor, objecting to removal of the map, on the basis that this would remove the existing dwelling entitlement.

There is a long history of correspondence between staff and this landowner, with consistent advice provided since the late 1990s that there is only one dwelling entitlement in relation to the group of 45 lots.

Despite a number of lots having now been sold, whilst ever the *Dwelling Opportunities Reinstatement Map* remains in its current form, the legal situation will remain that only one dwelling entitlement exists across this group of lots.

The sale of some lots has complicated the situation, in terms of how that entitlement might be taken up.

The lots were apparently sold with disclosure that they, individually, did not have a dwelling entitlement.

It would be open to a new owner of one of those lots, however, to seek to exercise that entitlement by submitting a development application for a dwelling.

It is possible this could occur in a circumstance where multiple applications are

8.2 Planning Proposal - LEP 2012 General Amendments - Finalisation

made to exercise the one entitlement at once which creates a complex situation around who might obtain a development approval for a dwelling and who does not.

In the circumstances, the options for moving forward are:

1. Leave the current mapping within the *Dwelling Opportunities Reinstatement Map* in place and address the issue when a landowner chooses to lodge an application.

This would mean addressing the issue in the context of an individual development application.

2. Amend the mapping within the *Dwelling Opportunities Reinstatement Map* to remove the lots that have been sold and that are now in separate ownership.

This would retain a single dwelling entitlement over the group of lots owned by the 'original' owner, but the lots that have been sold individually would have no entitlement for a dwelling.

3. Amend the *Dwelling Opportunities Reinstatement Map* as proposed in the exhibited Planning Proposal, to remove any reference to the 45 lots in this locality.

This would result in no entitlements in place across the land.

Option 3 is recommended on the basis that the original landowner of the group of lots has had long standing opportunity to exercise the dwelling entitlement whilst the lots were in the same ownership, and the now fragmented nature of the land holdings creates equity and fairness issues as well as uncertainty and the potential for conflict, misunderstandings or unreasonable expectations amongst land purchasers.

Notably, information regarding the nature of the entitlement has been provided to the original land holder on multiple occasions.

In terms of the long-term development potential of Tintenbar for additional residential development, this is something Council could consider further in reviewing its strategic planning framework.

Staff are currently working on action HE3.1g under the Delivery Program and Operational Plan to integrate the Local Growth Management Strategy into Council's Local Strategic Planning Statement (i.e. locate overarching urban growth planning within one document).

Council could elect to review urban development opportunities for Tintenbar as part of that process having regard for the overall planning framework and context that is set out under the LSPS.

This approach is recommended and incorporated into the recommendations. Importantly though there are some significant issues to consider such as reticulated sewer availability and cost, flooding and direction of resources and infrastructure provision to existing planned urban areas that have capacity to meet projected population growth.

The recommendation is to consider these matters in the context of the LSPS.

8.2 Planning Proposal - LEP 2012 General Amendments - Finalisation

Conclusion

The assessment of the submissions received result in the following recommended amendments to the planning proposal:

- Regarding dual occupancy development on R2 zoned land, the proposal be amended to retain the existing controls but without reference to minimum lot sizes or bushfire management (this change has been incorporated into the final planning proposal in Attachment 1).

It is recommended that Council submit the revised planning proposal to the Department of Planning, Housing, and Infrastructure for finalisation.

Delivery Program Strategy / Operational Plan Activity

Processing of LEP amendments and planning proposals is identified in Council's 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

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 24 October and 20 November 2024.

Financial / Risk Considerations

Processing of the LEP amendment can continue to be undertaken within Council's existing resources. None of the proposed amendments raise financial issues for Council.

Options

The following options are presented for Council's consideration.

Option 1 – Finalise the LEP Amendment

This is the recommended option.

Finalising the amendment will provide updates to the LEP to address the nominated issues, ensuring that the LEP continues to operate efficiently.

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 amendments to Ballina Local Environmental Plan 2012 as outlined in Planning Proposal BSCPP 24/002, included as Attachment 1 to this report.
2. That Council submit Planning Proposal BSCPP 24/002 (as per Attachment 1) to the Department of Planning, Housing, and Infrastructure for finalisation.
3. That Council undertakes a constraints and opportunities analysis in relation to the potential for additional housing in the Tintenbar locality within the context of the Ballina Shire Local Growth Management Strategy and Local Strategic Planning Statement.

Attachment(s)

1. BSCPP 24 002 - General Amendments 2024 - Planning Proposal (V4 Final)
2. BSCPP 24/002 Gateway Determination
3. BSCPP 24/002 - BLEP 2012 General Amendment - Agency Submissions
4. BSCPP 24/002 - General Amendments - Public Submissions not confidential
5. BSCPP 24/002 - BLEP 2012 General Amendment - Public Submissions - CONFIDENTIAL (Under separate cover) (Confidential)

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

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

Section	Strategic Planning
Objective	To report on submissions to the public exhibition of amendments to Chapter 4 of the Ballina DCP and determine the approach to finalisation of the amended Chapter.

Background

At the 22 August 2024 Ordinary meeting, Council considered a report on proposed amendments to Chapter 4 of Ballina Development Control Plan 2012 (DCP).

Council resolved to endorse the draft amendments for public exhibition.

Chapter 4 contains Council's requirements relating to development applications for all forms of residential and tourist accommodation development, with the aim to provide for high quality residential neighbourhoods.

The review of the Chapter was undertaken to ensure that the controls are achieving this aim, that they remain contemporary and are 'fit for purpose', and that there is an appropriate balance between ensuring quality design outcomes and facilitating quick and efficient assessment of applications for residential development.

A key focus of the review was simplifying the requirements and simplifying the process for preparing and assessing development applications relating to dwelling houses, secondary dwellings, and dual occupancies.

This was balanced with protection of neighbourhood amenity, avoiding unreasonable impacts on adjoining properties and ensuring the liveability and functionality of homes.

This aligns with the aim to reduce assessment timeframes for residential development, NSW Government housing targets and the Minister for Planning's expectations relating to development assessment timeframes.

The review also responded to a Council resolution from the 25 July 2024 Ordinary meeting, to examine lot sizes for dual occupancy development as part of the current review of residential development controls in the DCP, having regard for State Government housing policy.

The draft DCP Chapter was exhibited for public comment from 2 September to 1 October 2024. Local planning, building and design consultants were consulted during the review process and advised of the public exhibition of the draft document.

In response, two submissions were received. The issues raised in submissions are addressed in the report. A copy of the submissions is included as Attachment 1.

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

An DCP Chapter which incorporates changes as set out in this report is contained in Attachment 2. This report recommends that the draft DCP contained in Attachment 2 is adopted for implementation.

Key Issues

- Solar access requirements
- Minimum lot size requirements for dual occupancy development
- Setbacks

Discussion

The development controls outlined in the current version of Chapter 4 within the Ballina DCP apply to all forms of residential and tourist development and form the basis for the assessment of development applications for these development types.

For residential development, the current controls apply to single dwellings, dual occupancies, secondary dwellings, and medium density forms of development.

The controls are outlined within 17 individual “Elements”, covering topics such as building height, building envelopes, overlooking and privacy, solar access, dwelling density, and more.

The intention of reviewing these controls was to simplify the provisions for smaller scale residential development while ensuring that the Chapter continues to facilitate high quality urban design and built form outcomes.

Given that most housing development applications received by Council are for single dwellings and lower density forms of residential development, the review concentrated on a suite of controls that will simplify both the design and assessment stages for such development.

As reported to the Council Meeting in August, the main changes to the Chapter were to separate and simplify the development controls into the following sections:

- **3.1 Dwelling Houses and Dual Occupancies**
Controls regarding:
 - Minimum Lot Area
 - Setbacks
 - Articulation Zone
 - Landscaping and Open Space
 - Solar Access and Designing for Climate.
- **3.2 Secondary Dwellings**
Controls regarding setbacks and private open space.
- **3.3 Multi-Dwelling Housing, Residential Flat Buildings**
Controls were largely unchanged from those in the current chapter.
- **3.4 Small Lot Integrated Housing**
No change to controls relating to concurrent subdivision of land and erection of dwellings.
- **3.5 Elements Associated with Residential and Tourist Development**
Provisions that can apply to all forms of residential and tourist development (e.g. in relation to fencing, earthworks, privacy).

Dwelling Houses and Dual Occupancy (Section 3.1)

Minimum Lot Area for dual occupancy

At the 25 July 2024 Ordinary meeting, Council resolved to examine the lot size requirements for dual occupancy development (i.e. the minimum size of a lot needed to apply for a dual occupancy development).

This followed an amendment to *State Environmental Planning Policy (Housing) 2021*, which now permits dual occupancy development in all R2 Low Density Residential zones across the State (subject to some exclusions, e.g. flood prone land, bushfire prone land).

Before that amendment, dual occupancy was permitted in the Ballina LEP in the R3 Medium Density zone, but prohibited in the R2 Low Density Residential Zone, other than attached dual occupancy on specified properties in Alstonville, Wollongbar and Wardell.

In the case of Alstonville and Wollongbar, attached dual occupancies are permitted on lots with an area of 900m² or greater, with slopes less than 20%. In Wardell they are permitted on lots 450m² or greater.

The recent amendment to the Housing SEPP now means that dual occupancy development, attached or detached, is permitted with development consent in the R2 Low Density Residential zone, over-riding the prohibition in the Ballina LEP (although there are some excluded areas based on environmental characteristics such as flooding contained in the SEPP).

The SEPP amendments do not specify minimum lot area requirements.

A separate report elsewhere in this business agenda discusses the implications of the SEPP amendment in more detail.

The exhibited draft Chapter 4 contained a table specifying that the minimum lot size required for dual occupancy development in both the R2 Low Density and R3 Medium Density Residential zones should be:

- 450m² for attached dual occupancy; and
- 600m² for detached dual occupancy.

Neither of the submissions received following exhibition commented on this component of the draft Chapter.

However, as outlined in the separate report in this business paper, staff have now further examined the implications of the recent SEPP amendments in response to a request from the Department of Housing, Planning and Infrastructure regarding lot sizes for dual occupancy.

The State Government's intention in permitting dual occupancy in R2 zones is to stimulate an increase in housing supply in existing urban areas.

While this is very important, it should be balanced with ensuring that there is not a dramatic change to urban character in these areas.

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

Staff recommend that, in finding this balance, the dual occupancy minimum lot size control should be changed to:

- For dual occupancy in the R2 Low Density Residential Zone:
 - The minimum lot size for subdivision that is applicable on the LEP 2012 *Minimum Lot Size Map*, but not less than 600m².
This would allow attached or detached dual occupancy buildings to be considered if the subject property has the minimum lot size that applies to that locality (or greater) with a minimum area of 600m². The minimum lot sizes for subdivision across the R2 zone are generally 600m² or 800m² with some areas at Alstonville and Lennox Head having a minimum lot size of 1,200m².
Under this approach R2 zoned areas where the lot size is less than 600m² would not meet the area required for a dual occupancy (Aureus has a minimum lot size for subdivision of 450m²). This is proposed as dual occupancies on lots below 600m² in low density residential areas may result in too much of a change in residential amenity at this time.
- For dual occupancy in the R3 Medium Density Zone – as exhibited:
 - 450m² for attached.
 - 600m² for detached.

Setbacks

The existing Chapter sets main setbacks for all residential development of:

- 6.0m from the street (front) boundary
- Side and rear – minimum of 900mm to walls; and compliance with the **Building Height Plane** (a plane measured over the land at 45° from a point 1.8 metres above the side and rear boundaries).

Together, these side and rear setback requirements provide an element of separation between buildings and results in built form that 'steps back' from boundaries with increased height. However, the building height plane has proved to be difficult to comply with on sloping sites and there is a high percentage of applications approved with a variation to compliance with the plane.

The exhibited draft Chapter included an alternate approach to setbacks for single dwellings and dual occupancy, recommending that front setbacks can be reduced from 6m to 4.5m, or to a setback equal to the average setback of dwellings on immediately adjoining properties, whichever is the greater.

This will result in new dwellings somewhat closer to the street than currently required, slightly reducing front yard areas which are unused spaces in most circumstances.

This does not mean dwellings in established areas can move forward to 4.5m from the street. In existing urban areas, when sites are redeveloped, existing streetscapes are considered under the average setback provision and retention of existing special site-specific setback requirements that are already mapped and applied.

The 4.5m provision will have most effect in new subdivision areas.

For side boundaries, the exhibited draft recommended:

- Single-storey dwelling (or ground floor of a two-storey dwelling) – 900mm to wall (same as existing)
- Second storey component (building elements above 4.5m in height) – 1.5m from side boundary on northern and eastern elevations and 2.5m on southern and western elevations.

The difference in setbacks above ground floor on different elevations considers an objective to provide for reasonable solar access to adjoining residences (i.e. the 2.5m setback supports solar access to properties on the southern and eastern side of proposed development).

For the rear setback, the exhibited draft recommended a minimum setback of 4.0m for at least 30% of the lot width. The requirement for a 4m rear setback is designed to achieve yard space, some green areas, and a better separation of buildings.

In relation to medium density residential development, the exhibited draft recommended retention of the current existing setback controls, including the building height plane.

Neither of the submissions received made detailed comment on the setback recommendations, although one submission indicated support for the removal of the building height plane requirement for single dwellings and dual occupancies.

Solar Access

Existing solar access requirements are the subject of both submissions received to the draft Chapter.

The existing requirements in relation to solar access apply to all forms of residential accommodation and the key requirements are:

- Buildings are to be orientated with the main indoor and outdoor living spaces and major windows facing toward the north and east;
- The windows of living areas must receive at least three hours of direct sunlight between 9.00am and 3.00pm in mid-winter; and
- New buildings must maintain at least three hours of direct sunlight to windows of living areas for adjacent buildings (where those windows face north, north-east or north-west).

The exhibited draft contained changes to these provisions to simplify and reduce compliance requirements, including:

- Dwellings to be orientated to have a living area with a major window facing north, north-west, north-east or east that receives two hours of direct sunlight in mid-winter.
- 50% of private open space areas for dwellings to receive two hours of direct sunlight in mid-winter.
- Removal of the requirement for maintenance of 3 hours sunlight to living areas and private open space for adjacent dwellings.

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

Both submissions provided detailed commentary regarding the solar access provisions (see Attachment 1). Issues raised include:

- Sunlight directly onto a window is often detrimental to BASIX and NatHERS thermal comfort.
- Solar access to a window is not required in any form in the SEPP (Exempt and Complying Development) Housing Code.
- The BASIX thermal comfort protocol aims to ensure thermal comfort for the occupants appropriate to the climate and season.
- Additional restrictions such as requiring direct sunlight to a major window are not warranted and should not be regulated by Council. A matter such as this should be left to the individual to decide. If sunlight into a room is important to a homebuilder, then they would design their house to achieve sunlight access. However, many owners do not desire direct sunlight into rooms. This matter would be more appropriately dealt with by personal choice.
- Instead of specifying that the private opens space area is to receive sunlight to 50% of its area, the DCP could be more flexible to allow sunlight to an alternate area of POS, e.g. if the formal 'private open space' was in a rear yard facing south, then perhaps the DCP could be worded to allow sunlight to a front yard, or alternative outdoor area, as being acceptable to satisfy the requirement.
- The control is difficult to achieve on many existing lots that are not appropriately oriented. When it is achieved, it can result in very hot dwellings, given Ballina's climate.

During discussions with building designers undertaken as part of the review process, an alternate to the existing control was discussed.

Given that the intent of the control is to ensure that living areas receive sufficient natural light, and are passively warmed in mid-winter, it was suggested that, where the quantum of direct solar access cannot be achieved, the living room must contain a minimum of 20% of its floor area as glazing.

This could provide an appropriate design response where site orientation does not allow strict compliance.

On that basis, an alternate solar access control could be:

The windows of living areas of dwellings and private open space must receive at least two hours of sunlight between 9.00am and 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice) or the living area rooms must contain a minimum of 20% of their floor area as glazing.

Other Changes to Chapter 4

Following the exhibition of the draft document, staff have also identified a few further refinements. These include adjustments to section referencing, to apply section numbering, removing the duplication of "Elements" as headings for the various controls, and consolidating the controls that are common to all forms of residential development into a single section (Section 3.4).

It was also noted that, in the draft version exhibited for comment, controls relating to solar access were inadvertently omitted from the revised section relating to medium density development. This was not intended.

Neither of the submissions received specifically noted this omission nor did they comment on solar access issues relating to medium density residential dwellings.

The submissions raised the concerns discussed above in the context of solar access requirements for single dwellings and dual occupancy development.

The updated version of the Chapter attached to this report (Attachment 2) includes the same solar access provisions as was contained in the exhibited draft for single dwellings (described above) within the section outlining controls for medium density residential development.

Should Council resolve to adopt the revised control option outlined above, that would also apply to applications for medium density development.

Delivery Program Strategy / Operational Plan Activity

The proposed amendments to the DCP align with the Delivery Program Strategy HE3.1 to *implement plans that balance the built environment with the natural environment*.

Community Engagement Strategy

The draft Development Control Plan amendments were exhibited in accordance with Council's Community Participation Plan 2019 and the requirements of the *Environmental Planning and Assessment Act 1979*. Community engagement comprised:

- Correspondence to industry representatives who had previously expressed interest in the review process
- Media release
- Project on Council's Your Say webpage with an online feedback form

The online feedback form was hosted on the webpage from 2 September to 1 October 2024.

Discussion on the two submissions received is detailed in previous sections of this report.

Financial / Risk Considerations

The processing of this DCP amendment has been undertaken within existing resources.

Options

The following options are presented for Council's consideration:

Option 1 – Finalise the DCP amendment

Adopting the proposed amendments to chapter 4 of the Ballina DCP as described in this report, and with the amendments set out in this report, is the recommended option for the following reasons:

- Draft changes have been publicly exhibited and submissions from the community considered,
- Changes have been recommended to the draft amendments in response to submissions as detailed in this report and to address administrative matters identified post exhibition,
- The proposed changes provide for an improved assessment framework for future development applications based on contemporary information.

Alternatively, Council could adopt the DCP for finalisation with additional changes as specified.

It may be prudent to re-exhibit changes that do not relate to submissions or are of a nature that warrants opportunity for further public feedback.

Option 2 – Do not adopt the proposed DCP amendment

This option is not recommended as a DCP that more accurately reflects current residential design and development issues is expected to achieve better outcomes and provide greater transparency for the community.

RECOMMENDATIONS

1. That Council endorses the changes recommended to the publicly exhibited Chapter 4 of the Ballina Shire Development Control Plan, as detailed in this report.
2. That Council adopts Chapter 4 of the Ballina Shire Development Control Plan, as per Attachment 2 to this report (inclusive of the recommended changes identified in point 1).

Attachment(s)

1. BSDCP 2012 - Chapter 4 Review - Submissions
2. BSDCP 2012 - Chapter 4 - Residential and Tourist (Final)

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

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

Section	Strategic Planning
Objective	To determine Council's preferred policy approach to dual occupancy developments in the R2 Low Density Residential zone, including permissibility and minimum lot sizes for this form of development.

Background

On 1 July 2024 Stage 1 of the State Government's Low and Mid-Rise Housing Policy commenced making dual occupancies permitted with consent in the R2 Low Density Residential zone through an amendment to the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The amendment did not specify lot sizes.

Subject to some exclusions, the Housing SEPP operates to override the Ballina Local Environmental Plan (LEP), which prohibits dual occupancy in the R2 Low Density zone, apart from in prescribed circumstances in Alstonville, Wollongbar and Wardell.

Chapter 4 of the Development Control Plan (DCP) specifies the minimum lot sizes for attached and detached dual occupancy in these locations and in the R3 Medium Density zone.

The Department of Planning, Housing, and Infrastructure (DPHI) has written to Councils advising that '*complying development for dual occupancies in the newly permitted R2 zones is not yet available, to enable Councils to consider and, if necessary, implement a minimum lot size*'.

The DPHI is proposing to amend relevant Local Environmental Plans to introduce minimum lot sizes for dual occupancy without the need for individual planning proposals, subject to Council support.

In its correspondence dated 25 September 2024 (refer to Attachments 1 and 2), the DPHI has requested Council's proposal for a minimum lot size for dual occupancy in the R2 Low Density Residential zone by 13 December 2024.

The purpose of this report is to seek Council's endorsement to advise the DPHI of its preferred lot size for dual occupancy development in the R2 zone in Ballina Shire.

In addition, the report recommends that Council also progresses a policy position to amend the Ballina LEP 2012 to make dual occupancy a permitted use in the R2 Low Density zone.

Two other reports in this agenda are relevant. At the July and August 2024 Ordinary meetings, Council resolved to endorse for the purposes of public exhibition a package of general amendments to the LEP and to Chapter 4 of the DCP.

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

In keeping with the Housing SEPP amendments, these included a minimum lot size for dual occupancy in the DCP and removal of the special clauses in the LEP applying to Alstonville, Wollongbar and Wardell.

Both the package of general amendments to the LEP and the amendments to Chapter 4 of the DCP have been on public exhibition and are the subject of separate reports in this agenda.

They should be read in conjunction with this report.

Key Issues

- Minimum lot size for dual occupancy in the R2 Low Density Residential zone
- Mechanism for permitting dual occupancy in the R2 Low Density Residential zone

Discussion

Housing SEPP Amendments

The Housing SEPP was amended by the NSW State Government on 1 July 2024.

This amendment permits with consent, dual occupancy development in all R2 Low Density Residential zones across the State, excluding land that is bush fire prone, in a flood planning area or in a coastal vulnerability area.

Prior to this in Ballina Shire, dual occupancy was permitted with consent in the Ballina LEP 2012 in the R3 Medium Density zone, but prohibited in the R2 Low Density Residential Zone, other than attached dual occupancy in relation to specified properties in Alstonville, Wollongbar and Wardell.

Proposed minimum lot size

The Housing SEPP amendments do not specify minimum lot area requirements for dual occupancy.

At the July and August 2024 Ordinary meetings, Council resolved to amend the LEP and DCP.

These changes included a proposed minimum lot size of 450m² for attached and 600m² for detached dual occupancy, regardless of location.

As discussed in a separate report in this agenda, there were no submissions to the public exhibition of the DCP and LEP amendments regarding lot size for dual occupancy.

However, staff have further reviewed the proposed lot sizes and recommend that it would be more appropriate to align them with the LEP minimum lot size for subdivision, which varies across the LGA.

The recommended approach in the DCP reporting also provides for a baseline minimum area for dual occupancies in R2 zones of 600m².

This would allow for an increase in the number of dwellings in R2 zoned areas

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

over time but balancing this with character considerations through the lot size parameter.

This is consistent with Council's Housing Strategy, which seeks to increase the diversity of housing in the Shire, and the State Government's intention to encourage greater housing supply and diversity in existing urban areas. Enabling dual occupancy in R2 zones is also identified in the Alstonville, Wollongbar, Wardell place based strategic plans (with certain parameters identified at the time of each plan's preparation) and the Ballina Major Regional Centre Strategy.

There is no direct action around dual occupancy development in the Lennox Head Strategic Plan.

DPHI has requested that councils provide justification for their proposed lot size and set a minimum lot size so that at least 50% of R2 lots will be compliant.

Aligning the lot size for dual occupancy with the minimum lot size for subdivision with a 600m² baseline minimum will meet this requirement. This would set the minimum area needed to apply for a dual occupancy, detached or attached.

The DCP would continue to incorporate controls to address amenity.

The minimum lot size requirements in the R2 zone in the shire are 450m², 600m², 800m² or 1,200m² with the dominant size being 800m². The lot sizes applicable in R2 zones are shown in attachments 3, 4, 5 and 6.

Excluded Land

The Housing SEPP excludes permissibility for dual occupancy from certain land including bushfire prone land and land in a flood planning area.

This means that R2 zoned land affected by these constraints is automatically excluded regardless of any site or development specific merit-based assessment that may indicate the bushfire or flood risk can be addressed.

The impact of this, for example, is that any dual occupancy on large areas of Ballina Island and West Ballina could not be considered due to flood prone land mapping.

Similarly, land mapped as bushfire prone in areas such as Wollongbar, Alstonville, Ballina Island, Lennox Head and Skennars Head would be excluded.

The rationale for the automatic exclusion of these lands is not clear in State Government correspondence.

It is suggested that Council's response to the DPHI recommend that development in these areas should be subject to a merit-based assessment.

Mechanism for permissibility

Permitting dual occupancy in the R2 zone through the Housing SEPP rather than through the land use table in the Local Environmental Plan (LEP) means that it cannot be undertaken as complying development.

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

This is due to provisions in the *Exempt and Complying Development SEPP*, which allows dual occupancies as complying development only if they are permitted with consent in an LEP.

This currently only applies in parts of Alstonville, Wollongbar and Wardell.

Where dual occupancy is not a permitted land use in the R2 zone under the LEP but is permitted by the Housing SEPP, an applicant for a dual occupancy development on R2 zoned land does not have the ability to gain approval via a Complying Development Certificate and must lodge a development application.

It is proposed that in its response to the DPHI, Council recommends that, rather than the Housing SEPP alone enabling dual occupancy in the R2 zone (subject to exclusions), the Ballina LEP is amended to include dual occupancy as a use permitted with consent in the LEP.

Additionally, that a special clause is introduced to the LEP specifying the preferred lot size.

Adopting this approach will enable dual occupancy in more areas and provide greater clarity for the community and development proponents around where dual occupancy is permissible.

If DPHI agrees to make the amendment regarding permissibility, it is suggested that this is on the condition that it is subject to public exhibition to enable community feedback prior to the amendment being implemented.

If DPHI is not prepared to undertake the LEP amendment (including public exhibition), Council can initiate a planning proposal of its own accord.

Delivery Program Strategy / Operational Plan Activity

The matters addressed are aligned with the Operational Plan Activities:

HE3.1f, '*Maintain the Local Environmental Plan (LEP)*'.

PE3.2c '*Implement Housing Strategy, including local affordable housing framework*'.

Community Engagement Strategy

Community engagement on lot sizes for dual occupancy development has occurred as part of the public exhibition of the LEP General Amendments Planning Proposal and the update of Chapter 4 of the Development Control Plan.

However, it is proposed that, if DPHI agrees to make amendments to the Ballina LEP in relation to dual occupancy permissibility, it should be subject to community consultation.

Financial / Risk Considerations

The preparation of this report and any subsequent correspondence with the Department of Planning, Housing and Infrastructure has been and will be undertaken within existing resources.

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

Options

Option 1 Council prepare a response to the DPHI that details Council's support for:

- a) *Preferred lot size for attached and detached dual occupancy in the R2 Low Density Zone that aligns with the minimum lot size for subdivision in the R2 zone (with a baseline minimum area of 600m²),*
- b) *The inclusion of the above lot size requirements in a special clause in the Ballina LEP,*
- c) *The Ballina LEP be amended to make dual occupancy permitted with consent in the R2 Low Density zone (subject to public exhibition),*
- d) *Assessment of bushfire hazard and flood planning being a merit- based assessment and not an automatic exclusion.*

This is the recommended option as it responds to the DPHI's request for Council's preferred lot area for dual occupancy and enables increased diversity of housing over time in a way that seeks to balance urban amenity with housing supply and diversity opportunities.

Option 2 Council could respond to the DPHI opposing the dual occupancy changes and in turn not nominate a minimum lot size.

This option is not recommended as it may result in the reforms continuing without direct Council input on lot size provisions.

RECOMMENDATION

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

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

Attachment(s)

1. DPHI Letter to Councils - Dual Occupancy in the R2 zone
2. Form to Complete for DPHI
3. Alstonville and Wollongbar - R2 Zone Lot Size Areas
4. Ballina - R2 Zone Lot Size Areas
5. Lennox Head and Cumbalum - R2 Zone Lot Size Areas
6. Wardell - R2 Zone Lot Size Areas

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

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

Applicant	Ardill Payne and Partners
Property	Lot: 2 DP: 1280774, 79B Teven Road ALSTONVILLE
Proposal	Strata Title Subdivision of a Dual Occupancy (attached) - Approved via DA 2022/157.
Effect of Planning Instrument	The land is zoned R2 Low Density Residential under the provisions of the Ballina LEP 2012
Locality Plan	Attachment 1 and Figure 1.

Introduction

Council is in receipt of development application DA 2023/347 for Strata Title Subdivision of an existing dual occupancy (attached) development located at Lot 2 DP 1280774, No. 79B Teven Road, Alstonville.

The location of the land and existing development is shown in Attachment 1 and Figure 1. The dual occupancy (attached) development was approved on 30 September 2022 via DA 2022/157, pursuant to the additional permitted uses in Schedule 1, Item 8 of the Ballina Local Environmental Plan (BLEP) 2012.

The report provides an assessment of the relevant matters of the proposal under Section 4.15 of the Environmental Planning and Assessment Act (EP&A Act) 1979.

The full Section 4.15 report, which provides an assessment of all required matters under the EP&A Act 1979, is contained in Attachment 2.

Copies of the proposed Strata Title Subdivision plans are contained in Attachment 3.

The proposal seeks a variation to a development standard contained in Clause 4.1B of the Ballina Local Environmental Plan 2012 (BLEP 2012) - Minimum Subdivision Lot Size for Strata Plan Schemes in certain Residential, Rural and Waterway Zones.

As the proposed variation to this development standard is greater than 10%, the application is required to be determined by Council.

Background

Planning Proposal 18/002 sought to amend the BLEP 2012 to permit attached dual occupancy development on certain R2 zoned lots in Alstonville with a minimum area of 900m².

The planning proposal was prepared following adoption of the Alstonville Strategic Plan 2017-2037 at the December 2017 Ordinary meeting.

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

The amendment was published on 13 December 2019 with amendments to the BLEP 2012 maps and the inclusion of an additional clause under Schedule 1 of the BLEP 2012.

The amendment did not involve any changes to the minimum subdivision lot size for Strata Plan schemes on the relevant R2 zoned lots in Alstonville.

DA 2022/157 was lodged on 4 May 2022 for the erection and subsequent Strata Title Subdivision of a dual occupancy development comprising two x attached single storey dwellings on the subject site. Consistent with the current proposal via DA 2023/347, the strata lot sizes that were proposed under DA 2022/157 were as follows:

Strata Lot 1 – 537m²

Strata Lot 2 – 486m²

DA 2022/157 involved a request under Clause 4.6 of the BLEP 2012, for a variation to the minimum subdivision lot size development standard (under Clause 4.1B), as the applicable minimum lot size for any lot in a strata plan scheme (other than common property) for the subject land is 600m². Proposed Strata Lot 1 was subject to a 10.5% variation and Proposed Strata Lot 2 was subject to a 19% variation.

On 7 September 2022, the application was amended to remove the proposed Strata Title subdivision component from the proposal, following advice from Council that the proposed variation request did not provide sufficient environmental planning grounds to justify the contravention of the minimum subdivision lot size requirement. The amended application, therefore comprised only the dual occupancy (attached) development, which was determined by way of approval on 30 September 2022.



Figure 1: Subject site containing approved dual occupancy (attached) – DA 2022/157

At the 25 July 2024 Ordinary meeting, a report was presented in relation to Planning Proposal 24/002 – General Amendments. The Planning Proposal commenced exhibition on 23 October 2024.

Item 8 of PP 24/002 is relevant to the proposed development, in that proposes to delete the reference to zone R2 Low Density Residential from part 2 of clause 4.1B. The intention of this component of the planning proposal is to enable consideration of a strata title subdivision of a lawfully approved dual occupancy development in an R2 zone, without regard to the area of the individual strata title lots.

The proposed amendment to Clause 4.1B also has linkages to the changes made to State Environmental Planning Policy (Housing) 2021 (Housing SEPP), whereby dual occupancy developments have been made permissible in the R2 zone.

The current wording of Clause 4.1B will restrict the Strata Title subdivision of any dual occupancies approved under the provisions of the Housing SEPP, unless the relevant Minimum Subdivision Lot Size for Strata Plan Schemes in R2 zones is met.

Given the current state government policy agenda around the increase in housing supply and affordability and the delivery of a range of different housing types, the continued application of a minimum subdivision lot size for Strata Plan Schemes in R2 zones was considered likely a disincentive to such development and as such PP 24/002 proceeded as endorsed, to exhibition.

Planning proposal 24/002 is subject to a separate report elsewhere in this business agenda.

Details of the proposal

The consent of Council is sought in relation to the Strata Title Subdivision of an existing Dual Occupancy (Attached) development to create two x Strata Title allotments (Proposed Lot 1 – 527m² and Proposed Lot 2 – 486m²), as shown in Attachment 3.

Proposed Lot 1 contains an existing attached single storey dwelling with three x bedrooms, a study, one x bathroom and one x ensuite, a double garage and open plan living/ dining/ kitchen areas.

Proposed Lot 2 also contains an existing attached single storey dwelling with three x bedrooms, a study, one x bathroom and one x ensuite, a double garage and open plan living/ dining/ kitchen areas.

Proposed Lot 1 has driveway access directly off Teven Road and proposed Lot 2 is accessed via an existing battle-axe driveway off Teven Road.

As outlined, the proposed development does not meet the current minimum subdivision lot size standard for the creation of any lot in a strata plan scheme on R2 zoned land, as required under Clause 4.1B of the BLEP 2012.

A variation of 10.5% (Proposed Strata Lot 1) and 19% (Proposed Strata Lot 2) to the 600m² minimum subdivision lot size for the land, is sought as part of a written submission under Clause 4.6 of the BLEP 2012.

It is noted that whilst the proposal seeks a variation to the current 600m² minimum subdivision lot size development standard under the existing provisions of the BLEP 2012, this would not be the case under Planning Proposal 24/002, if adopted.

Reportable Political Donations

Details of known reportable political donations are as follows:
- Nil

Matters for Consideration

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

The assessment has identified the following key issues in relation to the development application.

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

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

Relevant State Environmental Planning Policies (SEPP)	
SEPP (Resilience and Hazards) 2021	No issues are raised in relation to any applicable SEPP. Refer to Attachment 2 for further comment.
Local Environmental Plans (LEPs)	
Ballina LEP 2012 (BLEP 2012) <ul style="list-style-type: none"> • Clause 4.1B • Clause 4.6 	<p>The proposed development is located within the R2 Low Density Residential zone. There is an approved dual occupancy (attached) on the subject site which is permitted with consent on the site under Schedule 1 of the BLEP 2012.</p> <p>The proposal is generally consistent with the aims and objectives of the zone and has made regard for the relevant additional provisions of the BLEP 2012.</p> <p>The development achieves compliance with the relevant development standards with the exception of Clause 4.1B Minimum subdivision lot size for strata plan schemes in certain zones. The applicant has submitted a written request to vary this development standard.</p> <p>An assessment of the proposed variation to the Clause 4.1B development standard under Clause 4.6 of the BLEP 2012 is provided below.</p>

	<p>NB: Refer to Attachment 2 for further comments and assessment of the relevant controls in the BLEP 2012, applicable State Environmental Planning Policies and applicable Chapter of the Ballina Development Control Plan 2012.</p>
<p>Clause 4.1B (Minimum subdivision lot size for strata plan schemes in certain zones)</p>	
	<p>Clause 4.1B (3) provides that:</p> <p>“The site of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the <i>Strata Schemes (Freehold Development) Act 1973</i> or <i>Strata Schemes (Leasehold Development) Act 1986</i>) is not to be less than the minimum size shown on the Lot Size Map in relation to that land”.</p> <p>The subject land has a minimum size as shown on the Lot Size Map of 600m².</p> <p>Each of the proposed strata title allotments would be required to have a minimum area of 600m² to comply with this development standard.</p> <p>Proposed Strata Lot 1 is to have an area of 537m².</p> <p>Proposed Strata Lot 2 is to have an area of 486m².</p> <p>Both proposed Strata Lots are less than the minimum size as shown on the Lot Size Map.</p> <p>The applicant has acknowledged this and has submitted a written request to vary this development standard, pursuant to Clause 4.6 of the BLEP 2012 (Attachment 4). Refer below for comment in relation to Clause 4.6.</p>
<p>Clause 4.6 – Exceptions to Development Standards</p>	
<p>Is the planning control being varied a development standard?</p>	<p><u>Comment:</u> Yes, the development standard being varied in this instance is Clause 4.1B – Minimum subdivision lot size for strata plan schemes in certain zones.</p>
<p>What are the objectives of the development standard?</p>	<p><u>Comment:</u> The objective is to ensure that land to which this clause applies is not fragmented by inappropriate subdivisions.</p>

<p>If the standard does not contain objectives, what is its purpose, why was it introduced and how is it applied?</p>	<p><u>Comment:</u> The standard includes an objective. No further comment required.</p>
<p>a) Is the written request accurate? For example:</p> <ul style="list-style-type: none"> - Does it contain correct references to the LEP and the relevant objectives - Does it contain the correct calculations and identification of the area of and extent of the variation. 	<p><u>Comment:</u> Yes, the written request is accurate, in that it contains:</p> <ul style="list-style-type: none"> - the correct references to the BLEP and relevant objectives (of the plan, the zone and relevant clauses). - Contains the correct calculations and identification of the area of and extent of the variation.
<p>Does the written request demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances (Five Part/Wehbe test)?</p>	<p><u>Comment:</u> Yes, the written request provides an assessment of this matter, with regard to compliance with the development standard being unreasonable or unnecessary in the circumstances.</p>
<p>What part of the Five Part/Wehbe test is being used to justify the variation? Or is the variation otherwise justified?</p>	<p><u>Comment:</u> The applicant has referred to Test 1 in the Five Part/Wehbe test, being:</p> <p><i>“Compliance with the development standard is unreasonable or unnecessary if the:</i></p> <p><i>1. Objectives of the development standard are achieved notwithstanding the non-compliance.”</i></p> <p>The applicant’s variation request details that the sole objective of the clause is satisfied, in that the land will not be fragmented by inappropriate subdivisions for the following reasons:</p> <ul style="list-style-type: none"> - Fundamentally, the strata subdivision of land ensures Torrens title lots continue to maintain the visual appearance of a single lot. The dual occupancy has a single access from Teven Road for Dwelling 1. Dwelling 2 is positioned at the rear of the Dwelling 1. Dwelling 2 is accessed via a right of carriageway located parallel to the Lot’s northern boundary. Therefore, the dual occupancy will present to Teven Road as a single dwelling. This street appearance will not alter in anyway because of the strata subdivision.

	<ul style="list-style-type: none">- The proposed dual occupancy is attached; therefore the development presents as a single dwelling despite the creation of two strata lots onsite.- The strata subdivision will not provide any future potential for additional development nor increase the existing lot or dwelling density in the locality.- This variation request will not result in any perceptible change to the proposed development given this application seeks strata subdivision of a dual occupancy which is permitted with consent in this zone. <p>The commentary provided by the applicant is largely agreed with and compliance with the minimum subdivision lot size for strata plan schemes in the R2 zone development standard is considered to be unreasonable and unnecessary in the circumstances of the proposal.</p> <p>The development presents to Teven Road as a single dwelling and there is no identifiable change to the streetscape or locality as a result of the proposed Strata Subdivision. The separate ownership of the individual dwellings (as achieved through a strata title subdivision) will have no physical or practical implications for the property or the locality. The existing low-density character of the land (and wider locality) will not be altered as a result of approval of the application.</p> <p>Whilst the creation of both proposed Strata Lots is not reflective of the existing (Torrens Title) subdivision pattern within the immediate locality, it is noted that the subject property contains the only dual occupancy development in the locality, being approved via the provisions of <i>Schedule 1 Item 8: Use of certain land at Alstonville</i> (land within the applicable "Area L" in the R2 Low Density Residential zone at Alstonville, dual occupancy development is permitted with consent on lots that have an area of 900m² or more).</p> <p>In this regard, there is no other example in the immediate locality as having used the subject provisions since they were introduced in December 2019. Furthermore,</p>
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	<p>there are no Strata Title lots on R2 zoned land in the locality.</p> <p>It could be argued that one of the reasons there has not been an uptake of these provisions in the past five years, is because of the restrictive nature of the standards around Strata Title subdivision.</p> <p>The objectives of the provisions of Schedule 1 Item 8: Use of certain land at Alstonville have therefore not been realised, as relating to the Alstonville Strategic Plan 2017-2037, “the provision of new housing opportunities that are affordable and provide choice for people to meet changing life needs, whilst maintaining the existing character and amenity of the village”.</p> <p>Council has recently reviewed the provisions regarding dual occupancies and their strata subdivision within the R2 Low Density Residential zone as part of Planning Proposal 24/002 (reported elsewhere in this business paper). This relates to a State Government approach via the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) to increase housing supply and affordability and encourage the delivery of a range of different housing types, without substantially disrupting existing urban character.</p> <p>PP 24/002 seeks to delete the reference to a minimum lot size for any lot in a strata plan scheme (other than common property) within the R2 zone. The effect of this change would mean that there will be no minimum subdivision lot size development standard for the creation of any lot in a strata plan scheme on R2 zoned land. This is the same situation which exists for the creation of strata lots on R3 Medium Density Residential zoned land. An assessment of the proposal is provided against the proposed planning instrument in this report.</p>
<p>Does the written request demonstrate sufficient environmental planning grounds to justify the variation to the development standard being proposed?</p>	<p><u>Comment:</u> Yes, the written request provides an assessment of this matter, with regard to sufficient environmental planning grounds to justify the variation to the development standard being proposed.</p>

<p>What are the environmental planning grounds being argued?</p>	<p><u>Comment:</u> The environmental planning grounds being argued relate to consideration of the objects of the Environmental Planning and Assessment Act 1979 and the objectives of development in the R2 Low Density Residential Zone.</p> <p>The discussion provided in relation to the objects of the Act focuses on the proposal enabling two Strata Title Lots, whilst retaining a parent Torrens Title Lot that exceeds the minimum subdivision lot area of 600m². The strata subdivision will not provide any subsequent additional development opportunities that would otherwise not be available. Furthermore, the strata subdivision will not have any tangible nor perceptible impacts on the existing developed lot or streetscape, given the existing development will not require any visible changes to the proposed buildings or ancillary driveways.</p> <p>In terms of the objectives of the R2 zone, the applicant states that:</p> <ul style="list-style-type: none">- The proposed strata subdivision will not adversely impact the outcome of the dual occupancy in any way. The development will continue to meet the needs of the community in a low-density residential environment.- The development is entirely consistent with the various types of residential properties in the Alstonville locality given the surrounding dwellings are a mix of single dwellings and dual occupancies of 1 and 2 storey construction.- The dual occupancy is entirely consistent with the character of the surrounding neighbourhood. The development will have no adverse impact on the existing amenity of the locality, given there will be no perceptible changes to the dwellings nor the land.- The variation to the minimum lot size will not compromise the existing development that will continue to meet the social and cultural needs of the community.- The strata subdivision will not impact the development in regard to the use of energy and water. No changes will be required nor made to the dual occupancy relating to energy use or water.
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	<p>The applicant also refers to the EP&A Act and associated legislation permitting and promoting development within parameters - but parameters that are (in the main) flexible to deliver better outcomes. <i>Development standards, including minimum lot areas, are to be respected but can be varied when better design outcomes can be achieved without sacrificing amenity. This development is consistent with that environmental planning ground.</i></p>
<p>Are the environmental planning grounds particular to the relevant aspect of the proposed development?</p>	<p><u>Comment:</u> Yes, the applicant has linked the environmental planning grounds with the proposed Strata Title subdivision and variation to minimum lot size.</p>
<p>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</p>	<p><u>Comment:</u> Yes, the proposal is in the public interest. It is concluded that the proposal is largely consistent with the objectives of the development standard and objectives of the R2 Low Density Residential Zone, which are to preserve the low-density character of the land and surrounding locality. As discussed, the dual occupancy development is existing (and has been constructed compliant with the Chapter 4 DCP controls). The ownership of the individual dwellings has no practical implications for the property or the locality, and the built form of the development will not be altered as a result.</p>
<p>Will the cumulative effect of similar approvals undermine the objective of the development standard or the objectives of the zone?</p>	<p><u>Comment:</u> No, it is not considered that the cumulative effective of similar approvals will undermine the objective of the minimum subdivision lot size for strata plan schemes in the R2 zone development standard or the objectives of the R2 zone.</p> <p>As discussed above, the dual occupancy development is existing (and has been constructed compliant with the Chapter 4 DCP controls). The ownership of the individual dwellings has no practical implications for the property or the locality, and the built form of the development will not be altered as a result. The housing needs of the community within the R2 zone will continue to be met.</p> <p>Furthermore, Council has sought to align local planning provisions with those being implemented at a state government level, with the aim to support the increase housing supply and affordability and encourage the</p>

	<p>delivery of a range of different housing types. Given the respective certainty and imminence regarding the proposed changes to the BLEP, there is not considered to be an undermining of the relevant standard or objectives of the relevant zone.</p>
<p>Will the further approval under the current application result in an unacceptable planning outcome for the site?</p>	<p><u>Comment:</u> No, the current application will not result on an unacceptable planning outcome for the site. There have been limited instances to date where Council has considered (and approved) a variation to the Clause 4.1B development standard, as relating to the minimum lot size for Strata Title Lots in the R2 zone.</p> <p>As previously mentioned, Council has commenced a strategic planning process to address state government aims and objectives around the delivery and affordability of housing supply. The changes to the local planning provisions are the most appropriate way to address this agenda, rather than via an ad hoc manner (as part of singular development applications, which require variations to development standards).</p>

For development applications lodged prior to 1 November 2023, under Planning Circular PS 20-002, Council may assume the concurrence of the secretary of the Department of Planning, Infrastructure and Environment to rely on Clause 4.6 of the BLEP 2012 to vary the minimum lot size under Clause 4.1B.

Section 4.15(1)(a)(ii) the provisions of any proposed instrument

<p>BSCPP 24/002 – General Amendments 2024</p>	
<p>The objective of this planning proposal is to amend Ballina LEP 2012 to address several minor or routine ‘housekeeping’ matters. PP 24/002 was exhibited on 23 October 2024 for a period of four weeks. Item 8 of PP 24/002 is relevant to the proposed development.</p>	
<p><i>Item 8: Dual Occupancy Development</i></p>	<p><u>Issue and Justification</u> State Environmental Planning Policy (Housing) 2021 has recently been amended by the State Government, with the effect that development for the purposes of dual occupancies is now permitted with development consent in the R2 Low Density Residential zone across the whole of the State with some exclusions notably land that is bush fire prone, flood prone or in a coastal vulnerability area.</p> <p>Historically, dual occupancy development has been prohibited in the R2 zone in Ballina</p>

	<p>Shire, apart from a few exceptions as discussed below.</p> <p>The provisions of a State Environmental Planning Policy take precedent over the LEP and there are therefore a number of current provisions of BLEP 2012 that are now no longer relevant or may inhibit the desired outcomes to increase housing supply.</p> <p><i>Clause 4.1B Minimum subdivision lot size for certain strata plan schemes in certain zones</i> The effect of this clause is to apply the minimum lot size that is applicable to a land subdivision to a strata subdivision in the nominated zones, which are primarily rural and environmental protection zones, but also include the R2 Low Density Residential Zone.</p> <p>Now that dual occupancy development is permitted in the R2 zone via the Housing SEPP, the current clause would act to prevent strata subdivision of any approved dual occupancies, unless the specified minimum lot size is met.</p> <p>This acts as a disincentive to such development.</p> <p>Merit applications around the suitability of a site for dual occupancy development are undertaken with the development application to construct the building(s). The ownership of the individual dwellings (as achieved through a strata subdivision) has no practical implications for the property or the locality.</p> <p>Of note is that although new dual occupancies are not permitted in some areas because of exclusions under the State policy (e.g. Ballina Island because of flooding), the change to clause 4.1B below would allow strata subdivision of historically constructed dwellings (where it is not currently permitted in R2 zones). This is likely to result in a substantial financial gain for owners of such properties if strata subdivision is undertaken.</p>
<p><u>Proposed Amendment</u> It is proposed to delete reference to zone R2 Low</p>	<p>The effect of this amendment would be to enable consideration of a strata subdivision of a lawfully approved dual occupancy development without regard to the area of</p>

<p>Density Residential from part 2 of clause 4.1B.</p>	<p>the individual strata lots. This aligns with the recently introduced State policy.</p> <p><u>Comment:</u> Of relevance in the assessment of DA 2023/347, PP 24/002 seeks to delete the reference to a minimum lot size for any lot in a strata plan scheme (other than common property) within the R2 zone. The effect of this change would mean that there will be no minimum subdivision lot size development standard for the creation of any lot in a strata plan scheme on R2 zoned land. This is the same situation which exists for the creation of strata lots on R3 Medium Density Residential zoned land. In the case of DA 2023/347, there would not be an assessment against Clause 4.1B (as there would not be an applicable development standard relating to strata subdivision in the R2 zone) and there would also not need to be a Clause 4.6 request to vary a development standard.</p> <p>Section 4.15 of the EP& Act expressly requires Council, when assessing a DA, to take into consideration the provisions of any draft planning instrument that is or has been the subject of public consultation and has been notified. However, Council must also determine how much weight or emphasis to place on the provisions of the draft planning instrument in their assessment and determination of a DA. This is particularly relevant for circumstances where a proposal is inconsistent with a current and in-force LEP.</p> <p>In that regard, there is caselaw to the effect that a planning proposal will be given greater weight when it is "certain and imminent". In terms of PP 24/002, a separate report is included in this Business Paper with recommendations that Council endorse the proposed amendment to Clause 4.1B of the BLEP and submit Planning Proposal BSCPP 24/002 to the Department of Planning, Housing, and Infrastructure for finalisation. From Council's perspective, there is a large degree of imminence and certainty around the planning proposal, with regard to strata title subdivision development outcomes for existing dual occupancies in the R2 zone.</p>
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	<p>In terms of an assessment against the draft instrument:</p> <ul style="list-style-type: none">- It is important to review the aims and objectives of PP 24/002 and determine with DA 2023/347 is either consistent with or antipathetic to those. As stated above, the aims and objectives of PP 24/002, in relation to Item 8 and the changes to Clause 4.1B of the BLEP 2012, are so that local provisions align with state government policy and to support the increase housing supply and affordability and encourage the delivery of a range of different housing types. It is considered that DA 2023/347 is consistent with the aims and objectives of PP 24/002.- In terms of the draft provisions, which effectively remove the minimum lot size development standard for the creation of any lot in a strata plan scheme on R2 zoned land, DA 2023/347 would not be subject to an assessment under Clause 4.1B or Clause 4.6 (given this application seeks a variation to the standard). This means that Clause 4.1B and Clause 4.6 would not be applicable, and the application would be able to be assessed in the same manner as an application for Strata Title Subdivision of a dual occupancy development in the R3 zone, at which Council staff process many development applications in a fairly expeditious manner, given a reduced number of standards and controls. The proposal via DA 2023/347 is therefore consistent with the proposed changes to Clause 4.1B. <p>Given that part of the reasoning behind changes to the BLEP 2012 relate to the introduction of provisions into state government policy [SEPP (Housing) 2021] which enable development for the purposes of dual occupancies and semi-detached dwellings as permissible with development consent in the R2 Low Density Residential Zone and that these provisions have been introduced State-wide to increase housing supply and affordability and encourage the delivery of a range of different housing</p>
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	<p>types, there should be weight given to PP 24/002 in the assessment of DA 2023/347. It is considered that the separate ownership of the individual dwellings (as achieved through a strata title subdivision) will have no physical or practical implications for the property or the locality.</p> <p>However, it is noted that the PP 24/002 has not been finalised and a timeframe for gazettal of the amendment can't be estimated. In this regard, the weight of this Planning Proposal in the assessment process needs to be balanced accordingly.</p>
<i>Schedule 1 Item 8: Use of certain land at Alstonville</i>	This clause provides that, for land within the R2 Low Density Residential zone at Alstonville, dual occupancy development is permitted with consent on lots that have an area of 900m ² or more. The applicable area is identified as "Area L" on the Additional Permitted Uses Map.
<p><u>Proposed Amendment</u> As above, this provision is proposed to be amended to remove the minimum lot size requirement.</p>	<p><u>Comment:</u> Not directly applicable to the proposal. A dual occupancy (attached) development has already been approved on the site.</p>
<i>Clause 7.17, Schedule 1 Item 1A: Use of certain land at 1 Libby Lane and 200 North Creek Road, Lennox Head, Schedule 1 Item 12: Use of certain land at Wardell</i>	Not applicable to proposal

Section 4.15(1)(a)(iii) provisions of any development control plan

Ballina Shire Development Control Plan 2012	
Chapter 2 – General and Environmental Considerations	<p>The proposed development is acceptable when assessed against the relevant provisions of Chapter 2 of the BDCP 2012.</p> <p>Refer to Attachment 2 for further assessment.</p>
Chapter 4 – Residential and Tourist Activity	<p>The proposed development is acceptable when assessed against Chapter 4 of the BDCP 2012.</p> <p>Refer to Attachment 2 for further assessment of the relevant provisions.</p>

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

None applicable.

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

No issues raised.

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

The proposal is not expected to result in adverse impacts on the environment or broader locality.

Refer to Attachment 2 for further assessment in relation to the likely impacts of the development.

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

The proposed Strata Title subdivision is appropriate in the locality, being within a R2 zone under the BLEP 2012, and as per the aims and objectives around PP 24/002.

The proposal is generally consistent with the objectives of the R2 zone and the surrounding residential properties.

The site is suitable for the proposed development and the proposal fits within the locality.

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

Public submissions

The application was placed on public exhibition from 13 September to 28 September 2023 in accordance with Council's Community Participation Policy.

No public submissions were received.

4.15(1)(e) – The Public Interest

The proposal involves the Strata Title subdivision of an approved (and existing) dual occupancy development which is consistent with the objectives of the R2 Low Density Residential zone and Planning Proposal 24/002.

It is concluded that the proposal preserves the low-density character of the land and surrounding locality.

The ownership of the individual dwellings has no practical implications for the property or the locality, and the built form of the development will not be altered as a result.

Having regard to the matters outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979, the proposed development is in the public interest.

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 is suitable within the locality as discussed within this report, is consistent with the aims of the BLEP 2012, largely achieves the objectives of the *R2 Low Density Residential* zone and is not offensive to the objectives of the *Clause 4.1B – Minimum Subdivision Lot Size for Strata Plan Schemes in Certain Residential, Rural and Waterway Zones* development standard.

The requested variation under Clause 4.6 of the BLEP 2012, represents a 10.5% and 19% departure, which could be significant in normal circumstances.

However, the requested variation is warranted in this case, given the minimum subdivision lot size development standard for the creation of any lot in a strata plan scheme on R2 zoned land is proposed to be removed/deleted.

The strategic planning process for this change has been significantly progressed by Council via PP 24/002, which will align local planning provisions with those being implemented at a State Government level, with the aim to support the increase housing supply and affordability and encourage the delivery of a range of different housing types.

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

Option One – To Grant Consent

That Council approve the Strata Title Subdivision of the existing dual occupancy development, subject to standard planning conditions, on the basis that Council is satisfied that the proposal has adequately demonstrated that the aims of the BLEP 2012, the objectives of the R2 Low Density Residential zone and objectives of Clause 4.1B Minimum Subdivision Lot Size for Strata Plan Schemes in Certain Residential, Rural and Waterway zones will be achieved despite the variation to the minimum lot size.

Concurrent with any approval, Council would need to separately resolve to support the Clause 4.6 variation to the Clause 4.1B development standard.

For the reasons outlined in this report, approval of the application is recommended.

Option Two – To Refuse the Development Application

That Council refuse the development application.

This would need to be on the basis that Council considers the departure from the Clause 4.1B Minimum Subdivision Lot Size for Strata Plan Schemes in Certain Residential, Rural and Waterway zones to be excessive and unwarranted and that the applicant has not justified that the proposal achieves the aims of the BLEP 2012, the objectives of the R2 Low Density Residential

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

zone and objectives of Clause 4.1B Minimum Subdivision Lot Size for Strata Plan Schemes in Certain Residential, Rural and Waterway zones.

Refusal of the application is not recommended.

RECOMMENDATIONS

1. That Development Application 2023/347 for the Strata Title Subdivision of a Dual Occupancy (attached) - approved via DA 2022/157 at Lot 2 DP 1280774, No. 79B Teven Road, Alstonville be **APPROVED**, subject to the application of standard conditions for this type of development including those contained in Attachment 5.
2. That having regard for the circumstances for DA 2023/347, Council approves the granting of a variation to Clause 4.1B Minimum Subdivision Lot Size for Strata Plan Schemes in Certain Residential, Rural and Waterway zones under Clause 4.6 of the Ballina LEP 2012.

Attachment(s)

1. DA 2023/347 - Locality Plan
2. DA 2023/347 - Section 4.15 Assessment
3. DA 2023/347 - Draft Strata Plan
4. DA 2023/347 - Clause 4.6 variation request
5. DA 2023/347 - Draft Conditions

8.6 CCTV Scoping Study

8.6 CCTV Scoping Study

Section	Strategic Planning
Objective	To provide Council with an update on investigations into CCTV in Ballina Shire.

Background

The 2024/25 Delivery Program and Operational Plan includes the following action:

'Investigate funding options for the installation of CCTV in high-risk areas' was also included in the 2023/24 Operational Plan.

As background this, a report was presented to the 9 April 2024 Finance and Facilities Committee meeting that summarised the options for installation of CCTV in high-risk areas, outlined the regulatory requirements and discussed crime statistics to identify the 'crime problem' and the location of 'high-risk areas'.

A link to that report is as follows – Refer to Item 5.1
[Agenda of Finance and Facilities Committee Meeting - Tuesday, 9 April 2024.](#)

Subsequently, Council resolved as follows:

1. *That Council write to the Member for Ballina (Tamara Smith) for an update on their election commitment to fund CCTV for the Ballina CBD and expected timeframe for delivery and installation.*
2. *That Council lobby the State Government for the reintroduction of the funding program for the provision of CCTV in regional centres/targeted areas.*
3. *That Council undertake the CCTV scoping study, with the contract funded from the Strategic Planning Reserve.*

Correspondence was subsequently sent to the Member for Ballina (Tamara Smith MP) and The Hon. Chris Minns MP. An acknowledgement of correspondence was received from The. Hon Chris Minns MP. The reply received from the Member for Ballina is included as Attachment 1 to this report.

The CCTV scoping study was undertaken by Matryx Consulting, and this was completed in September 2024. The report has been prepared on a confidential basis as it contains proprietary information.

The report has been provided to Council under separate cover.

This report provides an overview of Matryx Consulting's findings and summarises the estimated costings for the installation of a CCTV system for the CBDs of Ballina and Lennox Head.

Key Issues

- Availability of funding for the installation and ongoing costs
- Community priorities
- Council and State Government responsibilities

Discussion

Matryx consulting has prepared a comprehensive report that identifies locations for cameras and poles to be installed. The proposed locations of the cameras were identified by the consultant based on their expertise and in consultation with representatives from the Ballina Police.

Each location includes two or three fixed cameras and one Pan Tilt Zoom (PTZ) camera.

This is intended to aid live tracking of individuals and motor vehicles within the coverage area when needed.

The consultant and Police determined that the use of Automatic Number Plate Recognition (ANPR) at key gateway entry locations should be included.

The scoping study focused on the CBD areas.

A large amount of the crime in Ballina Shire is taking place at private residences, although there are notable levels of crime in outdoor and recreational areas, as well as car parks.

As State Government funding is not available for CCTV infrastructure in Ballina Shire, at this stage, the implementation and operational costs associated with CCTV systems will be the responsibility of Council if progressed, without grant funds.

Delivery Program Strategy / Operational Plan Activity

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

CC1 We feel safe and resilient.

CC1.1 Actively promote safety and wellbeing strategies.

Community Engagement Strategy

There has been no community engagement to date on this issue. Matryx Consulting attended a Councillor briefing in June 2024. The consultant also met with Council staff and Police officers based in Ballina. Based on the discussions with Councillors and advice from the Police, the locations of Alstonville and Wardell are not included in the scoping report.

Council's 2024 Community Satisfaction survey, conducted by Micromex Pty. Ltd. identified that the two services with the lowest levels of satisfaction in the community are "Crime Prevention and Law and Order Initiatives" and "Affordable Housing".

8.6 CCTV Scoping Study

“Crime Prevention and Law and Order Initiatives” had the fifth highest level of importance rating at 4.70 out of 5.00 and the second lowest satisfaction rating at 2.67 out of five.

The survey also identified that 60% of the survey sample are of the opinion that Council should be investing more resources or advocacy in this area. This which was the third highest result for additional investment after Health of our Waterways and Lobbying our State and Federal Governments on behalf of the community.

The survey results confirm that the community is seeking increased Council leadership, or investment, in this area, and it is now a matter for Council to determine what form this leadership / investment takes.

Financial / Risk Considerations

Financial considerations

As reported to the 9 April 2024 Finance and Facilities Committee, funding for the installation of CCTV had in the past been distributed by the State Government.

The funding was only available to councils that had completed the steps set out in the NSW governments CCTV guidelines.

The funding program was via invitation only, rather than a scheme open to councils. There is currently no Federal Government funding available to meet the costs of installing a public CCTV system.

Matryx estimates that the cost to install CCTV systems in Ballina and Lennox Head CBDs would be in the vicinity of \$870,000.

This figure is made up of an estimated cost of \$599,500 for poles and cameras, other costs of \$140,000 and 15% contingency allocation.

There is also an estimate of \$40,000 per year for maintenance and support agreements for the surveillance system.

There is currently no budget allocation for the installation of CCTV system in Ballina or Lennox Head CBDs.

The recurrent funding of \$40,000 could be achieved through minor savings in several existing budgets, albeit that then results in a reduction in service levels where the funding is reallocated from.

The difficulty is in obtaining funding for the capital investment of \$870,000.

This can be achieved through the reallocation of funding in 2025/26 from core infrastructure works such as roads, however that is not recommended as areas such as roads, stormwater, footpaths, playgrounds etc are already underfunded as compared to the annual depreciation expense.

During the next 12 months Council is planning to sell a significant amount of residential and industrial land holdings, which will free up some funds for additional community infrastructure, following the financing of the Alstonville Cultural Centre redevelopment and the new Ballina SES building.

8.6 CCTV Scoping Study

As part of the annual preparation of the draft Delivery Program and Operational Plan, at the April Finance and Facilities Committee meeting, Council receives a report on all the non-recurrent community infrastructure projects, identified as priorities, to confirm which projects are to be funded in the four-year Delivery Program and which projects remain on hold.

This project could be added to that report, which then ensures that Council examines potential funding options each year, until a confirmed funding solution is identified.

The difficulty, as always, is balancing competing priorities with examples of projects currently unfunded including:

- Captain Cook Park Master Plan (elements)
- Martin Street Boat Harbour
- Flood Management Plans (elements)
- Cawarra Park Master Plan
- Pat Morton Master Plan Precinct Upgrade
- Lake Ainsworth Coastal Management Plan (elements)
- Rutherford Street, Lennox Head
- Kingsford Smith Master Plan (elements)
- Hampton Park Master Plan (when adopted)
- Shared Path Projects
- Section 7.11 Roads Contribution Plan (future projects)

This is a sample only, and the role of Council is to determine priorities based on factors such as asset management principles, risk, community feedback and resource limitations.

Other potential options include a special rate variation to fund construction and ongoing costs, or Council could continue to wait for the future availability of grant funds.

Risk considerations

The circumstances under which NSW councils can undertake CCTV surveillance is prescribed by the *Privacy and Personal Information Protection Act 1998* (PPIP Act).

Under the PPIP Act CCTV footage has been held to be personal information.

Councils must also comply with the *Workplace Surveillance Act 2005* (WS Act 2005).

The risk can be mitigated by ensuring strict adherence to the PPIP and the WS Acts and the CCTV guidelines.

Failure to follow the provisions in the PPIP Act and the WS Act 2005 may open Council to litigation.

There is also the risk of cost shifting from the State Government, with Council taking on further responsibilities without any increase in revenue and resources.

Options

There are a range of options available to Council from taking no further action, lobbying the State and Federal Governments for funding, all the way up to Council allocating the funding for the installation of the CCTV through the reallocation of existing works.

Weighing up all the options, and particularly noting the recent community satisfaction survey results, the recommendation is to take a multi- pronged approach through:

1. Confirming the installation of CCTV is a high priority for Council and make on-going representations to the State and Federal Governments to secure funding, for at least the capital cost of the installation.
2. Confirm that CCTV is a high priority for grant funding and seek opportunities for grant programs that provide for installation and possibly fund some, or all, operating costs.
3. Ensure that the installation of CCTV is included as a priority project for inclusion in the annual Non-recurrent Community Infrastructure report, to the April Finance and Facilities Committee meeting. This allows Council to examine funding options and balance those options against all the other infrastructure priorities. The funding allocated could be for part, or all, of the scoping report prepared by Matryx Consulting.

The recommendations support this approach.

RECOMMENDATIONS

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

Attachment(s)

1. Letter from Tamara Smith - CCTV
2. Matryx Consulting Report - CCTV (Confidential) (Under separate cover) (Confidential)

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

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

Section	Open Spaces
Objective	To review the Alcohol Free Zones in Lennox Head, Alstonville, Ballina and Wardell

Background

Council has several Alcohol-Free Zones (AFZs) that have been established to assist in the management and mitigation of anti-social behaviour.

These zones have been continuously supported by the NSW Police.

AFZs can only be implemented for a set period and a further resolution is required to re-establish the zone after its expiry. The required processes are set out in the “Ministerial Guidelines for Alcohol Free Zones 2009” (Ministerial Guidelines).

The history of the AFZs that are subject to this report is set out below.

Ballina

Established August 2007
Renewed October 2010
Renewed August 2015
Renewed November 2017
Renewed November 2021

Lennox Head

Established December 2008
Renewed January 2012
Renewed March 2016
Renewed November 2017
Renewed November 2021

Alstonville

Established December 2008
Renewed January 2012
Renewed March 2016
Renewed November 2017
Renewed November 2021

Wardell

Established October 2010
Renewed August 2015
Renewed November 2017
Renewed November 2021

Maps showing the locations of these AFZs are attached (Attachments 1, 2, 3 and 4).

All the listed AFZs are due to expire on 31 January 2025.

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

Key Issues

- Alcohol regulation
- Need for Alcohol Free Zones

Discussion

An AFZ prohibits the drinking of alcohol in public places that are public roads, footpaths or public car parks. The declaration of an AFZ provides the NSW Police with the power to seize and dispose of alcohol without the need to issue a warning.

In circumstances where a person does not cooperate with a Police Officer, they can be charged with obstruction under Section 660 of the Local Government Act 1993, which carries a maximum penalty of \$2,200.

The declaration of AFZs in Lennox Head, Alstonville, Ballina and Wardell has previously been made in response to situations where alcohol consumption in these public places was resulting in anti-social behavior by some persons.

In supporting the renewal of AFZs in November 2021, Council indicated a preference to discontinue the support of future AFZ's at the expiration of the current approval.

This action is consistent with recent NSW government directives, including State Environmental Planning Policies.

It is also consistent with the Ministerial Guidelines, which state AFZ's are;

"...a short term control measure and in many instances a zone will achieve the desired objectives within its operational period."

A review of Bureau of Crime Statistics and Research (BOCSAR) data has identified low levels of Incidents of Alcohol Related Disorderly Conduct (Offensive conduct) on Road/Street/Footpath Premises, with an average of five incidents per annum over the previous three years.

The incidents of Liquor Offences on Road/Street/Footpath average one incident per annum during the same period.

Since the establishment of AFZ's there have also been key changes within the current AFZ footprints (e.g. there is no longer an operational pub in Wardell, the Lennox Head village centre has been upgraded).

The determination of AFZs does not impact Alcohol Prohibition made under 632A(4) of the Local Government Act 1993, which regulates the consumption of alcohol in public areas such as parks, reserves and beaches.

Council currently prohibits the carrying and/or consumption of alcohol in these public areas within the shire from 10.00 pm to 7.00 am every day.

Delivery Program Strategy / Operational Plan Activity

The Local Government Act sets out the statutory framework for the creation of an AFZ. The statute is facilitated by the Ministerial Guidelines.

Community Engagement Strategy

The Ministerial Guidelines specify the consultation requirements for the implementation or renewal of AFZ's.

The AFZs cannot be re-established without advertising and consultation on the proposal, as per the Ministerial Guidelines, which apply under section 646 Local Government Act 1993.

This action would normally be initiated following a request from the NSW Police. NSW Police were invited to provide feedback in relation to the discontinuation of the zones on 25 November 2024. No response has been received to date.

Financial / Risk Considerations

The management of signage that regulate AFZ's are funded through Open Space operational budgets. The removal of signage at the completion of AFZ is consistent with objectives to limit signage throughout the Shire.

Options

1. Council resolves not to undertake a renewal of AFZs
2. Council resolves to re-establish AFZs and undertake the required consultation in accordance with the Ministerial Guidelines

Discontinuation of the AFZs is the recommended approach based on the low level of recorded alcohol related incidents, as per the BOSCAR figures, feedback from previous Councillor debates regarding the need for the zones, as well as helping to reduce the overall number of enforcement signs.

This recommendation may not reflect the deterrent value of these zones, which is difficult to quantify.

If there is a demonstrated need to implement AFZs, in set locations in the future, particularly based on feedback from the NSW Police, Council can seek to apply these in accordance with the Ministerial Guidelines.

RECOMMENDATION

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

Attachment(s)

1. Alstonville Alcohol Free Zone
2. Wardell Alcohol Free Zone
3. Lennox Head Alcohol Free Zone
4. Ballina Alcohol Free Zone

8.8 Festival and Events Sponsorship Program - 2025/26

8.8 Festival and Events Sponsorship Program - 2025/26

Section Open Spaces

Objective To allocate funding for the Festival and Events (Community and Commercial) Sponsorship Program for the 2025/26 financial year.

Background

The Festival and Events (Community and Commercial) Sponsorship Program was established in 2010 to provide funding to eligible community groups who coordinate events and festivals in the Ballina Shire.

The program is guided by two Council policies, the Festivals and Events (Community) Sponsorship Program and the Festivals and Events (Commercial) Sponsorship Program.

The Commercial Sponsorship Policy was developed to provide an opportunity for commercial groups to be able to apply for funding under the existing community events program and to recognise the economic and social development opportunities commercial operators may bring.

Both policies state that Council invites submissions for funding support, with an expression of interest process recently completed for the 2025/26 funding.

Copies of all the submissions have been provided to Councillors, with a briefing held on Monday 25 November 2024.

This report seeks confirmation of the funding allocations for 2025/26.

Key Issues

- Equitable process for organisations seeking event funding and support
- Funding allocations for festivals and events in 2025/26
- Compliance with Council policies

Discussion

The Festival and Event (Community and Commercial) Sponsorship Program application period was open from Monday 23 September to Friday 8 November 2024.

The total budget allocation for the program in 2025/26 is \$150,000.

Council received 20 completed applications, which is the highest number of applications received since the inception of this program.

A summary of the applications received is outlined in the following table.

8.8 Festival and Events Sponsorship Program - 2025/26

Summary of Applications (\$)

Applicant	Name of Event	Request
Lennox Head Chamber of Commerce	Love Lennox Festival	40,000
Le Ba Boardriders	Skullcandy Oz Grom Open	25,000
Alstonville Agricultural Society	New Years Eve Family Festival	20,000
Rainbow Region Dragon Boat Club	2025 RR Dragon Boat Regatta	18,880
Lennox Sessions Inc	Nor'easter Weekend of Music	47,000
Alstonville Baptist Church	Carols on the Plateau	10,000
Wardell CORE Inc	Wardell River Festival	20,000
Solace Muay Thai Ballina	Ballina Fight Night	25,000
GTR Events	Ballina Outdoor Living, Caravan & Boat Expo	30,000
Quota Alstonville Inc	Craft and Garden Fair	8,000
Lennox Run Club	The Ox	6,000
Sprung Dance Theatre	River Stories 2025	8,330
Truckstop Sk8 (1)	Fair Go Skate Competition	6,000
Jali Local Aboriginal Land Council (2)	Back to Boundary Creek – NAIDOC Week	30,000
The Wharf Bar & Restaurant (2)	Wharf River Club	62,000
Wollongbar Public School P & C (2)	Wollongbar Twilight Fair & Drone Show	15,000
Newrybar Public School P & C (2)	Newrybar Bonfire & Fireworks	35,000
Song Fusion Inc (2)	Choral Showbiz	3,000
Dementia Inclusive (2)	Annual Symposium	4,000
Ballina RSL Club (3)	River Spectacular – NYE Light Show	50,000
Total		463,210

(1) *Fair Go – There is a separate skateboard budget of \$4,000 that will be applied to this funding as in previous years (so only \$6,000 from this budget)*

(2) *Applications are not eligible as the policy states the total cost of an event must be over \$20,000 and/or the applicant must match council's cash contribution*

(3) *Application withdrawn*

Truckstop Sk8 Fair Go

Council has a separate budget of \$4,000 for the Fair Go skating competition event, based on long standing support for this local skating competition.

This year, Truckstop Sk8 Fair Go has requested a total of \$10,000 in funding to assist with the successful additional competition day and a larger event in 2025/26 that falls in with other skate competitions around the country.

Council can apply \$4,000 from the skating competition budget and allocate the additional \$6,000 from the Festival and Events Sponsorship program to provide a total of \$10,000.

Truckstop Sk8 has successfully grown this youth event to a two-day event. It is also aligned with the key objectives of Council's Destination Management Plan, being to attract visitors to our area and increasing length of stays and overnight stays.

8.8 Festival and Events Sponsorship Program - 2025/26

Jali LALC

The Back to Boundary Creek event is not eligible as the policy states the total cost of the event must be over \$20,000.

The application has listed the total expenditure as \$15,620 so this event may be better suited to NAIDOC week related grant funding or a community donation.

Wharf River Club

The Wharf Bar is not eligible as Council's Commercial policy states the applicant must match Council's contribution with cash. The Wharf Bar requested sponsorship of \$62,000 and their contribution (less wages/salaries as these are not eligible for funding) is \$7,680.

Council recently installed power on Lance Ferris Wharf so this will reduce ongoing event costs. The event budget listed costs of \$10,645 for power/electrician and set up so this will no longer be required.

Council also recently resolved that commercial operators who hold more than three events in a financial year will receive a 20% reduction in the event application fee for each event after the third.

School P & C Fundraisers

The Wollongbar Public School P & C and the Newrybar Public School P & C are not eligible as these are school fundraisers, and the P & C Associations provide direct donations to the schools.

The policy states funding is not provided for donations.

Council has not assisted schools under this program before.

However, Council did provide one off funding for school events under Reconnecting Regional NSW Grant Funding in 2022/23.

Song Fusion Inc

Song Fusion is not eligible as the event has a cost of less than \$20,000. The policy requires events must have a cost over \$20,000 to be eligible for funding.

Dementia Inclusive

Dementia Inclusive Ballina Alliance is not eligible as total cost of event is less than \$20,000.

The alliance has received a \$2,000 donation through Council's Community Donation grant program this year.

Previous Funding

The following table provides a summary of funding allocated by Council for the last four financial years for the applicants who have reapplied for 2025/26.

8.8 Festival and Events Sponsorship Program - 2025/26

Name of Organisation	Name of Event	2021/22 Funded	2022/23 Funded	2023/24 Funded	2024/25 Funded
Lennox Head Chamber of Commerce	Love Lennox Festival	20,000	20,000 *(RRNSW)	20,000	25,000
Le Ba Boardriders	Skullcandy Oz Grom Open	25,000	20,000 *(RRNSW)	20,000	20,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair	8,000	8,000	8,000	5,000
Alstonville Agricultural Society	New Years Eve Family Event	20,000	20,000 *(RRNSW)	20,000	14,000
Truckstop Sk8	Fair Go Skate Competition	(*4,000) 5,000	(*4,000) 6,000	(*4,000) 6,000	(*4,000) 6,000
Rainbow Region Dragon Boat Club	Rainbow Region Dragon Boat Regatta	Nil	Nil	Nil	10,000
Lennox Sessions Inc	Nor'easter (Weekend of Music)	Nil	Nil	12,000	20,000
Alstonville Baptist Church	Carols on the Plateau	Nil	Nil	Nil	5,000
Wardell Core Inc	Wardell River Festival	Nil	10,000 *(RRNSW)	Nil	15,000

* Truckstop Sk8 \$4,000 represents Fair Go Skating Competition budget

** RRNSW – Reconnecting Regional NSW Grant Funding applied in 2022/23

Delivery Program Strategy / Operational Plan Activity

This activity is consistent with:

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

Community Engagement Strategy

The Festival and Event (Community and Commercial) Sponsorship Program opportunity was advertised for six weeks from Monday 23 September 2024 to Friday 8 November 2024.

Financial / Risk Considerations

The Festival and Event (Community and Commercial) Sponsorship Programs are identified in Council's Delivery Program and Operational Plan, and Long-Term Financial Plan.

A \$150,000 budget is currently allocated for 2025/26.

The process to approve the funding distribution is completed ahead of the standard timeline for the budget process as there is a need for festival and event organisers to be aware of their overall budget, prior to commencing their planning and development phase, and this can involve an extended period.

8.8 Festival and Events Sponsorship Program - 2025/26

In addition to the cash allocation provided by Council, significant staff resources support the operations of events, with this expenditure absorbed within operational budgets.

Options

The Festival and Event (Community and Commercial) Sponsorship Programs for 2025/26 has a budget of \$150,000. The total amount requested from all the applicants this year is \$463,210 (or \$413,210 with the Ballina RSL excluded), which exceeds the current budget allocation by \$313,210.

It is open to Council to determine the allocation of funding so there are a variety of options to determine the funding amounts to be applied in response to each application.

The recommended approach is as shown in the following table based on:

- Funds allocated to applicants who have met all the eligibility criteria, who have previously acquitted their funding and have a proven history for holding successful and well received events. This is based on a maximum allocation of \$25,000 and a spread of monies across these events.
- Provision of some funding to new events that meet eligibility requirements, which are not primarily fundraising events and provide the shire with a wider variety of event types.

Name of organisation	Name of event	Request (\$)	Recommended (\$)
Lennox Head Chamber of Commerce	Love Lennox Festival	40,000	25,000
Le Ba Boardriders	Skullcandy Oz Grom Open	25,000	20,000
Alstonville Agricultural Society	New Years Eve Family Festival	20,000	15,000
Truckstop Sk8	Fair Go Skate Comp	6,000	6,000
Rainbow Region Dragon Boat Club	2025 RR Dragon Boat Regatta	18,880	10,000
Lennox Sessions Inc	Nor'easter Weekend of Music	47,000	20,000
Alstonville Baptist Church	Carols on the Plateau	10,000	10,000
Wardell CORE Inc	Wardell River Festival	20,000	10,000
Solace Muay Thai Ballina	Ballina Fight Night	25,000	10,000
GTR Events	Ballina Outdoor Living, Caravan & Boat Expo	30,000	10,000
Quota Alstonville Inc	Craft and Garden Fair	8,000	5,000
Lennox Run Club	The Ox	6,000	5,000
Sprung Dance Theatre	River Stories 2025	8,330	4,000
Jali Local Aboriginal Land Council	Back to Boundary Creek – NAIDOC Week	30,000	0
The Wharf Bar & Restaurant	Wharf River Club	62,000	0
Wollongbar Public School P & C	Wollongbar Twilight Fair & Drone Show	15,000	0
Newrybar Public School P & C	Newrybar Bonfire & Fireworks	35,000	0
Song Fusion Inc	Choral Showbiz	3,000	0
Dementia Inclusive	Annual Symposium	4,000	0
TOTAL		\$463,210	\$150,000

8.8 Festival and Events Sponsorship Program - 2025/26

RECOMMENDATION

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

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

Attachment(s)

Nil

8.9 Youth Engagement

8.9 Youth Engagement

Section	Strategic Planning
Objective	To report on options for youth engagement including establishment of a youth council.

Background

This report has been prepared in response to the following resolution arising from a notice of motion arising at the April 2024 Ordinary Council meeting.

- 1. That Council receive a report on the establishment of a Junior Council to provide a platform for young people to have their voices heard in local decision-making processes.*
- 2. That Council write to local schools, sporting groups and existing youth groups to seek interest.*

Council has previously supported a youth council during two periods. Firstly, from the 1990s to the early 2000s and then again in 2011 to 2014.

The aim of the 2011 youth council was documented as follows:

“The Youth Council provides young people with the opportunity to express their views and advise Council on youth-related issues and a range of other matters relating to Council’s functions and activities.”

The objectives of the Youth Council were to:

- identify needs of young people
- review major development applications
- review infrastructure works that may impact on young people
- liaise with Councillors and staff.

The age range was open to young people aged 12-25. The young people self-nominated and were typically members of local high schools’ student representative councils.

There were approximately eight to ten young people involved and membership was limited to a term of two years.

The youth council predominantly met every month for approximately two hours and was supported by two Council officers.

The participants were asked to provide input into various Council projects and/or relevant development applications which were on public exhibition at the time.

Whilst the participants saw some merit in providing feedback, they ultimately wanted to do something more tangible such as participating in youth activities, organising after school programs, or organising outings during school holidays.

8.9 Youth Engagement

Council at that time did not employ a Youth Development Officer nor did it operate a youth service, and there was no funding stream allocated to delivery of youth council initiatives, so the feedback was not able to be actioned.

Over time participants lost interest in having discussions and not physically undertaking activities or initiatives and as a result attendance at youth council meetings dropped off.

Consequently, the youth council was disbanded in 2014.

Staff experience in relation to youth interactions is that there needs to be very clear and tangible outcomes visible to participants, clear understanding of decision-making responsibility or influence and that the structure used shows how input and time spent intersects with and feeds into Council processes and community benefits (this goes directly to why a young person might choose to allocate time to Council).

In the preparation of this report, correspondence was sent to local schools, sporting groups and existing youth groups to ascertain what interest there may currently be in a youth council and to obtain feedback on the best ways to engage with young people.

The Ballina youth interagency, which is made up of local youth service organisation, was also consulted.

The responses received are discussed later in this report.

This report summarises the requirements necessary for the establishment and successful operation of a youth council.

Alternative methods to involve younger members of the community in Council business are also canvassed.

Key Issues

- Meaningful youth engagement
- Resource allocation

Discussion

Requirements for a Youth Council

Research has identified that there are successful youth councils across NSW where councils work collaboratively with local young people to help plan for and deliver services that meet the needs of young people.

Regional examples include Albury, Bathurst, Lake Macquarie, and Shellharbour councils.

City based examples include Blacktown, Bayswater, Camden, Campbelltown, Northern Beaches, and Liverpool councils.

All examples mentioned have a membership age range between 12-24.

The research identified that all the successful examples have similarities.

8.9 Youth Engagement

The councils typically have a Community Service Department, as part of its organisation structure, which includes a Youth Development Officer whose primary focus is on young people.

An additional element is that the Council operates a youth centre where a range of social, recreational, and educational activities take place.

These examples consistently work as they are appropriately resourced in terms of staffing and the Council is involved in the direct provision of community services.

The successful youth councils meet monthly and provide advice on a broad range of council projects.

Youth council members also have opportunities to provide input into youth programming and participate in activities at the local youth centre.

The underlying benefit of this type of arrangement is that the young people can participate in Council lead activities, as well as providing advice on a range of topics.

A clear role and purpose for a youth council along with appropriate resourcing are essential elements in the ongoing successful function of this type of group.

There are clear benefits in involving young people in the planning for communities, however, if the young people's views or their interests to do something are not considered or are acted on slowly or not at all, it can be a disempowering experience for the young people involved.

Staff have sought advice from the office of Advocate for Children and Young People (ACYP) on the establishment of a youth council.

The ACYP advised that for a youth council to be successful it needs a Youth Development Officer (YDO) to support it.

Council has historically not had a direct role in the provision of community services. Council has instead assisted numerous community service providers by providing facilities for community groups to operate from. Council does not employ a YDO nor does it operate a youth service.

Fundamentally if Council is asking young people to give time to participate in consultation it needs to be meaningful and engaging with sustained resourcing.

Council currently does not have staffing capacity to support a youth council in a meaningful manner. Should Council determine to establish a youth council consideration should be given to creating a new position of a Youth Development Officer, as part of the 2025/26 workforce planning process.

Alternatives to a Youth Council

Discussions with the ACYP have identified that there are other mechanisms whereby young people can have their voices heard as an alternative to a Youth Council.

These options include undertaking a youth survey and/or hosting a youth forum.

8.9 Youth Engagement

Council is currently reviewing the Community Strategic Plan (CSP) with early engagement activities in progress.

Part of this process includes working with the ACYP to deliver a youth specific survey to ensure young people are engaged in a youth friendly manner.

At the time of completing this report a total of 380 people had completed the survey.

This has proven to be a very effective tool in reaching young people.

The survey responses will be reviewed and compiled for consideration as part of the CSP process.

The ACYP advise that it would be able to work collaboratively with Council to develop a broader youth engagement process that could include a shire wide youth survey and / or the possibly of holding a youth forum.

Conducting a youth forum would provide an opportunity for a range of young people to come together and participate in identifying issues and proposing strategies to make Ballina Shire more responsive to the needs of young people.

A youth forum could attract a wider group of participants from a broader cross section of the community than an ongoing more traditional youth council model.

Participants could be drawn from local high schools, youth groups, sporting groups, creative arts groups and youth engaged with organisations associated with the local youth interagency.

The Ballina youth interagency is a collective of youth services providers which operates in Ballina shire.

The youth interagency members have expressed their support for conducting a youth forum and have indicated that they would be willing to assist in the running of the forum.

A forum has the capacity to attract a broad range of young people in terms of different interest, socio- economic status and locality.

It also has the advantage of not requiring an ongoing time commitment and is more aligned with Council's existing resources.

The information gathered at a youth forum could be documented in the form of a youth plan and utilised by local youth service organisations and Council to better respond to identified youth needs.

The opportunity to partner with ACYP presents Council with the potential to develop a consultation method which is specifically catered to young people.

This may have long term benefits for Council as historically it has been difficult to get young people to participate in a range of Council lead community consultations.

If a youth forum was pursued the recommended approach is to host a forum once annually for three years (initially) with timing to be aligned with the annual delivery program and operational plan and long-term financial planning processes.

8.9 Youth Engagement

This would then enable Council to test the forum concept in a way that can result in outcomes being directly fed into Council's work program and budget considerations annually.

The benefit of aligning with Council's annual planning processes is that specific feedback can be given in relation to decisions and planned outcomes, with initiatives that Council adopts being able to be documented in the work program.

This also provides a clear platform as to the level of influence and participation in Council business that engaged youth will have through the forum.

Delivery Program Strategy / Operational Plan Activity

Youth engagement is part of the following Delivery Program Strategies:

Connected Community

- CC 2.3 Assist disadvantaged groups within our community.
- CC3.2 Provided young people with a range of leisure activities.

Engaged Leadership

EL1.2 Involve our community in our planning and decision-making processes.

Community Engagement Strategy

41 letters were sent to local schools, sporting groups and youth groups to ascertain the interest in a youth council, in accordance with point 2 of the Council resolution.

Additionally, the Ballina youth interagency, which is made up of local youth service organisations, was consulted at the youth interagency meeting.

Four responses were received from schools and sporting groups and the Ballina youth interagency provided feedback (Attachment 1 - noting one of the responses was verbal so is not provided in the attachment).

The four responses are supportive of Council increasing its engagement with young people, although the way this engagement can occur varies.

The Ballina Athletics group suggests an option would be the establishment of a panel composed of young representatives from local sporting organisations, arts, and culture organisations.

The group suggests that such a panel would give young people a direct voice in Council's decision-making.

The panel could meet either bi-annually or quarterly to discuss matters like facility upgrades, events, and other community needs.

This group also suggested that Council could hold pop up sessions at regular community events/club nights to get feedback from young people.

8.9 Youth Engagement

Additionally, Council could run Leadership and Development Workshops where young people combine leadership training and develop understanding of the role and function of local government.

This would be followed by a mock Council meeting where young community members need to make submissions about something important to them.

The response received from the Director of Secondary School at Emmanuel Anglican College suggests that as every School has a Student Representative Council (SRC), these SRC's can be used to provide feedback to Council at times.

They were unsure if students would commit to being involved outside of school hours.

Similarly, a representative at Ballina Coastal High School (BCHS) indicates that the school has an SRC, and that Council could have regular contact with the BCHS SRC to discuss relevant topics monthly.

Alternatively, that Council may wish to organise a meeting once a term with SRC Student Reps from across the shire noting it would have to be during school hours and include food.

For this to work they suggest Council needs to have a dedicated youth officer.

The Alstonville Football Club advise that it would be supportive of a youth council.

Discussions with the members of the Ballina youth interagency indicate support for holding a youth forum.

This option is preferred to a youth council in part as it would be better suited to include a broad range of young people.

The information that comes out of a youth forum could be used to develop a youth services plan for the shire.

This could form a basis for Council and the youth interagency to respond to youth issues.

The advice of the ACYP is that for a youth council to be meaningful and successful it should be supported by a dedicated youth development officer based in Council.

Financial / Risk Considerations

There is no current budget allocation for the establishment of a youth council or to employ a youth development officer.

No specific funding stream is allocated at present for the holding of a youth forum although this could be accommodated from within existing operating budgets within the strategic planning section.

The most realistic approach to engaging shire youth successfully in the short term, having regard for existing available resources, is the youth forum model.

8.9 Youth Engagement

Council has a responsibility to ensure its activities and services are carried out in a manner that provides appropriate child safe environments for children and young people.

Council's Child Safe Risk Management Plan sets out the requirements to ensure a safe and positive environment for children and young people is maintained while they are on Council premises and using Council services.

Options

Option 1 – Youth Council

Establish a Youth Council with a maximum of 10 Junior Councillors (or another number as defined by Council). Membership would be open to young people aged 12-24 who live, study or work in Ballina Shire. Young people would self-nominate via an application form. The youth council would meet monthly with a focus on the following:

- identify needs of young people,
- review major development applications,
- review infrastructure works that may impact on young people,
- liaise with Councillors and staff.

As highlighted earlier in the report, without the allocation of proper resources this type of arrangement is not likely to be sustainable. It is also limited in terms of the number of people who can be engaged and is not expected to result in a wide cross section of participants.

This option is not recommended.

Option 2 – Youth Development Officer

Council determines that it has a role in the direct provision of youth services and establish the position of Youth Development Officer. The primary role of the position would be to support young people in general, to organise and run a range of youth activities, participate in the Ballina youth interagency and support a future Youth Council.

This option would require a substantial financial investment both for staff resources and the provisions of activities. This approach is not funded and further investigation would need to be undertaken to determine the costs to create the position along with a suitable budget allowing for the delivery of youth services.

This approach would also be a significant shift in the scope of Council's service provision in relation to social services and infrastructure.

In the current financial circumstances of the Council, and in the absence of sustained engagement and feedback from shire youth of what this cohort values and would like to see, this option is not recommended.

This option is not recommended.

8.9 Youth Engagement

Option 3 – Youth Forum

Council works with the ACYP and the Ballina youth interagency to plan for and conduct a youth forum, with the first one occurring in 2025 (with the aim being to hold this event prior to adoption of the 2025/26 Delivery Program and Operational Plan and associated budget).

The focus of the forum would be to identify youth issues and develop actions to address the needs, which can be then fed directly into Council's work program and budget considerations.

This may in turn lead to preparation of a youth services plan or similar document to guide youth initiatives over the longer term.

Costs associated with conducting a forum would include venue hire, food, transport, and report publication costs.

These could be met within existing operational budgets.

This arrangement provides for a platform for young people to have their voices heard and incorporated into local decision-making processes, with a relatively small-time commitment, opportunity for influence in Council's work program planning and potential for a broad cross section of participants.

A key element of this idea is that the forum can provide Council and youth stakeholders with a productive and realistic place to start to progressively build Council's capacity and response in relation to matters of importance to young people in the community.

This option is recommended on the basis that Council seeks to establish and hold the forum annually for an initial period of three years.

This sets clear up front expectations around what is to occur and allows for evaluation after a series of engagements to inform future process and resource commitments.

Option 4 – SRC Engagement

Council could contact local schools with a view to establishing a program for programmed engagement with high school SRC's each year to discuss youth related matters.

This option is not recommended as it engages a relatively smaller group and does not have the broader engagement as per the Youth Forum.

Alternative to selecting one of the options above, Council could resolve to progress a combination of the approaches above, or to take no further action in relation to the establishment of a specific youth engagement mechanism.

Neither of these approaches is recommended on the basis that a defined youth engagement platform could provide Council with valuable insight but noting that the approach taken needs to be something realistic and manageable having regard for available resources.

RECOMMENDATIONS

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

Attachment(s)

1. Youth Council - Written Submissions

8.10 Local Event Day Proposal - Widjabul Wia-bal Day

8.10 Local Event Day Proposal - Widjabul Wia-bal Day

Section	Strategic Planning
Objective	To outline a proposal for the declaration of Widjabul Wia-bal Day as a local event day.

Background

NTSCORP Limited (the Native Title Service Provider for Aboriginal Traditional Owners in NSW), on behalf of the Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC (registered Native Title Body Corporate), has requested Council write to the Minister for Industrial Relations to declare a 'local event day' for 19 December, to coincide with the anniversary of the Widjabul Wia-bal native title determination.

A copy of the letter is included as Attachment 1.

Attachment 2 shows the area of the Widjabul Wia-bal Native Title Determination, which includes parts of the Alstonville plateau, and areas in the southwestern part of Ballina Shire.

The purpose of this report is to consider the request and determine if an application is to be made to the Minister for Industrial Relations for gazettal of a local event day.

The request was first received by Council in August 2023. It was also made to other councils where the local government area (LGA) intersects with the Widjabul Wia-bal Native Title Determination.

As the request related to several LGAs, all of which are part of the Northern Rivers Joint Organisation (NRJO), the General Managers of Byron, Ballina, Kyogle and Richmond Valley councils reviewed the proposal and suggested that the request be considered on a regional basis (noting that Tweed Shire is not affected, and Lismore City Council (LCC) was already consulting its community about the proposal).

The NRJO also sought further information from NTSCORP about consultation with other Native Title stakeholders (excluding LCC, which had resolved to seek approval for a local event day on 12 September 2023). The NRJO's request is included as Attachment 3.

NTSCORP's response to the NRJO was discussed at the January 2024 meeting of the General Managers Advisory Committee (GMAC). This letter is included as Attachment 4.

The GMAC recommended that, as LCC had already secured a local event day, each member council should consider a dedicated Widjabul Wia-bal Day separately, rather than through the NRJO.

This report discusses the requirements for making an application for declaration of a local event day.

Key Issues

- Local event day requirements
- Establishing significance to the community

Discussion

Requirements for declaration of a local event day

Under the *Public Holidays Act 2010*, a council can request the Minister for Industrial Relations to declare a local event day. Section 8 of the *Public Holidays Act 2010* provides that:

- (1) The Minister may by order made at the request of the council of a local government area declare a specified day or part-day to be a local event day in the local government area or in a specified part of the local government area.*
- (2) The Minister is not to declare a local event day unless satisfied that the day or part-day is, and will be observed as, a day of special significance to the community in the area concerned.*
- (3) The order declaring a local event day must be published on the NSW legislation website at least 7 days before the local event day.*
- (4) The declaration of a local event day does not make the local event day a public holiday.*

A local event day is not the same as a public holiday and the declaration of a local event day, or part day, does not preclude businesses located within the designated holiday area from opening or trading on the day.

A declared local event day does not automatically mean that employers in the locality are compelled to treat the day as a public holiday.

There are no local event days currently declared for Ballina Shire.

The last local event day was for the Ballina Cup (horse racing) in 2018.

There were / are four local event days in NSW this year, as follows:

Date	Locality	Event
Friday 1 March 2024	City of Newcastle Local Government Area	Newcastle Show
Part-day from midday to 6pm on 10 April 2024	Kempsey local government area	Kempsey Show
Part-day from midday to 6pm on 8 November 2024	Kempsey local government area	Kempsey Cup
19 December 2024	City of Lismore Local Government Area	Widjabul Wia-Bal Day

8.10 Local Event Day Proposal - Widjabul Wia-bal Day

A day of special significance

For a local event day to be declared, the Minister must be satisfied the day is, and will be observed as, a day of special significance to the community in the area concerned.

NTSCORP notes in its correspondence that the recognition of Widjabul Wia-bal's Native Title rights and interests by the Federal Court was a momentous occasion for the community and submit that "Widjabul Wia-bal Day" would be a day upon which Widjabul Wia-bal and the greater Ballina Shire community could come together to celebrate the legacy and significance of Widjabul Wia-bal as the Traditional Owners of their Country.

NTSCORP also indicates that 'Widjabul Wia-bal Day would be an opportunity for reconciliation and celebration of Widjabul Wia-bal Elders, traditions, language, art and culture.'

Like Widjabul Wia-bal Day in Lismore, a local event day in Ballina Shire could include events involving song and dance, markets, native food stalls, art and stories, incorporating Widjabul Wia-bal traditions.

Lismore's Local Event Day

Lismore City Council resolved to seek a declaration for Widjabul Wia-bal Day, as a local event day, at the 12 September 2023 Ordinary meeting.

Widjabul Wia-bal Day was subsequently gazetted by the Minister as a local event day, in the Lismore LGA, on 28 November 2023.

The declaration was for two years, and the first Widjabul Wia-bal Day was celebrated on 19 December 2023.

It will be celebrated again on 19 December 2024.

It is likely that the gazettal will be renewed.

The application process

Staff sought advice from NSW Industrial Relations about requirements for the application for the declaration of a local event day (including a part-day event).

As no advice was forthcoming, the following was obtained from guidelines provided to LCC in 2023.

An application for declaration of a local event day (or part day) must be made in writing to the Executive Director, NSW Industrial Relations, Premier's Department and contain the following information:

1. A statement regarding the history of the event and whether the event day has traditionally been observed as a full or half-day public holiday.
2. The date, the designated area and, if relevant, the hours during which the local event day is to be observed.
3. The extent of community consultation undertaken in respect of the proposal.
4. Copies of advertisements seeking public comment and a summary of the public's responses.

8.10 Local Event Day Proposal - Widjabul Wia-bal Day

5. A summary of correspondence to, and responses from, relevant stakeholders, including bank managers' school principals' and chambers of commerce regarding the council's proposal.
6. Internal reports or information prepared for consideration by the Council and a copy of the council's resolution authorising the making of the application.

Council has not yet undertaken any community or stakeholder consultation to determine the significance of the recognition of Widjabul Wia-bal's Native Title rights and interests to the Ballina Shire community.

This is necessary, if Council decides to proceed with an application to the Minister for Industrial Relations.

The Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC consulted with the other RNTBCs in the Northern Rivers region, and it is understood that each of the other RNTBCs support Widjabul Wia-bal Day.

The RNTBC envisages that a united regional approach to local event days for all Native Title holders, Traditional Owners and Aboriginal communities will promote strong relationships between Traditional Owner groups and local government and encourage reconciliation across the Northern Rivers region. Attachment 4 lists the other RNTBCs in the Northern Rivers.

RNTBCs are not the same as local land councils. The Jali LALC and other Aboriginal stakeholder groups and individuals may have feedback in relation to the local even day proposal.

Delivery Program Strategy / Operational Plan Activity

This is linked to Delivery Program Outcome CC2 – We Have A Sense Of Belonging Within The Community.

Community Engagement Strategy

Before making an application for declaration of a local event day (or part day) Council is required to consult with the local community and local organisations including schools and the Chamber of Commerce.

It is recommended that consultation occur with the local community, through Council's Your Say website and with relevant stakeholders including Jali LALC and other local Aboriginal organisations by direct correspondence.

Financial / Risk Considerations

Consideration of the request from NTSCORP, including consultation with the community and stakeholders, can occur within existing resources.

Options

Option 1 - Council undertakes consultation with the community and relevant stakeholders to ascertain the significance of, and extent of support for, Widjabul-Wiabal Day as a local event day (or part day) in Ballina Shire on 19 December.

8.10 Local Event Day Proposal - Widjabul Wia-bal Day

This option is recommended as it enables community consideration of the proposal and will provide Council with feedback to inform a decision on making a request to the minister for the declaration of the day.

If this approach is adopted, a further report will be provided to Council on the outcomes of the consultation to inform Council's formal response to NTSCORP and the Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC.

Option 2 - Council decides not to apply to the Minister for Industrial Relations for declaration of Widjabul-Wiabal Day as a local event day and advise NTSCORP accordingly.

This option is not recommended as it does not enable the provision of community feedback to inform Council's decision.

Community feedback is important because the proposed local event day relates to different Aboriginal stakeholders, as well as broader community understanding of Aboriginal cultural heritage in the Ballina Shire.

RECOMMENDATIONS

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

Attachment(s)

1. NTSCORP - Letter to Ballina Shire Council - Widjabul Wia-bal Day
2. Native Title Area Map - Widjabul Wia-bal Native Title Determination
3. NRJO Letter to NTSCORP - Consultation with Native Title Holders
4. NTSCORP Letter to NRJO - Response - Consultation with Registered Native Title Body Corporates

8.11 Ballina Pump Track - Design and Construct Contract

8.11 Ballina Pump Track - Design and Construct Contract

Section Open Spaces

Objective To report on options to progress the design and construction of the Ballina Pump Track

Background

Council received a tender report for the Design and Construct Pump Track – Kingsford Smith Precinct contract at the 24 October 2024 meeting and resolved as follows:

- 1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Tender - Ballina Pump Track - Design and Construct as the prices tendered exceed current commercial viability.*
- 2. That Council, in accordance with Local Government (General) Regulation 2021 Section 178(3)(e) authorises the General Manager to enter into negotiations with parties, whether or not they have tendered, with a view to enter into a contract for the Tender - Ballina Pump Track - Design and Construct.*
- 3. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest and it is more efficient and timely to negotiate with interested parties than call for new submissions.*
- 4. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(b), Council has determined to negotiate with parties, whether or not they have tendered, with a view to entering into a contract in relation to the subject matter.*

It was requested that as part of the negotiation for the contract, that a report be provided to Council, outlining options to deliver the pump track with additional information regarding levels of embellishment that could be included according to a range of budgets.

Negotiation commenced with all tenderers to clarify scope items and inclusions to present options to Council based on a preferred contractor.

This report provides the outcomes from those negotiations, with Council now needing to determine the preferred contractor and the preferred level of embellishment, or service, to be delivered to the community.

Key Issues

- Value for money
- Level of embellishment and service to be delivered
- Sources of additional funding

Discussion

The negotiation has clarified details regarding the inclusions in each tender.

A preferred tenderer has been identified and three options based on price points and different levels of embellishments are presented to Council.

Option 1 – Pump Track Only

Option 1 will require an increase in budget to fund a basic option focused on the delivery of the specified track with no ancillary structures or embellishment.

This option will deliver the pump track, as specified, without additional embellishments. It will include critical drainage infrastructure, basic landscape shaping and grass seeding around the track.

No connecting paths or ancillary structures are included in this option.

Inclusions:

- Design Consultation and Detailed Construction Drawings
- Earthworks and drainage
- Asphalt pump track to UCI (the world governing body for cycling) World Cup pre-qualifier standard (Incl. beginners track and advanced jump line)
- Grass seed to surrounds

The estimated cost is \$900,000

Option 2 – Pump Track as Tendered – Full Scope of Project

This option will deliver the pump track and all embellishments.

Inclusions:

- Design Consultation and Detailed Construction Drawings
- Earthworks and drainage
- Asphalt pump track to UCI World Cup pre-qualifier standard (Incl. beginners track and advanced jump line)
- Accessible all weather entry paths and hardstand
- Trackside Shelters with seating and bike racks
- Additional reserve picnic shelters and picnic settings
- Event space shelter with picnic benches
- Additional reserve bench seats
- Drinking fountain with plumbing connections
- Public bike work stands
- General waste bin enclosures
- Vehicle exclusion barriers
- Additional 6m wall ride
- Track Linemarking and stencil artwork to trackside areas
- Alternate activity space (half court or similar)

The estimated cost is \$1.84m.

Option 3 – Reduced Scope and Size Pump Track

This option will require further negotiation to reduce the scale and scope of the pump track, without additional embellishments. It would still need to include critical drainage infrastructure, basic landscape shaping and grass seeding around the track.

Inclusion of connecting paths or ancillary structures would only further diminish the dimensions of the track that could be delivered within the budget, and would not be recommended.

Inclusions:

- Design Consultation and Detailed Construction Drawings
- Earthworks and drainage
- Asphalt pump track reduced size and scale (smaller than Suffolk Park)
- Grass seed to surrounds

The estimated cost is \$729,000.

Details of tender negotiations, inclusions and pricing options have been provided to Councillors through a confidential memorandum.

Delivery Program Strategy / Operational Plan Activity

The Ballina Pump Track, at Kingsford Smith Reserve, is an identified capital works project in the Delivery Program and Operational Plan for the 2024/25 financial year. The project is an activity that supports the objective of:

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

A link to the Kingsford Smith Reserve Master Plan, on Council's website, is as follows:

[Kingsford Smith Reserve Master Plan | Ballina Shire Council](#)

Community Engagement Strategy

Extensive community consultation was completed during the development and public exhibition of the Kingsford Smith Reserve Master Plan.

Consultation with key user group representatives is to be carried out during the design phase of the pump track contract.

A public tender was conducted for this contract, with no tender being accepted due to all tenders exceeding the project budget.

Financial / Risk Considerations

The construction of the pump track is 100% funded through the NSW Government's Stronger Country Communities Fund (SCCF) (Round 5), with an original budget of \$734,000.

8.11 Ballina Pump Track - Design and Construct Contract

In identifying the pump track, as a project to be funded through the SCCF, Council was informed that the community outcomes would depend on the overall scale and size of the final project, which were dependent on the construction tenders received, and any additional funds Council allocated to the project.

All original tenders have exceeded the budget and Council now needs to confirm the preferred service level outcomes, along with the allocation of any additional funds.

The preference is always to complete a project in full, as it is often difficult to revisit staged projects, when there so many competing priorities for funding.

Staging projects can result in cost increases, due to the loss of efficiencies in having to start and then restart the various stages, appoint new contractors etc.

The evaluation panel has identified three options, which are essentially a base level facility (Option 1), full scope facility (Option 2) and the reduced scope (Option 3).

Option 3 is not recommended as this would result in a facility that may not be satisfactory to the community and potentially results in Council expending \$729,000 for a less than satisfactory outcome.

This means Council needs to examine potential sources of funding for Options 1 and 2.

The Kingsford Smith Reserve Master Plan is identified in the works program in the Ballina Shire Open Space and Community Facilities Developer Contributions Plan.

The estimated value of the project in the plan is \$15m, with 18%, or \$2.716m able to be funded through developer contributions.

Council secured \$3.3m in grant funding in 2020, from the State Government to undertake improvements at Kingsford Smith Reserve, with those improvements consistent with the adopted Master Plan.

Council has expended approximately \$4m on Master Plan related works, from 2021/22 to 2023/24 to date; i.e.

Financial Year	Expended (\$)
2021/22	63,000
2022/23	2,840,000
2023/24	1,097,000
Total	4,000,000

These works have been funded through grants and Council reserves and recurrent revenue, without any funding sourced from developer contributions.

What this means is that Council can look at the total expenditure on the Kingsford Smith Reserve Master Plan, and allocate 18%, being the approved developer contributions apportionment, from the contributions held in accordance with the Open Space and Community Facilities Contribution Plan.

8.11 Ballina Pump Track - Design and Construct Contract

This is summarised, as follows, based on Options 1 and 2.

Option 1 – Base Facility	Expended (\$)
Expended to Date	4,000,000
Pump Truck – Base Facility	900,000
Total	4,900,000
Potential Developer Contributions Funding (18%)	882,000

OR

Option 2 – Full Scope	Expended (\$)
Expended to Date	4,000,000
Pump Truck – Full Scope	1,840,000
Total	5,840,000
Potential Developer Contributions Funding (18%)	1,051,000

What this means is that once the Open Space and Community Facilities Contributions are added to the existing budget, both options are close to feasible; i.e

Option 1 – Base Facility	Funding (\$)
SCCF – Round 5 Grant	734,000
Open Spaces and Developer Contributions	166,000
Total	900,000

OR

Option 2 – Full Scope	Funding (\$)
SCCF – Round 5 Grant	734,000
Open Spaces and Developer Contributions	1,051,000
Balance from Council Reserves	55,000
Total	1,840,000

There is a relatively small shortfall in Option 2, which would require additional funding from a Council reserve, or an existing budget.

The other part to this analysis is reviewing the cashflows for the Open Spaces and Community Facilities Contributions Plan.

Movements for the last three years and next two years, as per Council's Long Term Financial Plan, are as follows.

Open Space and Community Facilities Contribution Plan – Cash Flow (\$)

Item	2021/22 Actual	2022/23 Actual	2023/24 Actual	2024/25 Forecast	2025/26 Forecast
Opening Balance	3,195,200	2,241,600	2,919,600	4,037,000	3,572,000
Contributions Collected	1,910,000	1,194,000	956,800	900,000	1,000,000
Interest Earned	24,000	76,000	172,000	165,000	179,000
Sub Total	5,129,200	3,511,600	4,048,400	5,102,000	4,751,000
Less Expended/Forecast	801,200	92,000	11,400	1,530,000	3,700,000
Less Council Recouped	2,086,400	500,000	0	0	0
Closing Balance	2,241,600	2,919,600	4,037,000	3,572,000	1,051,000

Points to note in this table are:

- Contributions collected can vary significantly from year to year

8.11 Ballina Pump Track - Design and Construct Contract

- The forecast expenditures for 2024/25 and 2025/26 are for:

Project	2024/25	2025/26
Pop Denison Master Plan – Car Park	530,000	0
Sharpes Beach Master Plan	300,000	0
Alstonville Cultural Centre	700,000	3,700,000

- The recoupment row in the table represents projects in the Contributions Plan, which Council has constructed ahead of schedule, primarily due to funding sourced from Council's property reserves, with Council then able to recoup funds to the property reserves, based on the Contributions Plan works schedule.

There are no projects listed in Council's Long Term Financial Plan past 2025/26, that are funded from this Contributions Plan.

Based on these figures, and the forecast closing balance for the Contributions Plan of \$3.572m for 2024/25 and \$1.051m for 2025/26, there is sufficient forecast contributions to fund Options 1 and 2.

However, the risks associated with this are:

- Contributions collected can vary significantly up and down. The forecast collections of \$900,000 and \$1m for 2024/25 and 2025/26, are based on long term averages, that may or may not eventuate.
- The Sharpes Beach Master Plan project is a very similar project to this one, in that the current Council budget of \$1.37m for 2024/25, may need to be increased significantly once all approvals are in place and tenders are called for construction.

Despite these concerns, based on the current balance of contributions held, as at 30 June 2024 of \$4.037m and \$3.572m forecast for 30 June 2025, Council should be able to constantly review its cash flow movements to allow all these projects to proceed.

Options

In looking at options, the two viable options are:

- Council negotiates with the preferred contractor to deliver the base pump track and embellishments, based on a budget of \$900,000 through the allocation of Open Space and Community Facilities Developer Contributions to the project:
- Council negotiates with the preferred contractor to deliver the full scope pump track and embellishments based on a budget of approximately \$1.8m, through the allocation of Open Space and Community Facilities Developer Contributions to the project:

The preferred option is the full scope project, as this will deliver a high quality, UCI compliant facility with supporting infrastructure.

The supporting infrastructure, such as paths, picnic shelters, drinking fountains etc are realistically essential infrastructure, to ensure that users of the facility,

8.11 Ballina Pump Track - Design and Construct Contract

as well as parents supervising children, are provided with a reasonable amenity at the site.

In respect to budget, rather than allocating the full \$1.84m identified, which requires another contribution from Council of \$55,000, funded from an internal reserve, or reallocating funding from another project, the preference is to only allocate funding from the developer contributions held.

Applying this methodology the budget would be increased by \$1.04m, calculated as follows, based on the total expenditure for the Kingsford Smith Reserve Master Plan.

Option 2 – Full Scope	Expended (\$)
Expended to Date	4,000,000
Pump Truck – Grant Funds	734,000
Pump Truck – Developer Contributions (18% of total)	1,040,000
Total	5,774,000

The revised Pump Track budget is then \$1.774m.

This is \$66,000 short of the estimate in the report, which includes contingencies, however it will still deliver a quality project, and allows Council staff to negotiate / fine tune, some of the pricing proposed by the preferred contractor.

If, as the project advances, staff are of the opinion that an essential item(s) of supporting infrastructure cannot be delivered within the revised budget, a further report can be submitted to Council.

RECOMMENDATIONS

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

Attachment(s)

1. Confidential Memorandum - Tender Negotiation - Design and Construct a Pump Track - Kingsford Smith Precinct (Under separate cover) (Confidential)

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 documents.

US2024/21	1. That Council, in accordance with the relevant provisions of the Local Government Act 1993 and the Crown Land Management Act 2016, enters the following leases of <i>community land</i> :		
	Property	Tenant	Tenure / Details
	Part Lot 1 DP 1153430 (Council is Crown Land Manager of Reserve 83963)	Fripp Oval Sports Club Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST) Fripp Oval Sports Building
	Part Lot 495 DP 729297 (Council is Crown Land Manager of Reserve 83963)	Ballina Sports Club Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST) Saunders Oval Sports Building
Lot 466 DP 729058 (Council is Crown Land Manager of Reserve 97839)	Lennox Head Community Preschool Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST) Southern Area at Lennox Head Community Preschool	
2. Council authorises the General Manager to affix the seal to the lease documents in point one and any other documents required to allow tenure to be granted in accordance with point one.			
3. That prior to points one and two being actioned, statutory public notification relating to the proposed leases of community land be undertaken, with a report to be presented to Council if an objection of a substantive nature is received to the grant of the proposed leases.			

9.1 Use of Council Seal

US2024/22	<p>1. That Council, in accordance with the relevant provisions of the Local Government Act 1993 and the Crown Land Management Act 2016, enters the following leases/licences of <i>community land</i>:</p> <table border="1" data-bbox="587 369 1398 752"> <thead> <tr> <th data-bbox="592 376 802 412">Property</th> <th data-bbox="807 376 1034 412">Tenant</th> <th data-bbox="1038 376 1393 412">Tenure / Details</th> </tr> </thead> <tbody> <tr> <td data-bbox="592 418 802 745">Part Reserve 97786, Part lot 502 DP 729388 (Council is Crown Land Manager of Reserve R97786)</td> <td data-bbox="807 418 1034 745">Richmond-Tweed Family History Society Inc</td> <td data-bbox="1038 418 1393 745">Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST). This is in the same building as the Naval Museum, Regatta Avenue.</td> </tr> </tbody> </table> <p>2. Council authorises the General Manager to affix the seal to the lease/licence documents in point one and any other documents required to allow tenure to be granted in accordance with point one.</p> <p>3. That prior to points one and two being actioned, statutory public notification relating to the proposed lease/licence of community land be undertaken, with a report to be presented to Council if an objection of a substantive nature is received to the grant of the proposed lease/licence.</p>	Property	Tenant	Tenure / Details	Part Reserve 97786, Part lot 502 DP 729388 (Council is Crown Land Manager of Reserve R97786)	Richmond-Tweed Family History Society Inc	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST). This is in the same building as the Naval Museum, Regatta Avenue.
Property	Tenant	Tenure / Details					
Part Reserve 97786, Part lot 502 DP 729388 (Council is Crown Land Manager of Reserve R97786)	Richmond-Tweed Family History Society Inc	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST). This is in the same building as the Naval Museum, Regatta Avenue.					

Attachment(s)

Nil

9.2 Investment Summary - November 2024

9.2 Investment Summary - November 2024

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

Background

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

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

This report has been prepared to confirm the cash and investments held as at 30 November 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 November 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 June 2024, is available on Council's website: <https://ballina.nsw.gov.au/page.asp?f=RES-GFT-21-04-76>

The total balance of investments, as at 30 November 2024, was \$93.9m, compared to a balance of \$92.9m as at 31 October 2024.

Council's investments, as at 30 November 2024, were invested at a weighted average interest rate of 5.238%, which was 0.819% higher than the November average 90 Day Bank Bill Index (BBSW) of 4.419%.

The balance of Council's Commonwealth Bank business account, as at 30 November 2024 was \$10,209,056 which compares to a balance of \$9,769,152 as at 31 October 2024.

9.2 Investment Summary - November 2024

Total combined cash and investments, as at 30 November 2024 was \$104,109,056 compared to a balance of \$102,669,152 as at 31 October 2024.

The net increase of \$1.4m in cash and investments from October to November is the result of second quarter rates instalments received at the end of the month offset by regular creditor payments made during the month.

NSW TCorp's monthly Economic Commentary report for November 2024 can be viewed using the following link: [Monthly economic report – November 2024](#)

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 2024.

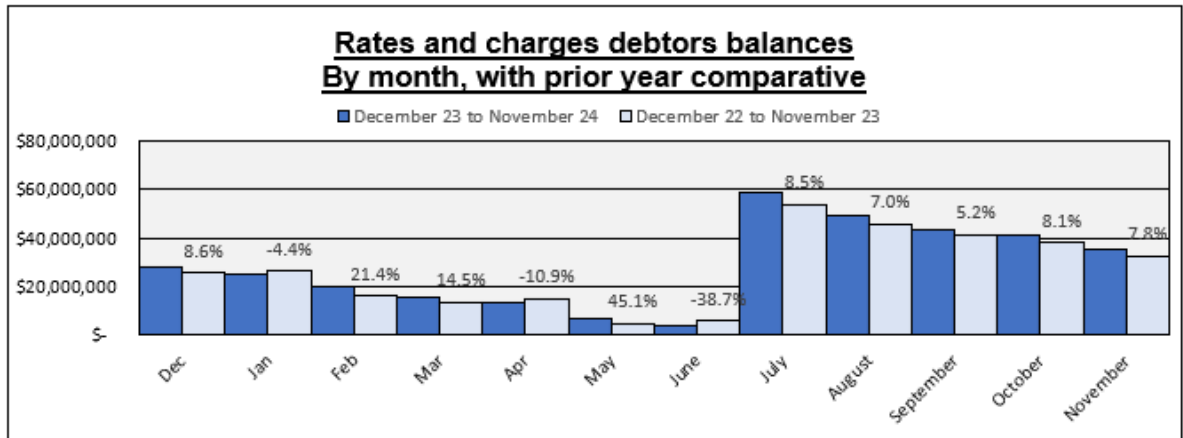
Reserve Name	Restriction	% Portfolio
Wastewater (incl developer contributions)	External	24.18%
Water (incl developer contributions)	External	15.66%
Section 7.11 Developer Contributions	External	18.74%
Domestic Waste Management	External	1.81%
Bonds and Deposits	External	3.07%
Specific Purpose Unexpended Grants	External	8.17%
Commercial Properties	Internal	1.16%
Carry Forward Works	Internal	3.25%
Bypass Maintenance	Internal	3.32%
Management Plans / Studies	Internal	1.03%
Airport	Internal	2.02%
Landfill and Resource Management	Internal	0.09%
Employee Leave Entitlements	Internal	2.65%
Quarries	Internal	0.56%
Property	Internal	1.31%
Plant and Vehicle Replacement	Internal	0.20%
Road Works	Internal	0.94%
Open Spaces	Internal	1.17%
Miscellaneous Internal Reserves	Internal	3.14%
Community Facilities	Internal	0.71%
Financial Assistance Grant in Advance	Internal	4.53%
Unrestricted		2.29%
Total		100.00%

Debtors

As per the following chart, the balance, as at 30 November 2024, was 7.8% higher than 30 November 2023. This increase is predominantly due to the rate pegging increase for 2024/25 of 4.6%, charge increases and growth in the rating base, alongside balances outstanding increasing.

Staff continue to monitor balances and implement timely debt recovery procedures.

9.2 Investment Summary - November 2024



A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	31 October \$'000	30 November \$'000	Quota %	% of Total
AMP Bank	No	BBB+	10,000	10,000	20%	10.65%
Australian Unity	Yes	BBB+	3,000	4,000	20%	4.26%
Auswide Bank	Yes	BBB	3,000	2,000	20%	2.13%
Bank of Queensland	Yes	A-	9,000	13,000	20%	13.84%
BankVic	n/a	BBB+	5,000	5,000	20%	5.32%
Bendigo & Adelaide Bank	Yes	BBB+	1,000	1,000	20%	1.07%
Beyond Bank	Yes	BBB+	2,000	2,000	20%	2.13%
Commonwealth Bank	No	AA-	1,000	1,000	20%	1.07%
Defence Bank Ltd	n/a	BBB+	3,000	3,000	20%	3.19%
ING Bank (Australia) Ltd	No	A	8,000	8,000	20%	8.52%
G & C Mutual	Yes	BBB+	2,000	2,000	20%	2.13%
Macquarie Bank	No	A+	1,600	1,600	20%	1.70%
MyState Bank Ltd	Yes	BBB+	4,000	4,000	20%	4.26%
National Australia Bank	No	AA-	14,000	11,000	20%	11.72%
Newcastle Greater Mutual Group Ltd	Yes	BBB+	1,000	1,000	20%	1.07%
Rabobank Australia Ltd	No	A+	8,000	8,000	20%	8.52%
Suncorp Limited	Yes	A+	15,300	15,300	20%	16.29%
Westpac Bank Corp	No	AA-	2,000	2,000	20%	2.13%
Total			92,900	93,900		100.0%

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value 31 October \$'000	Value 30 November \$'000	%	
	%	Value			31 October	30 November
A- or Higher	100%	93,900	58,900	59,900	63.4%	63.8%
BBB	60%	56,340	34,000	34,000	36.6%	36.2%
Total			92,900	93,900	100.0%	100.0%

Liquidity Risk Parameters as per the Investment Policy	Maximum Allowed		Value (\$'000) 31 October	Value (\$'000) 30 November	%	
	%	Value			31 October	30 November
Term equal to 1 year or less	100%	93,900	83,000	84,000	89.3%	89.5%
Term > 1 year and < 3 years	40%	37,560	-	-	-	-
Term > 3 years	20%	18,780	9,900	9,900	10.7%	10.5%
Total			92,900	93,900	100.0%	100.0%

9.2 Investment Summary - November 2024

B. Fossil Fuel Free and Green Investments

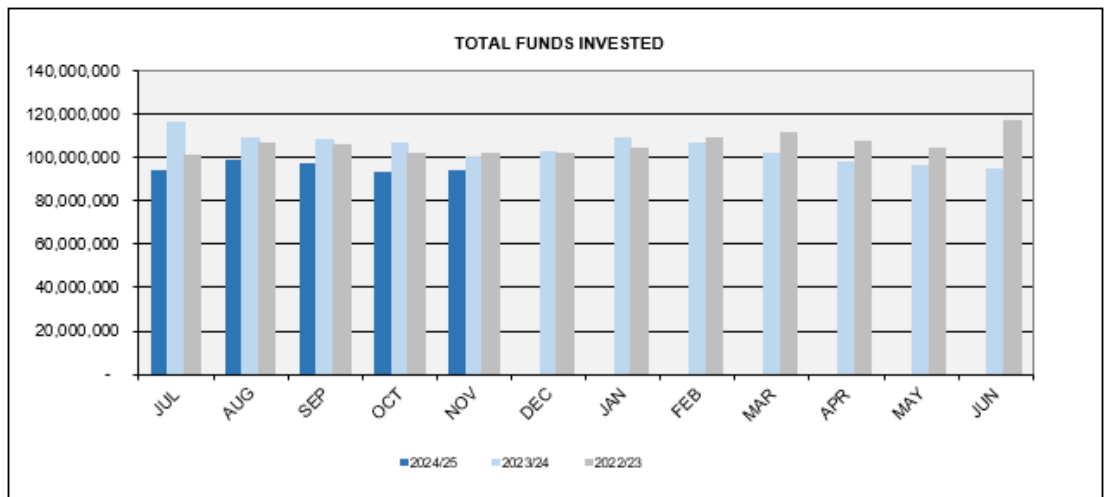
Environmental Classification	31 October		30 November	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned Investments	34,600	37.3	31,600	33.7
Non-Fossil Fuel Aligned Investments	50,300	54.1	54,300	57.8
Not Classified	8,000	8.6	8,000	8.5
Total	92,900	100.0	93,900	100.0

In November 2024, seven investments matured totalling \$11.3m.

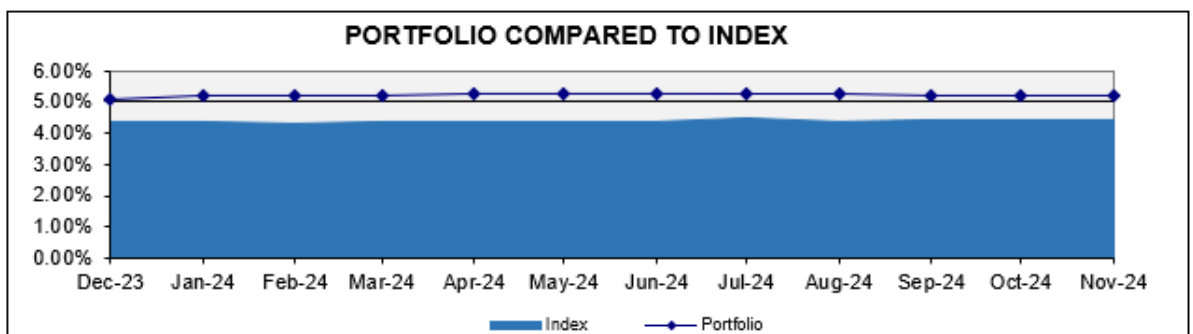
Three of the investments, totalling \$3.3m, were held with non-fossil fuel aligned institutions.

Eight new investments, totalling \$12.3m, were placed. Five investments, totalling \$7.3m, were with non-fossil fuel aligned institutions.

Monthly Comparison of Total Funds Invested

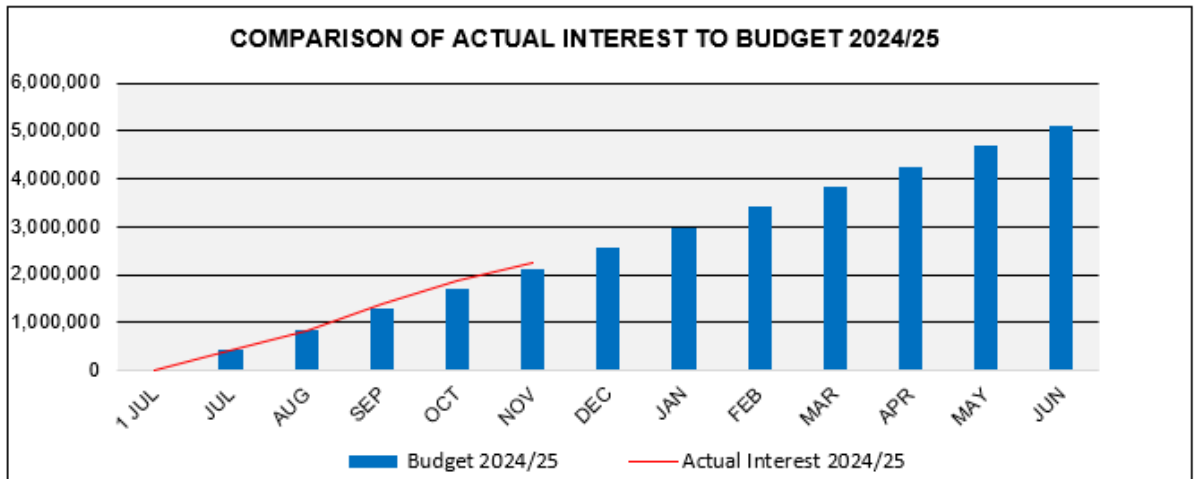


C. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.2 Investment Summary - November 2024

D. Progressive Total of Interest Earned to Budget



E. Investments held as of 31 October 2024 and 30 November 2024

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 October \$'000	30 November \$'000
24/02/21	Suncorp-Metway Limited	FRN	4.87%	24/02/26	1,300	1,300
04/03/21	Newcastle Greater Mutual Group Ltd	FRN	5.04%	04/03/26	1,000	1,000
18/06/21	Bendigo & Adelaide Bank	FRN	5.07%	18/06/26	1,000	1,000
29/06/23	AMP Bank	FRN	6.08%	29/06/26	1,000	1,000
14/09/23	Macquarie Bank Limited	FRN	5.22%	14/09/26	1,600	1,600
20/02/24	Westpac Banking Corporation	FRN	5.29%	20/02/29	2,000	2,000
19/03/24	Suncorp-Metway Limited	FRN	5.40%	19/03/29	1,000	1,000
22/08/24	Commonwealth Bank of Australia	FRN	5.29%	22/08/29	1,000	1,000
08/11/23	ING Bank (Australia) Ltd	TD	5.48%	06/11/24	2,000	-
08/11/23	Australian Unity Bank	TD	5.48%	12/11/24	1,000	-
29/11/23	Auswide Bank	TD	5.50%	26/11/24	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	5.25%	07/01/25	1,000	1,000
09/01/24	Defence Bank Ltd	TD	5.23%	07/01/25	3,000	3,000
10/01/24	ING Bank (Australia) Ltd	TD	5.22%	08/01/25	2,000	2,000
18/01/24	Auswide Bank	TD	5.25%	15/01/25	2,000	2,000
23/01/24	National Australia Bank	TD	5.15%	23/01/25	7,000	7,000
29/01/24	Suncorp-Metway Limited	TD	5.20%	27/01/25	4,000	4,000
23/02/24	National Australia Bank	TD	5.10%	19/11/24	3,000	-
28/02/24	Australian Unity Bank	TD	5.10%	27/02/25	2,000	2,000
28/05/24	MyState Bank Ltd	TD	5.25%	27/08/25	2,000	2,000
04/06/24	MyState Bank Ltd	TD	5.25%	03/06/25	2,000	2,000
27/06/24	National Australia Bank	TD	5.50%	24/06/25	4,000	4,000
10/07/24	Suncorp-Metway Limited	TD	5.45%	08/07/25	3,000	3,000
31/07/24	Rabobank Australia Ltd.	TD	5.35%	31/07/25	3,000	3,000

9.2 Investment Summary - November 2024

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 October \$'000	30 November \$'000
13/08/24	AMP Bank	TD	5.20%	10/06/25	4,000	4,000
28/08/24	Suncorp-Metway Limited	TD	5.07%	04/03/25	6,000	6,000
28/08/24	Rabobank Australia Ltd.	TD	5.00%	03/06/25	5,000	5,000
04/09/24	Bank of Queensland	TD	4.85%	04/02/25	4,000	4,000
11/09/24	G&C Mutual Bank	TD	5.00%	03/09/25	2,000	2,000
01/10/24	Bank of Queensland	TD	5.05%	15/04/25	1,000	1,000
01/10/24	Bank of Queensland	TD	5.05%	04/04/25	2,000	2,000
01/10/24	Bank of Queensland	TD	5.05%	08/04/25	2,000	2,000
12/11/24	Australian Unity Bank	TD	5.10%	11/11/25	-	1,000
12/11/24	Australian Unity Bank	TD	5.10%	11/11/25	-	1,000
19/11/24	ING Bank (Australia) Ltd	TD	5.17%	18/11/25	-	2,000
26/11/24	Bank of Queensland	TD	5.15%	01/07/25	-	2,000
26/11/24	Bank of Queensland	TD	5.15%	21/05/25	-	2,000
	Total				92,900	93,900
	TD=Term Deposit; FRN=Floating Rate Note					

RECOMMENDATION

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

Attachment(s)

Nil

9.3 Donations - Community

9.3 Donations - Community

Section Communications

Objective To consider a donation request for Challenge Community Services - Foster Care received outside the nominated timeframe

Background

Council approved numerous community donations at the July 2024 Ordinary Council meeting for the 2024/25 financial year.

Generally, if applications are received outside the standard advertised timeframe, applicants are advised to reapply in the following financial year. This approach allows Council to assess all applications simultaneously and achieve a more equitable distribution of funding.

Council received a request from Challenge Community Services - Foster Care on 20 November 2024, seeking support for a donation towards entry fees to the Ballina War Memorial Swimming Pool and Waterslides for foster children and their carers during the summer school holiday period.

This request is justifiable for reporting to Council for separate consideration based on the reasons outlined in the report.

Key Issues

- Equity of funding to community groups
- Funding available

Discussion

The donation request seeks entry into the Ballina War Memorial Swimming Pool and Waterslides for approximately 30 children and their carers.

Based on the entry fees of \$5.20 for children over 2 years, \$6.30 for adults, \$3.00 for spectators, and \$18 for waterslide entry, the total cost would be calculated based on the mix of attendees.

For 30 attendees, the cost estimate for the pool entry is \$189 and a further \$270 for waterslides. The total donation request is estimated to be \$460.

This activity will provide foster children the opportunity to participate in a group activity with other foster children and carers, an experience they may not usually have access to.

The children range in age from four to fifteen years and will be supervised by their carers.

9.3 Donations - Community

This application aligns with the *Donations – Financial Assistance for Community Groups* policy and complies with all aspects of the selection and assessment process guidelines, as outlined below:

- The recipient organisation, Challenge Community Services - Foster Care, is a not-for-profit entity providing a community service within the Ballina Local Government area
- The level of benefit to the community, while not extensive, is meaningful, as the donation provides underprivileged foster children and their carers with an opportunity to participate in a group activity, they may not otherwise access, fostering inclusion and wellbeing
- The proposed beneficiaries include approximately 30 foster children and their carers
- The request meets the criteria for exceptional circumstances, as assessed by the General Manager and/or Mayor, allowing it to be referred to Council for determination outside the standard process and timeframe.

Challenge Community Services provides disability, foster care and allied health, taking a child-centred approach to connect children and young people with foster carers.

Commissioned by the Department of Communities and Justice (DCJ), Challenge Community Services delivers permanency outcomes for children and young people in out-of-home care.

However, DCJ funding covers only the direct needs of clients and carers, excluding additional services or activities that foster children need to feel included and enjoy the same experiences as their peers.

Delivery Program Strategy / Operational Plan Activity

The provision of donations to contributes to Delivery Program Strategies:

- CC2.2 Encourage community interaction, volunteering and wellbeing
- CC2.3 Assist disadvantaged groups within our community
- CC3.2 Provide young people with a range of leisure activities

Community Engagement Strategy

The Community Donations program is subject to formal public exhibition, ensuring all donations are considered simultaneously to maintain equity in the allocation process.

However, Council does at times receive requests outside this timeframe. If eligibility criteria are met and funds remain in the donations budget, these requests can be reported to Council for consideration.

9.3 Donations - Community

Financial / Risk Considerations

Council has an allocated budget of \$84,000 for 2024/25 Financial Assistance for Community Groups. At the July 2024 meeting, Council allocated \$76,841 of this budget.

This leaves a balance of \$7,159.

Options

The options are to either support, amend or not support the donation request.

As the request aligns with the policy provisions, it is recommended that this request be supported.

RECOMMENDATION

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

Attachment(s)

1. Donation Request - Challenge Community Services

9.4 Long Serving Employees - Recognition

9.4 Long Serving Employees - Recognition

Delivery Program

People and Culture

Objective

To formally recognise long serving Council employees.

Background

Council has a practice of annually recognising employees who have completed either 10, 20, 30, 35 and 40 years plus, of service by providing an annual presentation at the last Council meeting of the year, along with joining the Councillors for morning tea.

This year we recognise 14 employees who have achieved these service milestones. This report also recognises the 20-year milestone of the Mayor, who has been serving in local government since 2004.

Key Issues

- Acknowledgment of the service of employees

Discussion

At 10.30 am Council will recognise the service of the following employees:

10 years

Matthew Dunne
Daniel Boonham
Mark Fleming
Bruce Munro
Linda Coulter
David Northcott
Patrick Knight
Cheyne Willebrands

20 years

Arthur Jenkins
Larry Schmitzer
Tracy Lister
Peter Suffolk

30 years

Andrew Smith
Dennis Bellato

Several of the employees will be present at the meeting.

It is also noted that the Mayor, Sharon Cadwallader, was first elected to Council in March 2004, and has now served on Council for 20 years.

9.4 Long Serving Employees - Recognition

Financial / Risk Considerations

Council has a recurrent budget for this program.

Delivery Program Strategy / Operational Plan Activity

EL3.2 – Encourage a motivated and adaptive workforce.

Community Engagement Strategy

This report is provided to recognise long serving employees.

Options

This report recognises long servicing employees and the valuable contribution they have made to the Ballina Shire.

This report also recognises the Mayor for her contribution to the Ballina Shire.

RECOMMENDATIONS

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

Attachment(s)

Nil

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

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

Delivery Program

Commercial Services

Objective

To adopt the proposed 2025/26 fees and charges for Flat Rock Tent Park.

Background

A report to the 24 October 2024 Ordinary meeting requested approval to exhibit the draft fees and charges for Flat Rock Tent Park for 1 February 2025 to 31 January 2026. The draft fees and charges also included the booking/cancellation policy.

The Council resolution authorised the exhibition of the draft fees and charges and booking / cancellation policy.

The purpose of this report is to adopt the exhibited fees and charges and booking / cancellation policy for 2025/26.

Key Issues

- Submissions to fees and charges
- Financial viability of Flat Rock Tent Park

Discussion

The draft fees and charges were exhibited for public comment with no written submissions received.

Typically, all Council's fees and charges are exhibited as part of the preparation of the Delivery Program and Operational Plan in April and June each year.

However, due to the commercial nature of the Flat Rock Tent Park, and the need for people to book from year to year, the fees and charges for this facility are exhibited before the peak holiday period, to ensure patrons are aware of any proposed changes.

Delivery Program Strategy / Operational Plan Activity

The objectives within this report are consistent with Delivery Program Strategy:

PE2.3f Ensure on-going profitability of the Flat Rock Tent Park.

Community Engagement Strategy

Consultation has been undertaken with the current Park Managers as well as a public exhibition of the proposed fees and charges.

Financial / Risk Considerations

The fees and charges are set every year in line with the end of the Christmas school holiday period to provide customers with information for bookings made for the following year.

Options

The options are to adopt or amend the proposed fees that have been exhibited.

With no submissions received, the recommendation is to adopt the exhibited fees and charges, as per Attachment 1, to this report.

RECOMMENDATION

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

Attachment(s)

1. Flat Rock Tent Park - Fees and Charges - 2025/26

9.6 Tender - Acid Sulfate Soils Transport and Disposal

9.6 Tender - Acid Sulfate Soils Transport and Disposal

Section Engineering Works

Objective To report the outcomes of the tender evaluation for the Tender - Acid Sulfate Soils Transport and Disposal

Background

The works to be undertaken under this contract are the Transport and Disposal of Acid Sulfate Soils.

Tenders were called on 14 August 2024 and at the close of tenders on 19 September 2024, five 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

Twenty one companies downloaded the documentation with tenders received from:

- Eljo Pty Ltd & The Trustee for Rico Family Trust Trading as Richmond Waste
- Lantrak Pty Ltd
- Fastway Pty Ltd
- Andrew Johnston Haulage Pty Ltd
- Farrell Transport Group Pty Ltd

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

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

- Pricing structure 70%
- Experience and capability 15%
- Local and community 15%

Details of the assessment and pricing have been provided to Councillors by a confidential memorandum. Andrew Johnston Haulage Pty Ltd has been assessed as the preferred tenderer based on the evaluation.

9.6 Tender - Acid Sulfate Soils Transport and Disposal

Delivery Program Strategy / Operational Plan Activity

This tender aligns with the Delivery Program Strategy:

HE2.3 Reduce resource use through innovation.

Community Engagement Strategy

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

Financial / Risk Considerations

Prices tendered were a schedule of rates for transport and disposal of soils, including any liming treatment, per metric tonne of material. The disposal of waste materials, such as acid sulfate soils, are included in project budgets.

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 Andrew Johnston Haulage Pty Ltd.

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 Andrew Johnston Haulage Pty Ltd for the Tender - Acid Sulfate Soils Transport and Disposal for the per the Schedule of Rates submitted.
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential Memorandum - Tender - Transport and Disposal of Acid Sulfate Soils (Under separate cover) (Confidential)

9.7 Tender - Install Above Ground Diesel Fuel Storage

9.7 Tender - Install Above Ground Diesel Fuel Storage

Section Facilities Management

Objective To report the outcomes of the tender evaluation for the Tender - Install Above Ground Diesel Fuel Storage

Background

The works to be undertaken under this contract are the Supply and Install of an Above Ground Diesel Fuel/AdBlue Storage and Dispensing Equipment at the Council Works Depot.

Tenders were called on 1 October 2024 and at the close of tenders on 6 November 2024, two tender submissions were received. This report outlines the results of the tender process.

Key Issues

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

Discussion

Five companies downloaded the documentation with tenders received from:

- High Country Civil Investments
- Gilbarco Veeder Root

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

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

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

- Pricing structure 50%
- Social and community 15%
- Experience and capability 35%

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

Delivery Program Strategy / Operational Plan Activity

The Works Depot – Fuel System is identified within the adopted Delivery Program and Operational Plan as a capital project for 2024/25.

Community Engagement Strategy

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

Financial / Risk Considerations

As all tenders have exceeded the budget for these works, there are aspects of the tendered scope that can be negotiated with the tenderers to achieve the required project objectives, within, or close to the project budget.

Options

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

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

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

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

- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
- (a) *postpone or cancel the proposal for the contract,*
 - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
 - (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subclause 3 (e), the resolution must state the following:*

9.7 Tender - Install Above Ground Diesel Fuel Storage

- (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
- (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

The reason for declining all tenders relates to the project budget being exceeded.

This approach will enable staff, prior to the issue of a letter of award, to resolve any outstanding points in the contract, review the final scope of works with a preferred contractor, and limit the overall change to the project budget.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Supply and Install Above Ground Diesel Fuel/AdBlue Storage and Dispensing Equipment – Works Depot, as the tenders exceeded the Council budget for this project.
2. That Council, in accordance with Local Government (General) Regulation 2021 Section 178(3)(e) authorises the General Manager to enter negotiations with parties, whether or not they have tendered, with a view to enter a contract for the Supply and Install Above Ground Diesel Fuel/AdBlue Storage and Dispensing Equipment – Works Depot.
3. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest, and it is more efficient and timelier to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(b), Council has determined to negotiate with parties, whether or not they have tendered, with a view to entering a contract in relation to the subject matter, to maximise the opportunity to obtain value for money for Council.

Attachment(s)

1. Confidential Memorandum - Tender - Above Ground Fuel and AdBlue Storage and Dispensing Equipment - Works Depot (Under separate cover) (Confidential)

9.8 Tender - Provision of Legal Services

9.8 Tender - Provision of Legal Services

Section Governance

Objective To report the outcomes of the tender evaluation for the Tender - Provision of Legal Services

Background

The works to be undertaken under this contract are the provision of Legal Services to Council.

This tender was called to establish a panel for the provision of legal services to Council for the next five years.

Services sought through the tender are:

- Planning, development and building services
- Regulatory services
- Construction and infrastructure
- Property and asset management
- Native title, Aboriginal land rights and Aboriginal cultural heritage
- Employment law, work health and safety law
- Insurance law
- Local government operations and governance
- Heavy vehicle law

Tenders were called on 11 October 2024 and at the close of tenders on 5 November 2024, sixteen 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

Thirty-four companies downloaded the documentation with tenders received from:

- Donnithorne Legal
- Pendlebury Workplace Law Pty Ltd
- Lindsay Taylor Lawyers
- Hall and Wilcox
- Redenbach Group Pty Ltd
- Marsdens Law Group
- Moray and Agnew
- Allens
- Norton Rose Fullbright Australia
- Hones Lawyers

9.8 Tender - Provision of Legal Services

- Hunter Councils Legal Services Limited
- Pikes & Verekers Lawyers
- Sparke Helmore Lawyers
- Maddocks
- Parker & Kissane Solicitors
- Shaw Reynolds Lawyers

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

- Insurance
- Required registrations or accreditations

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

- | | |
|-----------------------------|-----|
| • Pricing structure | 35% |
| • Local and community | 15% |
| • Experience and capability | 50% |

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

Whilst this process provides Council with a list of preferred service providers, Council is not bound to hire from the list of approved providers and may invite separate quotations, or tenders, for specific works.

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

Delivery Program Strategy / Operational Plan Activity

Legal services will be procured as part of delivering Council's capital and operational works program, as outlined in the Delivery Program and Operational Plan.

Community Engagement Strategy

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

Financial / Risk Considerations

Purchases under this tender are costed against program budgets.

Using a mixture of tendered rates and quoted works provides flexibility in respect to maintaining an efficient procurement process and ensuring the best value for money.

There is no estimated total contract value for this tender, as the outcome of this evaluation is to have a panel of providers.

9.8 Tender - Provision of Legal Services

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 all companies assessed as part of the evaluation process as providing value for money in the specified subject areas.

RECOMMENDATIONS

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

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

9.8 Tender - Provision of Legal Services

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

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

Attachment(s)

1. Confidential Memorandum - Tender - Provision of Legal Services (Under separate cover) (Confidential)

9.9 Tender - Wastewater Treatment Plants - Biosolids Disposal

9.9 Tender - Wastewater Treatment Plants - Biosolids Disposal

Section Water and Wastewater

Objective To obtain Council approval for disposal of biosolids from its Wastewater Treatment Plants through until 30 June 2025 using a single contractor until fresh tenders can be called for the ongoing activity.

Background

All of Council's Wastewater Treatment Plants (WWTPs) operate using an activated sludge process by which biodynamic activated sludge metabolise soluble contaminants in the wastewater.

The byproduct of this process is a nutrient rich biosolid material made up of the discharged/digested activated sludge. Current best practice for disposal of this material is beneficial reuse on agricultural land as a substitute for industrially manufactured slow-release fertilizers.

Prior to the 2022 floods, Council was using a local contractor for this work and the biosolids were being utilised in local agricultural activities. The contractor undertaking the work was severely impacted by the 2022 floods and has since discontinued their involvement in the disposal of biosolids. They were also providing similar services to neighbouring Councils at that time.

Council called tenders in 2023 to find a suitable contractor for this work however no submissions were received.

Since that time Council has been able to identify one contractor that will collect and dispose of the biosolids. They are also servicing neighbouring councils. Other contractors have been approached to provide quotations/proposals however all have declined.

NSW Public Works Advisory is currently undertaking a regional study into options for disposal of biosolids. Whilst the study is progressing, with available options having been identified, there is still some work to do before decisions are made and potential solutions are implemented.

Council must continue to dispose of its biosolids until any solutions that are adopted from this study can be implemented.

As such approval is sought to proceed with a single contractor to provide these services for Council until new tenders can be called in the first half of 2025.

Key Issues

- No response to a tender
- Only one contractor currently prepared to undertake this work
- Compliance with the Local Government Act.

9.9 Tender - Wastewater Treatment Plants - Biosolids Disposal

Discussion

A new tender process will need to be conducted at some point. However, before commencing down that path, the outcome of the regional study being conducted by NSW Public Works Advisory must be considered.

There may be a new strategy that becomes known regarding end use of the product, or potential regional co-operation could be an option to call tenders for a contract to service multiple or even all Councils in the region.

It is expected that a decision on the best way forward will come in the first half of 2025.

Calling tenders now would be premature and may disadvantage Council, and in any event is unlikely to achieve a competitive market.

It is therefore considered necessary to have a workable arrangement for disposal of biosolids in place through until the end of the financial year as an interim measure.

Quotations have therefore been sought for the disposal of biosolids from Council's Wastewater Treatment Plants, however only one contractor provided a response – Arkwood.

Based on the prices received, the estimated costs for transportation and disposal of biosolids through until 30 June 2025 are as follows:

Site	Approx Qty Biosolids	Costs (per load/per tonne)	Total Value
Ballina WWTP	1080 wet tonnes	\$119.79	\$129,373
Lennox Head WWTP	36 Load (approx)	\$3834.70	\$138,049
Alstonville WWTP	500 wet tonnes	\$119.79	\$59,895
Total			\$327,317

This expected expenditure would normally require tenders to be called as it is more than \$250,000.

Delivery Program Strategy / Operational Plan Activity

Whilst disposal of biosolids is not specifically referenced in the Delivery Program or Operational Plan, it is an intrinsic activity associated with the operation of Council's wastewater treatment plants.

These operations are referenced in strategies:

HE2.1 - Implement total water cycle management practices

HE3.2 - Minimise negative impacts on the natural environment.

Community Engagement Strategy

Council has conducted one tender process to date.

Financial / Risk Considerations

The cost of disposal of biosolids is included in Council's operational budget.

The prices provided are an increase on what Council has previously been paying to the local contractor, however the biosolids are being transported much further - to the Hunter Valley region, for use in agricultural activities.

Should an alternate, more economic solution become available, prior to 30 June 2025, the arrangement proposed would be discontinued and the new solution implemented as soon as possible.

Options

There are no alternate options available. Staff have approached a number of local companies to submit proposals, but none have been forthcoming.

There is limited storage for biosolids available at the wastewater treatment plants and regular collection and disposal is necessary to ensure continued operation of each plant.

Conducting a new tender process is the only alternate option and this will be undertaken as soon as outcomes from the regional biosolids strategy are known.

RECOMMENDATIONS

1. That in accordance with Clause 55 (3) (i) of the Local Government Act 1993, Council resolves not to call tenders for the disposal of biosolids, at this time, as a satisfactory result would not be achieved by calling tenders.
2. That the reasons a satisfactory result would not be achieved are:
 - (a) There is a regional strategy under development by NSW Public Works Advisory and calling tenders and/or awarding lengthy contracts in advance of the outcomes of that study being confirmed would be premature and potentially disadvantage Council.
 - (b) There is a need to ensure ongoing operation of Council's wastewater treatment plants and disposal of biosolids cannot be delayed until the outcome of the study referenced in 2(a) is complete.
 - (c) Enquiries with local contractors reveal that there is a shortage of contractors delivering these services locally at the current time with only one contractor providing a proposal to Council and the same contractor is servicing several councils in this region.
3. That the General Manager be authorised to negotiate a contract with Arkwood for the transportation and disposal of biosolids from Council's

9.9 Tender - Wastewater Treatment Plants - Biosolids Disposal

wastewater treatment plants for a period through until 30 June 2025 based on the approximate quantities and costs outlined in the report.

4. That as soon as decisions are made regarding the outcomes of the regional strategy under development by NSW Public Works Advisory, the General Manager proceed to implement those strategies as soon as possible and cease the contract with Arkwood.
5. That the General Manager ensure appropriate clauses are included in the contract with Arkwood to allow the contract to be terminated earlier than 30 June 2025, should more economic or attractive options become available, including those that may arise from the regional strategy.

Attachment(s)

Nil

10.1 Ballina Flood Study - Update

10. Civil Services Division Reports

10.1 Ballina Flood Study - Update

Section	Engineering Works
Objective	To endorse the public exhibition of the Ballina Flood Study Update.

Background

NSW councils are responsible for managing flood-prone land.

The NSW Flood Risk Management (FRM) Manual and the Flood Prone Land Policy guide local government in understanding and managing flood risk in their communities.

In 2023, the Department of Planning and Environment updated the NSW Flood Risk Management Manual (including the policy).

This replaced the Floodplain development manual (DIPNR 2005) as the NSW Government's manual relating to the management of flood liable land in accordance with section 733 of the Local Government Act 1993 (LG Act).

This provides councils, statutory authorities, and state agencies and their staff, with indemnity for decisions they make and information they provide in accordance with the manual.

Sections 733(1) and 733(4) is reproduced below.

(1) A council does not incur any liability in respect of:

(a) any advice furnished in good faith by the council relating to the likelihood of any land being flooded or the nature or extent of any such flooding, or

(b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding.

(4) Without limiting any other circumstances in which a council may have acted in good faith, a council is, unless the contrary is proved, taken to have acted in good faith for the purposes of this section if the advice was furnished, or the thing was done or omitted to be done—

(a) substantially in accordance with the principles contained in the relevant manual most recently notified under subsection (5) at that time

The latest manual provides direction on the development of FRM plans through the FRM process.

The FRM process (Figure 1) supports other activities and is a key element of the framework.

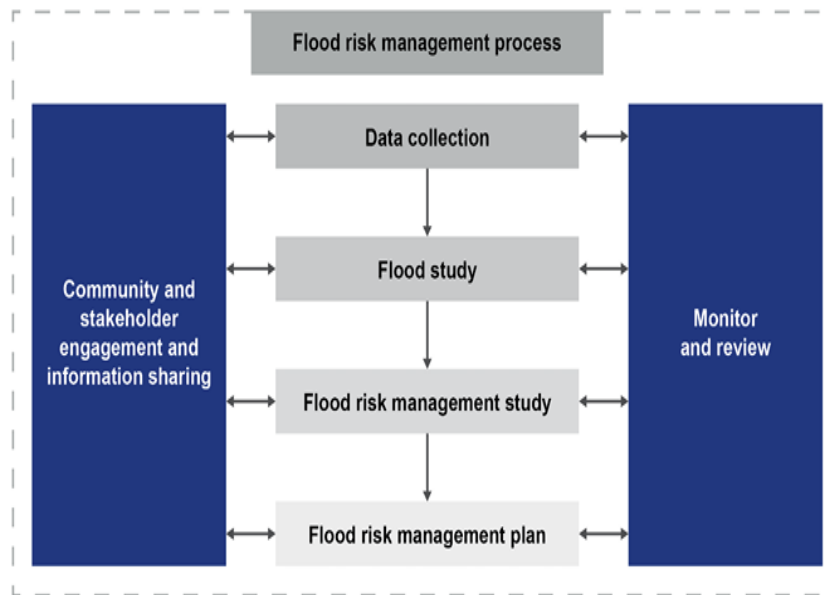


Figure 1 Stages of the Flood Risk Management Process (Source: FRMM, 2023)

A flood study is the first step in the flood risk management process.

It is followed by a flood risk management study and a flood risk management plan.

These studies develop detailed strategies to reduce the risks of flooding.

As part of the floodplain risk management process, flood studies and flood risk management plans are reviewed over time.

As these reviews take place, computer models are revised and predicted flood levels and associated flood mapping can change.

In 1997, Council adopted the first Floodplain Management Study for Ballina to establish flood behaviour, establish minimum floor heights for protection of new properties and identify options for mitigation measures to reduce the impacts of flooding in Ballina.

In 2004, Council adopted the first Flood Study for Wardell and Cabbage Tree Island, followed by a Floodplain Risk Management Study in 2008 and a Floodplain Risk Management Plan for Wardell and Cabbage Tree Island in 2009.

In 2008, Council adopted the Ballina Flood Study Update (BMTWBM, 2008) to develop an improved understanding of existing and future flood risk in Ballina and surrounding floodplain.

This included newly developed two-dimensional flood models and flood inundation mapping for riverine, creek and ocean driven design flood events.

In 2012, Council adopted the Ballina Floodplain Risk Management Study (BMTWBM, 2012) that reviewed the options included in the 1997 study, and evaluated new options available to manage riverine, creek and oceanic flood risk in the township of Ballina and its surrounding communities.

10.1 Ballina Flood Study - Update

This study assessed the changes in flood behaviour resulting from future climate change, from which the first version of 'chapter 2b - floodplain management' was drafted and included in the Ballina 2012 Development Control Plan.

This was followed by the Ballina Floodplain Risk Management Plan (BMTWBM, 2015) in accordance with the NSW Floodplain Development Manual (NSW Government, 2005).

At the time of adopting the plan, Council added the following additional flood modification measure;

F8 - Investigate the feasibility of alternative systems (alternative to filling) of flood structural measures that may include a combination of levee, pump and floodgates to provide protection for the Ballina Island precinct.

Having regard to available resources, the levee option was not assessed in full detail in the 2012 Floodplain Risk Management Study and as such to implement item F8, in 2021 Council commissioned the *Ballina Island and West Ballina Overland Flood Study and Flood Protection Feasibility Study and Plan*.

This study concluded that a levee and pump system was not a feasible protection measure for Ballina Island and West Ballina, and the current fill policy was retained in Council's Development Control Plan (DCP).

This project also developed a strategic plan to mitigate the localised existing and future flood risk in Ballina Island and West Ballina by providing practical information in regard to recommended floodplain management measures for further investigation.

One of these measures included an update to Council's flood modelling.

In June 2022 Council received a grant under the Preparing Australia Communities Program. This program aims to improve the long-term resilience of Australian communities to natural hazards including bushfires, floods and tropical cyclones.

This planning project aims to increase the community's ability to withstand and mitigate the effects of flooding in the built environment by implementing key findings of the *Flood Protection Feasibility Study and Plan* adopted by Council in 2022.

Project activities comprise of updating existing flood studies, updating land use planning and floodplain development controls and improving the existing flood warning system.

Under this grant, Council commissioned BMT to undertake the 'Ballina Flood Study Update 2023' (BSFU 2023).

This study has been undertaken in accordance with the principles of the NSW Government's 2023 Flood Risk Management Manual and the NSW Flood Prone Land Policy.

Previous flood studies have focused on individual towns and surrounds.

10.1 Ballina Flood Study - Update

The BFSU 2023 study area is a shire wide update on regional flooding processes. When adopted, will supersede the 2008 Ballina Flood Study Update and the 2004 Wardell and Cabbage Tree Island Flood Study, encompassing the whole regional floodplain of Ballina LGA.

The study is presented in two volumes; Volume 1 is the technical report and Volume 2 contains the flood maps generated as part of this study.

The key objective of the study is to provide updated flood mapping across Council's Local Government Area (LGA) for a range of design flood magnitudes, expressed in terms of the annual exceedance probability (AEP), as well as improve understanding of flood behaviour and impacts, and quantify flood risk within the Ballina Shire.

The study will provide stakeholders with reliable and defensible flood information for land planning, infrastructure planning and design, and emergency management to reduce flood risk in the affected communities.

Key Issues

- Review of Historical Flooding events in Ballina LGA including 2022
- Updating climate change implications of sea level rise and increased rainfall intensity comprising drainage capacity, efficiency and effectiveness.
- Updated flood mapping and flood information to enable a review of Land-use Planning instruments and supporting policy and guidance, namely and including Floodplain Management Development Control Plan Chapter 2b.

Discussion

The study is a rigorous technical analysis and involves reviewing a lot of data and computer based numerical models that require specific inputs to determine the predicted flood heights.

The study has been staged according to the following milestones, each with discrete discussion papers that have been reviewed by Council's technical staff with the support of officers from the NSW Department of Climate Change, Energy, Environment and Water (DCCEEW):

Discussion Paper 1 – Model Design

This stage details background information, summary of available data, nomination of historical flood events suitable for calibrating the model and outlines the planned modeling approach and model structure.

The key objective of this stage is to demonstrate the modelling approach and methodology follows current best practice and is fit for purpose for Council.

The modelling has been able to utilise hydrological models developed for the Richmond Valley Council Flood Studies and developed new hydraulic models which have allowed the Ballina Shire floodplain to be modelled and mapped to a greater extent and with more detail than in previous studies.

Discussion Paper 2 – Model Calibration

This stage involves constructing the models and simulation of historical flood events.

The modelling results are compared with recorded flood heights and model parameters are adjusted to provide the closest match between simulated and actual recorded flood heights.

The key objective of this stage is to demonstrate the constructed models provide an accurate representation of flooding processes within the study area. This is an important step to provide Council and the wider community with confidence that the models provide contemporary and reliable flood information.

The results of the calibration demonstrated a close match with the historical flood events of March 2022, February 2022, June 2005 and the king tide event of January 2023.

The results of these comparisons indicate that the new models are well-calibrated for the range of flood magnitudes encompassed by the modelled historical events.

Discussion Paper 3 – Design Event Inputs

This stage builds on the model calibration by way of reviewing and identifying the appropriate model inputs and parameters for analysing design event simulations (theoretical floods used for planning and flood plain management such as the 1% AEP).

These are additional parameters and inputs that are not determined by calibrating to historic events in Discussion Paper 2.

The key objective of this stage is to establish appropriate inputs to design event simulations. This is an important milestone for achieving agreement on what the basis of modelling should be prior to committing to lengthy process of simulating and mapping all the design events.

The final rainfall, joint probability and climate change parameters adopted in this study were based on consultations between Council technical staff, BMT and the local representatives from the NSW Department of Climate Change, Energy, the Environment and Water.

A detailed literature review identified new guidance applicable to the selection of design event rainfall (Australian Rainfall and Runoff, 2019), application of joint probability (accounting for different combinations of flooding sources occurring at the same time and how they influence each other) and new guidance on how to account for future climate change on flood events.

Discussion Paper 4 – Design Event Modelling

This stage takes the inputs and parameters that have been determined by discussion papers 2 and 3 and run the model simulations for all the design events.

10.1 Ballina Flood Study - Update

The key objective of this stage is to review the results of modelling and mapping for the design event simulations for current climate and future climate change events.

Flood Study Report – Draft for Public Exhibition

At the completion and review of Discussion papers 1-4, the Ballina Flood Study Update 2023 Report was prepared by BMT. This report is the culmination of the work undertaken to date including comments issued at each milestone review. This report documents all the data, model inputs, methodology and results that form the basis of the updated flood information to be adopted.

A draft has now been prepared for the purposes of public exhibition.

A Councilor briefing session was held on 7 November 2024 to provide an overview of the flood study update and present the findings of the draft report.

This report seeks endorsement for exhibition of the Draft Ballina Flood Study Update 2023.

Delivery Program Strategy / Operational Plan Activity

This project is identified in Council's adopted Delivery Program and Operational Plan 2024- 2028, specifically direction:

A Healthy Environment; Strategy HE1.1b Implement Floodplain Management Plans.

Community Engagement Strategy

It is proposed to publicly exhibit the Draft Ballina Flood Study Update Flood Report with explanatory notes summarising the project and advice on how to make submissions.

The public exhibition will take the form of:

- Draft Report and explanatory notes will be provided for inspection/download on Council's website.
- The updated flood mapping being available on Council's Mapping portal during the period of public exhibition. This mapping program will allow the public to view and zoom in on specific locations.

The management of the exhibition period will consider the need to accommodate the end of the calendar year and commencement of the holiday season.

While it is important to place this work on public exhibition and consider any feedback, it is noted further community education and consultation will follow as the Council undertakes upcoming and future projects to develop its various policy positions relating to flood mitigation and floodplain management, all of which will be informed by the outcomes in this Study.

10.1 Ballina Flood Study - Update

Financial / Risk Considerations

This update of the Ballina Flood Study has been fully funded by the Preparing Australian Communities Grant of \$760,000.

Options

Exhibition of the Ballina Flood Study Update is an important early step in the implementation of this significant project. This step needs to be completed and Council endorse the project reporting before further activities can proceed.

The following options are available:

1. Council approves public exhibition of the Draft Ballina Flood Study Update Report and the flood mapping generated as part of this study.
2. Council does not approve public exhibition of the Draft Ballina Flood Study Update Report and the flood mapping generated as part of this study.

Option One is recommended on the basis that:

- The study has been prepared by specialist consultants and has been reviewed by NSW Government and Council technical officers
- The study does not involve policy positions or options, rather it is a study to improve our understanding of flood behaviour
- Exhibition enables the project to continue to progress and Council will be able to use the information in the study for the next phases of the project.

This option also enables the public to view the study information and make submissions for our consideration.

RECOMMENDATIONS

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

Attachment(s)

1. Ballina Flood Study Update - Volume 1 - Exhibition Draft Report (Under separate cover)
2. Ballina Flood Study Update - Volume 2 - Flood Maps Part A (Under separate cover)
3. Ballina Flood Study Update - Volume 2 - Flood Maps Part B (Under separate cover)

10.2 Return and Earn Collection Point - Installation on Council Land

10.2 Return and Earn Collection Point - Installation on Council Land

Section Resource Recovery

Objective To determine whether to progress the establishment of a Return and Earn collection point on Council owned land.

Background

The NSW Return and Earn container deposit scheme was introduced by the State Government's Environmental Protection Authority, in December 2017, to incentivise recycling and litter reduction by offering a 10-cent refund for eligible drink containers.

A key objective of the scheme is the installation and operation of an infrastructure network of conveniently located collection point locations, to facilitate access for the community to return beverage containers.

The company engaged by the State Government to install and run the collection points, TOMRA-Cleanaway, has had ongoing challenges locating suitable sites for the installation and operation of collection points in the Ballina Shire.

As a result, TOMRA-Cleanaway has approached Council requesting use of Council land, for the operation of a collection point.

TOMRA-Cleanaway advise that the local community is very proactive in the use of the existing facility in Ballina, at De-Havilland Crescent, which records some of the highest participation rates in NSW.

TOMRA-Cleanaway has searched for suitable sites on private land, and in early December 2024 commenced operation of a second facility, which is located at Ballina Fair.

At present, TOMRA-Cleanaway has not been able to secure a further suitable site on private land.

Following an assessment of several Council owned, or managed sites, TOMRA-Cleanaway's preferred option is within the car park at the Skennars Head sports fields.

The installation and operation of this collection point, if approved, would result in the removal of five car parking spaces, which currently experiences capacity issues during peak usage.

This proposal results in competing priorities for the use of public land namely, the provision of additional recycling services, or retaining maximum car parking capacity during peak sporting events.

The purpose of this report is to determine Council's priority for this site.

Key Issues

- Resource recovery and litter prevention
- Accessibility to recycling services for the community.
- Sports field car parking capacity
- Use of public land by a commercial entity
- Competing priorities for public land use.

Discussion

Return and Earn Background

The NSW Return and Earn container deposit scheme has matured into a highly popular and successful recycling and litter prevention initiative, since its inception in 2017, with over 12 billion drink containers returned through the system's collection point network to date.

The collection point infrastructure network and operational logistics are managed through a contractual agreement between the NSW EPA and the joint venture partnership, TOMRA-Cleanaway.

The responsibilities of TOMRA-Cleanaway under this agreement include:

- Establishing and managing an extensive network of collection points, such as reverse vending machines (RVMs), over-the-counter collection points, and automated depots
- Ensuring the smooth operation of RVMs, which allow consumers to return eligible containers and receive refunds
- Transporting and processing the returned containers, to ensure they are recycled effectively
- Reporting performance metrics to the NSW EPA

The contract is structured such that the revenue model and penalty mechanisms align with the objective of the scheme, to facilitate customer accessibility and overall recovery rates of containers.

TOMRA-Cleanaway generate revenue through handling fees from the operators, or the scheme's governing body, for each beverage container collected, sorted, and processed.

They also receive revenue from the sale of the recycled materials (e.g. aluminium, PET plastics, and glass) once collected.

There are also contractual penalties for non-compliance with accessibility and recovery rate targets.

As such, TOMRA-Cleanaway's strategy on selecting the broader scale geographical locations for the distribution network of collection points, is driven by a balance between its contractual requirements, to provide sufficient geographical coverage and meet demand for the service, and the financial outlay required for it to install and operate collection point infrastructure.

10.2 Return and Earn Collection Point - Installation on Council Land

Within these broader geographical locations, potential collection point sites are selected based on meeting criteria including:

- Accessibility for servicing
- Appropriate buffer to residential areas to minimize noise
- Appropriate area to support traffic flow and parking area to minimize congestion.

The general model used by TOMRA-Cleanaway for establishing a collection point is to enter into a license agreement with a landowner, permitting the installation and operation of Reverse Vending Machine (RVM) infrastructure in return for rental income stream.

These agreements contain requirements around servicing times to restrict adverse noise and congestions impacts to adjacent properties.

They also include requirements for TOMRA-Cleanaway to maintain the collection point in a clean and tidy manner.

Challenges for Collection Sites in Ballina Shire

TOMRA-Cleanaway has experienced ongoing challenges locating suitable sites for the installation and operation of collection points in the Ballina Shire, since the commencement of the scheme.

Currently, there are only two operational RVM collection points.

One is in DeHavilland Crescent in the Southern Cross Industrial Estate and the second is a recently opened site in the Ballina Fair car park.

The DeHavilland Crescent site had been the only operating location in the Ballina Shire for some time, and was the second most utilised site in NSW, for the last 12-month period, receiving over seven million containers.

This illustrates the popularity and uptake of the scheme by the Ballina Shire community.

The ongoing challenge to find sites in Ballina is a result of private commercial land holders being unwilling to forgo land, for RVM collection points.

Furthermore, two RVM collection points previously established have been shut down due to issues around access, noise, proximity to residential areas and amenity.

TOMRA-Cleanaway has recently investigated several privately owned sites within the Ballina Shire.

The majority of these have been deemed not suitable, due to a range of reasons which are summarised in Table One.

10.2 Return and Earn Collection Point - Installation on Council Land

Table One Privately Owned Sites Assessed for RVM Collection Point

<u>Site Location</u>	<u>Opportunities</u>	<u>Constraints</u>	<u>Outcome</u>
Byron Bay Wildlife Sanctuary, Knockrow	Client expressed potential desire to host an RVM	<ul style="list-style-type: none"> Car park gradient too high. No other hard stand opportunities. No clear access for Cleanaway to service RVM. Works to install an RVM would be too expensive. No financial assistance offered from the BBWS. 	Not Suitable – declined by Byron Bay Wildlife Sanctuary
Ballina BP Service Centre	Large sealed car park	<ul style="list-style-type: none"> Car park too busy/congestion issues Service centre management lack enthusiasm towards proposal 	Not-suitable – declined by Service Centre
Ballina Seagulls Football Club	Existing sealed car park	<ul style="list-style-type: none"> Insufficient car parking capacity Restricted drive path to service RVM resulting in potential risk to public safety. 	Not suitable – declined by TOMRA due to safety concerns
Ballina Jockey Club	Large area of open space	<ul style="list-style-type: none"> Client concerned regarding potential stress to livestock associated with RVM operations Client was concerned about public safety Client concerned with car parking capacity 	Not suitable – declined by Jockey Club
Epiq Marketplace car park	Large car park, plenty of room to host RVM	<ul style="list-style-type: none"> Client rejected proposal 	Not suitable – declined by Epiq Marketplace

Proposal to Use Council Land for Collection Sites

Based on the continued challenges experienced finding privately owned sites, TOMRA-Cleanaway has recently approached Council requesting assistance to identify potential sites on Council owned land.

Specifically, they have highlighted the increasing need for an additional collection point located in the northern area of the shire, to service the growing demand from increasing development and strong population growth.

Several potential collection sites were jointly assessed by Council and TOMRA-Cleanaway.

10.2 Return and Earn Collection Point - Installation on Council Land

Table Two summarises the investigations.

Table Two Council Owned Sites Assessed for RVM Collection Point

<u>Site Location</u>	<u>Opportunities</u>	<u>Constraints</u>	<u>Outcome</u>
Council Works Depot Car Park	Existing sealed car park	<ul style="list-style-type: none"> • Parking capacity for Council staff – current capacity issues. Removing car parks and having RVM customer utilising additional spaces will exacerbate this issue. • Safety concerns due to public accessing the car park and interactions with Council plant and vehicles accessing the depot. • Potential for customers accessing the RVM to congest or block access to water hydrant located across from the identified area. • Two operational RVMs in close proximity (DeHavilland Drive and Ballina Fair). 	Not suitable - declined by Council
Land adjacent to Council pump station near Epiq Marketplace in Lennox Head	Currently unused land identified by Council as potential site	<ul style="list-style-type: none"> • Site considered too wet to facilitate an RVM. • Project not deemed feasible as hardstand surface would not be practical and able to be built 	Not suitable – declined by TOMRA
Treelands Reserve (near Kentwell Centre) Ballina.	Current open space identified by council as potential site	<ul style="list-style-type: none"> • RVM service path would compromise public safety. • Not enough car parks to host an RVM given access constraints. • Two operational RVMs in close proximity 	Not suitable – declined by TOMRA
Car park of Salvage Shed (tip shop)	<ul style="list-style-type: none"> • Supported by Council staff • Site co-located and associated with resource recovery centre • In-principle support from Salvage Shed Management 	<ul style="list-style-type: none"> • An area of the car park would require upgrade to manage increase vehicle load • Car park capacity concerns – best option to locate RVM on traffic island to minimise impact • Electrical upgrades would be required to power RVM 	Suitable but not preferred by TOMRA

10.2 Return and Earn Collection Point - Installation on Council Land

<u>Site Location</u>	<u>Opportunities</u>	<u>Constraints</u>	<u>Outcome</u>
	<ul style="list-style-type: none"> subject to appropriate management of operational concerns 	<ul style="list-style-type: none"> Concerns regarding cost of upgrades expressed by TOMRA Two operational RVMs in close proximity 	
Land adjacent to new Lennox Head RFS building	<ul style="list-style-type: none"> Good geographical location to service community demand in northern area of Shire Currently unutilised land Access to electrical source 	<ul style="list-style-type: none"> Concerns expressed by TOMRA regarding cost for a concrete slab required Requires further detailed investigation to determine precise location. 	Suitable for further investigation however not preferred by TOMRA
Skennars Head Sport Grounds Carpark	<ul style="list-style-type: none"> Good geographical location to service community demand in northern area of Shire Accessible RVM service path. Financial viability due to low installation costs Access to electrical source Agreement not to operate RVM on Saturday sport days/peak usage periods 	<ul style="list-style-type: none"> Unable to construct a concrete pad adjacent to carpark for RVM due to ground contour and stormwater impact constraints Proposed RVM site will take 5 carparks in SW corner of car park 	Suitable and preferred option from TOMRA. Concerns by Council staff regarding loss of parking

TOMRA-Cleanaway has expressed a preference for utilising the Skennars Head car park site, as a RVM collection point due to the identified opportunities.

TOMRA-Cleanaway has provided a proposal, included as Attachment 1 to this report, identifying the proposed location and example images of the RVM infrastructure.

Additionally, TOMRA-Cleanaway has committed to funding installation costs and provide Council an ongoing license fee for rental of the site.

10.2 Return and Earn Collection Point - Installation on Council Land

The rental figure has not been negotiated; however, it is typically a nominal amount in the vicinity of \$10,000 to 15,000 per annum.

TOMRA-Cleanaway has some flexibility under their agreement with the NSW EPA to close the facility when the sporting field usage is at its peak.

Delivery Program Strategy / Operational Plan Activity

The proposed installation of an RVM relates to Delivery Program Strategy HE2.2 "Use our scarce resource wisely".

Community Engagement Strategy

There has not been any specific community consultation regarding this proposal.

TOMRA-Cleanaway is responding to community demand.

Brief discussions with the Vice President of the Lennox Head Football Club confirm that the proposal is not supported, as the car park operates at capacity, mainly on Saturday mornings, and the on-going mix of vehicles, children at training and playing games, is not a preferred outcome for the Football Club.

The proposal from TOMRA-Cleanaway is based on the RVM not operating on Saturdays, which would help to alleviate this.

Evening training sessions could create a level of risk with the mixture of children and adults, on dusk and at night, with users of the RVM, who may not be fully conversant with the car park area.

Financial / Risk Considerations

Any license will generate Council a financial return.

There is the potential risk associated with mixing a RVM with a sports field car park.

Options

Option One Support TOMRA-Cleanaway's Request

The advantage of this option is it responds to the community's strong interest in recycling and support for the Return and Earn Scheme.

This land use option benefits the community and environment by providing access to a mature and highly popular recycling and litter reduction program and infrastructure to meet development related demand pressures in the northern area of the Shire.

Supporting this option can also be justified on the basis that extensive searches have not identified other suitable land options.

This option should only be supported based on the condition that the RVM does not operate on Saturday to avoid the peak usage period.

10.2 Return and Earn Collection Point - Installation on Council Land

There are concerns that the community may not support the loss of car parking at this site.

Conversely there is an argument that the car park capacity can be exceeded anyway, when there is peak demand, meaning the loss of car parks is of limited impact, because overflow parking is already in operation.

Option Two Decline the Request

This option recognises that under Option One, a public car park is being provided to a commercial entity, albeit it is noted this entity is delivering a State Government service and Council would receive revenue.

This option also reflects the loss of car parking and potential amenity impacts.

On balance, from a staff operational perspective, Option Two is the preferred recommendation for the following reasons;

- The loss of public car parking, in a location that does have peak car parking periods
- Mixing a commercial operation with a sports field car park, that has a wide range of users, especially by teams that may not live locally, is not the preferred use of a public car park
- Council owned sites such as the RFS and Epiq land, are still options that TOMRA-Cleanaway may wish to further investigate.

RECOMMENDATIONS

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

Attachment(s)

1. TOMRA-Cleanaway - Proposal for a return and earn RVM collection point at Skennars Head Sports Fields

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

11. Notices of Motion

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

Councillor Cr Dicker
 Cr Bailey
 Cr Ramsey

We move:

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

Councillor Comments

Community, business and sporting groups in Lennox Head report that they are experiencing declining membership and difficulty attracting volunteers. Membership of the B Ward Committee is also small compared to other Wards. Several groups and events in Lennox Head have wound up in recent months, including the CWA, Boomerang Bags and Christmas Carols, while others are barely operational.

B Ward Councillors would like to address this issue by hosting a Community Connections Expo, where community, business and sporting groups can showcase their organisations to the local community and sign-up new members. Effectiveness of the event will be measured by the number of new members joining organisations.

We are requesting that Council make an in-kind contribution to this event consisting of half day venue hire of the Auditorium at the Lennox Head Cultural Centre (\$706) and colour printing of posters and flyers to the value of \$294. All other costs and project management will be provided by Councillors.

Staff Comments

The room hire would be recorded as an internal income item against the Lennox Head Cultural Centre, and as an expense against Councillor expenses. This is an in-kind contribution.

There will be a cost for printing, as Council is charged per copy. The cost is likely to be far less than the allowance of \$294, based on the actual rate paid by Council to the supplier.

COUNCILLOR RECOMMENDATION

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

Attachment(s)

Nil

12. Advisory Committee Minutes

12.1 Commercial Services Committee Minutes - 2 December 2024

Attendance

Crs Sharon Cadwallader (Mayor - in the chair), Simon Kinny, Damian Loone, Therese Crollick, Simon Chate, Erin Karsten, Kiri Dicker and Eva Ramsey

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

There was one person in the gallery at this time.

1. Acknowledgement of Country

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

2. Apologies

Apologies were received from Cr Michelle Bailey and Cr Phil Meehan.

RECOMMENDATION

(Cr Simon Chate/Cr Simon Kinny)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

3. Declarations of Interest

Cr Simon Kinny – declared an interest in Item 5.1 Wollongbar Medium Density Housing Project – Design Review (Nature of interest: non-significant, non-pecuniary – Family member previously had a connection with The Kollektive). Cr Kinny will stay in the meeting.

Cr Therese Crollick – declared an interest in Item 5.9 Ballina Surf Club Meeting Rooms – Sublease Proposal (Nature of interest: non-significant, non-pecuniary – Member of Ballina Surf Club). Cr Crollick will stay in the meeting.

Paul Hickey – declared an interest in Item 6.5 Ballina Byron Gateway Airport - Transfer Concession Desk Leasing (Nature of interest: non-significant, non-pecuniary – Family connection to the one of the proponents). Paul will leave the

meeting for the Confidential discussion relating to this Item and have no involvement in the matter.

4. Deputations

Nil

5. Committee Reports

5.1 Wollongbar Medium Density Housing Project - Design Review

RECOMMENDATION

(Cr Damian Loone/Cr Erin Karsten)

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

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Simon Chate, Cr Damian Loone, Cr Erin Karsten, Cr Simon Kinny and Cr Therese Crollick

AGAINST VOTE - Cr Eva Ramsey

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.2 Wollongbar Land Sale - Childcare Lot

RECOMMENDATION

(Cr Kiri Dicker/Cr Damian Loone)

That Council notes the contents of this report, which provides an overview of the proposed sale of Lot 31, in DP 1292522.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.3 Tuckombil Quarry Rezoning - Update

RECOMMENDATION

(Cr Therese Crollick/Cr Simon Chate)

1. That Council undertake a master planning process for the Tuckombil Quarry Site, through the engagement of a suitably qualified and experienced consultant.

2. That Council allocate up to \$50,000 for this contract, with that funding sourced from the Strategic Planning Projects Reserve.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.4 Tuckombil Quarry - Bitupave (Boral) - Lease Extension

RECOMMENDATION

(Cr Damian Loone/Cr Simon Chate)

1. That in accordance with Clause 30 of the lease that expires on 31 December 2024, Council resolves to allow Bitupave Pty Ltd (Boral) to remain in occupation on Lot 21 DP 1243105, 540 Gap Road, Alstonville on a month-to-month basis, until all lease and development consent terms and conditions in relation to decommissioning, remediation and rehabilitation are complied with, to the satisfaction of Council.
2. That in respect to the rental fee, Council continue to charge the current rental fee, with the General Manager authorised to provide a 50% rebate for January and February 2025, if the decommissioning and rehabilitation of the site is completed to Council's satisfaction by 28 February 2025. This rebate is based on the site not being operated on a commercial basis and Bitupave Pty Ltd (Boral) has been a reliable lessee for approximately 50 years.
3. If the decommissioning and rehabilitation of the site is not expected to be completed by 31 March 2025, a further report is to be submitted to Council on the status of the lease.
4. That subject to point two above, all other terms and conditions of the registered lease agreement (AP976897X) remain applicable for the month-to-month extension period.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.5 Boeing Avenue Industrial Land Subdivision - Update

RECOMMENDATION

(Cr Kiri Dicker/Cr Simon Chate)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.6 Russellton Industrial Estate Land Subdivision - Update

RECOMMENDATION

(Cr Therese Crollick/Cr Damian Loone)

1. That Council the authorises the sale of Lots 1 to 13, 14, 16 and 19 to 26 in the proposed plan of subdivision for Lot 21 DP 1252162, as per Attachment 2 to this report, at the Russellton Industrial Estate, by public auction and authorises the General Manager to set price reserves based on market conditions and the 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 agents' commission be set at 1.5% of the sale price.
4. The General Manager is authorised to execute all necessary sale documents and affix the Council seal to same.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.7 Alstonville Cultural Centre - Update

RECOMMENDATION

(Cr Simon Kinny/Cr Eva Ramsey)

1. That based on the contents of this report, Council authorises the General Manager to proceed to call tenders for the redevelopment of Alstonville Cultural Centre.
2. That Council notes the current funding strategy for this the Alstonville Cultural Centre redevelopment carries a high level of risk, due to unrealised land sale proceeds, with the funding strategy to be reviewed as part of the report back to Council on the outcomes of the tender process.
3. That Council authorises the General Manager to enter into a lease agreement for Suite 1, 11 Bugden Ave, Alstonville, for at least a two-year period, for the purposes of temporarily housing the Alstonville Library.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.8 Council Works Depot Land - Licence Agreement - Amplitel Pty Ltd

RECOMMENDATION

(Cr Damian Loone/Cr Simon Kinny)

That Council notes the contents of this report regarding the licence agreement with Amplitel Pty Ltd for Part Lot 67 DP 1022473, 81-95 Southern Cross Drive Ballina, being the Council Works Depot land.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.9 Ballina Surf Club Meeting Rooms - Sublease Proposal

RECOMMENDATION

(Cr Therese Crollick/Cr Simon Chate)

That Council notes the contents of this report in respect to the potential for a commercial sublease of the three meeting rooms at the Ballina Surf Club with consultation to be undertaken with the Executive Committee of the Ballina Lighthouse & Lismore Surf Life Saving Club.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.10 Ballina Byron Gateway Airport - Long Term Financial Plan

RECOMMENDATION

(Cr Simon Kinny/Cr Eva Ramsey)

That Council approves the changes to the capital expenditure program, in the Long Term Financial Plan for the Ballina Byron Gateway Airport, as per Attachment 2 to this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.11 Ballina Byron Gateway Airport - Transfer Concession Desk Leasing

RECOMMENDATION

(Cr Therese Crollick/Cr Damian Loone)

That Council notes the contents of this report regarding the process conducted to allocate the lease concession desks for airport transfer operators at the Ballina Byron Gateway Airport.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

6. Confidential Session

RECOMMENDATION

(Cr Simon Kinny/Cr Simon Chate)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

(The Council moved into Confidential Session at 5.29pm).

Open Council

RECOMMENDATION

(Cr Kiri Dicker/Cr Simon Kinny)

That Council move into Open Council and out of Committee of the Whole.
FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

Paul Hickey left the meeting at 5.40pm when Item 6.5 was discussed.

(The Council moved into Open Council at 5.46pm).

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

6.1 Wollongbar Land Sale - Childcare Lot

RECOMMENDATION

(Cr Kiri Dicker/Cr Therese Crollick)

1. That Council approves the sale of Lot 31 in DP 1292522, for a price of \$2m plus GST, based on the terms and conditions outlined in this report.
2. That Council authorises the General Manager to finalise negotiations for the sale, execute all relevant documentation and affix the Council seal.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

6.2 Russellton Industrial Estate Land Subdivision - Sales

RECOMMENDATION

(Cr Therese Crollick/Cr Damian Loone)

1. That Council notes that sale contracts have been exchanged with Rous County Council to purchase Lots 17, 18 and 28, in the plan of proposed subdivision of Lot 21 in DP 1252162, based on the 24 November 2022 Ordinary meeting resolution 241122/31 for the Commercial Services Committee meeting minutes dated 15 November 2022.
2. That Council approves the sale of Lot 30 in the plan of proposed subdivision of Lot 21 in DP 1252162 to Rous County Council, at the price, terms and conditions outlined in this report.
3. That Council approves the sale of Lot 15 in plan of proposed subdivision of Lot 21 in DP 1252162 to Williams Brothers Service Pty. Ltd., at the

12.1 Commercial Services Committee Minutes - 2 December 2024

price, terms and conditions outlined in this report, allowing the expansion and continued operation of Duraplas Industries Pty Ltd.

4. That Council authorises the General Manager to finalise negotiations for the sales, execute all relevant documentation and affix the Council seal to same.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

6.3 Council Works Depot - Licence Agreement - Commercial Terms

RECOMMENDATION

(Cr Damian Loone/Cr Therese Crollick)

1. That Council authorises a licence for Part Lot 67 DP 1022473, 81-95 Southern Cross Drive, Ballina to Amplitel Pty Ltd for a term of 5 + 5 + 5 + 5 years, at the rental noted in this report.
2. That Council authorises the General Manager to provide landowner's consent for the construction of the infrastructure.
3. That Council authorises the General Manager to finalise the negotiations and attach the Council seal to the relevant documentation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

6.4 Ballina Surf Club Meeting Rooms - Sublease Proposal

RECOMMENDATION

(Cr Therese Crollick/Cr Eva Ramsey)

That Council notes the contents of this report

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

6.5 Ballina Byron Gateway Airport - Transfer Concession Desk Leasing

RECOMMENDATION

(Cr Damian Loone/Cr Therese Crollick)

1. That Council adopts option one, as per the contents of this report, and grants a five-year lease to Tweed Byron Transit Pty Ltd (T/A Byron Easy Bus) and Luenna Pty Ltd (T/A Byron Bay Coastal Transfers) for a concession desk each in the Arrivals Hall at the Ballina Byron Gateway Airport, based upon the terms and conditions noted in this report.

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2. That Council authorises the General Manager to finalise negotiations and affix the Council seal to all necessary lease documentation for each party.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Simon Chate/Cr Simon Kinny)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

MEETING CLOSURE

The meeting was closed at 5.51pm.

RECOMMENDATION

That Council confirms the minutes of the Commercial Services Committee meeting held 02 December 2024 and that the recommendations contained within the minutes be adopted.

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 November 2024 Ordinary meeting are as follows:

<u>Date</u>	<u>Meeting</u>
29 November	Australian Coastal Councils Association (ACCA) AGM
29 November	Ballina Shire Domestic & Family Violence Walk
2 December	Ballina Shire Council meeting with Steve Connelly, Ballina Catholic Parish representatives and Staff
2 December	Meeting with rate payer
2 December	Commercial Services Committee Meeting
2 December	Lennox Head Residents Association meeting
3 December	Northern Rivers Mariners Assoc Christmas Party
3 December	Meeting with Intrapac / Aureus and Staff
3 December	Councillor induction: Shire Bus Tour #1
3 December	Breakfast with Minister Hoenig, Tamara Smith MP, Byron Shire Mayor and General Manager and Ballina Shire General Manager
3 December	Press Conference – Ballina Hot Meal Centre Funding
4 December	Rous County Council meeting
4 December	Public Art Advisory Meeting (PAAP) Meeting
4 December	Wardell Light Up The Hall event
5 December	Council meeting with Brookfarm and Teven Park
5 December	Councillor induction: Ethical and effective use of social media as a Councillor – Emma Broomfield, Locale Learning
6 December	NSW Reconstruction Authority & Ballina Shire Council Bi-Monthly Meeting
8 December	Ballina Senior Citizens' Club Christmas Lunch
8 December	Catherine Crescent Christmas Party
8 December	Ballina Riverside Christmas Carols
9 December	Australian Coastal Councils Association (ACCA) Meeting
9 December	Northern Rivers Community Leaders Forum Mayors and MPs
9 December	Cr Briefing – Australia Day Award Nominations Meeting
9 December	Councillor induction: Business paper review
10 December	Ballina Shire Audit Risk and Improvement Committee
10 December	Councillor induction: Shire Bus Tour #2 – Infrastructure and property holdings
11 December	Rous County Council – Councillor Tour
12 December	Ordinary Meeting
12 December	Alstonville Wollongbar Chamber of Commerce Annual General Meeting

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

14. Confidential Session

Nil Items