

# Agenda

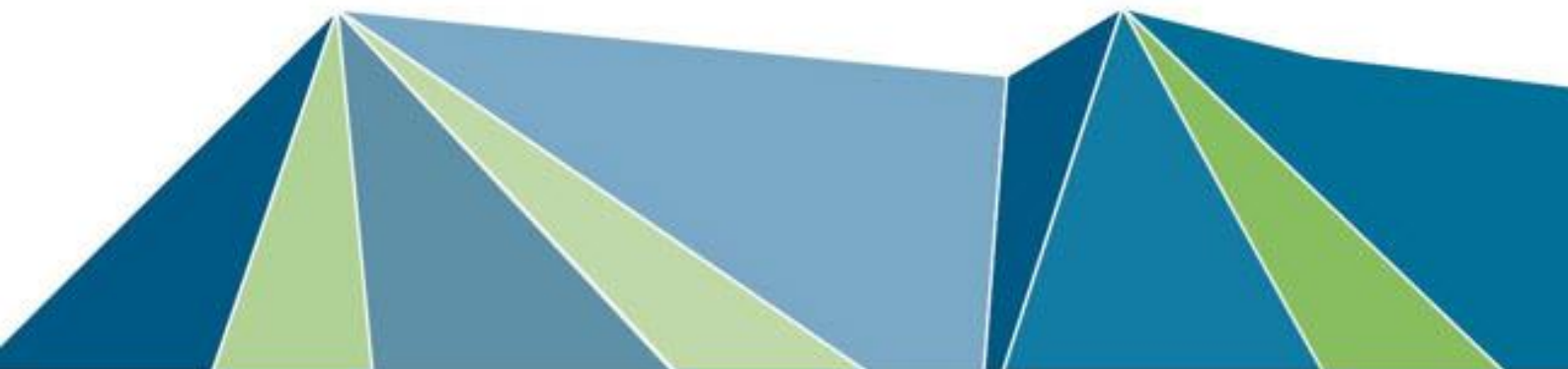
## ***Ordinary Meeting*** **27 February 2025**

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **27 February 2025 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](http://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**

**RECOMMENDATION**

That Council approves the following requests for leave of absence:

- Cr Phil Meehan
  - 27 February 2025 Ordinary meeting
  - 27 March 2025 Ordinary meeting
- Cr Therese Crollick
  - 28 August 2025 Ordinary meeting

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 12 December 2024 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 12 December 2024.

**5. Declarations of Interest and Reportable Political Donations**

**6. Deputations**

**7. Mayoral Minutes**

Nil Items

## **8.1 DA 2024/133 - Recreation Facility (Indoor) - 28 Smith Drive, West Ballina**

### **8. Planning and Environmental Health Division Reports**

#### **8.1 DA 2024/133 - Recreation Facility (Indoor) - 28 Smith Drive, West Ballina**

<b>Applicant</b>	Newton Denny Chapelle
<b>Property</b>	28 Smith Drive, WEST BALLINA, Lot 1 DP 598049
<b>Proposal</b>	<p>Proposed Recreation Facility (Indoor), incorporating associated demolition works, new building, on site carparking, signage and landscaping.</p> <p>The proposal includes a planning agreement incorporating the construction of public domain works in Smith Drive to offset a shortfall in on-site car parking spaces, including:</p> <ol style="list-style-type: none"><li>i. 15 car parking spaces to be sized in accordance with AS2890:5;</li><li>ii. kerb and gutter adjacent to Smith Drive;</li><li>iii. a kerb ramp leading from Smith Drive to the Land; and</li><li>iv. the widening of Smith Drive within the site frontage to 11 metres.</li></ol>
<b>Effect of Planning Instrument</b>	The land is zoned E4 General Industrial under the provisions of the Ballina LEP 2012
<b>Locality Plan</b>	The subject land is depicted in Figure 1.

#### **Introduction**

Council is in receipt of Development Application 2024/133 which proposes a recreational facility (indoor), at 28 Smith Drive, West Ballina.

The proposal involves demolition of an existing building, and construction of a new building, use of an existing building as a recreation facility, on site car parking, signage and landscaping.

The site has frontage to Smith Drive and adjoins Emigrant Creek to the rear, with a total area of 2028m<sup>2</sup>.

The location of the site is shown in Figure 1.

The application was formally lodged through the NSW Planning Portal on 17 June 2024 and has been subject to assessment by Council staff. It was identified by the Applicant with the information supporting the development application that the proposal involves a shortfall of onsite car parking in accordance with the Ballina Shire Development Control Plan 2012.

## 8.1 DA 2024/133 - Recreation Facility (Indoor) - 28 Smith Drive, West Ballina

To address this shortfall, the Proponent has offered to enter into a planning agreement whereby the proponent will provide 15 car parking spaces within the Smith Drive Road Reserve.

This report addresses planning considerations associated with the proposed planning agreement and relevant car parking provisions under the Ballina DCP 2012, as well as other key matters under Section 4.15 of the Environmental Planning and Assessment Act (EP&A Act) 1979.

A full assessment of the application against the full suite of matters for consideration under Section 4.15 of the EP&A Act 1979 is provided in Attachment 1.



Figure 1 – Locality plan of subject site.

### Details of the Proposal

The development application seeks consent for a recreation facility (indoor), which specifically involves the following:

- Demolition of the existing western building fronting Smith Drive and existing amenities.
- Construction of a new first floor recreational facility (indoor), being for a movement studio, above the car parking spaces.
- New amenities and courtyard.



## **8.1 DA 2024/133 - Recreation Facility (Indoor) - 28 Smith Drive, West Ballina**

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- Approval for the use of the rear building for a recreational facility (indoor) for the purposes of the climbing gym. This includes climbing walls on the existing external walls of the building (179m<sup>2</sup> in area) and a boulder mat area (153m<sup>2</sup> in area). The building also includes a new courtyard entry space.
- Landscaping.
- 15 on-street car parking spaces under a planning agreement.

Architectural Plans and Civil Plans associated with the proposed development are contained in Attachment 2.

Further details regarding the proposed operation and composition of the movement studio and climbing gym are summarised below:

### Movement Studio

- Opening hours: 5.30am – 7pm with 6 x 1hr classes daily.
- Classes prior to 7am and after 6pm will typically be scheduled as stretch/handstand classes with minimal or no background music and an average of 10 people per class.
- Each class run by one coach, with occasional one-on-one personal training sessions occurring at the same time as a class.
- Maximum of 20 patrons per class.

### Climbing Gym

- Operating hours: 11am to 8pm.
- Typically 30 patrons per hour through the provision of 30 anchor points.
- Soft fall style matting over the floor.
- Construction consists of fit out of indoor climbing centre within an existing portal frame shed clad with colourbond sheeting. With one main large opening to the south-east facing Emigrant Creek.
- The climbing gym consists typically of one large open room with climbing walls on either side.
- A mezzanine will be accessible by staff for maintenance and climbing patrons for access, overseeing, safety assistance and instructions dependent on the style of climb.

### Planning Agreement

The application includes a merit-based car parking calculation in relation to both the climbing gym component and the movement studio. The proposal includes 19 car parking spaces on the subject site, but there is a shortfall of on-site car parking relative to the requirements of Council's DCP.

To address the car parking shortfall on the development site, the applicant has proposed the provision of 15 car parking spaces within the Smith Drive road reserve through a planning agreement.

### Operating Background

The existing buildings at the site are currently being used for a climbing gym and a movement studio. These uses do not have development consent.

## **8.1 DA 2024/133 - Recreation Facility (Indoor) - 28 Smith Drive, West Ballina**

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Previously DA 2022/213 sought development consent for these uses. However, there were a number of outstanding items that were required to be addressed including additional details regarding the operations of the premises, insufficient and non-compliant car parking spaces, insufficient information in relation to compliance with the DCP, insufficient information in relation to the building code requirements and fire safety measures.

There was no response to a request for additional information issued to the applicant in relation to these outstanding items during the assessment of DA 2022/213. This DA was ultimately refused and compliance action was initiated in relation to the use of the building.

In response, the proponent lodged a new development application, being DA 2024/133 that is the subject of this report.

DA 2024/133 provides a pathway for the granting of consent to the climbing gym and movement studio and resolution of key issues such as car parking.

### Timing of the Development

Having regard for the above, careful consideration has been required in relation to the recommended conditions of consent.

In this regard, the recommended conditions have been drafted with the intention to achieve the following progression of works and post consent certificates:

- The works under the planning agreement will be undertaken concurrently with the construction of the requirements for the climbing gym to comply with the BCA
- An occupation certificate for the climbing gym will be obtained, with conditions ensuring the works offered under the planning agreement have been completed.
- The existing front building is demolished followed by the construction of the new movement studio and car parking.

### **Reportable Political Donations**

Details of known reportable political donations are as follows – Nil.

### **Public Exhibition**

In accordance with the EP&A Act, Council's Community Participation Plan and Council's Planning Agreements Policy, the proposed planning agreement was placed on public exhibition along with the Development Application for a period of 28 days.

The application was placed on public exhibition from 28 August 2024 until 27 September 2024.

A total of 69 submissions were received, all in support of the proposed development. Copies of the public submissions received are contained in Attachment 3, noting that one of these submissions requested confidentiality and this submission is contained in Attachment 4.

### **Applicable Planning Instruments**

The proposed development is subject to the Ballina Local Environmental Plan 2012 (LEP) as well as the Ballina Shire Development Control Plan 2012 (DCP) and a number of State Environmental Planning Policies.

A full assessment of the proposal against the statutory provisions applying to the proposal is set out in the s4.15 Assessment Report in Attachment 1.

In summary, with respect to the LEP and DCP, the proposed development is permissible within the E4 General Industrial zone and aligns with the objectives of the DCP.

### **Report**

#### **Matters for Consideration**

The proposed development has been assessed under the heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979. The assessment has identified the following key issues in relation to this development application, which are elaborated upon for the consideration of the elected members of Council.

This report should be read in conjunction with the attached Section 4.15 assessment report.

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

<b>Relevant Environmental Planning Instruments (EPI's)</b>	
<ul style="list-style-type: none"><li>• <b>SEPP (Industry and Employment) 2021</b></li><li>• <b>SEPP (Resilience and Hazards) 2021</b></li><li>• <b>SEPP (Transport and Infrastructure) 2021</b></li><li>• <b>Ballina Local Environmental Plan 2012</b></li></ul>	The proposed development is consistent with the provisions of the relevant EPIs. Refer to Attachment 1 for a detailed assessment of these provisions.

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

No draft instruments apply to the proposed development.

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

Chapters 2, 2A, 2B, 5 and 8 of the DCP apply to the proposed development.

The development has been assessed as being consistent with the provisions of the DCP with the variances justified. A brief summary of the landscaping requirements and car parking assessment has been provided below.

#### Landscaping

Section 3.1.3 – B. Element within Chapter 5 of the DCP requires landscaped areas for a depth of 3.0m along the frontage of the site. Queries were raised during the assessment of the application in that there was not sufficient

landscaping along the site frontage for a depth of 3m, which is obstructed by car parking spaces. The applicant amended the plans with the following to achieve an improved landscaping outcome:

- Deleting the two motorcycle parking spaces to provide further screening and shading;
- Swapping the loading bay with a car parking space to allow for more screening space within the 3m frontage depth;
- Having the two front car parking spaces to be grass crete or landscaped hardstand rather than asphalt, to lessen the visual impact of hard paving within the front setback.

The amendments achieve 27.4m<sup>2</sup> of landscape screening within the front setback area (6m) and 23m<sup>2</sup> within the 3m frontage. This is equal to 44% of the street frontage being landscaped with a 3m landscaped buffer.

Given the attempt at providing adequate car parking on the premises and additional landscaping where possible provided onsite, and grass crete of the two front car parking spaces, it is considered that the landscaping onsite is suitable in this instance. Further, in relation to the whole of the site, there is ample landscaping along the rear that is appropriately maintained and utilised by the occupants to ensure ongoing amenity in the locality.

#### Car Parking

The proposed use is not specifically listed within Section 3.19 with regards to a car parking rate for the climbing gym and proposed movement studio. In this regard, a merit based assessment was undertaken by the applicant which has been summarised as follows:

The parking demand for the Climbing Gym has been determined using a merit assessment, as follows:

- 30 anchor points = 30 patrons
- 1 parking bay per 2 patrons = 15 parking spaces
- Allowance for staff = 2 additional parking spaces
- Total = 17 parking spaces

Movement Studio parking demand has been based on the 'dance studio' car parking rates within the Section 3.19. This requires one parking space per three 'pupils'. The movement studio currently operating at the premises experiences an average class size of 10, with a maximum class size of 20.

Using the 'dance studio method, 7 parking bays would be required. Each class is run by one coach, and on occasion some one-on-one personal training sessions occurring at the same time as the class. Therefore, three additional parking spaces would be necessary, requiring 10 parking bays.

However, based on the 'gymnasium' car parking calculation, which requires 4.5 spaces per 100m<sup>2</sup> GFA, the movement studio (being 243m<sup>2</sup> in GFA) requires 11 parking bays. This more conservative method has been used by the applicant and the demand has been calculated as 11 parking bays.

Total parking required for the project based on the merit assessment equates to 28 car parking spaces.

The proposal provides the following parking spaces,

Within the site:

- 18 standard parking bays, 2.5 m x 5.4 m
- 1 x accessible parking bay and associated shared space 2.4 m x 5.4 m
- 1 x loading bay (10 am – 4 pm), 3.5 m x 6.4 m

Within the road reserve:

- 15 standard parking bays, 2.5 m x 5.4 m

The proposal is therefore seeking a variation to Section 3.19 of eight spaces on the subject site.

There are 15 parking spaces proposed within Council's Road Reserve under the planning agreement, resulting in 35 spaces. This provides for an additional seven car parking spaces beyond that which is required under the merit car parking assessment provided above, albeit this utilises Council's road reserve.

A factor for consideration in determining this development application is whether the use of Council's road reserve for car parking as proposed under the planning agreement is acceptable in the particular circumstances of this proposed development and intended use of the road reserve.

Although the use of the road reserve to meet car parking requirements for private development is not typical, in this instance it is considered to be a reasonable and suitable outcome. This is based on the following:

- the Smith Drive Road Reserve has suitable width to accommodate the proposed outcome,
- there is opportunity to improve the condition of Smith Drive,
- land use and activity in the locality is changing and has further potential to change given the nature of the lots and buildings,
- the particular characteristics of the existing building on the site align with the climbing facility (i.e. the building height and layout),
- there is no car parking contributions plan applying (under which the proponent could seek to meet their shortfall via a contribution), and
- the additional seven car parking spaces is considered reasonable compensation for the use of the road reserve.

In considering the use of the road reserve for parking, it is also important to note that Smith Drive may be a route for a shared pathway connection between Alstonville and Ballina at a point in the future. Should this ultimately become the preferred route for such a connection, Council could make changes to the established car parking to facilitate the pathway connection as it sees fit. That is, Council is not bound to retain the car parking spaces provided under the agreement indefinitely.

**Section 4.15 (1)(a)(ia) any planning agreement that has been entered in to under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4**

As part of the subject application, the proponent provided an offer to enter into a planning agreement under Section 7.4 of the EP&A Act. A copy of the proposed agreement (unsigned) is provided under Attachment 5.

## **8.1 DA 2024/133 - Recreation Facility (Indoor) - 28 Smith Drive, West Ballina**

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Specifically, the planning agreement includes the following works:

- The construction of 15 car parking spaces to be sized in accordance with AS2890:5
- The construction of kerb and gutter adjacent to Smith Drive
- The construction of a kerb ramp leading from Smith Drive to the subject site
- The widening of Smith Drive within the site frontage to 11 metres.

There are requirements under the EP&A Act and the EP&A Regulation in relation to the content and purpose of a planning agreement. Of particular note is the requirement for the developer to provide a material public benefit for a public purpose, as a result of the offer in the planning agreement.

The proposed works described above are considered to provide a material public benefit in accordance with the requirements of section 7.4. The offer has been made given the development proposal results in a shortfall of car parking spaces onsite.

The works described above provided will create an improved and formalised parking outcome along Smith Drive to be available for use by all members of the public. The parking spaces will not be for the exclusive use for the occupants of 28 Smith Drive but will provide for additional parking for the in the locality.

These works will likely improve the amenity of the local area through formalising the existing streetscape. The car parking will be of an enduring nature, remaining in the Council's control irrespective of what use the subject land at 28 Smith Drive proposes in the future.

It is important to note that the planning agreement does not exclude the application of section 7.11 developer contributions which will be applied by way of the recommended conditions of consent.

The planning agreement was placed on public exhibition with the development application and no submissions were received that specifically related to the agreement or car parking/road works associated with the agreement. In this instance, it is considered that the works offered under the planning agreement are within the interest of the community.

To bring the planning agreement into operation in association with the approval of DA 2024/133, the agreement needs to be endorsed by the elected Council. The recommendations below incorporate the required Council endorsement.

As part of the proposed conditions of consent (Attachment 6), the works will be required to be completed prior to the Occupation Certificate associated with the climbing gym component of the development on the rear portion of the site.

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

No matters raised, refer to the Section 4.15 Assessment Report in Attachment 1 for a detailed discussion.

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

The proposal is not expected to result in adverse impacts to the environment or broader locality, subject to compliance with conditions.

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

The site has been assessed as suitable for the proposed development. In particular, the proposal is consistent with the objectives of the E4 General Industrial zone and relevant DCP provisions applying to the proposed development.

**Section 4.15 (1) (d) any submissions made in accordance with this Act or the Regulations**

A total of 69 submissions were received during the public exhibition period. Each of these submissions were in support for the proposed development, and one requested to remain confidential. No submissions were received specifically related to the planning agreement.

The key reasons for support included the facility provides for improved wellbeing, mentally stimulating, encourages fitness, a supportive community, the facility brings people to the Ballina Shire area, and a great fun and family friendly space. A number of the submissions provided personal experiences of the use of the premises and described their desire for future growth.

No concerns are raised in relation to the submissions received.

**Section 4.15 (1) (e) The Public Interest**

As outlined above, it is considered that there are a number of people in the community who would see benefit in the facility. The proposed development involves works as described within the planning agreement which are considered to provide a material public benefit through the improvement of the Smith Drive streetscape and the provision of public car parking spaces.

The proposed development is therefore considered to be within the public interest.

**Options**

*Option 1 – Approve*

Council could resolve to endorse the planning agreement and authorise the General Manager to execute the agreement and also to determine the DA by way of approval.

This option is recommended for the reasons outlined within this report.

*Option 2 – Refuse*

Council could resolve to decline to endorse the VPA and refuse the DA based on the car parking shortfall or for other reasons as specified by Council.

If Council elects to determine this application by way of refusal, reasons for refusal should be embodied in the Council resolution.

### **Conclusion**

The application has been assessed having regard for 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 and the submissions made in response to the public exhibition of the proposal.

The use of the site as a recreational facility is suitable within the locality and the car parking can be adequately catered for on site and within the Smith Drive Road Reserve.

Key concerns in relation to the proposal have been addressed by the applicant and summarised within this report. The timing of the proposed works to ensure car parking is adequately provided onsite can be addressed by way of conditions of consent.

The proposal is considered to fit within the locality and be within the public interest.

Approval of the proposed development, including endorsement of the planning agreement, is recommended.

### **RECOMMENDATIONS**

1. That Council endorses the planning agreement set out in Attachment 5 and authorises the General Manager to execute the agreement; and
2. That Development Application DA 2024/133 for a recreation facility (indoor) at 28 Smith Drive, West Ballina be **APPROVED** subject to the application of standard conditions for this type of development as well as conditions contained in Attachment 6.

### **Attachment(s)**

1. S.4.15 Assessment Report [⇨](#)
2. Architectural Plans [⇨](#)
3. Public Submissions [⇨](#)
4. DA 2024/133 Confidential Submission [⇨](#)
5. Draft Voluntary Planning Agreement [⇨](#)
6. Draft Schedule of Conditions [⇨](#)



**8.2 DA 2024/75 - Boundary Adjustment - Alstonville Cultural Centre and Showground**

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**8.2 DA 2024/75 - Boundary Adjustment - Alstonville Cultural Centre and Showground**

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<b>Applicant</b>	Newton Denny Chapelle
<b>Property</b>	42-46 & 22-40 Commercial Road ALSTONVILLE Lot 1 DP 611789 & Lot 2 DP 1031929
<b>Proposal</b>	Torrens Title Subdivision involving a boundary adjustment to create two modified lots comprising one x 5,168m <sup>2</sup> lot and one x 5.638ha allotment and demolition of existing toilet facility
<b>Effect of Planning Instrument</b>	The land is zoned R2 Low Density Residential Development and RE2 – Private Recreation under the provisions of the Ballina LEP 2012
<b>Locality Plan</b>	The subject land is depicted in the locality plan in Attachment 1.

### **Introduction**

Council is in receipt of DA 2024/75 for a Torrens Title Subdivision involving a boundary adjustment to create two modified lots comprising one x 5,168m<sup>2</sup> lot and one x 5.638ha allotment, and demolition of existing toilet facility located at 42-46 and 22-40 Commercial Road, Alstonville.

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

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

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

Copies of the proposed plans are contained in Attachment 3.

The proposal seeks a variation to a development standard contained in Clause 4.1 of the Ballina Local Environmental Plan 2012 (BLEP 2012) - Minimum Subdivision Lot Size.

The application is being reported to Council for determination for the following reasons:

- The proposed variation to the development standard relating to the minimum lot size is greater than 10%
- To accord with Council's Conflict of Interest Management Statement for Council-Related DAs.

## **8.2 DA 2024/75 - Boundary Adjustment - Alstonville Cultural Centre and Showground**

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### **Reportable Political Donations**

Details of known reportable political donations are as follows: Nil

### **Public Exhibition**

The application has been publicly notified in accordance with the relevant provisions relating to Council related development applications.

Pursuant to Schedule 1 Division 2 – Clause 9B of the EP&A Act, a period of 28 days was provided for any public submissions to be lodged.

No community or public authority submissions have been received in relation to this application.

### **Applicable Planning Instruments**

The applicable local planning instrument is Ballina Local Environmental Plan 2012.

The key issue is that the proposed boundary adjustment does not meet the 40ha minimum subdivision lot size standard for a new lot on RE2 Private Recreation zoned land, as required under Clause 4.1 of the BLEP 2012. The proposed lot is 5.6ha in area.

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

### **Details of the proposal**

The Alstonville Cultural Centre is located on Lot 1 DP 611789 (42-46 Commercial Road) and the Alstonville Showground is located on Lot 2 DP 1031929 (22-40 Commercial Road).

The proposed development involves a minor boundary adjustment between existing Lots 1 and 2, as well as the demolition of an existing toilet block on Lot 2.

A boundary adjustment involving a “land swap” of approximately 16m<sup>2</sup> of land is proposed to create new lots 3 and 4. The proposed new boundary line passes through an existing toilet block on Lot 2.

The toilets need to be demolished to ensure that the new boundary setbacks comply with the Building Code of Australia. Alternative toilet facilities within the community centre will continue to be available.

A variation of 85.9% to the 40ha minimum subdivision lot size for the land is sought as part of a written submission under Clause 4.6 of the BLEP 2012.

The proposed adjustment of lot boundaries still reflects the current and intended land uses of the land parcels involved. The resultant lot sizes and configuration remains similar to the existing subdivision pattern.

**8.2 DA 2024/75 - Boundary Adjustment - Alstonville Cultural Centre and Showground**

**Reportable Political Donations**

Details of known reportable political donations are as follows: Nil

**Matters for Consideration**

Key matters for consideration are outlined below. For a full assessment relative to Section 4.15 of the Environmental Planning and Assessment Act see Attachment 2.

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

<b>Relevant State Environmental Planning Policies (SEPP)</b>	
SEPP (Resilience and Hazards) 2021  SEPP (Transport and Infrastructure) 2021	No issues are raised in relation to any applicable SEPP. Refer to Attachment 2 for further comment.
<b>Local Environmental Plans (LEPs)</b>	
<b><u>Ballina LEP 2012 (BLEP 2012)</u></b>  <ul style="list-style-type: none"> <li>• Clause 4.1</li> <li>• Clause 4.6</li> </ul>	<p>The proposed development is located within the R2 Low Density Residential and RE2 Private Recreation zones. The lot boundaries in an existing subdivision plan are proposed to be adjusted to a minor extend to facilitate future upgrading of the Alstonville Cultural Centre.</p> <p>One of the lots will be below the 40ha minimum lot size applying in the RE2 zone.</p> <p>The proposal is consistent with the aims and objectives of the zone and has had regard for the relevant additional provisions of the BLEP 2012.</p> <p>The development achieves compliance with the relevant development standards except for Clause 4.1 Minimum subdivision lot size for RE2 zone. The applicant has submitted a written request to vary this development standard.</p> <p>An assessment of the proposed variation to the Clause 4.1 under Clause 4.6 of the BLEP 2012 is provided below.</p> <p>Attachment 2 contains further details and comments about relevant planning controls.</p>
<b>Clause 4.1 (Minimum subdivision lot size in certain zones)</b>	
	<p>Pursuant to Clause 4.1 and the associated Lot Size Map, the sites are subject to minimum lot sizes of 600m<sup>2</sup> (Lot 1) and 40 hectares (Lot 2).</p> <p>Alstonville Showground (on Lot 2) is already below the minimum lot size, with a total land area of 5.638 hectares.</p> <p>The proposed boundary adjustment remains non-compliant with the minimum lot size</p>

**8.2 DA 2024/75 - Boundary Adjustment - Alstonville Cultural Centre and Showground**

	<p>requirement within the RE2 zone which covers the showground.</p> <p>A formal Clause 4.6 variation request has been lodged with this application. The submission demonstrates that strict compliance with the standard is unreasonable and unnecessary given the circumstances of the case. The variation request provided as Attachment 4.</p>
<b>Clause 4.6 – Exceptions to Development Standards</b>	
Is the planning control being varied a development standard?	<u>Comment:</u> Yes, the development standard being varied in this instance is Clause 4.1 – Minimum subdivision lot size.
What are the objectives of the development standard?	<u>Comment:</u> The objectives are: (a) to ensure that subdivision is compatible with the character of the locality, (b) to ensure that in the case of urban areas— (i) the subdivision pattern reflects and reinforces the current or planned subdivision pattern of the locality, and (ii) lot configurations are suitable to enable development that is consistent with relevant development controls,
If the standard does not contain objectives, what is its purpose, why was it introduced and how is it applied?	<u>Comment:</u> The standard includes objectives as above.
a) Is the written request accurate? For example: - 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.	<u>Comment:</u> Yes, the written request is accurate, in that it contains: - 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.
Does the written request demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances (Five Part/Wehbe test)?	<u>Comment:</u> Yes, the written request provides an assessment of this matter, regarding compliance with the development standard being unreasonable or unnecessary in the circumstances.
What part of the Five Part/Wehbe test is being used to justify the variation? Or is the variation otherwise justified?	<u>Comment:</u> The applicant has referred to Test 1 in the Five Part/Wehbe test, being: <i>“Compliance with the development standard is unreasonable or unnecessary if the:</i> <ol style="list-style-type: none"> <li>1. Objectives of the development standard are achieved notwithstanding the non-compliance.”</li> </ol>

**8.2 DA 2024/75 - Boundary Adjustment - Alstonville Cultural Centre and Showground**

	<p>The applicant's variation request details that the objectives of the clause are satisfied for the following reasons:</p> <ul style="list-style-type: none"> <li>- The subject site currently maintains a lot size of below the required 40-hectare minimum lot size with no ability to comply with the minimum lot size requirement. The existing lot has an area of 5.638 hectares which represents an existing non-compliance with the minimum lot size of 85.9%. This application does not result in an exceedance of the existing non-compliance.</li> <li>- The proposed boundary adjustment aims to undertake a 'land swap' between Lot 1 DP 611789 and Lot 2 DP 1031929 with no change in the size of each allotment occurring. The proposal also involves the demolition of an existing toilet block to ensure there are no non-compliances with the Building Code of Australia as a result of this development.</li> <li>- The proposed departure from the minimum lot size development standard is not considered likely to result in any adverse impacts on the surrounding amenity of the area.</li> <li>- The proposed departure from the minimum lot size development standard is consistent with the existing allotment arrangement and configuration which is currently well below the minimum lot size.</li> <li>- The proposed development is compliant with the remaining development standards relevant to the proposed boundary adjustment and demolition of the existing toilet block located on Lot 2 DP 1031929.</li> </ul> <p>The commentary provided by the applicant is agreed with and compliance with the 40ha minimum subdivision lot size for the RE2 zone development standard is unreasonable and unnecessary in the circumstances of the proposal.</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 Statement of Environmental Effects, and the information contained within this variation request demonstrates sufficient environmental planning grounds to justify contravening the development standard.</p>
<p>What are the environmental planning grounds being argued?</p>	<p><u>Comment:</u> The existing Lot 2 in DP 1031929 is currently well below the minimum lot size provision. As such, the existing lot size arrangement and configuration does not hinder the ability for the continued use of the site as a showground. The proposed boundary adjustment results in the existing lot remaining well below the minimum lot size, with no avenue available for the allotment to provide compliance.</p>

**8.2 DA 2024/75 - Boundary Adjustment - Alstonville Cultural Centre and Showground**

	<p>The proposed boundary adjustment does not result in a change to the existing lot size, with a land-swap being undertaken resulting in both lots containing the same area currently provided. In this regard, the proposed boundary adjustment does not result in any change to the existing use of the site as the Alstonville Showground and does not hinder the continued use of the site for this purpose.</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 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 RE2 Private Recreation Zone, which are: -</p> <ul style="list-style-type: none"> <li>- To enable land to be used for private open space or recreational purposes.</li> <li>- To provide a range of recreational settings and activities and compatible land uses.</li> <li>- To protect and enhance the natural environment for recreational purposes.</li> <li>- To enable development that is compatible with the recreational nature and environmental character of the land.</li> <li>- To encourage development that achieves the efficient use of resources such as energy and water</li> </ul>
<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 the RE2 zone development standard or the objectives of the RE2 zone.</p> <p>The approval of the requested variation is not expected to create a precedent. In this regard, the subject site provides a unique set of circumstances whereby the existing lot configuration and size is below the minimum lot size, with no ability to provide compliance. The variation is considered justified in the circumstances of the case.</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 4.1 development standard, as relating to the minimum lot size for Private Recreation land.</p>

## 8.2 DA 2024/75 - Boundary Adjustment - Alstonville Cultural Centre and Showground

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

Ballina Shire Development Control Plan 2012	
Chapter 2 – General and Environmental Considerations	The proposed development is acceptable when assessed against the relevant provisions of Chapter 2 of the BDCP 2012.  Refer to Attachment 2 for further assessment.
Chapter 3 – Urban Subdivision	The proposed development is acceptable when assessed against Chapter 3 of the BDCP 2012.  Refer to Attachment 2 for further assessment of the relevant provisions.

### Options

#### *Option 1 – Approve*

That Council approve the proposed boundary adjustment, subject to standard 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 RE2 Private Recreation zone and objectives of Clause 4.1 Minimum Subdivision Lot Size 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 4.1 development standard.

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

#### *Option 2 – Refuse*

That Council refuse the development application.

This would need to be on the basis that Council considers the departure from the Clause 4.1 Minimum Subdivision Lot Size 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 RE2 Private Recreation zone and objectives of Clause 4.1 Minimum Subdivision Lot Size standard.

Refusal of the application is not recommended.

### 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*.

## 8.2 DA 2024/75 - Boundary Adjustment - Alstonville Cultural Centre and Showground

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The application has also been assessed in accordance with Council's adopted 'Conflict of Interest Management Statement for Council-Related DAs' (Attachment 5).

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 and RE2* zones and is not offensive to the objectives of the *Clause 4.1 – Minimum Subdivision Lot Size* development standard.

The requested variation under Clause 4.6 of the BLEP 2012, represents an 85.9% departure, which could be significant in some circumstances.

However, the requested variation has been assessed as reasonable and appropriate in this case, given the consistency with the existing subdivision pattern and the compliance with other relevant planning considerations.

### RECOMMENDATIONS

1. That Development Application 2024/75 for a Torrens Title Subdivision involving a boundary adjustment to create two modified lots, comprising one x 5,168m<sup>2</sup> lot and one x 5.638ha allotment, and demolition of an existing toilet facility at 42-46 & 22-40 Commercial Road Alstonville be APPROVED, subject to standard planning conditions for this type of development.
2. That having regard for the circumstances associated with DA 2024/75, Council approves the granting of a variation to Clause 4.1 Minimum Subdivision Lot Size under Clause 4.6 of the Ballina LEP 2012

### Attachment(s)

1. Locality Plan [⇒](#)
2. S.4.15 Assessment Report [⇒](#)
3. Proposed Subdivision and Development Plans [⇒](#)
4. Clause 4.6 LEP Variation Request [⇒](#)
5. Conflict of Interest Management Statement for Council Related DA's [⇒](#)



### 8.3 Bicentennial Park - Master Plan Adoption

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### 8.3 Bicentennial Park - Master Plan Adoption

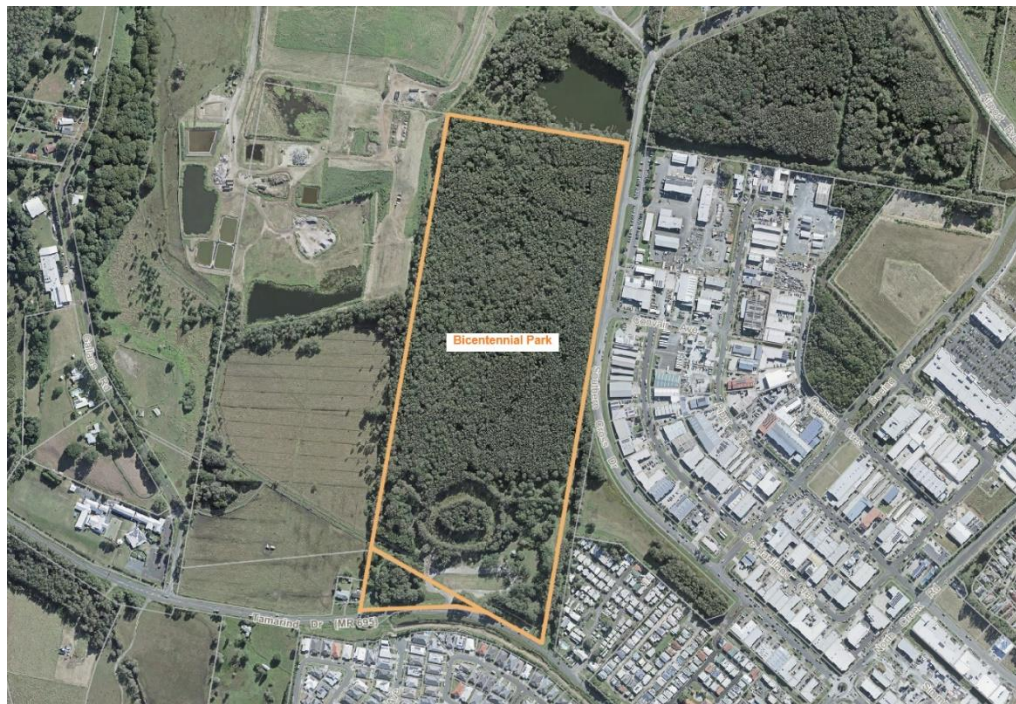
<b>Section</b>	Strategic Planning
<b>Objective</b>	To present the outcomes of the public exhibition of a Draft Master Plan for Bicentennial Park and seek direction on finalisation of the plan.

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#### **Background**

Bicentennial Park is located at 150 Tamarind Drive, Ballina immediately west of Southern Cross Drive and the holiday village / caravan park. The site is outlined in orange in Figure 1 below.

The land is NSW Crown Reserve (R97297) managed by Council, with the formal reserve purpose being 'preservation of native flora' and 'preservation of native fauna'.



**Figure 1: Bicentennial Park (The Reserve)**

A draft master plan was presented to the November 2024 Ordinary meeting, seeking endorsement for public exhibition. Council resolved as follows:

- 1. That Council place the draft Master Plan for Bicentennial Park, as per Attachment 1 to this report, on public exhibition, for at least four weeks, to invite community feedback.*
- 2. If no submissions that necessitate review of the elements of the draft plan are received in response to the public exhibition, that Council adopts the Bicentennial Park Master Plan, and no further reporting is required.*

### 8.3 Bicentennial Park - Master Plan Adoption

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3. *If submissions that necessitate review of the elements of the draft plan are received, the draft Master Plan for Bicentennial Gardens and outcomes of the exhibition process are to be reported back to Council.*

The exhibited Draft Master Plan is provided in Attachment 1.

Through the exhibition period, Council received 27 online submissions and 2 emailed submissions from key stakeholders.

The online survey results and all submissions are provided in Attachment 2.

The submissions raise concerns about 2 key items:

- Proposed removal of the toilet block and the need for a toilet facility to remain at the site to support daily use, disc golf and activate the park;
- Inadequate parking for disc golf to grow or support potential increased usage from future park embellishments.

There was also a request for a caravan waste dump location and some other minor works within the reserve.

As a result, this report presents a revised draft master plan which:

- Proposes removal of the existing toilet block and construction of a new unisex and accessible toilet facility closer to the front of the site;
- Further clarifies the parking available including nearby on-street parking and pathway connections.

The revised Draft Master Plan is provided in Attachment 3.

This report recommends that Council adopt the revised draft Bicentennial Park Master Plan.

#### **Key Issues**

- Consistency with the Plan of Management for Community Land reserve purpose
- Public exhibition community engagement findings
- Revised draft Bicentennial Park Master Plan

#### **Discussion**

##### General Background Information

Bicentennial Park is Reserve R97297 owned by NSW Crown Lands and managed by Council. Council's *Plan of Management for Community Land* (2023) applies to the site with the reserve categorised as follows:

- Category: Natural Area 'Bushland'
- Purpose: 'Preservation of native flora' and 'Preservation of native fauna.'

The Plan of Management for Community Land can be viewed at the following link: [Plan of Management for Community Land](#).

### **8.3 Bicentennial Park - Master Plan Adoption**

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The reserve was embellished at its southern end in the late 1980s as a highway rest stop which included excavation of a pond, and construction of a toilet block and a large vehicle turn around and parking area to cater for caravans and large vehicles.

Since construction of the M1, which bypasses Ballina, and a new service centre south of the township, the reserve's function as a rest stop has significantly reduced.

In this time, vegetation has re-established in some areas and some picnic facilities have been decommissioned.

A shared cycle/pedestrian pathway, which connects Ballina to Cumbalum, runs through the site.

In 2016, a 9-hole disc golf course was established in the southern part of the reserve. This recreational use remains as a free community activity with facilities managed by the Northern Rivers Disc Golf Club.

#### Key Environmental and Other Interactions

There are several environmental interactions that have been considered in preparing the Draft Master Plan. These are outlined in detail in the report presented to Council at its 28 November meeting and include:

- Low-lying land with poor drainage;
- Significant utilities and infrastructure such as overhead powerlines, sewer main and pump station;
- High environmental value vegetation and biodiverse land;
- Vehicle access and parking.

The key existing users of the reserve include:

- Pedestrians and cyclists using the shared pathway / cycleway from Ballina to Cumbalum that passes through the reserve;
- The Northern Rivers Disc Golf Club and community members playing disc golf;
- Day rest area and passive open space users;
- Dog owners as an off-leash dog area (this use will also be reconsidered as part of the review of the Companion Animal Plan occurring later this year).

The reserve also provides open space for residents of the adjoining manufactured home / holiday village and nearby residential areas as well as workers and visitors to the industrial estate.

Other considerations include:

- A history of anti-social behavior and inadequate surveillance in the reserve in the past, particularly around the existing toilet block area.

### 8.3 Bicentennial Park - Master Plan Adoption

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- A memorial garden, plaques and memorial trees which may be important to the community.
- The proposed future duplication of Tamarind Drive and construction of a link road between the site and the caravan park.

#### Community Engagement

Council placed the Draft Master Plan on public exhibition from 11 December 2024 to 24 January 2025. Key stakeholders were advised of the public exhibition, signage placed on site and the public exhibition period promoted on Council's Your Say Ballina page and in social media.

An online survey collected key feedback from the community. The full survey results and other submissions are contained in Attachment 2.

Below is a summary of the key demographics and community feedback from the YourSay project survey:

- 27 responses were received;
- Most respondents were aged under 64 years of age;
- Many respondents lived in Ballina or Ballina Shire but approximately 40% lived outside the Shire identifying as a 'visitor'. This is a high visitor response which may be due to disc golf attracting players from adjoining Shires;
- The primary reasons for visiting the reserve included for 'organised sport' and to 'use the toilet';
- When asked how frequently they used the park, approximately 44% responded daily to a few times a week. 33% responded that they used it a couple of times per year.

When asked what features they liked most about the Draft Master Plan, the most common responses included:

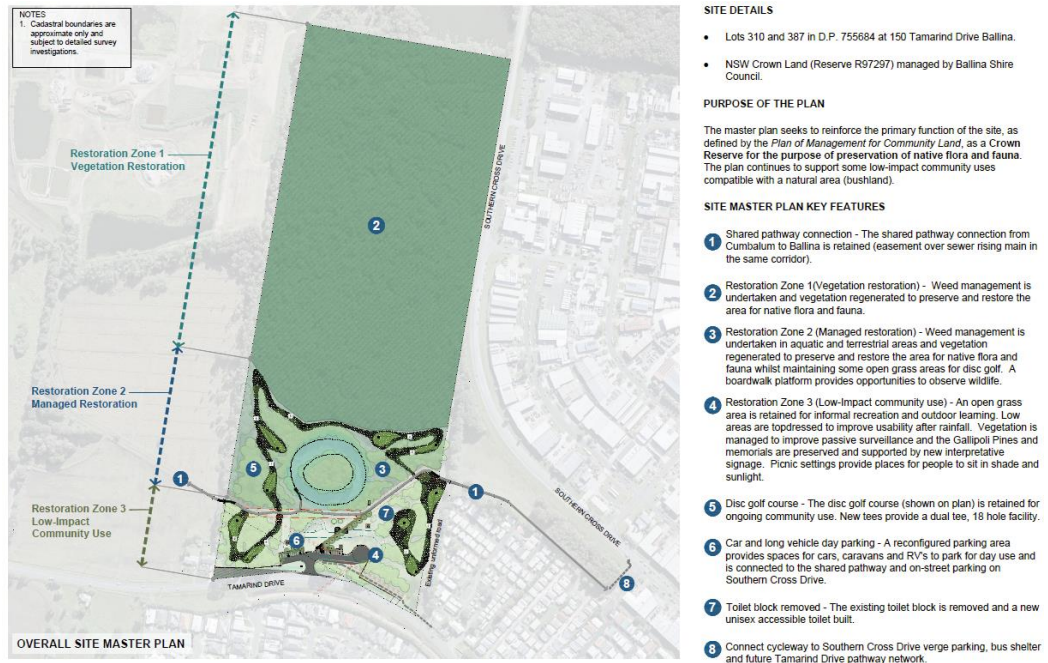
- Improvements to the disc golf course;
- Weed management and vegetation restoration;
- General park embellishments to improve user day-use experience (picnic shelters, observation platforms).

When asked what things they would change about the Draft Master Plan, the most common responses were:

- Including a toilet facility (as either a renovation of the existing toilet or as a new toilet). This was particularly requested by disc golf players who use the site for extended periods of time;
- Ensuring there is adequate car parking to support the expanded disc golf course and anticipated increase in usage resulting from park improvements.

## 8.3 Bicentennial Park - Master Plan Adoption

As a result of community feedback, revisions were made to the Draft Master plan. The overall site master plan (extract from the drawing set) is shown in Figure 2.



**Figure 2: Overall Site Master Plan (extract only)**

The following revisions have been made to the Draft Master Plan:

- Removal of the existing toilet block and provision of a new single unisex, accessible toilet facility closer to the car park where passive surveillance is improved;
- Minor alterations to the car parking area to connect to the toilet and to clarify the parking provision and overflow parking strategies and locations. The plans makes provision for the following car parking:
  - 24 dedicated spaces for general use consisting of 1 accessible space, 12 standard size spaces, 11 generously sized spaces;
  - A long vehicle bay suitable for up to 3 caravans.

Overflow parking is available on-street on Southern Cross Drive and is connected to the park via the existing shared pathway (500m walk). Vehicle gates provide access into the broader park area for maintenance which could (subject to approval) also be used to enable special vehicle access for disc golf or education events if required.

Whilst the site is no longer a highway rest area, the plan makes some provision for short-term, day-use by travellers including parking for larger vehicles such as RV's and caravans.

Other dedicated caravan and RV parking is located in Kingsford Smith Drive near the Visitor Information Centre and proximate to the CBD shops. No dump point for waste is proposed.

### 8.3 Bicentennial Park - Master Plan Adoption

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The BP Travel Centre located in West Ballina offers a free dump point for travellers.

Other key features of the master plan are:

- Significant weed management and vegetation restoration across three management 'zones'. The specific management strategies for each zone would be determined through the development of a Vegetation Management Plan for each zone.
- Retention of the existing shared pathway which is co-located with a sewer main and improvements to surveillance around the cycleway.
- Decommissioning of the existing large rest area car park and construction of a smaller car park. Surplus space in and around the overhead powerlines will be converted to passive open space for community use.
- A combination of timber post and rail fencing and bollards controls vehicle access to the reserve to protect the open space from future damage. Removable bollards provide access for maintenance and special purpose vehicles.
- Further social activation of the park through retention of the disc golf course, extension of existing tee pads and installation of new tees to enable a dual tee, 18-hole course utilising existing cleared areas. Provision of new park signage at the entry. Note that Council staff met with a representative of the Disc Golf Club to clarify their needs.
- An observation platform at the pond for the purpose of environmental education.
- Ancillary facilities to support passive community use such as pathway connections between the car park and cycleway, picnic tables, shelters, seating, wayfinding signage, interpretative signage and drinking fountain.
- Vegetation management to create unobstructed sight lines to improve passive surveillance around the southern part of the reserve.
- Relocation of the memorial plaques from the garden area to the picnic shelter.

#### **Delivery Program Strategy / Operational Plan Activity**

Preparation of a master plan / management plan for Bicentennial Park is an action in the Delivery Program and Operational Plan (adopted in June 2024):

*EL1.2b – Prepare management plan for Bicentennial Park*

#### **Community Engagement Strategy**

The Plan of Management for Community Land, which applies to Bicentennial Park, sets out the adopted approach to managing the land.

Given the biodiversity attributes of the site, infrastructure constraints and existing uses, community engagement focused on the primary user groups and broad level community notification. Council staff met directly with a representative from the Northern Rivers Disc Golf Club to ascertain the Club's

### **8.3 Bicentennial Park - Master Plan Adoption**

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current use and identify issues and opportunities to support continuation of the sport.

In November 2024 Council resolved to place a Draft Master Plan for Bicentennial Park on public exhibition for at least 4 weeks to invite broader community feedback. The Draft Master Plan was exhibited on Council's Your Say Page and promoted via signage on site, emails to key stakeholders and Council's social media.

Key stakeholders including adjoining holiday parks, Northern Rivers Disc Golf and Ballina RSL Sub-Branch were contacted to advise of the public exhibition.

Submissions are provided in Attachment 2.

The RSL Sub-branch advised that they had no objection to the content of the Draft Master Plan which proposes to relocate the memorials to a consolidated location in any new picnic shelter.

Council staff met with the President of the Northern Rivers Disc Golf club at the site at the start of the project to discuss the project objectives and to better undertaken the needs of the group and sport. Northern Rivers Disc Golf provided an additional submission during the public exhibition stage with their key concerns noted in this report.

#### **Financial / Risk Considerations**

Cost estimates to implement the works under the plan have not yet been prepared. As a guide, the infrastructure works identified are likely to exceed \$500,000. Further costs are associated with the bushland regeneration works.

There is currently no funding allocated to implement the master plan works. Works will need to be considered as part of Council's annual work program and financial planning. Embellishment works at this site are unlikely to proceed in the short term due to other programmed works that are scheduled.

The key value of the master plan is that it provides a clear direction and intent for future use of the land, and it will support applications for grants should grant funding opportunities become available.

#### **Options**

Council has the following options to proceed:

*Option 1 – Council may adopt the Draft Master Plan.*

Under this option, Council adopts the Draft Master Plan presented in Attachment 3. This provides a framework to inform future investment in the reserve. This is the recommended option.

*Option 2 – Council may choose to revise the Draft Master Plan*

This option would involve staff revising the design or scope and Council receiving a further report on a revised Draft Master Plan detailing these amendments.

### **8.3 Bicentennial Park - Master Plan Adoption**

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This option is not preferred due to the resources applied to the design process to date and the limited alternative design options available that would satisfy the primary purpose for the reserve set out in the Plan of Management for Community Land.

If Council wishes to make minor changes, such changes could be embodied in the Council resolution.

#### **RECOMMENDATION**

That Council adopts the revised Bicentennial Park Master Plan, as per Attachment 3 to this report.

#### **Attachment(s)**

1. Exhibited Draft Master Plan [⇒](#)
2. Public Exhibition Submissions [⇒](#)
3. Revised Draft Master Plan for Bicentennial Park [⇒](#)



## 8.4 Local Environmental Plan Amendments and Planning Proposals

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### 8.4 Local Environmental Plan Amendments and Planning Proposals

<b>Section</b>	Strategic Planning
<b>Objective</b>	To report on the status of Local Environmental Plan amendments and planning proposals currently under consideration.

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#### **Background**

Council has an ongoing program of processing amendments to the Ballina Local Environmental Plan (LEP) 2012 and where necessary, Ballina LEP 1987 and associated planning proposals. Amendments to the LEP can be initiated by landowners (proponents) and council.

This report provides an update of LEP amendments currently pending.

#### **Key Issues**

Status of rezoning and other LEP amendment requests and proposals.

#### **Discussion**

##### *LEP Amendment Requests and Planning Proposals Status*

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

The term planning proposal refers to the documentation prepared to describe a request to amend the Ballina Local Environmental Plan/s. Requests are typically referred to as planning proposals once Council has agreed to progress the initial LEP amendment request and has prepared the required documentation for Gateway determination by the NSW Department of Planning, Housing, and Infrastructure (DPHI).

The different stages in the LEP Amendment / Planning Proposal process are described at the end of Table 1.

## 8.4 Local Environmental Plan Amendments and Planning Proposals

**Table 1: Status of LEP amendment requests and planning proposals**

Item	Name and Status	Summary and Notes	Completion Due
22/001	Additional Permitted Use for a <i>'gymnastics focused recreational facility'</i> , Racecourse Road, Ballina (Stage 2a)	<p>Proposal to amend Schedule 1 of the Ballina LEP 2012 (Additional Permitted Uses) to enable development for the purpose of a <i>gymnastics focused recreational facility</i> at 34 Racecourse Road, Ballina. The planning proposal requested reconsideration of Council's previous decision on the matter on 23 February 2023 that no further action be taken.</p> <p>At the June 2024 Ordinary meeting, Council resolved to not support the planning proposal and notified the proponent accordingly.</p> <p>The proponent subsequently applied to the DPHI for a rezoning review, which was considered at a meeting of the Northern Regional Planning Panel (NRPP) on 4 February 2025.</p> <p>The Panel did not support the requested amendment and determined that the planning proposal should not proceed to gateway determination because it has not demonstrated strategic merit. This concludes the review process.</p>	Complete
24/002	General amendments to the LEP (Stage 7)	<p>This is a Council initiated LEP amendment package that involves a review of various aspects of the LEP in response to development proposals, operational considerations, and Court decisions.</p> <p>The proposed amendments were endorsed at the 22 August 2024 Ordinary Council meeting for the purposes of seeking a Gateway determination from DPHI.</p> <p>The DPHI issued the Gateway determination on 26 August 2024.</p> <p>Public exhibition of the proposal was completed in November 2024. At its Ordinary meeting on 12 December 2024, Council considered submissions and resolved to finalise the planning proposal. The planning proposal is currently in the process of being finalised with the DPHI.</p>	26 May 2025
24/004	Aureus Village Rezoning (Stage 3)	<p>Proposal to rezone part of Aureus Village (neighbourhood commercial centre site) at 21 Aureus Boulevard, Skennars Head (Lot 346 DP1271483) from the existing zoning of E1 Local Centre to a zoning of R3 Medium Density Residential.</p> <p>The proposal was submitted on 3 October 2024 requesting Council's endorsement to proceed to a Gateway determination. At its Ordinary meeting on 12 December 2024 Council resolved to endorse the planning proposal for purposes of seeking a Gateway determination, subject to completion of a draft planning agreement. The draft planning agreement is being prepared and once completed, the proposal will be forwarded to the DPHI for a Gateway determination.</p>	#

## 8.4 Local Environmental Plan Amendments and Planning Proposals

Item	Name and Status	Summary and Notes	Completion Due
24/005	Relocation of commercial zone in CURA B precinct, Kinvara (Stage 2)	<p>A planning proposal was submitted on 6 November 2024 to amend the LEP to relocate the existing E1 Local Centre zone to a different location in the Cumbalum B Precinct at Kinvara.</p> <p>The new site is consistent with the Cumbalum B Precinct DCP Structure Plan adopted by Council in August 2024.</p> <p>It is anticipated that a report on the planning proposal will be presented to the 27 March 2025 Ordinary meeting of Council.</p>	#
24/006	Intrapac Sheather Land (Cumbalum Precinct A) (Stage 2)	<p>A planning proposal was submitted on 13 November 2024 to rezone land on the western edge of Banyan Hill Estate (Stage 17), Cumbalum Urban Release Area A, to enable residential subdivision. The proposal is to rezone approximately 9.7ha from RU1 Primary Production and RU2 Rural Landscape to R3 Medium Density Residential and amend the minimum lot size from 40ha to 450m<sup>2</sup>.</p> <p>Submission of the planning proposal follows several meetings between staff and the proponent and requests for additional information to address site constraints.</p> <p>This is the third planning proposal for this site lodged by the proponent since December 2022. The previous planning proposals did not proceed due to deficiencies in the submitted supporting information.</p> <p>A Councillor briefing will be held on 4 March 2025 to discuss the planning proposal and a report on the proposal is planned for the 27 March 2025 Ordinary meeting of Council.</p>	#

### ***LEP Amendment Request/Planning Proposal Processing Stages***

1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council.
2. Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council).
- 2a. Rezoning review – if Council resolves not to support a planning proposal the proponent can request a rezoning review. The review is carried out by the regional planning panel, which will determine whether or not to recommend to the Minister that a proposal should be submitted for a Gateway determination.
3. Gateway Determination - DPHI determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination).
4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation.
5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment.
- 5a. Public Hearing - Public Hearing held, where required.
6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal.
7. Finalisation - DPHI finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning may finalise, alter or terminate the amendment.

# Denotes proposal number and due date subject to Gateway determination.

*The completion due date is a date determined by the Department of Planning, Housing and Infrastructure.*

## **8.4 Local Environmental Plan Amendments and Planning Proposals**

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### **Delivery Program Strategy / Operational Plan Activity**

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

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

### **Community Engagement Strategy**

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

### **Financial / Risk Considerations**

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

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

### **Options**

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

### **RECOMMENDATION**

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

### **Attachment(s)**

Nil

## 8.5 Development Applications - Works in Progress - December 2024

### 8.5 Development Applications - Works in Progress - December 2024

This report provides an overview of current development application activity. The data provided is to the end of the quarter two (Q2) for the 2024/25 financial year (i.e. to the end of December 2024).

A list of development applications, not yet determined, that have been under assessment for a period of greater than 90 days is contained in Attachment 1.

The 90-day threshold has been chosen as it provides a good indication of the volume of DAs that are in progress and overall workload.

#### Outstanding DAs by Month

The following tables for 2022, 2023 and 2024 provide an indication of the number of DAs (including modifications) under assessment with reference to various timeframes.

Assessment Timeframe	2022											
	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
Less than 90 days	107	150	109	147	113	140	92	115	107	142	74	87
90 to 180 days	159	140	163	127	131	93	117	99	113	92	118	104
180 to 365 days	67	63	82	71	97	87	85	69	82	69	91	79
More than 365 days	23	23	31	29	34	30	41	34	37	36	50	48
<b>TOTAL</b>	<b>356</b>	<b>376</b>	<b>385</b>	<b>374</b>	<b>375</b>	<b>350</b>	<b>335</b>	<b>317</b>	<b>339</b>	<b>339</b>	<b>333</b>	<b>318</b>

Assessment Timeframe	2023											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Less than 90 days	61	91	73	101	72	95	93	93	66	77	38	56
90 to 180 days	114	97	83	73	93	70	69	49	69	56	74	70
180 to 365 days	86	79	103	91	84	63	70	61	63	53	72	64
More than 365 days	52	47	40	37	52	47	38	34	46	41	51	47
<b>TOTAL</b>	<b>313</b>	<b>314</b>	<b>299</b>	<b>302</b>	<b>301</b>	<b>275</b>	<b>270</b>	<b>237</b>	<b>244</b>	<b>227</b>	<b>235</b>	<b>237</b>

Assessment Timeframe	2024											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Less than 90 days	58	63	66	45	75	81	55	61	85	62	80	76
90 to 180 days	58	52	42	54	43	40	45	41	32	39	30	26
180 to 365 days	74	58	57	60	53	51	48	40	36	38	33	27
More than 365 days	49	45	41	42	37	36	33	31	27	30	26	21
<b>TOTAL</b>	<b>239</b>	<b>218</b>	<b>206</b>	<b>201</b>	<b>208</b>	<b>208</b>	<b>181</b>	<b>173</b>	<b>180</b>	<b>169</b>	<b>169</b>	<b>150</b>

## 8.5 Development Applications - Works in Progress - December 2024

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The number of outstanding (lodged but not determined) DAs this financial year has seen a sustained reduction compared to last years and previous years' numbers.

The number of DAs under assessment but not yet determined has now returned to a more typical level.

The previous tables do not show applications that have been lodged and determined within the quarterly reporting period (i.e. the tables only show applications not yet determined).

### Northern Regional Planning Panel DAs under Assessment

The following table provides a summary of DAs classified as regionally significant development that are currently under assessment and will require reporting to the Northern Regional Planning Panel for determination.

DA No.	Applicant	Address	Proposal	Status
2024/252	Ardill Payne & Partners	18 Commercial Road ALSTONVILLE	Construction of a two-storey medical centre	NRPP briefing meeting was held on 17 January 2025. A subsequent request for further information remains outstanding.

### DA Determination Trend (Financial Year Comparison)

The following chart provides an overview of the volume of development applications lodged but not determined each quarter for the period July 2020 to the end of December 2024.

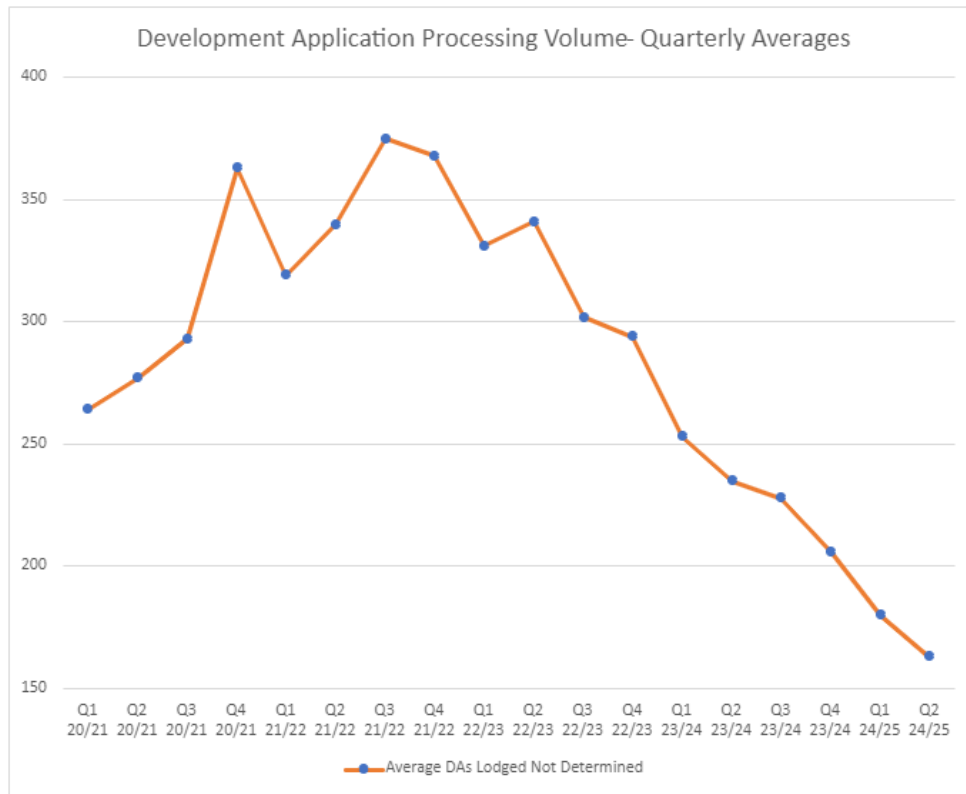
The quarterly figure represents the three-monthly average of DAs lodged but not determined for that quarter.

Since the peak of applications lodged but not determined in March 2022 there has been a steady reduction in the volume of DAs under assessment at any one time, and a particularly noticeable and sustained decline over the last 12 months.

There remains a significant ongoing challenge concerning the prolonged period of position vacancies for development assessment and building surveyors.

Currently, there are five position vacancies representing a 36% shortfall in staff available for development assessment and related services.

## 8.5 Development Applications - Works in Progress - December 2024



With respect to what is commonly referred to as the DA backlog, it is important to recognise that there will always be DAs under assessment.

In terms of the types of development applications, a continuing focus is to complete assessments of DAs for alterations and additions to dwelling houses and construction of new dwelling houses, dual occupancies and secondary dwellings.

Another key focus area at present is the determination of applications that have been under assessment for more than 12 and 18 months (along with applications approaching this time period).

Current DA volumes in this regard are shown below (noting the >12-month figure includes the DAs >18 months old as well).

Month 2024	>12 Months	>18 Months
July	35	16
August	27	16
September	24	12
October	24	10
November	20	9
December	16	7

The table shows that the strategies and focus applied to resolving applications greater than 12 months old is yielding positive results with a steady reduction in the number of these outstanding applications over the last six months.

## **8.5 Development Applications - Works in Progress - December 2024**

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Where older applications are determined, this has the effect of increasing monthly average determination times.

This is one of the reasons why average determination times is not always the best indicator of overall customer outcomes and experiences.

Following the sustained period of high numbers of development applications and subsequent consents issued, there are also other development related services and responsibilities that flow on from when a DA assessment and determination has been completed.

Council's assessment staff are spending a significantly increased proportion of their time on development projects throughout the Shire, as these projects progress through the various stages of construction to completion.

For example, the Development Services Section has a range of responsibilities other than DA assessment including a range of post consent approvals including, subdivision works and subdivision certificate assessment, construction certificate assessment and critical stage building inspections, occupation certificate assessment, section 68 plumbing and drainage inspections and approvals and section 138 Roads Act approvals.

The flow on from considerable development and construction activity requires development services staff to be reviewing the progress of development against conditions of consent and follow up enquiries from developers and members of the public.

In addition, there is continued growth in development compliance work, building information certificates, swimming pool barrier compliance inspections and certification, essential fire safety programs, provision of planning certificates, address of customer planning and building enquiries and formal pre-DA lodgement meetings.

There are also ongoing changes to Council's systems and processes to align with the State Government's planning reform agenda including the operation of the NSW Planning Portal and numerous environmental planning instrument changes.

### **Determination Method**

The following pie charts provide an overview as to how applications are being determined.

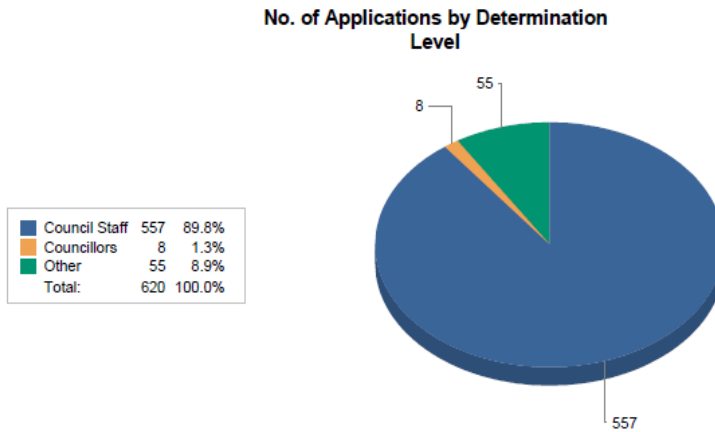
'Other' denotes applications withdrawn.

'None' denotes applications rejected. In both cases, the applications do not progress to determination.

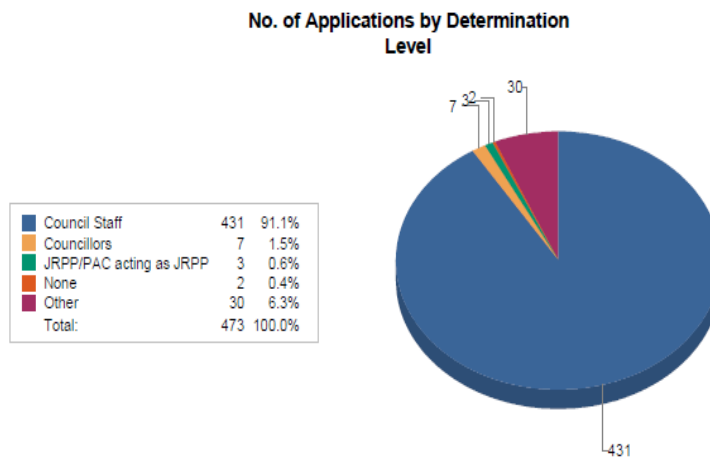


## 8.5 Development Applications - Works in Progress - December 2024

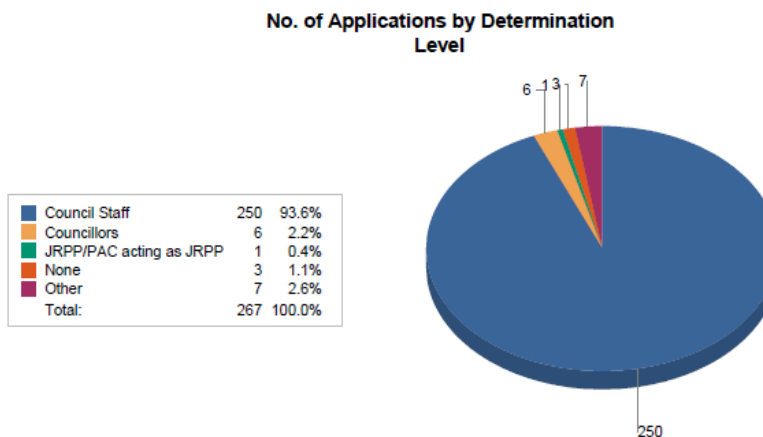
2022/2023



2023/2024



July to December 2024



## 8.5 Development Applications - Works in Progress - December 2024

In the July to December 2024 period, 97% of applications determined have been resolved by staff under delegation. The target for the percentage of applications determined under delegated authority in the 2024/25 Delivery Program and Operational Plan is >95%.

One application was determined by the Northern Regional Planning Panel during this period.

### Determination Outcome

In relation to the determination of DAs, most development applications are determined by way of approval.

In the last financial year 2023/24, 97% of all applications determined by Council were approved and this percentage of approvals is continuing in the first six months of 2024/25. In the previous two financial years the approval rate has been 98.2% (2022/23) and 98.9% (2021/22).

As part of ongoing effort to improve assessment times and focus resources on well-prepared applications that properly address Council's planning instruments, some applications are now being refused sooner than has been the case historically.

With the expectations set by the Minister for Planning, Council is no longer in a position where long periods of time can be provided for proponents to resolve issues, particularly where there is significant non-conformance with Council's planning requirements and/or no clear outcome or pathway for resolution identified.

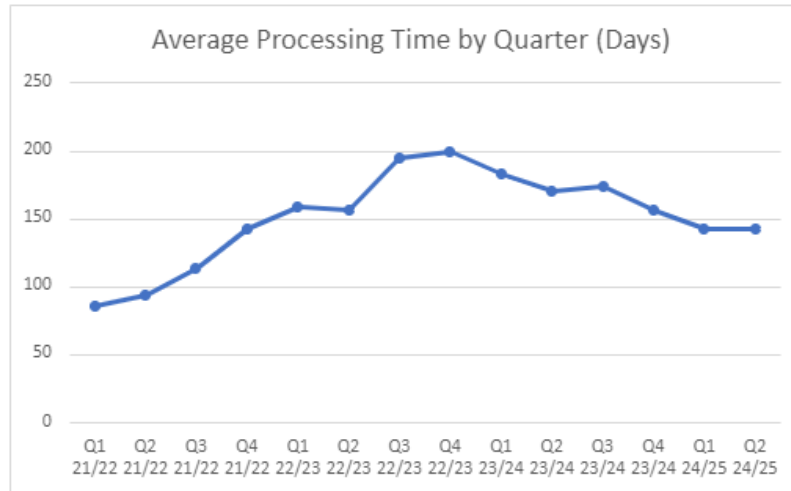
### Variations to Development Standards

In accordance with Department of Planning reporting requirements, the following information provides development applications lodged prior to 1 November 2023 where a variation to a development standard of 10% or less (via the BLEP 1987 or BLEP 2012) has been approved by staff under delegated authority in the period October to December 2024.

DA Details	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for Variation
2023/287  Applicant: 72 Ballina Street (Lennox Head)  Date approved: 28.11.24	Demolition of the existing buildings and construction of a three-storey mixed use development including one x food and drink premises and two x retail premises at ground level and shop top housing comprising two x dwellings above, and associated car parking (13 spaces), infrastructure works and signage - 72 Ballina Street Lennox Head	E1 Local Centre – BLEP 2012	Cl. 4.3 Height of Buildings under the BLEP 2012. The variation request proposes a 0.45m height exceedance for the lift overrun, which is 5% of the maximum 9m provision for the site.	The DA proposes a minor exceedance of the 9m building height development standard, as outlined in Clause 4.3 of the LEP, due to a lift overrun reaching a maximum height of 9.45m. The proposed variation to the development standard aligns with the objectives of Clause 4.6. It ensures the building's height remains compatible with the bulk, scale, and character of the locality, minimizes adverse impacts on the current and future amenity of adjoining properties.

**Processing Time**

The following indicates average processing times for DAs by month. The chart shows the trend since the 2021/22 financial year via the average monthly processing time per quarter.



Like the number of DAs undetermined, the average assessment time is a continued reflection of previous years’ high DA volumes and complexity of incoming applications, ongoing management of numerous large development and subdivision projects under construction and the determination of long outstanding DAs, which significantly contribute to average processing times and month to month fluctuations.

Several strategies to address DA assessment times have been implemented. These strategies have included a series of changes to DCP based planning provisions relating to dwellings (which aim to simplify the assessment process), allocation of specific DA types to be assessed via different workflows (e.g. strata subdivision) and ongoing refinements to front-end processing of applications initially submitted on the portal and before the payment of DA fees triggering lodgement of the application.

This front-end phase is referred to as the adequacy review (or submit to lodge) phase, whereby applications submitted on the portal are screened for their adequacy of documentation and plans. Adequacy phase processing changes have resulted in a considerable reduction in time, with current processing for this phase averaging 14 days in December 2024.

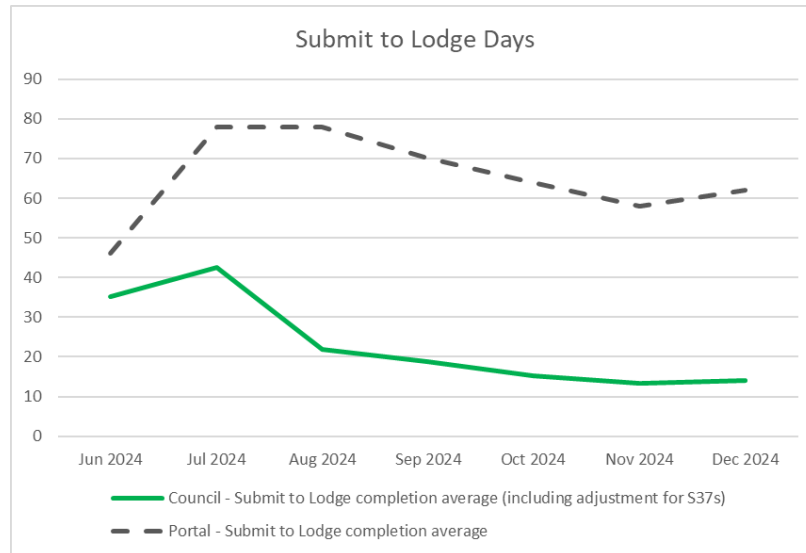
Unfortunately, the adequacy review figures being published in the Department’s league tables are considerably higher than Council’s figures. This discrepancy is a consequence of the timeframe calculation methods applied within the NSW Planning Portal which do not fully reflect the operation of the Environmental Planning and Assessment Act. These discrepancies and inaccuracies have been raised with the Department but are yet to be rectified.

At present, the NSW Planning Portal does not accurately reflect stop the clock and Section 37 amendment provisions, deferred commencement approvals and Court decision are not properly accounted for and modifications to development consents are not measured. Each of these elements tends to have the impact of portal published timeframes being higher than Council’s internal tracking figures.

## 8.5 Development Applications - Works in Progress - December 2024

As an example, the following figure shows adequacy review timeframe figures for the period June 2024 to December 2024 (also known as the submit to lodge phase).

The portal figure is a cumulative average based on a financial year reporting period. The portal figures do not correctly account for Section 37 amendments (the result being time is incorrectly added to adequacy processing resulting in much higher average figures). The Council figures show the month-by-month average which is substantially lower than the State reported figures.



Another important statistic to report is that whilst Council's current average assessment time for determination for all DAs is around 150 days, 66% of all DAs determined this financial year are under 115 days, being the Minister's benchmark.

Therefore, the experience for most applicants is that their application is determined in under 115 days.

### Total DA Volume

The next table provides an indication of the total annual volume of DAs.

The figures are for DAs and section 4.55 modifications and do not include complying development certificates or other related applications for approvals.

The first six-month figures for 2024/25 show the number of submitted DAs is on par with last year's figure.

Volume is not the only influence on the key assessment indicators.

The type of applications received is also a factor and there have been an increasing volume of enquiries and applications relating to substantial residential subdivisions, commercial, mixed use and multi storey developments.

There is a trend indicating that it is likely Council will see a greater proportion of this type of development proposal during the second half of 2024/25 and 2025/26.

## 8.5 Development Applications - Works in Progress - December 2024

	Year							
	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25 YTD
No. of DAs Submitted	861	890	976	1,093	1,020	759	602	299
% Change	N/A	+3.4%	+9.7%	+12%	-7.2%	-25%	-20%	N/A

### Development Assessment Review Process

Following on from Council's June 2024 resolution to engage an independent consultant to assess options that could be implemented to improve development assessment times, consultancy Two Things has been engaged and the review has been carried out during the second quarter of this financial year. Draft reporting has been prepared and is currently being reviewed by staff.

The review process has focussed on the Minister for Planning's Statement of Expectations Order which came into effect on 1 July 2024 and development assessment related data that the State Government has commenced publishing.

The following link provides information on both the Statement of Expectations Order 2024 and the Monitoring Council Performance data.

[Statement of Expectations Order | Planning \(nsw.gov.au\)](#)

In addition, Council's internal audit program includes an audit of development assessment processes in the fourth quarter of the 2024/25 year.

### RECOMMENDATIONS

1. That Council notes the contents of the report on the status of outstanding development applications for December 2024.
2. That Council notes there was one variation to development standards of 10% or less approved in the period 1 October 2024 to 31 December 2024.

### Attachment(s)

1. Undetermined DAs (Under Assessment 90 Days) - December 2024 [⇒](#)

## 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.

US2025/1	<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 lease of <i>community land</i>:</p> <table border="1" data-bbox="560 725 1369 1061"><thead><tr><th data-bbox="560 725 900 763">Property</th><th data-bbox="900 725 1050 763">Tenant</th><th data-bbox="1050 725 1369 763">Tenure / Details</th></tr></thead><tbody><tr><td data-bbox="560 763 900 1061">The clubhouse, tennis courts and associated amenities at Hampton Park, being the whole of Lot 441 DP 45984 and part of Lot 5612 DP 1282979 (Council is Crown Land Manager of Reserve R540004)</td><td data-bbox="900 763 1050 1061">Ballina Tennis Club Inc</td><td data-bbox="1050 763 1369 1061">Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST)</td></tr></tbody></table> <p>2. Council authorises the General Manager to affix the seal to the lease documents in point one and any other documents required to allow tenure to be granted in accordance with point one.</p> <p>3. That prior to points one and two being actioned, statutory public notification relating to the proposed lease of community land be undertaken, with a report to be presented to Council in the event that an objection of a substantive nature is received to the grant of the proposed lease</p>	Property	Tenant	Tenure / Details	The clubhouse, tennis courts and associated amenities at Hampton Park, being the whole of Lot 441 DP 45984 and part of Lot 5612 DP 1282979 (Council is Crown Land Manager of Reserve R540004)	Ballina Tennis Club Inc	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST)
Property	Tenant	Tenure / Details					
The clubhouse, tennis courts and associated amenities at Hampton Park, being the whole of Lot 441 DP 45984 and part of Lot 5612 DP 1282979 (Council is Crown Land Manager of Reserve R540004)	Ballina Tennis Club Inc	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST)					
US2025/2	<p>Ballina Shire Council Lease to Y Ebihara for Shop 11 Wigmore Arcade Ballina. The lease is for 3 + 2 years at market rent.</p> <p>Explanation: Y Ebihara has been in occupation of shop 11 Wigmore Arcade since 2021. The current lease expires on 28 February 2025 and Y Ebihara has requested a new lease.</p>						
US2025/3	<p>Ballina Shire Council Variation to Lease to Norfolk Manufactured Homes Pty Ltd for Lot 94 DP 1161854, 67 Piper Drive Ballina. The variation to lease is to add an additional 2 + 2 year option.</p> <p>Explanation: Norfolk Manufactured Homes Pty Ltd have exercised the option on the current lease for a further 5 year term and requested consideration of an additional 2 + 2 year option at market rent. Norfolk have been in occupation of the site for over 15 years and have been a good tenant.</p>						

**9.1 Use of Council Seal**

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**Attachment(s)**

Nil

## 9.2 Investment Summary - December 2024 and January 2025

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### 9.2 Investment Summary - December 2024 and January 2025

<b>Section</b>	Financial Services
<b>Objective</b>	To provide details of Council's cash and investments portfolio breakup and performance

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#### **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. As there was no Ordinary Council meeting held in January 2025, this report has been prepared to confirm the cash and investments held as at 31 December 2024 and 31 January 2025.

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 December 2024 and January 2025, 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 and linked above.

The total balance of investments, as at 31 January 2025, was \$86.9m compared to a balance of \$90.9m as at 31 December 2024, and a balance of \$93.9m as at 30 November 2024.

Council's investments, as at 31 January 2025, were invested at a weighted average interest rate of 5.220%, which was 0.810% higher than the January average 90 Day Bank Bill Index (BBSW) of 4.410%.

The balance of Council's Commonwealth Bank business account, as at 31 January 2025 was \$10,311,099, which compares to a balance of \$11,194,731 as at 31 December 2024 and a balance of \$10,209,056 as at 30 November 2024.



## 9.2 Investment Summary - December 2024 and January 2025

Total combined cash and investments, as at 31 January 2025 was \$97,211,099 compared to a balance of \$102,094,731 as at 31 December 2024 and a balance of \$104,109,056 as at 30 November 2024.

The net decrease of \$2.01m in cash and investments from November to December is the result of loan payments paid of \$4.1m along with regular creditor payments during the month, offset by loan proceeds received of \$4.0m and second quarter rates instalments due the end of November still being received early in the month.

The net decrease of \$4.88m in cash and investments from December to January is the result of regular creditor payments made during the month, at a time when little income was received.

NSW TCorp's monthly Economic Commentary report for January 2025 can be viewed using the following link: [Monthly economic report – January 2025](#)

### *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.

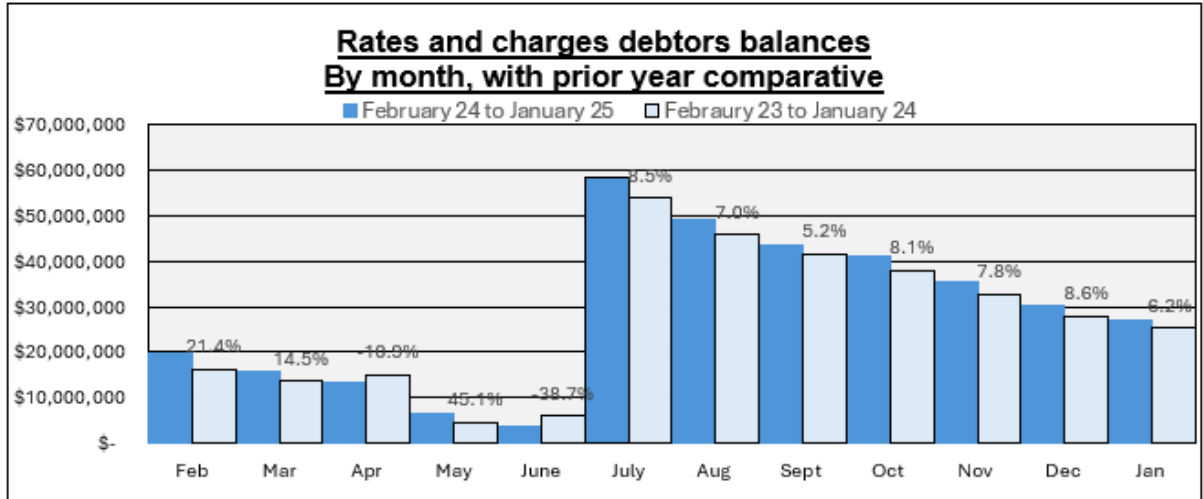
Reserve Name	Restriction	% Portfolio
Wastewater (incl developer contributions)	External	24.18%
Water (incl developer contributions)	External	15.66%
Section 7.11 Developer Contributions	External	18.74%
Domestic Waste Management	External	1.81%
Bonds and Deposits	External	3.07%
Specific Purpose Unexpended 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%
<b>Total</b>		<b>100%</b>

## 9.2 Investment Summary - December 2024 and January 2025

### Debtors

As per the following chart, the balance, as at 31 January 2025, was 6.2% higher than 31 January 2024. 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.



### A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	31 December \$'000	31 January \$'000	Quota %	% of Total
AMP Bank	No	BBB+	5,000	9,000	20%	10.37%
Australian Unity	Yes	BBB+	4,000	4,000	20%	4.60%
Auswide Bank	Yes	BBB	6,000	4,000	20%	4.60%
Bank of Queensland	Yes	A-	13,000	13,000	20%	14.96%
BankVic	n/a	BBB+	1,000	3,000	20%	3.45%
Bendigo & Adelaide Bank	Yes	BBB+	1,000	1,000	20%	1.15%
Beyond Bank	Yes	BBB+	4,000	4,000	20%	4.60%
Commonwealth Bank	No	AA-	1,000	1,000	20%	1.15%
Defence Bank Ltd	n/a	BBB+	3,000	3,000	20%	3.45%
ING Bank (Australia) Ltd	No	A	8,000	2,000	20%	2.30%
G & C Mutual	Yes	BBB+	2,000	2,000	20%	2.30%
Macquarie Bank	No	A+	1,600	1,600	20%	1.84%
MyState Bank Ltd	Yes	BBB+	4,000	4,000	20%	4.60%
National Australia Bank	No	AA-	11,000	10,000	20%	11.51%
Newcastle Greater Mutual Group Ltd	Yes	BBB+	1,000	1,000	20%	1.15%
Rabobank Australia Ltd	No	A+	8,000	8,000	20%	9.21%
Suncorp Limited	Yes	A+	15,300	14,300	20%	16.46%
Westpac Bank Corp	No	AA-	2,000	2,000	20%	2.30%
<b>Total</b>			<b>90,900</b>	<b>86,900</b>		<b>100%</b>

## 9.2 Investment Summary - December 2024 and January 2025

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value 31 December \$'000	Value 31 January \$'000	%	%
	%	Value \$'000				
A- or Higher	100%	86,900	59,900	51,900	65.9%	59.7%
BBB	60%	52,140	31,000	35,000	34.1%	40.3%
<b>Total</b>			<b>90,900</b>	<b>86,900</b>	<b>100%</b>	<b>100%</b>

Liquidity Risk Parameters as per the Investment Policy	Maximum Allowed		Value \$'000 31 December	Value \$'000 31 January	%	%
	%	Value \$'000				
Term equal to 1 year or less	100%	86,900	81,000	77,000	89.1%	88.6%
Term > 1 year and < 3 years	40%	34,760	-	-	-	-
Term > 3 years	20%	17,380	9,900	9,900	10.9%	11.4%
<b>Total</b>			<b>90,900</b>	<b>86,900</b>	<b>100%</b>	<b>100%</b>

### B. Fossil Fuel Free and Green Investments

Environmental Classification	30 November		31 December		31 January	
	(\$'000)	(%)	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned Investments	31,600	33.7	31,600	34.8	24,600	28.3
Non-Fossil Fuel Aligned Investments	54,300	57.8	55,300	60.8	56,300	64.8
Not Classified	8,000	48.5	4,000	4.4	6,000	6.9
<b>Total</b>	<b>93,900</b>	<b>100</b>	<b>90,900</b>	<b>100</b>	<b>86,900</b>	<b>100</b>

In December 2024, ten investments matured totalling \$16.6m.

Seven of the investments, totalling \$11m, were held with non-fossil fuel aligned institutions and two investments totalling \$4m were not classified.

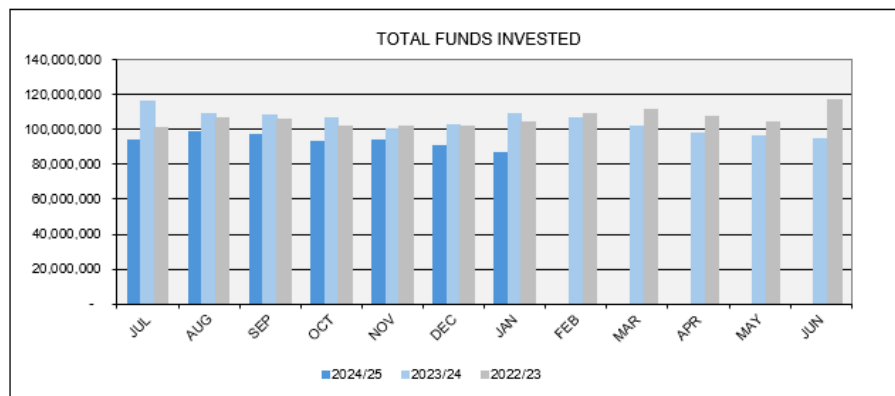
Nine new investments, totalling \$13.6m, were placed. Eight investments, totalling \$12m, were with non-fossil fuel aligned institutions.

In January 2025, seven investments matured totalling \$23m.

Two of the investments, totalling \$6m, were held with non-fossil fuel aligned institutions and two investments totalling \$4m were not classified.

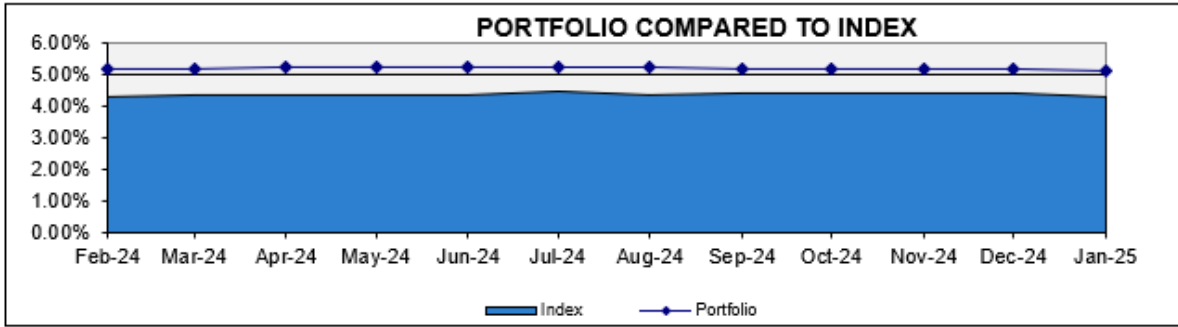
Eleven new investments, totalling \$19m, were placed. Four investments, totalling \$7m, were with non-fossil fuel aligned institutions and four investments totalling \$6m were not classified.

### C. Monthly Comparison of Total Funds Invested

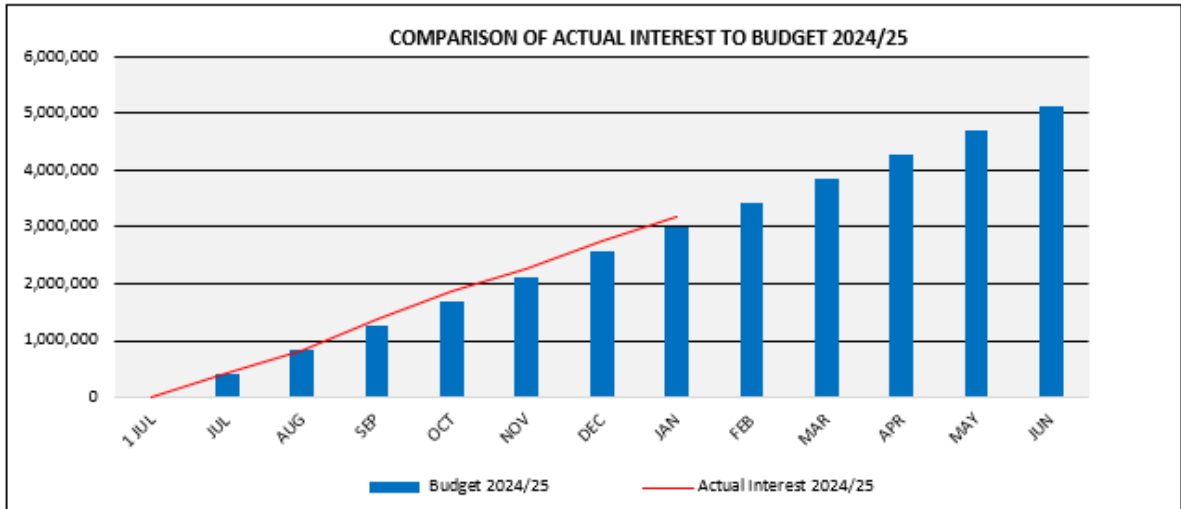


**9.2 Investment Summary - December 2024 and January 2025**

**D. Comparison of Portfolio Investment Rate to 90 Day BBSW**



**E. Progressive Total of Interest Earned to Budget**



**F. Investments held as of 31 December 2024 and 31 January 2025**

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 December \$'000	31 January \$'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	5.05%	04/03/26	1,000	1,000
18/06/21	Bendigo & Adelaide Bank	FRN	5.12%	18/06/26	1,000	1,000
29/06/23	AMP Bank	FRN	6.07%	29/06/26	1,000	1,000
14/09/23	Macquarie Bank Limited	FRN	5.31%	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	5.44%	19/03/29	1,000	1,000
22/08/24	Commonwealth Bank of Australia	FRN	5.29%	22/08/29	1,000	1,000
02/01/24	ING Bank (Australia) Ltd	TD	5.32%	02/01/25	4,000	-
09/01/24	BankVic	TD	5.25%	07/01/25	1,000	-
09/01/24	Defence Bank Ltd	TD	5.23%	07/01/25	3,000	-
10/01/24	ING Bank (Australia) Ltd	TD	5.22%	08/01/25	2,000	-
18/01/24	Auswide Bank	TD	5.25%	15/01/25	2,000	-
23/01/24	National Australia Bank	TD	5.15%	23/01/25	7,000	-
29/01/24	Suncorp-Metway Limited	TD	5.20%	27/01/25	4,000	-
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



### **9.3 Ward Committee - Membership and Terms of Reference**

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### **9.3 Ward Committee - Membership and Terms of Reference**

#### **Delivery Program**

Governance

#### **Objective**

To review membership of the Council's Ward Committees

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#### **Background**

At the October 2024 Ordinary meeting, Council resolved to retain the existing structure and membership of the three Ward Committees, with expressions of interest to be called for any additional membership.

An expression of interest (EOI) process calling for Ward Committee membership opened in January 2025 and closed in February 2025 with applications reported to this Council meeting.

This report provides Council with the outcome of the EOI process and provides a draft terms of reference for Council's endorsement.

#### **Key Issues**

- Community representation on Council's Ward Committees.

#### **Discussion**

Council reviews the membership of Ward Committees after each Local Government Election.

Ward Committees have no delegated authority and membership is limited to representatives from locally based not for profit community groups, with one member representing each group.

To ensure currency in the membership of Ward Committees, if a community group has not attended a meeting in twelve months and they do not respond to Council's correspondence, the community group has been removed from the Ward Committee.

This decision is based on a Council resolution from June 2018.

### 9.3 Ward Committee - Membership and Terms of Reference

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Current membership of the Ward Committees is as follows:

#### **A Ward**

#	Organisation
1	Ballina Environment Society
2	Ballina Bears Cricket Club
3	Ballina Peninsular Residents Association
4	Ballina Evening View Club
5	Ballina Croquet Club Incorporated
6	Dementia Inclusive Ballina Alliance
7	Rotary Club of Ballina-on-Richmond
8	St Vincent de Paul
9	Ballina Cancer Advocacy Network (BCAN)
10	Ballina Chamber of Commerce
11	Ballina Lighthouse and Lismore Surf Lifesaving Club
12	Northern Rivers Disc Club
13	Ballina Naval and Maritime Museum
14	Cumbalum Residents Association Incorporated
15	Ballina East Lions Club Incorporated
16	Ballina CWA

#### **B Ward**

#	Organisation
1	Lennox Head Residents Association
2	Ballina Environment Society
3	Lennox Head Chamber of Commerce
4	Lennox Head Combined Sports Association
5	Lennox Head-Alstonville Surf Life Saving Club
6	NSW Sport & Recreation (Lennox Head) (State Government)
7	Lennox Head Landcare
8	Lennox Community Gardens Incorporated
9	Marine Rescue Ballina

#### **C Ward**

#	Organisation
1	Wollongbar Community Action Network
2	Wardell & District Progress Association
3	Alstonville Plateau Historical Society
4	Ballina Environment Society
5	Alstonville/Wollongbar Chamber of Commerce
6	Tuckombil Landcare (including Bulwinkel Landcare)
7	Alstonville and District Cricket Association
8	Alstonville Football Club
9	WardellCORE
10	LinC Alstonville
11	Alstonville Agricultural Society Incorporated

### **9.3 Ward Committee - Membership and Terms of Reference**

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The EOI process received in several membership applications, as follows:

#### A Ward

- Rainbow Region Dragon Boat Club
- Ballina Coastcare
- U3A Ballina/Byron
- NSW Police Force/Ballina Police Station/Richmond Police District
- Screenworks
- West Ballina Residents Association Incorporated

#### B Ward

- Lennox Head Chess Club Incorporated
- Tuckombil Landcare (Tuckombil Landcare is also an existing member of C Ward)

#### C Ward

- Rous Mill and District Memorial Hall.

A copy of each application is attached to this report.

A recent action from a member of Council's C Ward Committee is seeking to a more detailed Terms of Reference for all Ward Committees.

In response to this, a proposed draft Terms of Reference is listed in Attachment 9.

It contains broad guidelines that will provide guidance to any member of the Ward Committees.

They outline the purpose, objectives, frequency of meetings, membership, and reporting.

The Terms of Reference are recommended for adoption to provide greater clarity on the role of the Ward Committees.

#### **Delivery Program Strategy / Operational Plan Activity**

This report is consistent with Delivery Program strategy E11.2 Involve our community in our planning and decision-making processes.

#### **Community Engagement Strategy**

Ward Committees are one component of Council's community engagement and play an important role in Council's interaction with the community.

#### **Financial / Risk Considerations**

There are no financial or risk considerations by increasing the membership or endorsing a Terms of Reference for the Ward Committees.



### Options

The options are to approve or not approve the nominations for membership and to approve or not approve the draft Terms of Reference.

The recommendation is for approval.

### RECOMMENDATIONS

1. That Council approves the following applications for membership of Council's Ward Committees:

#### A Ward

- Rainbow Region Dragon Boat Club
- Ballina Coastcare
- University of the Third Age (U3A) Ballina/Byron
- NSW Police Force/Ballina Police Station/Richmond Police District
- Screenworks
- West Ballina Residents Association Incorporated

#### B Ward

- Lennox Head Chess Club Incorporated
- Tuckombil Landcare

#### C Ward

- Rous Mill and District Memorial Hall.

2. That Council adopts the draft Terms of Reference for the Ward Committees, as per Attachment 10 to this report.

### Attachment(s)

1. A Ward Committee - Application Form - Rainbow Region Dragon Boat Club [⇒](#)
2. A Ward Committee - Application Form - Ballina Coastcare [⇒](#)
3. A Ward Committee - Application Form - U3A Ballina/Byron [⇒](#)
4. A Ward Committee - Application Form - NSW Police Force/Ballina Police Station/Richmond Police District [⇒](#)
5. A Ward Committee - Application Form - Screenworks [⇒](#)
6. A Ward Committee - Application Form - West Ballina Residents Association Incorporated [⇒](#)
7. B Ward Committee - Application Form - Lennox Head Chess Club Incorporated [⇒](#)
8. B Ward Committee - Application Form - Tuckombil Landcare [⇒](#)
9. C Ward Committee Application - Rous Mill Memorial Hall [⇒](#)
10. Draft Terms of Reference - Ward Committees [⇒](#)

## 9.4 Internal Audit Charter - Review

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### 9.4 Internal Audit Charter - Review

<b>Section</b>	Governance
<b>Objective</b>	To adopt an updated Internal Audit Charter

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#### **Background**

At the September 2024 Audit Risk and Improvement Committee (ARIC) meeting, the ARIC requested a review of Council's Internal Audit Charter.

The review relates to the dual responsibilities of Council's appointed Internal Auditor, with a view to strengthen the independence safeguards.

The matter has been reported to ARIC for endorsement.

This report seeks Council's approval of the reviewed Internal Audit Charter.

#### **Key Issues**

- Compliance with the Office of Local Government (OLG) guidelines
- Recommendation from ARIC

#### **Discussion**

Council's outsourced Internal Auditor, Grant Thornton Pty Ltd, is to be supported by a member of Council's staff with sufficient skills, knowledge, and experience to ensure it fulfils its role and responsibilities to Council and ARIC.

Council's Director Corporate and Community has been delegated this role.

As the Director Corporate and Community has dual responsibilities, the Office of Local Government (OLG) [Risk Management and Internal Audit for Local Government in NSW Guidelines](#) recommends that safeguards be put in place to limit any real, or perceived, bias, or conflict of interest, where dual responsibilities exist.

A copy of the Internal Audit Charter with wording added to insert appropriate safeguards is included as Attachment 1.

The update is highlighted in yellow.

This matter was reported to the ARIC in December 2024, who endorsed the revised Internal Audit Charter and recommended that it be reported to Council for adoption.

#### **Delivery Program Strategy / Operational Plan Activity**

The report aligns with Delivery Program Strategy EL2.3 Provide effective risk and safety practices.

## **9.4 Internal Audit Charter - Review**

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### **Community Engagement Strategy**

The matter has been reported to ARIC.

There is no further requirement to consult with the community.

### **Financial / Risk Considerations**

There are no financial considerations in reviewing the Internal Audit Charter.

The review is designed to strengthen risk mitigation measures.

### **Options**

The options are to support, amend or not support the revised Internal Audit Charter.

As the review will strengthen the Internal Audit Charter, which is a requirement of the OLG Internal Audit Guidelines, the recommendation is to support the changes.

### **RECOMMENDATION**

That Council adopts the revised Internal Audit Charter, as per Attachment 1 to this report, as endorsed by the Audit Risk and Improvement Committee.

### **Attachment(s)**

1. Internal Audit Charter (Revised) - Endorsed at ARIC December 2024 [⇒](#)

## 9.5 Delegations - Review

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### 9.5 Delegations - Review

<b>Section</b>	Governance
<b>Objective</b>	To review the Council delegations in accordance with the Local Government Act.

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#### **Background**

A council is structured to operate by delegating responsibilities to the General Manager, and possibly other bodies, leaving the elected council to focus on policy related matters.

The authority of a council to delegate is governed by Section 377 of the Local Government Act (LGA), which states, in summary, a council may by resolution delegate to the General Manager, or any other person or body (not including another employee of council) any of the functions of the council other than those listed.

The items excluded from being delegated, are:

- a) *the appointment of a general manager*
- b) *the making of a rate*
- c) *a determination under section 549 as to the levying of a rate*
- d) *the making of a charge*
- e) *the fixing of a fee*
- f) *the borrowing of money*
- g) *the voting of money for expenditure on its works, services or operations,*
- h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- i) *the acceptance of tenders to provide services currently provided by members of staff of the council*
- j) *the adoption of an operational plan under section 405*
- k) *the adoption of a financial statement included in an annual financial report,*
- l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- m) *the fixing of an amount or rate for the carrying out by the council of work on private land*
- n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- o) *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979*
- p) *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- q) *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- r) *a decision under section 234 to grant leave of absence to the holder of a civic office*
- s) *the making of an application, or the giving of a notice, to the Governor or Minister*
- t) *this power of delegation*
- u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

## 9.5 Delegations - Review

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Once the General Manager is provided with delegations, the General Manager, under Section 378 of the LGA, has the authority to delegate any of the delegations, excluding the power of delegation.

The delegations from the General Manager are provided on an individual basis to employees, with the level of delegation reflecting the person's, or position's, functions within the council.

Adequate delegations are essential for the effective operation of a council, as employees need to have adequate authority to undertake their duties efficiently.

As delegations are important in the functioning of a council, Section 380 of the LGA states as follows:

*Each council must review all its delegations during the first 12 months of each term of office.*

The purpose of this report is to comply with Section 380 of the LGA.

### Key Issues

- Appropriate level of delegations for the effective functioning of Council.

### Discussion

Section 335 of the LGA, outlines the functions of the General Manager, i.e.

- (a) *conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council*
- (b) *implement, without undue delay, lawful decisions of the council*
- (c) *advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council*
- (d) *advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council*
- (e) *prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report*
- (f) *ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions*
- (g) *exercise any of the functions of the council that are delegated by the council to the general manager*
- (h) *appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council*
- (i) *direct and dismiss staff*
- (j) *implement the council's workforce management strategy*
- (k) *any other functions that are conferred or imposed on the general manager by or under this or any other Act.*

## 9.5 Delegations - Review

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A copy of the existing delegation, from 2022, to the General Manager is included as Attachment 1 to this report.

The format of the General Manager's delegations is based on the position receiving, essentially total delegation from Council, subject to some limitations. Those limitations are listed in Schedule 2 of the delegation.

The Schedule 2 limitations largely relate to ensuring decisions are consistent with Council policies and procedures and not modifying consents for conditions imposed by Council.

The "Called-up" definition mentioned in the delegation is important, as it allows three Councillors to "Call-up" a development application for reporting to Council for determination.

This is occasionally used where three Councillors may have a particular interest in a development application for reporting to Council.

The existing delegations have been reviewed by Lindsay Taylor Lawyers to ensure they reflect contemporary legislation and based on that review an updated delegation is included as Attachment 2.

There are no major changes to the delegations that were adopted in February 2022.

The only slight change is the "Call-up" wording, to confirm that the development application must be reported to the next Ordinary meeting, following the completion of the assessment report.

The previous delegation read to the next Ordinary meeting, without reference to the completion of the assessment report.

In practice, once a development application is "Called-up", it is only reported to Council, when the assessment report is completed.

Section 55 of the LGA outlines the requirements for tendering, with one key condition being the expenditure threshold of \$250,000 (i.e. a tender process must be carried out for contracts involving expenditure of \$250,000 or more), subject to some exceptions, as listed in Section 55.

The \$250,000 has incrementally increased from \$100,000 to \$250,000 since the LGA was legislated in 1993.

There are exceptions to the requirement to call tenders, as listed in Section 55, with a key exception allowing councils to utilise contracts co-ordinated by "prescribed organisations" without the need to go to tender.

Prescribed organisations have already carried out a public tender for a wide range of services and this then allows councils to purchase services and equipment without duplicating the tender process.

Many items in Council's plant fleet are purchased through "prescribed organisations". Examples of prescribed organisations are State Government contracts and tenders conducted by Local Government Procurement, a business arm of LGNSW.

## 9.5 Delegations - Review

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Based on the current wording of Section 377 (i) of the LGA, unless an exclusion is listed in the General Manager's delegations, the General Manager could determine all tenders without the need for reporting to Council.

Some councils prefer this approach, as tenders are an operational process that requires detailed tender documentation, public advertising, evaluation, and a recommendation. Tender recommendation reports to Council are very rarely, if ever, amended due to their operational contents.

The preparation of tender reports to Council can sometimes cause delays in commencing contracts due to the timeframes needed to prepare the report, preparation of the Council meeting business paper and the scheduling of Council meetings, however it also helps to provide greater transparency in the process.

The preference is still to provide tender reports to Council and the recommended threshold remains \$500,000, as per the current delegation.

The \$500,000 threshold provides a reasonable balance between operational contracts and larger contracts of public interest.

### **Delivery Program Strategy / Operational Plan Activity**

Effective delegations are linked to Delivery Program Strategy EL3.3.

*Deliver responsive and efficient services.*

### **Community Engagement Strategy**

The Council delegations are a public document.

### **Financial / Risk Considerations**

Section 380 of the LGA requires Council to review all delegations in the first 12 months of an election. This report ensures compliance with this obligation.

### **Options**

The options available relate to the level of delegations provided.

The provision of a delegation does not stop reporting matters to Council.

This happens on a regular basis where, particularly for development applications, a determination report is presented to Council, based on operational judgements in respect to community interest in a particular matter.

Some councils provide limited delegations to the Mayor, although this has not been the practice of Council and historically there has not been a need for such a delegation.

**RECOMMENDATIONS**

1. That Council rescinds all previous delegations.
2. That Council delegates to the position of General Manager the functions and authorities of Schedule 1 and 2, as per Attachment 2 to this report.

**Attachment(s)**

1. Delegation - General Manager - February 2022 [⇒](#)
2. Delegation - General Manager - February 2025 [⇒](#)



## 9.6 Australia Day 2025 - Review

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### 9.6 Australia Day 2025 - Review

**Section** Communications

**Objective** To conduct the annual review of the Australia Day ceremony to determine if Council wishes to amend the program or awards.

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#### **Background**

Council coordinates an Australia Day event each year that traditionally includes a citizenship ceremony, awards program, and music performances. This is a free public event that is promoted through Council's communication channels. The event format concludes with a morning tea for new citizens and award nominees.

Council's Australia Day event complies with the Australian Citizenship Ceremonies Code (the Code), issued by the Department of Home Affairs, by hosting a citizenship ceremony as part of Australia Day celebrations in accordance with the Australian Citizenship Act 2007 (Commonwealth).

The purpose of this annual report is to provide Council the opportunity to review the format, the delivery of the event, and the award categories.

#### **Key Issues**

- Award category review
- Event location and program
- Compliance with legislation

#### **Discussion**

##### *Australia Day Award Categories*

The current award categories include:

- Local Hero
- Young Citizen of the Year (30 years or under)
- Senior Citizen of the Year (60 years or over)
- Volunteer Award
- Sports Award
- Community Event of the Year
- Arts and Cultural Award
- Environmental Award

Local Hero category was introduced in July 2024 for the 2025 event.

## 9.6 Australia Day 2025 - Review

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The number of nominations received for each category for the past three years is as follows:

Category	2022	2023	2024	2025	Total
Local Hero	N/A	N/A	N/A	8	8
Young	3	4	3	5	15
Senior	5	4	10	4	23
Volunteer	3	17	8	7	35
Sports	3	10	9	6	28
Community Event	7	6	6	8	27
Arts and Cultural	5	4	3	2	14
Environmental	4	4	3	6	17
<b>Total</b>	30	49	42	46	167

The Australia Day Committee selects the Citizen of the Year from all nominations received across all categories.

### *Event Location*

The 2025 event was held in the Lennox Head Cultural Centre (LHCC) with approximately 400 in attendance, primarily comprised of award nominees, their partners, families, and group members, along with new citizens and their families and friends.

The event was promoted via local print media, radio, direct mail and online via social media with boosted posts.

### *Event Program*

The Australia Day event was hosted by MC Sandra Jackson, with Uncle Ricky Cook delivering the Welcome to Country. The flag-raising ceremony followed, and the Australian National Anthem was performed by Katie Rutledge, followed by the Mayoral Welcome.

In response to previous feedback about the ceremony exceeding the scheduled time, the format was streamlined to keep the event under two hours. Changes included reading out the award nominee biographies while displaying their images on the stage backdrop, with only category winners invited to the stage to accept their awards and give a brief speech.

The focus remained on local recognition, with no guest speaker. Instead, 2024 Citizen of the Year Joel Taylor engaged in a short interlude, and special recognition was given to retiring SES Captain, Gerry Burnage.

During the citizenship ceremony, twelve new Australians from Argentina, New Zealand, the Philippines, South Africa, and the UK were welcomed. The Hon. Justine Elliot, Federal Member for Richmond, read the Immigration Minister's message and assisted the Mayor, who officiated the ceremony. This was followed by a performance by Katie Rutledge, Narelle Harris, Ray Arnott, and Ian Davies.

The 2025 Citizen of the Year, Ezekiel Knight, was announced by 2024 Citizen of the Year Joel Taylor. The ceremony concluded with I Am Australian, performed by Katie Rutledge and Narelle Harris. Award nominees and new citizens were then invited to morning tea.

## 9.6 Australia Day 2025 - Review

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The post-event survey asked attendees to rank their top three moments from a selection of key elements of the event. The results were compiled and ranked based on the most frequently chosen moments:

- Awards Ceremony (21%)
- Welcome to Country by Uncle Ricky Cook (18%)
- Special Presentation to Gerry Burnage (18%)
- Musical Performance – Southern Cross Tattoo (16%)
- Mayor’s Welcome Address (12%)
- National Anthem Performance by Katie Rutledge (9%)
- Joel Taylor’s announcement of the 2025 Citizen of the Year (6%).

Of all the event elements, all survey respondents reported feeling satisfied or highly satisfied with:

- Overall event
- Venue
- MC, Sandra Jackson
- National Anthem performance
- Citizenship Ceremony.

These results provide insight into the elements that resonated most with attendees. The final performance of I Am Australian by Katie Rutledge and Narelle Harris was not included in the survey, as it was a last-minute addition to the program.

### *Australia Day Committee*

Council provides delegated authority to the Australia Day Committee, which consists of all Councillors to determine the award recipients. The Australia Day Committee was re-established at the October 2024 Ordinary meeting, as part of the review of all Council committees.

### *Citizenship and Date*

The Department of Home Affairs issued a statement in December 2022 in relation to amendments to the Australian Citizenship Ceremonies Code. The announcement and changes to the Code provides flexibility to councils to host Australian citizenship ceremonies either three days prior to, or three days after Australia Day.

For 2026, 26 January falls on a Monday. Three days prior is Friday 23 January and three days after is Thursday 29 January 2026.

Council resolved at the 24 February 2022 Ordinary Council meeting to conduct further consultation with the community including the First Nations community on attitudes towards the celebration of Australia Day, to inform future events and to provide a report back to Council.

Council recently received a briefing on draft partnership agreements with two local Aboriginal stakeholder organisations, including the Local Aboriginal Land Council, Jali. Both agreements include a draft action for the establishment of appropriate approaches for Australia Day.

## 9.6 Australia Day 2025 - Review

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Broader community consultation has not been conducted to date, with the preference being to confirm feedback from the local Aboriginal organisations prior to undertaking a broad consultation.

Noting there are strong opinions in respect to moving and retaining the ceremony on Australia Day, Council needs to be mindful commencing a broad consultation, without clear parameters (i.e. what are the options Council wishes to canvass).

A review of the delivery of Australia Day ceremonies within our region identified the following:

### Byron Shire Council

Byron Shire Council hosts its Community Awards program during Local Government Week in August. They conducted their Citizenship Ceremony on Friday 24 January 2025.

### Clarence Valley Council

Clarence Valley Council hosted their Awards and Citizenship Ceremonies on 23 January 2025.

### Lismore City Council

Lismore City Council hosted their Awards and Citizenship Ceremonies on Sunday 26 January 2025.

### Richmond Valley Council

Richmond Valley Council hosted their Awards and Citizenship Ceremonies on Sunday 26 January 2025.

### Tweed Shire Council

Tweed Shire Council hosted their Awards and Citizenship Ceremonies on Friday 24 January 2025.

Given the varied community views on Australia Day, the recommendation in this report remains consistent with the delivery of the 2025 event.

### **Delivery Program Strategy / Operational Plan Activity**

The event relates to the Delivery Program Strategy:

CC2.1 - Create events and activities that promote interaction and education, as well as a sense of place.

CC2.2 - Encourage community interaction, volunteering, and wellbeing.

### **Community Engagement Strategy**

The 2025 event was the 44<sup>th</sup> year of the Ballina Shire Australia Day Awards.

An extensive promotional campaign inviting award nominations and attendance at the event was undertaken.

### **Financial / Risk Considerations**

The cost for the 2025 Australia Day event just under \$40,000. Council received \$10,000 in funding from the National Australia Day Council (NADC). This additional funding contributed to venue hire, catering and audio visual and sound.

Expenses are largely attributed to audio visual/sound, venue hire, Council and contractor expenses.

Venue hire was required for three days. Setup took place on Friday using existing staff resourcing, the venue remained booked on Saturday (unable to be hired by another user), and the event was held on Sunday.

### **Options**

The options available to Council relate to changing the Australia Day award categories, location, and date of the event.

#### Category

Council resolved to include an additional award category, Local Hero, at the July 2024 Ordinary meeting for the 2025 event.

The intention behind introducing the 'Local Hero' category was to recognise individuals making significant contributions in their field of expertise, particularly in a professional sense. It was also intended to cater to those nominees not in a 'Young' (i.e. under 30 years) or 'Senior' (i.e. over 60 years) category.

Although there were eight nominees for Local Hero it was difficult to communicate the distinction between this category and Volunteer category.

Given the new category has only been implemented for one year, there are no changes recommended to the existing awards categories.

#### Location

The Lennox Head Cultural Centre ensures attendee comfort, particularly on a warm January day, and enhances the overall event experience.

An alternative venue could be the Ballina Surf Club function rooms; however this is a smaller venue with capacity of 295 (theatre style) and would not be able to accommodate the numbers that have been attending in recent years.

The redevelopment of the Alstonville Cultural Centre will result in that venue being suitable, once completed. LHCC remains the preferred venue for the 2026 event.

#### Date and Time

The amendment to the Australian Citizenship Ceremonies Code allows councils to host citizenship ceremonies three days prior or three days after Australia Day.

## **9.6 Australia Day 2025 - Review**

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This flexibility enables Council to either continue holding the event on the Australia Day public holiday, as in previous years, or choose an alternate date in line with the amended Code.

Council could also explore the transition from a daytime event to an evening event which could potentially broaden the event's appeal.

Importantly, if Council wishes to change the time and day of the event, it is not changing Australia Day, just the event to recognise community members in the awards program and welcome new citizens.

The recommendation that follows is for no change to the event date and timing.

### **RECOMMENDATIONS**

1. That Council confirms the categories for the 2026 Ballina Shire Australia Day Awards are to remain unchanged, with citizen of the year selected from one of the categories as follows:
  - Local Hero
  - Young Citizen of the Year (30 years or under)
  - Senior Citizen of the Year (60 years or over)
  - Volunteer Award
  - Sports Award
  - Community Event of the Year
  - Arts and Cultural Award
  - Environmental Award
  
2. That Council confirms Monday 26 January 2026 as the date for the 2026 Ballina Shire Australia Day Awards and Citizenship ceremony.
  
3. That Council host the 2026 Australia Day event at the Lennox Head Cultural Centre.

### **Attachment(s)**

Nil

## 9.7 Councillor Expenses - Six Monthly Review

### 9.7 Councillor Expenses - Six Monthly Review

#### Delivery Program

Governance

#### Objective

To report on Councillor Expenses for the six month period to 31 December 2024.

#### Background

The Office of Local Government's Model Councillor Expenses and Facilities Policy requires a report to Council every six months outlining the provision of expenses and facilities to each Councillor. The information is also published on Council's website. The purpose of this report is to comply with the policy.

#### Key Issues

- Councillor expenses and facilities expenditure
- Compliance with Council policy

#### Discussion

This report details the expenditure incurred for the period 1 July to 31 December 2024. The expenditure is based on claims submitted and paid. It excludes the Councillor and Mayor annual allowances.

#### **Councillor Expenses and Facilities Expenses (\$ excl GST) 1 July to 31 December 2024**

Councillor	General Travel Expenses	Professional Development / Conferences	ICT	Home Office	Incidental	Mayor Vehicle (1)	Carer	Planning Panel (NRPP)	Totals
Cadwallader	1,626	1,544	273	0	383	6,600	0	600	11,026
Dicker	557	3,000	0	0	0	0	195	0	3,752
Chate	815	2,831	320	0	0	0	0	0	3,966
Meehan	304	0	323	45	0	0	0	0	672
Loone	0	0	0	0	0	0	0	600	600
Karsten	0	1,847	0	0	0	0	0	0	1,847
Kinny	121	2,730	0	0	0	0	0	0	2,851
Crollick	458	0	0	0	0	0	0	0	458
Bailey	0	0	0	0	0	0	0	0	0
Ramsey	412	0	73	0	0	0	0	0	485
J.Johnson(2)	0	0	0	0	0	0	0	0	0
Johnston(2)	480	0	0	0	0	0	0	0	480
McCarthy(2)	0	0	55	0	0	0	0	0	55
Buchanan(2)	0	0	0	0	0	0	0	0	0
Bruem(2)	120	0	162	0	0	0	75	0	357
								<b>Total</b>	<b>26,549</b>

(1) Six-month internal plant charge for the provision of the Mayoral vehicle, which is offset by Mayoral contributions of 25% of the standard vehicle lease fee paid by Council staff – Mayoral contributions total – \$1,218.08.

(2) Former Councillors where expenses incurred for the period 1 July to 14 September 2024.

## **9.7 Councillor Expenses - Six Monthly Review**

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The Councillor Expenses and Facilities policy provides the following limits (all monetary values are excluding GST):

- \$3,000 annual limit for Councillors and \$6,000 annual limit for the Mayor on general travel expenses
- \$5,000 annual limit on professional development and conferences (excluding induction training)
- \$100 per month for reimbursement of Information and Communication Technology (ICT) expenses (data, software, and internet), which is in addition to the cost of providing the Council ICT
- \$500 annual limit on home office expenses
- \$4,000 annual limit on carer expenses
- There is no cap on corporate training subject to annual budget limits.

### **Delivery Program Strategy / Operational Plan Activity**

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

### **Community Consultation Policy**

The Councillors Expenses and Facilities Policy must be reviewed within 12 months of an election.

The last review of this policy occurred in 2022, and the next review is the subject of a separate report in this agenda.

### **Financial / Risk Considerations**

Council has funding allocated for this expenditure.

### **Options**

This report is for noting.

### **RECOMMENDATION**

That Council notes the contents of this update on Councillor expenses, as required by the Councillor Expenses and Facilities Policy, for the period 1 July to 31 December 2024.

### **Attachment(s)**

Nil



## 9.8 Alstonville Library - Temporary Relocation

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### 9.8 Alstonville Library - Temporary Relocation

**Section** Communications

**Objective** Seek Council approval for lease negotiations to facilitate the temporary relocation of the Alstonville Library.

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#### **Background**

The Alstonville Cultural Centre, located on Commercial Road, Alstonville, is undergoing redevelopment. The current facility, which includes the Alstonville Library, is due for construction commencement in the 2025/26 financial year.

To ensure continuity of library services during construction, a temporary relocation is required. Council staff had initially explored leasing options, with previous discussions focusing on Suite 1, 11 Bugden Avenue, Alstonville.

Lease negotiations for this site have stalled, and a new leasing opportunity has emerged at 23 Commercial Road, Alstonville.

This report seeks Council approval for flexible lease negotiations to secure a suitable location for the temporary relocation of the Alstonville library.

#### **Key Issues**

- Ensuring continuity of library services during the redevelopment.
- Financial implications and lease terms.

#### **Discussion**

This matter was reported to the 2 December 2024 Commercial Services Committee meeting, where Council resolved to enter negotiations on a property located at 11 Bugden Avenue, Alstonville.

Staff commenced negotiations to lease suite 1, 11 Bugden Avenue however the property owner would not agree to lease one suite, contrary to initial discussions. The property owner is however willing to lease two suites (suite 1 and 2) with a 2-year lease term.

The initial cost to lease suite 1, 11 Bugden Avenue for rent and outgoings is \$32,920 (plus GST).

The cost of leasing two suites at Bugden Avenue is for rent and outgoings is \$65,520 (plus GST).

Given the uncertainty surrounding the availability of these suites, alternative options were investigated to ensure a smooth transition for the library service.

## **9.8 Alstonville Library - Temporary Relocation**

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A further property has become available at 23 Commercial Road, Alstonville. The owner has expressed flexibility in lease terms, and the property is available for immediate occupation with minimal preparation required.

The total cost of leasing the 23 Commercial Road property for rent and outgoings is \$61,296 (plus GST). The tenant is responsible for maintenance of the grounds, car park and air conditioning.

Given the limited availability of suitable lease options in Alstonville, it is recommended that Council provide the General Manager with authority to negotiate a lease without specifying an address.

This flexibility will ensure that Council can secure a location that best meets the operational requirements of the library within the available timeframe.

### **Delivery Program Strategy / Operational Plan Activity**

CC3.3 Support improved health outcomes by providing equitable access to community facilities

### **Community Engagement Strategy**

Richmond Tweed Regional Library staff have been consulted and inspected various properties to ascertain suitability. The options presented meet the library needs.

### **Financial / Risk Considerations**

In terms of financial considerations, funding for the lease will be sourced from internal reserves and a review of operational expense budgets to identify short-term savings to offset the increased expenditure.

There is a risk that further delays in securing a lease could impact library service continuity and increase relocation costs.

### **Options**

Council staff have explored leasing options to accommodate the Alstonville Library across the plateau for some months, with options ranging from \$104,000 per annum, to \$33,000 per annum.

The most affordable and viable option currently is to secure a lease at 23 Commercial Road, Alstonville.

This property is immediately available and provides a suitable option for library operations during redevelopment.

A further option is to continue searching for alternative properties that may become available within Alstonville to ensure the best long-term temporary solution, while maintaining negotiations on current options.

On balance, the recommendation is to authorise the General Manager to negotiate a lease agreement for the temporary housing of the Alstonville Library, without specifying an address to allow for a flexible approach.

## **9.8 Alstonville Library - Temporary Relocation**

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Leasing does assume that Council is proceeding with the refurbishment of the Alstonville Cultural Centre, which has an estimated cost of \$16m.

Council was recently unsuccessful with a Federal Government grant for this project, which means that, at this point in time, Council will need to fully fund the \$16m project cost.

### **RECOMMENDATION**

That Council authorises the General Manager to negotiate and enter into a lease agreement for a property in Alstonville, for the purposes of temporarily housing the Alstonville Library during the redevelopment of the Alstonville Cultural Centre.

### **Attachment(s)**

Nil

## 9.9 Policy (Review) - Councillor Expenses and Facilities

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### 9.9 Policy (Review) - Councillor Expenses and Facilities

<b>Section</b>	Governance
<b>Objective</b>	To review the Councillors Expenses and Facilities Policy

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#### **Background**

The objective of the Councillor Expenses and Facilities policy is to ensure that Councillors are provided with a reasonable reimbursement of expenses and provision of facilities to ensure that they can effectively perform their functions as a Councillor.

Clauses 252 to 254 of the Local Government Act (LGA) outline how the payment of expenses and the provision of facilities to Councillors is managed.

Clause 252 (1) states as follows:

*(1) Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councilors in relation to discharging the functions of civic office.*

The focus of this report is to comply with clause 252 (1) and to ensure that the expenses and facilities paid and provided to Councillors is reasonable.

#### **Key Issues**

- Whether the policy meets the current needs of Councillors
- Equitable, transparent and community standards.

#### **Discussion**

The objectives of having a Councillor expenses and facilities policy include:

- a) ensuring that no person is disadvantaged and incurring additional private expenses by performing their role as a Councillor - the policy should ensure a Councillor is reasonably reimbursed for activities they are required to perform as a Councillor
- b) ensuring fairness and equity in the operation of the policy – all Councillors should be treated fairly and equally with no Councillor disadvantaged over another in the application of the policy
- c) the policy should reflect community standards in respect to the provision of facilities and the reimbursement of expenses.

The Office of Local Government (OLG) created a Better Practice Template for Councillor Expenses and Facilities Policies, in 2017, to ensure greater consistency between councils and to address areas of non-compliance.

## 9.9 Policy (Review) - Councillor Expenses and Facilities

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The link to the OLG website in respect to the Councillor expenses and facilities information is as follows:

[Councillor expenses and facilities - Office of Local Government NSW](#)

The link provides information on the template, findings from an earlier OLG review of individual council expenses policies, and guidelines for the management of the policies.

One of the key findings from the OLG review of council expenses policies, was the recommendation that policies should disallow general expense allowances.

This means that documented claims need to be submitted for reimbursement, or payment, as against paying a standard allowance for the provision of a service. The annual Councillor allowance is not covered by this policy.

Another key recommendation was the need for expense limits.

The most recent review of Council's Councillor Expenses and Facilities policy was completed in February 2022.

Council's policy is as per the OLG template, subject to some minor amendments.

The last review saw Council increase the information and communications technology (ICT) allowance increase from \$80 to \$100 (clause 6.34), the provision of carer support increase from \$2,000 to \$4,000 (clause 6.37) and to better align the Mayoral vehicle lease payment to 25% of the standard lease fee paid by Council staff, to recognise that the Mayor is almost always on duty (clause 10).

A further review of the current policy has now been completed and a copy of the updated policy is included as Attachment 1.

The recommended changes are highlighted in yellow and are as follows:

- Wellbeing Assistance (Clause 6.40) – This new inclusion provides details on Council's wellbeing assistance provider, to ensure Councillors are aware they can access this service, if needed.
- General Facilities for all Councillors (clause 9.1) – The OLG template states as follows for the first dot point of this clause:

*9.1 Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:*

*[where relevant, include the following point:] a councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol)*

## 9.9 Policy (Review) - Councillor Expenses and Facilities

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Council's current policy states as follows for this first dot point:

*9.1 Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:*

- *a councillor meeting room appropriately furnished to include telephone, computer terminal and pigeon holes and appropriate refreshments.*

The Councillor meeting room, along with the Committee room, currently provide an office desk, phone, pigeon holes and refreshments.

The current policy is also silent on alcohol.

The revised policy includes the following wording, to confirm what facilities are available and to also clarify the provision of alcohol, with some exceptions, noting that the councillor meeting room and committee room do form part of Council's workplace.

*9.1 Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:*

- *a councillor meeting room appropriately furnished to include telephone, pigeon holes, refrigerator and appropriate refreshments (excluding alcohol).*
- Executive Support to Councillors (Clause 10.4) – Previously this clause stated that 0.2 of an equivalent full-time position (EFT) was available to support the Mayor and Councillors.

It is recommended that the wording be changed to confirm that there is a dedicated position available for this service, without reference to any EFT allowance.

The actual allocation of staff time to the Mayor and Councillors can vary significantly during the year, and this paragraph confirms there is one position recognised as providing this service, albeit that a wide range of staff provide ongoing support to the Mayor and Councillors.

- Mayor Vehicle (clause 10) – There is a minor change to the wording as to when the Mayoral vehicle is replaced, to better reflect the process that is currently followed.
- Appendix II – Definitions

The OLG template defines Appropriate Refreshments as:

*Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business.*

Sometimes there is uncertainty as to when alcohol should be provided to Councillors and to remove this uncertainty the revised policy includes the following wording for this definition:

## 9.9 Policy (Review) - Councillor Expenses and Facilities

*Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business. Alcohol may be provided for special occasions, such as the Christmas and Councillor Oath / Affirmation functions.*

- Appendix III – Reasonable Travel Limits – Updated to reflect the latest Australian Taxation Determination.
- Appendix IV – Technology Facilities – Slight change to reflect the facilities provided following the 2024 local government election.

It is important that the annual allowances are reasonable in the policy, with no changes currently included in Attachment 1. A summary of the current allowances, as referenced in the Policy Summary (page 1), are as follows, with all amounts exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$3,000 per councillor \$6,000 for the mayor	Per year
Professional development	\$5,000 per councillor inclusive of travel expenses	Per year
Conferences and seminars		Per year
ICT expenses	\$100 per councillor, excluding hardware provided by Council, as determined by the general manager	Per month
Carer expenses	\$4,000 per councillor	Per year
Home office expenses	\$500 per councillor	Per year
Postage stamps	Nil	Per year
Christmas or festive cards	Nil per councillor \$100 for the mayor	Per year
Northern Regional Planning Panel	\$600 per councillor	Per meeting

The last changes to these allowances occurred as follows:

- General Travel – No change since September 2017 when the limits were introduced.
- Professional Development / Conferences and Seminars – No change since June 2014 when a limit per Councillor was introduced.
- ICT Expenses - Increased from \$80 to \$100 at the February 2022 Ordinary meeting.
- Carer Expenses - Increased from \$2,000 to \$4,000 at the February 2022 Ordinary meeting.
- Home Office Expenses – Reduced from \$1,000 to \$500 at May 2021 Ordinary meeting as allocation not being used.

## 9.9 Policy (Review) - Councillor Expenses and Facilities

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- Christmas Cards – Adopted in September 2017 with no change since.
- Northern Regional Planning Panel – No change since September 2017.

In reviewing Councillor expense claims, particularly for the last financial year (2023/24), the general travel, ICT and home office expenses appear to be adequate, based on actual claims.

The area where the expenditure allowance is being fully expended, is the professional development, conferences and seminars figure of \$5,000.

This figure has not increased since a limit was introduced in 2017, and in recent years some Councillors have been reaching this limit.

Reviewing other expenses policies in the region, the \$5,000 (ex GST), is at the higher end of allowances provided, based on the publicly available information for the following councils:

- Byron Shire - \$31,500 in total for the nine Councillors and \$3,500 per Councillor as a guide
- Clarence Valley - \$30,000 in total for the nine Councillors
- Lismore City - \$33,000 in total for eleven Councillors
- Richmond Valley - Refers only to an annual budget allocation
- Tweed Shire - Refers only to complying with the adopted budget.

The policies listed above, excluding Clarence Valley Council, have not been reviewed during the current term.

Council may wish to consider increasing the \$5,000 to say \$5,500, to reflect increases in conference and travel costs, although the current allowance appears reasonable on a comparative basis to the councils listed.

The Northern Regional Planning Panel allowance has also not changed since 2017.

The NSW Department of Planning, Industry and Environment issued a selection guide and remuneration determination for Planning Panels in May 2021, copies of which are included as Attachments 2 and 3.

The recommended figures in that remuneration determination, for a community representative (includes councillors), was as follows:

- *A minimum of \$500 plus GST per meeting, and \$71 per hour for business that is undertaken outside of meetings or*
- *If the person was a member of that panel immediately prior to 1 March 2018, their existing rate of remuneration.*

Even though this is dated 2021, with Council's figure set at \$600, it appears to align with that determination and no change is recommend.

For comparative purposes, Richmond Valley Council recently adopted a fee of \$240 for each Planning Panel meeting.



## 9.9 Policy (Review) - Councillor Expenses and Facilities

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Tweed Shire Council has a report to be submitted to Council, in the near future, with the recommendation likely to be based on the remuneration tribunal figures.

Finally, the general travel expense allowances have not increased since 2017.

The current allowances appear to be covering Councillor claims, and no change is recommended, albeit Councillors could index this figure.

### **Delivery Program Strategy / Operational Plan Activity**

The proposed changes to the Councillors Expenses and Facilities Policy align with Delivery Program Strategy.

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

### **Community Engagement Strategy**

Section 253 of the Local Government Act 1993 states as follows:

*Requirements before policy concerning expenses and facilities can be adopted or amended:*

- 1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- 2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- 3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- 4) *A council must comply with this section when proposing to adopt a policy in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

The revised policy will need to be exhibited and reported back to Council for adoption. Any submissions received will form part of that report.

### **Financial / Risk Considerations**

Any increases approved may result in budget changes, dependent on actual usage.

Council is required to ensure that the policy complies with Local Government Act and the Local Government (General) Regulation 2021 and the OLG Guidelines for payment of expenses and provision of facilities for Mayors and Councillors. The updated policy aligns with these requirements.

## 9.9 Policy (Review) - Councillor Expenses and Facilities

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Section 403 of the Local Government (General) Regulation 2021 is of particular importance in that it states as follows:

- 1) *A policy under section 252 of the Act must not include any provision enabling a council -
  - a) to pay any councillor an allowance in the nature of a general expense allowance, or
  - b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor*
- 2) *A policy under the Act, section 252 must provide for the making of payment of expenses associated with carer responsibilities that are adequate or reasonable.*

The key points being that Council cannot pay a general allowance to Councillors for expenses, only the Mayor is entitled to the exclusive use of a vehicle, and the carer expenses allowance should be reasonable.

Clause 4.6 (k) of the Code of Conduct also states that a Councillor does not have to disclose an interest relating to the payment of expenses and the provision of facilities under section 252 of the Local Government Act.

This means Councillors do not have a pecuniary interest in this policy, even though it relates to the payment of expenses and provision of facilities.

### Options

Council can amend or endorse the proposed changes to the policy, possibly by indexing some of the current limits (professional development, ICT etc).

The recommendation is to approve the revised policy for public exhibition, as required by Section 253 of the Local Government Act.

A report will then be presented back to Council following the exhibition period, to adopt the new Councillor Expenses and Facilities Policy.

### RECOMMENDATION

That Council approves the exhibition of the updated Councillor Expenses and Facilities Policy, as per Attachment 1 to this report.

### Attachment(s)

1. Policy (Review) - Councillor Expenses and Facilities [⇒](#)
2. Local Planning Panels - Guide for councils [⇒](#)
3. Local Planning Panels - Remuneration Determination [⇒](#)

## 9.10 Model Code of Meeting Practice - New

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### 9.10 Model Code of Meeting Practice - New

**Section** Governance

**Objective** To provide an overview of proposed amendments to the Model Code of Meeting Practice.

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#### **Background**

The Office of Local Government (OLG) prescribes a Model Code of Conduct and Model Code of Meeting Practice, that councils are required to adopt.

A council's existing Codes must also be reviewed and adopted by a new council, within 12 months of the local government election.

Councils can adopt the Model Codes, without change, or they can adopt the Codes with changes, so long as those changes strengthen the Codes.

The Minister for Local Government is currently undertaking a review of both Model Codes to streamline the documents and improve their effectiveness.

The OLG is now inviting feedback on proposed amendments to the Model Code of Meeting Practice.

The report provides an overview of the proposed changes and seeks direction from Council, should it wish to provide a submission.

#### **Key Issues**

- Proposed changes to the Model Code of Meeting Practice.

#### **Discussion**

In December 2024, the OLG issued a consultation draft on the amended Model Code of Meeting Practice and an accompanying paper to seek further views of the local government sector, key stakeholders, and the community on the proposed amendments.

Attachment 1 is the consultation draft that outlines the Minister's objectives in respect to the changes.

As per that document the proposed amendments include:

- Streamlining the code by removing unnecessary provisions.
- Removing the non-mandatory rules governing public forums. Councils will be free to determine their own rules for public forums.
- Simplifying the rules governing public representations to the council on the closure of meetings to the public.
- Simplifying the rules for dealing with urgent business without notice at meetings.

## **9.10 Model Code of Meeting Practice - New**

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- Simplifying the rules of debate by removing the provisions allowing motions to be foreshadowed.
- Mandating some current non-mandatory provisions, including those allowing meetings to be cancelled, or held by audio visual link in the event of natural disasters and public health emergencies, and those governing councillors' attendance at meetings by audio visual link.

Attachment 2 is the new Model Code, which includes track changes as provided by the OLG, to highlight the differences between the current and proposed new Model Code.

For reference purposes, a copy of Council's adopted Code of Meeting Practice, is included as Attachment 3.

The OLG is seeking comments on the proposed amendments by Friday 28 February 2025.

### **Delivery Program Strategy / Operational Plan Activity**

The Code of Meeting Practice is an important component of ensuring accountability and transparency in Council's decision-making processes.

### **Community Engagement Strategy**

The OLG is seeking feedback from stakeholders and the community on proposed amendments to the new Model Meeting Code.

Council's current Code of Meeting Practice was reviewed in August 2022.

Section 360 (3) of the Local Government Act requires councils to adopt a new code within 12 months of the election. The preference is to wait for the new changes to be implemented prior to submitting a report to Council to adopt an updated code.

Once Council endorses a new Code of Meeting Practice, the Local Government Act (Section 361) requires exhibition of the draft for not less than 28 days, and a total of 42 days must be allowed for submissions.

Any submissions are reported back to Council, prior to adopting the Code.

It is also proposed to delay a report on adopting the Code of Conduct, until any proposed changes are known, although depending on timing, the existing Model Code of Conduct may still need to be reported to Council to meet the 12-month review deadline (Section 440 (7) of the Local Government Act).

### **Financial / Risk Considerations**

There are no direct financial or risk implications of this report.

### Options

Council can choose to provide a submission, although it is not required.

In reviewing Council's current Code of Meeting Practice and the revised Model Code, Council has not adopted a lot of the non-mandatory items of the former Model Code, that were very prescriptive in nature, therefore the changes proposed in the new Model Code are generally supported.

The one matter that has been previously raised and was not supported by the Northern Region Joint Organisation (NRJO), which consists of all Mayors in the region, was clause 7.1, which requires everyone to stand when the Mayor enters the chamber.

It also requires everyone to stand when addressing the meeting.

This should potentially be an option to suit individual councils, however the Minister appears to have included this as a mandatory item, despite earlier feedback from councils, so this might not be negotiable.

A draft submission has not been prepared, as none of the changes are considered onerous, or impractical.

However, Councillors may wish to provide a submission on specific changes, and if that is the case, those items need to be identified in the adopted resolution, noting that submissions are due by Friday 28 February 2025.

### RECOMMENDATION

That Council notes the contents of the Office of Local Government's proposed changes to the Model Code of Meeting Practice.

### Attachment(s)

1. Office of Local Government - Model Code of Meeting Practice - Consultation Draft [⇒](#)
2. Office of Local Government - New Model Code of Meeting Practice [⇒](#)
3. Ballina Shire Council - Code of Meeting Practice [⇒](#)

## 9.11 Legal Matters - Update

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### 9.11 Legal Matters - Update

**Section** Governance

**Objective** To provide an update on legal matters involving Council.

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#### Background

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

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

#### Key Issues

- Outcomes
- Cost of litigation

#### Discussion

A summary of current and recent legal cases follows.

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Lindsay Taylor Lawyers	GTH Resorts v Council	Land and Environment Court - Class 1 Proceedings – Deemed refusal of development application 2022/721.	500,000	771,000

#### Comment

DA 2022/721 was originally for the development of 148 independent living units for a seniors housing community with associated manager's residence, community facilities, infrastructure and services at 550-578 River Street, Ballina. At the first directions hearing on 21 August 2023 a section 34 conciliation conference was scheduled for 8 March 2024.

The DA was reported to the Northern Regional Planning Panel for determination on 30 November 2023. The Panel determined to refuse the DA. The section 34 conciliation conference was held on 8 March 2024 and was subsequently terminated.

On 10 April 2024 the Court granted the applicant leave to amend the DA to rely on amended plans and materials and to amend the proposal to 146 independent living units.

This matter was heard on 16-23 September 2024. The commissioner has reserved judgement.

The Court granted leave to the applicant on several occasions, including just prior to and during the hearing, to amend the proposed development and to provide numerous technical documents and updated plans and reports to accompany the amended proposals and to address outstanding technical deficiencies. The proposed development that went before the Court at the hearing was considerably different from the proposal originally appealed against and refused by the NRPP.

Council successfully put a motion to the Court to reopen the case to have additional material relating to another decision of the Land and Environment Court presented. A further hearing was scheduled for 12 February 2025.

## 9.11 Legal Matters - Update

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Lindsay Taylor Lawyers	Alstonville Agricultural Society Inc. v Council	Land and Environment Court - Class 1 Proceedings – Order Issued for Unauthorised Works	35,000	8,000
<p><b>Comment</b></p> <p>Council issued an Order under Schedule 5 of the Environmental Planning and Assessment Act on 21 September 2023 to the Alstonville Agricultural Society Inc. regarding the unlawful erection of stock holding yards at the Alstonville Showground. The applicant lodged a Class 1 appeal against the Order.</p> <p>At the first directions hearing on 6 November 2023, a section 34 conciliation conference was scheduled for 30 April 2024. A DA was lodged in January 2024. At the Section 34 conciliation conference held on 30 April 2024, agreement was reached to modify the terms of the Order.</p> <p>Having now received a DA, the modified Order alters the time for the demolition work specified in the Order to align with the withdrawal or final determination of the DA. The Court has disposed of the proceedings. This legal matter is finalised.</p> <p>Key issues under consideration in the assessment of the DA include noise impacts, stormwater and waste management and odour and dust impacts. The applicant submitted an amended application on 1 November 2024. The amended application has been publicly exhibited and staff are now progressing the assessment of the DA.</p>				
Lindsay Taylor Lawyers	Trevor Brand v Council	Land and Environment Court – Class 1 Proceedings – Refusal of development application 2022/333 – 43 Ballina Street, Lennox Head	50,000	64,000
<p><b>Comment</b></p> <p>This relates to a Class 1 Appeal against Council's refusal of DA 2022/333 for alterations and additions to an existing dwelling house, two lot strata subdivision and construction of a new dwelling at 43 Ballina Street, Lennox Head. The matter was heard on 29-31 July 2024.</p> <p>The Commissioner found in favour of Council and the proposed development has been refused. A copy of the judgement handed down on 11 December 2024 can be found at <a href="#">Brand v Ballina Shire Council - NSW Caselaw</a></p>				

### Delivery Program Strategy / Operational Plan Activity

Legal cases are linked to Delivery Program strategies such as:

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

### Community Consultation Policy

This report is in open Council to ensure the community is informed on legal matters.

## 9.11 Legal Matters - Update

If Council wishes to discuss any details, it may be necessary to resolve into confidential session to ensure any legal advice is not discussed in open session.

### Financial / Risk Considerations

The following table provides a break down planning related legal costs for recent years and up to February 2025.

**Table 1 – Legal Expenditure 2021/22 to February 2025**

Description	2021/22	2022/23	2023/24	2024/25
DA 2017/244 – Aureus Estate – Intrapac	32,000	0	0	0
The Beach House	4,000	14,400	3,100	0
DA 2020/49 – 38 Newrybar Swamp Rd (Anderson)	13,700	0	0	0
DA 2020/192 – GTH Resorts (GemLife)	307,300	0	4,900	0
DA 2021/137 – 10 Old Pacific H'way (Newrybar Pty)	0	26,100	0	0
DA 2021/605 – 38 Dress Circle Drive (Snashall)	0	114,000	0	0
DA 2022/33 – Bangalow Road (Advertising Sign)	0	18,000	125,800	300
DA 2022/284 – The Crest (DAs 2018/51, 2021/420)	0	16,100	91,000	400
DA 2022/333 – 43 Ballina Street, Lennox Head	0	0	20,500	43,600
DA 2022/469 – 404 Old Byron Bay Road (New DA)	0	11,800	0	2,400
DA 2022/721 – GTH Resorts (GemLife)	0	7,600	230,000	533,800
DA2023/504 – Alstonville Showground	0	0	8,400	0
Compliance – 19 Old Pacific Highway, Newrybar	22,800	3,800	2,600	0
Compliance – Coolgardie Road	0	10,800	0	0
Compliance – Swimming Pools	37,100	26,300	0	0
Other Compliance and Planning Agreements	54,100	49,400	32,700	22,700
<b>Total Expenditure</b>	<b>471,000</b>	<b>297,300</b>	<b>519,000</b>	<b>603,200</b>
Legal Expenditure Budgets	465,000	315,000	510,000	610,000
<b>Expenditure Budget Result – Surplus / (Shortfall)</b>	<b>(6,000)</b>	<b>17,700</b>	<b>(9,000)</b>	<b>6,800</b>
Legal Income from Costs Recovered	364,000	8,000	17,400	400
Legal Income Budget	160,000	120,000	80,000	20,000
<b>Income Budget Result – Surplus / (Shortfall)</b>	<b>204,000</b>	<b>(112,000)</b>	<b>(62,600)</b>	<b>(19,600)</b>
<b>Net Budget Result – Surplus / (Shortfall)</b>	<b>198,000</b>	<b>(94,300)</b>	<b>(71,600)</b>	<b>(12,800)</b>

As per this table, the legal expenditure budgets have been largely expended for this financial year. The major reason for this is the GTH Resorts Pty Ltd DA 2022/721 matter, with \$534,000 expended this financial year and \$771,000 in total.

This follows previous Council litigation initiated by GTH Resorts, being DA 2020/192, where Council expended \$585,000 in defending that legal action, with the development application refused by the Court.

As previously report, Council also expended approximately \$766,000 between 2018/19 and 2019/20 in defending legal action initiated by Palm Lake Resorts Pty Ltd. That matter, which was also initiated by the applicant, resulted in the application refused by the court.

Both GTH Resorts and Palm Lake Resorts operate over 50 resort style retirement living, with various councils having been involved in litigation regarding applications for new, or expanded, developments.

Council has previously written to the State Government suggesting changes to the current planning legislation for this type of development.



## 9.11 Legal Matters - Update

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

**Table 2 – Legal Expenditure – Period 2016/17 to 2023/24 (\$'000)**

Year	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Expense	353	967	503	1,042	736	471	297	519
Income	90	108	61	157	539	364	8	17
<b>Net Cost</b>	<b>263</b>	<b>859</b>	<b>442</b>	<b>885</b>	<b>197</b>	<b>107</b>	<b>289</b>	<b>502</b>

2024/25 is yet another high expenditure year due to the GTH Resorts (GemLife) court action. Budget changes are recommended for the legal budget, as per the separate report in this agenda for the 31 December 2024 Quarterly Financial Review.

### Options

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

### RECOMMENDATION

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

### Attachment(s)

Nil

## 9.12 Tender - Works Depot Roof Replacements

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### 9.12 Tender - Works Depot Roof Replacements

**Section** Facilities Management

**Objective** To report the outcomes of the tender evaluation for the Tender - Works Depot Roof Replacements

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#### **Background**

The works to be undertaken under this contract are the replacement of three roofs at the Council Works Depot.

Tenders were called on 28 October 2024 and at the close of tenders on 20 November 2024, six 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 companies downloaded the documentation with tenders received from:

- Reeman Constructions Pty Ltd
- Barden Constructions Aust Pty Ltd
- Murphy's Remedial Builders
- Greg Clark Building
- JXB Projects Pty Ltd
- Alder Constructions 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

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

- Pricing structure 60%
- Experience and capability 25%
- Social and community 15%

Barden Constructions Aust Pty Ltd has been assessed as the preferred tenderer based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

## 9.12 Tender - Works Depot Roof Replacements

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### **Delivery Program Strategy / Operational Plan Activity**

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

### **Community Engagement Strategy**

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

### **Financial / Risk Considerations**

This contract is not considered to impose any additional financial risk to Council.

The total cost of the preferred tender is \$468,984.85, excluding GST.

Funding for this project is included in Council's Operational Plan.

### **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 Barden Constructions Aust 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 Barden Constructions Aust Pty Ltd for the Tender - Works Depot Roof Replacements for the total amount of \$468,984.85 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

### **Attachment(s)**

1. Confidential Councillor Memorandum - Tender for Works Depot Roof Replacement (Under separate cover) (Confidential)

## 9.13 Tender - Road Safety Barrier Systems

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### 9.13 Tender - Road Safety Barrier Systems

**Section** Engineering Works

**Objective** To report the outcomes of the tender evaluation for the Tender - Road Safety Barrier Systems

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#### **Background**

The works to be undertaken under this contract are the supply and installation of Road Safety Barrier Systems.

The purpose of this tender is to select a panel of suitably qualified providers with the capability and experience to provide the works.

The tender was facilitated by a Regional Procurement group, aggregating on behalf of ten Mid-North Coast and Richmond-Tweed Councils.

Tenders were called by Regional Procurement on 3 December 2024 and at the close of tenders on 16 January 2025, ten 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**

Ten companies downloaded the documentation with tenders received from:

- A1 Highways
- GRI Road Services
- Guardrail Infrastructure
- Guardrail Systems
- Ingal Civil Products
- LB Australia
- OnTime Guardrail
- RBK Pty Ltd t/a Top Notch Fencing
- Road Safety Barriers
- Irwin Family Trust

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

- Insurance
- Work Health and Safety

## 9.13 Tender - Road Safety Barrier Systems

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All tender submissions met the mandatory assessment and were assessed using the following weighted assessment criteria used by Regional Procurement:

- Pricing structure 50%
- Local and community 20%
- Experience and References 10%
- Quality Assurance 5%
- Work Health and Safety Management 5%
- Ecologically Sustainable Development 5%
- Resourcing 5%

The following tenderers have been assessed as suitable for inclusion on the panel based on the evaluation.

- Guardrail Infrastructure
- Guardrail Systems
- Irwin Family Trust
- RBK Pty Ltd ta Top Notch Fencing
- Road Safety Barriers

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

### **Delivery Program Strategy / Operational Plan Activity**

These works are identified in Council's Delivery Program and Operational Plan and funded from maintenance budgets in the Engineering Works section.

### **Community Engagement Strategy**

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

### **Financial / Risk Considerations**

Supply and installation of Road Safety Barrier Systems are funded from repair and maintenance budgets of applicable road segments. The contract will be a "Schedule of Rates" agreement, per the prices and schedules submitted in the tender.

### **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.*

### **9.13 Tender - Road Safety Barrier Systems**

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Based on the tender evaluation, it is recommended that Council accept the tenders from Guardrail Infrastructure; Guardrail Systems; Irwin Family Trust; RBK Pty Ltd t/a Top Notch Fencing and Road Safety Barriers for inclusion on a panel of providers.

#### **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 Guardrail Infrastructure; Guardrail Systems; Irwin Family Trust; RBK Pty Ltd t/a Top Notch Fencing and; Road Safety Barriers for the Tender - Road Safety Barrier Systems per the Schedule of Rates tendered.
2. That Council authorises the General Manager to sign the contract documents.

#### **Attachment(s)**

1. Confidential Councillor Memorandum - Tender - Road Safety Barrier Systems (Under separate cover) (Confidential)

## 9.14 Financial Year 2024/25 - 31 December 2024 Review

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### 9.14 Financial Year 2024/25 - 31 December 2024 Review

<b>Section</b>	Financial Services
<b>Objective</b>	To provide a quarterly review of the 2024/25 financial year based on the known results to 31 December 2024.

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#### **Background**

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

This report provides the second quarterly review for the 2024/25 financial year.

#### **Key Issues**

- Variations to the budget and financial performance of Council

#### **Discussion**

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

The format of the report complies with the Quarterly Budget Review Statement Guidelines set down by the Office of Local Government (OLG).

To comply with these guidelines an Operating Statement, Capital Budget, Cash and Investment Statement, Key Performance Indicators, Contractors, Consultants, Legal Information and Certification by the Responsible Accounting Officer are required.

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

- **Section One – General Fund Long Term Financial Plan (LTFP)**  
This section provides an overview of the General Fund including a high-level summary of the ten-year Long Term Financial Plan.
- **Section Two - Operating Income and Expenditure Budgets 2024/25**  
Outlines the 2024/25 operating income and operating expenditure budgets for the Funds (General, Water and Wastewater).
- **Section Three - Capital Budgets 2024/25**  
Outlines the 2024/25 capital expenditure budgets.
- **Section Four - Cash and Investment Statement**  
Provide details of the projected movements in the cash reserve balances.

- **Section Five - Key Performance Indicators**

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

- **Section Six - Contractors/Consultants/Legal Expenses**

Details expenses incurred.

- **Section Seven – Certification**

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

**Section One – General Fund Long Term Financial Plan**

The following table provide an overview the General Fund Long Term Financial Plan (LTFP) with the inclusion of the changes listed in this report.

**General Fund - LTFP Forecasts December 2024 Review (\$'000)**

Year	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
Operating Income *	82,594	84,534	87,895	91,494	95,075	97,887	101,433	105,026	108,857	112,866
Operating Exps *	67,720	65,261	67,468	69,746	72,233	73,709	76,058	78,118	81,015	82,593
<b>Result before Non-Cash items</b>	<b>14,874</b>	<b>19,273</b>	<b>20,427</b>	<b>21,748</b>	<b>22,842</b>	<b>24,178</b>	<b>25,375</b>	<b>26,908</b>	<b>27,842</b>	<b>30,273</b>
Depreciation/Non Cash Items *	20,372	21,114	21,811	21,809	22,597	23,412	24,252	25,116	26,005	26,925
<b>Surplus/(Deficit)</b>	<b>(5,498)</b>	<b>(1,841)</b>	<b>(1,384)</b>	<b>(61)</b>	<b>245</b>	<b>766</b>	<b>1,123</b>	<b>1,792</b>	<b>1,837</b>	<b>3,348</b>
Work Cap Result	(1,150)	175	(459)	(228)	78	313	(10)	(3)	14	38
<b>WC Balance</b>	<b>4,291</b>	<b>6,366</b>	<b>7,807</b>	<b>9,479</b>	<b>11,457</b>	<b>13,670</b>	<b>15,560</b>	<b>17,457</b>	<b>19,371</b>	<b>21,309</b>

\*Figures have been adjusted for estimated internal eliminations

This forecast shows the General Fund not reaching an operating surplus until 2028/29.

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

**Section Two – Operating Income and Expenditure Budgets 2024/25**

*General Fund – Operating Income and Expenses*

This section deals with the General Fund operations.

The **Forecast Operating Result**, as at **December**, is a loss of \$5.498m.

This compares to a forecast loss of \$4.216m following the September 2024 review as reported to the November 2024 Ordinary meeting.

The estimated movement in **Unrestricted Working Capital** shows a deterioration also, with a forecast deficit as at December of \$1,150,000.

This compares to a forecast deficit of \$895,000 following the carry forwards as reported to the November 2024 Ordinary meeting.



## 9.14 Financial Year 2024/25 - 31 December 2024 Review

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

### General Fund – Operating Income (\$'000)

Operating Income	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
<b>Planning and Environmental Health Division</b>							
Strategic Planning	1,198	1,230	0	1,230	0	1,230	41
Development Services	2,370	2,370	0	2,370	(150)	2,220	948
Environment / Public Health	895	920	0	920	40	960	600
Community Gallery	109	109	0	109	0	109	53
Open Spaces	1,408	1,408	0	1,408	50	1,458	936
<b>Sub Total</b>	<b>5,980</b>	<b>6,037</b>	<b>0</b>	<b>6,037</b>	<b>(60)</b>	<b>5,977</b>	<b>2,578</b>
<b>Civil Services Division</b>							
Infrastructure Planning	157	233	0	233	70	303	112
Roads and Bridges	4,145	4,839	0	4,839	0	4,839	1,168
Emergency Services	118	118	0	118	3	121	118
Landfill and Resource Mgmt	12,591	12,591	0	12,591	275	12,866	5,874
Domestic Waste Mgmt	8,570	8,688	0	8,688	0	8,688	8,643
<b>Sub Total</b>	<b>25,581</b>	<b>26,469</b>	<b>0</b>	<b>26,469</b>	<b>348</b>	<b>26,817</b>	<b>15,915</b>
<b>Corporate and Community Division</b>							
Governance	0	0	0	0	0	0	0
Comms / Customer Service	9	9	0	9	0	9	9
Financial Services	38,535	38,050	0	38,050	66	38,116	30,968
Information Services	236	236	0	236	25	261	95
People and Culture	270	270	0	270	26	296	158
Property Management	4,239	4,239	0	4,239	30	4,269	1,875
Ballina Byron Gateway Airport	10,270	10,520	0	10,520	100	10,620	4,760
Community Facilities	830	830	0	830	40	870	449
Facilities Management	35	62	0	62	0	62	44
Library Services	134	134	0	134	59	193	194
Swimming Pools	1,325	1,325	0	1,325	(60)	1,265	610
Tourism	168	168	0	168	20	188	132
Plant Operations	5,551	5,551	0	5,551	0	5,551	2,732
<b>Sub Total</b>	<b>61,602</b>	<b>61,394</b>	<b>0</b>	<b>61,394</b>	<b>306</b>	<b>61,700</b>	<b>42,026</b>
<b>Total Operating Income</b>	<b>93,163</b>	<b>93,900</b>	<b>0</b>	<b>93,900</b>	<b>594</b>	<b>94,494</b>	<b>60,519</b>

### General Fund – Operating Expenses (\$'000)

Operating Income	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
<b>Planning and Environmental Health Division</b>							
Strategic Planning	774	1,038	50	1,088	30	1,118	358
Development Services	3,552	3,823	0	3,823	350	4,173	2,390
Environment / Public Health	3,248	3,337	0	3,337	375	3,712	1,607
Community Gallery	457	475	0	475	0	475	191
Open Spaces	7,164	7,167	0	7,167	215	7,382	3,718
<b>Sub Total</b>	<b>15,195</b>	<b>15,840</b>	<b>50</b>	<b>15,890</b>	<b>970</b>	<b>16,860</b>	<b>8,264</b>
<b>Civil Services Division</b>							
Infrastructure Planning	2,078	2,103	0	2,103	0	2,103	1,075
Roads and Bridges	8,419	9,153	0	9,153	(75)	9,078	4,067
Emergency Services	660	770	0	770	19	789	375
Landfill and Resource Mgmt	12,062	12,175	0	12,175	275	12,450	4,686
Domestic Waste Mgmt	8,766	8,966	0	8,966	100	9,066	3,652
<b>Sub Total</b>	<b>31,985</b>	<b>33,167</b>	<b>0</b>	<b>33,167</b>	<b>319</b>	<b>33,486</b>	<b>13,855</b>
<b>Corporate and Community Division</b>							
Governance	1,505	1,561	0	1,561	20	1,581	1,268

## 9.14 Financial Year 2024/25 - 31 December 2024 Review

Operating Income	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Comms / Customer Service	590	652	0	652	(15)	637	250
Financial Services	721	758	0	758	0	758	500
Information Services	3,444	3,491	0	3,491	67	3,558	2,565
People and Culture	694	694	0	694	0	694	597
Property Management	2,106	2,108	106	2,214	64	2,278	1,184
Ballina Byron Gateway Airport	6,508	6,764	0	6,764	200	6,964	3,409
Community Facilities	1,267	1,276	0	1,276	(39)	1,237	629
Facilities Management	479	486	0	486	10	496	492
Library Services	2,074	2,074	0	2,074	59	2,133	1,040
Swimming Pools	1,943	1,944	0	1,944	45	1,989	927
Tourism	565	566	0	566	20	586	381
Plant Operations	3,503	3,503	0	3,503	0	3,503	1,820
<b>Sub Total</b>	<b>25,399</b>	<b>25,877</b>	<b>106</b>	<b>25,983</b>	<b>431</b>	<b>26,414</b>	<b>15,062</b>
<b>Total Operating Expenses</b>	<b>72,579</b>	<b>74,884</b>	<b>156</b>	<b>75,040</b>	<b>1,720</b>	<b>76,760</b>	<b>37,181</b>

The larger adjustments to the General Fund Operating Result in this review include:

- Development Services – Income budgets decreased by \$150,000.  
Expenditure budgets increased by \$350,000 with \$260,000 of this funded from reserves.
- Open Spaces Operating expense budgets increased by \$200,000.
- Lake Ainsworth Coastal Management Plan operating budget increased by \$470,000, funded from budget transfers and reserves.
- Landfill and Resource Management (LRM) – Both income and expenses have been reviewed upwards by \$275,000, with a nil net impact on the operating result.

### General Fund Working Capital Movements (\$'000)

Item	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Increase / (Decrease)	(414)	(895)	0	(895)	(255)	(1,150)	N/A

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

This review provides a deterioration to the forecast movement in working capital.

A key issue that remains is the forecast operating deficit, inclusive of non-cash items such as depreciation.

Comments on the budget variations are as follows.

**General Fund - Operating Income**

***Planning and Environmental Health Division***

*Development Services*

Income budgets have been decreased by \$150,000, to a revised total income budget of \$2,220,000. This is a moderate adjustment based on trend for the year to date.

The second half of this financial year may see a slight improvement; however a lot of broader economic factors are at play that are currently affecting development confidence.

*Environment/Public Health*

The income budget for parking fines is increased \$40,000, to a revised budget of \$250,000, based on trend of actual income for the year to date.

*Open Spaces*

The income budget for 4WD Permits is increased \$50,000, to a revised budget of \$230,000.

This increase is based on the results achieved for the year to date.

***Civil Services Division***

*Infrastructure Planning*

The income budget for Development Engineer Inspection Fee is increased \$70,000, to a revised budget of \$140,000.

The 2024/25 adopted budget was set low due to the poor 2023/24 actual income achieved.

*Emergency services*

The income budget for this section represents the annual amount paid by NSW Rural Fire Service (RFS) to Council to provide the financial administrative function associated with their operational expenditures.

This is a standard requirement under NSW Local Government's service level agreements with the RFS consistent throughout NSW.

This budget has been increased \$3,000 to \$120,000, to match the income paid to the total of the reimbursable expenditure budgets.

*Landfill and Resource Management (LRM)*

Income budgets have been increased by \$275,000.

The budget for Mixed Waste Gate Fees received from Domestic Waste Management (DWM) has been increased \$100,000, to a revised budget of

\$3,300,000. This increase in gate fees is a result of a greater than anticipated volume of waste being collected via the kerbside collection service.

The budget for sales of Recyclable Metal has been increased by \$100,000, to a revised budget of \$500,000.

Enhanced resource recovery sorting operations of construction and demolition material at the Resource Recovery Centre has resulted in a significant increase in the volume of scrap metal diverted from landfill and provided increased income from the sale of this commodity to metal recyclers.

The budget for Self-Haul Gate Fees has been increased \$75,000, to a revised budget of \$7,225,000.

This increase is due to continued growth in customer numbers at the Resource Recovery Centre.

The expenditure budgets, as noted later in this report, have also been increased by \$275,000, resulting in no net change to the operating result of LRM.

### ***Corporate and Community Division***

#### *Financial Services*

A new income budget of \$66,000 has been raised, being amounts received from the State Government.

This payment, set and paid by Revenue NSW, was intended as a reimbursement for administrative costs of providing detailed information of the shire's land classifications and valuations.

The information, requested from all councils across NSW, is to be used by Revenue NSW to consider alternate funding strategies for the Emergency Services Levy.

Currently the State Government levies this via insurance policies, however there is consideration being given to using Local Government rating processes, or other, to collect these funds.

As at the date of this report, there has been no further information provided by Revenue NSW as to what an alternate funding strategy may look like, and what timeframes they may be considering for implementation.

The amount received by Council has been placed into the Governance Legal/Audit/Revaluation Reserve, to enable use for future, currently unknown, costs of implementation such as software changes and/or process changes.

#### *Information Services*

An internal income budget of \$25,000 is raised, being contributions from the Water Fund, the Wastewater Fund and Landfill and Resource Management towards additional budget required for software licences.

*People and Culture*

The budget for Workers Compensation Refunds is increased \$26,000, to a revised budget of \$126,000, to match actual income received.

This income budget accounts for an annual incentive payment back from Council's insurer, StateCover, as well as workers compensation payments to Council.

The annual incentive payment is not necessarily a given, as it is subject to Council's previous years' performance.

A StateCover Safety and Wellbeing Incentive of \$100,000 was received in December 2024.

This amount is in addition to multiple workers compensation receipts totalling \$26,000 for the six-month period.

*Property Management*

This portfolio includes property development, the management of Council's investment properties and the Flat Rock Tent Park.

The forecast income for Flat Rock Tent Park is increased by \$30,000, to a revised total income of \$560,000, based on income trending to date.

An increase to expenditure budgets of \$64,000 is also proposed, within the expenditure section later in this report based on contract fees and operational expenses.

A net deterioration, of \$34,000, represents a decrease to the forecast Flat Rock reserves balance.

*Ballina Byron Gateway Airport*

A review of the airport's long term financial plan was reported to the Commercial Services Committee held 2 December 2024.

No changes were made to operating budgets within that report, however comment was made on how the operations were trending at that time.

As noted to the December meeting, with the continuation of negotiations with the major carriers (Jetstar and Virgin) there was a risk that the forecast income might not be achieved.

Negotiations are continuing, and so forecast income for Airport Passenger Charges is now decreased by \$200,000, to a revised forecast of \$4,184,000.

The forecast income for Security Charges income, also paid to Council from the airlines, is increased \$200,000, to a revised forecast of \$1,950,000.

This counters a corresponding increase made to the Security expenses budget, noted within the Operating Expenses section later in this report, so no net impact to the operating result from the changes made to security income and expenses.

## **9.14 Financial Year 2024/25 - 31 December 2024 Review**

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The forecast income for Airport Parking is increased by \$100,000, to a revised forecast of \$2m. This increase is based on trending of revenue for the achieved for the six-month period.

These changes result in a net increase to operating income budgets of \$100,000.

A decrease of \$200,000 to airport expenditure budgets is proposed within the Operating Expenses section of this report.

This results in a net deterioration of \$100,000 to the forecast airport operating result and a reduction to the forecast airport reserves balance.

### *Community Facilities*

Forecast income for the Ballina Indoor Sports Centre has been increased \$40,000, to a revised total income of \$272,000.

The actual income achieved for the first six months of 2024/25 has been strong.

### *Library Services*

Funding from the Library Council of New South Wales has been confirmed, with total funding of \$194,200 received.

That receipt comprises the annual funding of \$134,800 and funding of Local Priority Grant projects of \$59,400.

A new budget of \$59,000 has been raised for the Local Priority Grant funding received.

### *Swimming Pools*

Based on review of actual incomes expected for the first six months of the year, forecast total incomes have been decreased for the Ballina War Memorial Pool and the Alstonville Aquatic Centre, by \$40,000 and \$20,000, respectively.

### *Tourism*

The income budget for merchandise sales is increased by \$20,000, to a revised budget of \$155,000, based on trending of sales achieved to date.

A corresponding increase is made to the cost of goods expenditure budget.

## **General Fund - Operating Expenses**

### ***Planning and Environmental Health Division***

#### *Strategic Planning*

The budget for Section 7.11 Plan Reviews has been increased by \$30,000 to a revised budget of \$50,000 for 2024/25, and the 2025/26 budget within the LTFP has been updated to \$150,000.

This is to allow the progression of an update to Council's Roads Contribution Plan.

Work is currently underway for specification documents, with plans to go to tender soon for the 2025 update of the Ballina Strategic Road Network Study and associated traffic modelling.

The last comprehensive update of the Contributions Plan was 2015 and a few minor updates (amendments to works schedule and resulting adjustments to contribution rates) were made in 2018 and 2021.

The major cost involved is an update of the Ballina Strategic Road Network Study 2015 and associated modelling.

The current 2015 study and modelling predicts daily traffic volumes on links in the Ballina Shire road network to the target year of 2036.

The proposed 2025 update of the Ballina Strategic Road Network Study is proposed to predict daily traffic volumes on links in the Ballina Shire road network to the target year of 2046.

It will also examine the daily volume impacts of several road network configuration iterations.

These iterations will include consideration of the impacts of providing south facing ramps at the Cumbalum interchange and knock on impacts to the proposed Western Arterial, Barlows Road connection and traffic volumes on Ballina Island.

This Strategic Road Network Study update and modelling may cost up to \$200,000. Estimated completion is end of October 2025.

This will be followed by drafting the amended Ballina Shire Roads Contribution Plan, exhibition report to Council, public exhibition, post exhibition report to council and plan adoption.

The outcomes of the 2025 update of the Ballina Strategic Road Network Study will then inform a 10-year comprehensive review and resulting amendments to the Ballina Shire Roads Contribution Plan and included Works Schedule items and contribution rates.

This process is required to maintain the validity of the Contributions Plan. However given the long standing and non-indexed NSW Government contributions cap, the amendment may not result in significant impacts on actual road contribution income.

This expenditure is funded from the Section 7.11 Administration Plan Reviews Reserve.

#### *Development Services*

Expenditure budgets have been increased by \$350,000 in total.

The budget for legal expenses is increased by \$100,000, from \$600,000 to a revised budget of \$700,000.

## 9.14 Financial Year 2024/25 - 31 December 2024 Review

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The actual expenditure for the six months is only marginally under \$600,000. The additional \$100,000 budget is hoped to provide an adequate budget for the second half of the financial year.

This increase follows from an increase of \$250,000 in the September 2024 quarterly budget review.

The budget for consultants is increased \$250,000, to a revised budget of \$280,000. Expenditure for the six months to date was marginally under \$180,000.

The high level of expenditure for consultants is a result of the continuation of the section being short staffed.

Consultants have been engaged to assist with assessment of development applications and related applications. Until current vacant positions are filled, this expenditure is expected to continue.

The salaries budget for this section, for employees directly employed by Council, is currently trending on track.

The adopted salaries budget was only 85% of the section's full staffing capacity, due to the ongoing vacancies at that time. It was noted, as part of the Delivery Program and Operational Plan adoption, at the June 2024 Ordinary meeting, that the combined budgets for salaries and consultants may require increasing during the 2025/26 year.

The increase to these expenses budget is partly funded, with amounts totalling \$260,000 being funded from reserves.

An amount of \$49,000 is proposed to be transferred from the Legal/Audit/Revaluation Reserve. This would retain \$100,000 still within that reserve for similar future budget requirements.

The increases have also proposed to be funded with \$71,000 from the Strategic Management Reserves, \$70,000 from the Coastal Management Reserves and \$70,000 from the Vegetation Management Reserves.

The abovementioned reserves sit within the Planning and Environmental Health Division.

Although these reserves do not specifically relate to the Development Services section, they do have adequate unallocated funds to allow this transfer. It is appropriate to use these available amounts in the reserves given the required increases to the adopted budgets.

### *Environment/Public Health*

The budget for the Lake Ainsworth Coastal Management Plan expenditure is increased \$470,000, to a revised budget of \$500,000.

The increase to this budget is funded from a transfer of \$100,000 from the Healthy Waterways Program budget, \$195,000 grant funds previously placed into the Coastal Management Reserve and the balance of \$175,000 from the Healthy Waterways Reserves.



*Open Spaces*

Expenditure budgets have been increased by \$215,000 in total.

The budget for Open Spaces operations has been increased \$200,000.

Additional expenditure has been incurred due to storm damage/tree maintenance and additional operating costs associated with managing favourable growing conditions.

The budget for sports facilities maintenance budget has been increased by \$15,000.

This represents a transfer of unallocated budget from the Donations Sporting Groups budget within the Communications and Customer Service Section.

Unspent funds are transferred in accordance with the 'Donations – Community Sporting Groups- Capital Works Assistance' policy at the end of the application process.

***Civil Services Division***

*Roads and Bridges*

The budget for the Burns Point Ferry Annual Slip is realising savings of \$75,000 for this year, with a revised budget of \$130,000.

This year, Council's workshop staff carried out the annual major maintenance work with the ferry in situ, rather than transporting it to Swan Bay Slipyard.

This change resulted in savings of significant transport fees.

Of these savings, \$25,000 are transferred to reserves.

*Emergency services*

As noted earlier within the income section of this report, Council provides the financial administrative function associated with the NSW Rural Fire Service (RFS) operational expenditures which are reimbursed to Council from NSW RFS.

These expenditures are controlled by the NSW RFS and include plant and equipment maintenance as well as operating costs for the fire stations.

The reimbursable expenditure budgets are increased by a net \$19,000, revising total reimbursable expenditure budgets to \$120,000.

This amount matches the income reimbursement payment provided to Council from the NSW RFS.

*Landfill and Resource Management (LRM)*

Expenditure budgets have been increased by \$275,000.

The budget for Back of House Operations has been increased by \$100,000, to a revised budget of \$195,000.

This is a new operation at the Resource Recovery Centre which has been highly successful in achieving the key objectives of enhanced resource recovery and increased customer supervision to improve safety by identification and removal of hazardous waste materials such as batteries and chemicals.

Increased operational expenditure can be attributed to the external hire of a mini excavator, which will reduce once Council finalise the purchase of its own plant, which is being funded by an EPA grant. Additionally, increased labour costs have been associated with manning the builder's drop-off area.

The budgets for leachate management have been increased by \$80,000, to a revised budget of \$180,000. Significant rainfall totals have resulted in increased volumes of leachate generation. Additional operational expenditure has been required to manage the leachate in accordance with environmental protection licence requirements.

The budget for Garden Waste Operations is increased \$55,000, to a revised budget of \$200,000. There has been increased operational and processing costs associated with a significant increase in the volumes of garden waste received.

The Hardstand Maintenance budget is increased \$35,000, to a revised budget of \$70,000. Additional expenditure has been required to maintain the various hardstand drop-off and stockpile areas with the Resource Recovery Centre which degrade at a faster rate due to increased rainfall and sustained increase in customer numbers and waste volumes.

This increased expenditure is offset by the increases in gate fees and income from additional scrap metal recovered and sold.

#### *Domestic Waste Management (DWM)*

The expenditure budget for the kerbside collection of residual waste has been increased \$100,000, to a revised budget of \$2,530,000.

As noted earlier in this report, this expenditure budget increase is due to an increased volume of waste being collected via the kerbside collection service and is the counterside to the income gate fees for Landfill and Resource Management (LRM).

This adjustment results in a net deterioration to the operating result of DWM, which results in a decrease to the forecast DWM reserves balance.

#### **Corporate and Community Division**

##### *Governance*

There is a net increase to budgets of \$20,000. The budget for legal costs is increased by \$6,000, to \$12,000, for actual expenses incurred. Other net changes of \$3,000 included increases to the subscriptions budget offset by small savings in the budget for public risk excess.

*Communications/Customer Service*

As already noted within the Open Spaces commentary earlier in this report, unallocated budget of \$15,000 is transferred from the Donations Sporting Groups budget to the Sports facilities maintenance budgets.

*Information Services*

There is an increase of \$17,000 to the budget for Developer Contributions Plan Software, to a revised budget of \$97,000.

The additional budget is for costs associated with integration of the Developer Contributions Plan Software with Council's systems and is funded from the Section 7.11 Administration Reserve.

There is an increase of \$50,000 to the budget for the Software Licence Fees.

Software licence fees are a large recurring expenditure, with a revised budget of \$720,000. This budget is utilised for Microsoft enterprise agreement, Helpdesk licence subscription and a business process improvement platform, amongst numerous other things.

The increase to this budget is partly funded by contributions from the Water Fund, Wastewater Fund and Landfill and Resource Management, as noted earlier within the Income section of this report.

*Property Management*

The budgeted expenditure for the Flat Rock Tent Park Management Contract is increased by \$64,000, to a revised budget of \$297,000.

The management contract includes a retainer fee and a % based commission fee.

The adopted budget was determined prior to Council going to tender and entering a new contract.

The new contract commenced 1 July 2024, however there was some uncertainty as to what income would be achieved for the basis of the commission, and the management contract budget had not been adjusted at that time.

*Ballina Byron Gateway Airport*

As noted earlier within the Operating Income section, this report proposes a net increase of \$200,000 to the forecast expenditure for Security, to a revised forecast of \$1,950,000. This increase is based on trending of expenditure incurred for the year to date.

A corresponding increase was proposed to the Security income budget.

*Community Facilities*

Expenditure budgets have been decreased by a net \$39,000.

An error within the adopted budgets for the Ballina Surf Club operations, made by way of a transposition error, has been identified.

A correction of the budget for Utility Costs has provided a reduction in the expenditure budget of \$53,000.

A portion of this saving has been applied to assist other budgets, with increases to operating budgets of \$5,000 for Kentwell Community Centre, \$5,000 for Lennox Head Community Hall and \$4,000 for Richmond Room. The larger portion of these increases are for the security or cleaning budgets, which were evidencing strain.

#### *Facilities Management*

Whilst some budgets within this section are trending over and requiring increases, savings have been identified in some areas to try to minimise the overall impacts on the bottom line, which is proposed to be a net deterioration of \$10,000.

The budget for Library Building Maintenance is increased by \$20,000, to a revised budget of \$44,000.

The budgets for the Administration Building Maintenance are increased by \$10,000, to a revised budget of \$108,000.

These increases are moderate and the adopted budgets appear to have been inadequate, given the expenses incurred in previous years and the expenditure for year to date. Efforts are being made to defer anything of a discretionary nature.

The budgets for the Depot Maintenance are also increased by \$10,000, to a revised budget of \$116,000.

To assist with funding of the above increases, the budget for Public Halls Maintenance is reduced by \$30,000, to a revised budget of \$103,000.

#### *Library Services*

An expenditure budget of \$59,000 has been raised, corresponding to the Local Priority Grant funding noted earlier in this report.

Any amounts unexpended at the end of the financial year would be placed into the Library Special Projects reserve at that time.

#### *Swimming Pools*

Based on review of actual expenditure expected for the first six months of the year, forecast total expenses have been increased for the Ballina War Memorial Pool and the Alstonville Aquatic Centre, by \$15,000 and \$30,000, respectively.

The increase to these expenses budget is proposed to be partly funded, with amounts totalling \$27,000 being funded from reserves.

An amount of \$22,400 is proposed to be transferred from the Building Asset Renewal Reserve and \$4,600 from the Depot Reserves. This would deplete both reserves to nil.

Both reserves sit within the Facilities Management Section and it is considered appropriate to utilise available amounts given the required increases to the adopted budgets.

*Tourism*

As noted with the income section of this report, merchandise sales have been very strong.

The budget for cost of goods expenditure is increased by \$20,000 to cover the expenditure to date plus anticipated expenditure for the remainder of the year.

**Water Operations**

This next section of the report deals with Council's Water Operations. The following table details the forecast operating result for the Water Fund.

**Water - Statement of Operating Income and Expenses**

Item	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Operating Income	16,826	16,826	0	16,826	0	16,826	8,153
Operating Expenses (excl. dep)	14,076	14,081	0	14,081	0	14,081	5,997
<b>Operating Result Before Dep</b>	<b>2,750</b>	<b>2,745</b>	<b>0</b>	<b>2,745</b>	<b>0</b>	<b>2,745</b>	<b>2,156</b>
Depreciation and Non-cash	2,330	2,330		2,330	0	2,330	1,165
<b>Net Operating Result</b>	<b>420</b>	<b>415</b>	<b>0</b>	<b>415</b>	<b>0</b>	<b>415</b>	<b>991</b>

The **Forecast Operating Result** (inclusive of depreciation) **as at December** is a surplus of \$415,000 with no net changes identified within this report.

Mains budgets have been decreased by a net \$127,000, based on trending to date indicating savings expected here.

Treatment budgets have been increased \$110,000.

This increase is specifically for the Marom Creek operations, which had no budgets adopted for the 2024/25 due to the anticipated transfer of assets to Rous County Council.

That transfer is still in progress and is now anticipated to be finalised by the end of March 2025.

Other smaller budget adjustments have been made, with the larger adjustment being an increase to Reservoir budgets of \$21,000.

**Wastewater Operations**

This next section of the report deals with Council's Wastewater Operations. The following table details the forecast operating result for the Wastewater Fund.

**Wastewater - Statement of Operating Income and Expenses**

Item	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Operating Income	24,330	24,330	0	24,330	0	24,330	20,817
Operating Expenses (excl. dep)	14,479	14,010	0	14,010	210	14,220	6,534
<b>Operating Result Before Dep</b>	<b>9,851</b>	<b>10,320</b>	<b>0</b>	<b>10,320</b>	<b>(210)</b>	<b>10,110</b>	<b>14,283</b>
Depreciation and Non-cash	5,230	5,230		5,230		5,230	2,615
<b>Net Operating Result</b>	<b>4,621</b>	<b>5,090</b>	<b>0</b>	<b>5,090</b>	<b>(210)</b>	<b>4,880</b>	<b>11,668</b>

The **Forecast Operating Result** (inclusive of depreciation) **as at December** is a surplus of \$4,880,000, with a deterioration of \$210,000 from changes identified within this report.

Treatment and Pumpstation expenditure budgets have been increased by a net \$258,000 and \$202,000, respectively.

Mains expenditure budgets have been decreased by a net \$263,000.

Other smaller miscellaneous budget adjustments have been made, with the larger adjustment being an increase to telemetry budgets of \$13,000.

Some general points to note for context are:

- As per the “Tender-Wastewater Treatment Plants – Biosolids Disposal” report to the December 2024 Council meeting, Council is incurring significantly increased costs for biosolids disposal because of the local contractor ceasing to provide these services.

Biosolids are now transported to the Hunter Valley region rather than disposed of locally.

Also, there were works undertaken (and funded) by NSW Public Works at Alstonville in 2023-24 meaning we had no expense for biosolids disposal that year as Public Works did the removal.

- Due to the relatively wet weather for the year to date, there have been higher volumes of inflow to the treatment plants resulting in higher costs associated with treatment e.g. chemicals and electricity.
- Both the Ballina (membrane replacements) and Lennox (UV and Chlorination) Treatment Plants have had upgrade works this year which has also required some operational input for commissioning and calibration.
- There are timing impacts associated with the bulk purchase of chemicals and disposal of biosolids which means expenditure may not be consistent from year to year.

**Section Three – Capital Budgets 2024/25**

This section of the report looks at capital expenditure.

**General Fund - Capital Budget - Source and Application of Funds**

Capital Funding / Expenditure	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
General revenue	9,054	8,961	0	8,961	0	8,961	
Reserves	17,143	18,135	(911)	17,224	328	17,552	
Loans	5,000	5,000	150	5,150	150	5,300	
Section 7.11 contributions	2,915	2,915	(1,350)	1,565	0	1,565	
Grants and contributions	28,549	31,325	(13,467)	17,858	0	17,858	
<b>Total Funding</b>	<b>62,661</b>	<b>66,336</b>	<b>(15,578)</b>	<b>50,758</b>	<b>478</b>	<b>51,236</b>	
<b>Planning and Environmental Health Division</b>							
Northern Rivers Community Gallery	0	18	0	18	0	18	18
Environmental Health	1,000	1,055	200	1,255	0	1,255	713
Open Spaces	6,378	7,998	(1,260)	6,738	0	6,738	1,760
<b>Civil Services Division</b>							
Infrastructure Planning	0	93	0	93	0	93	81
Roads and Bridges	37,409	39,521	(13,347)	26,174	296	26,470	11,200
Emergency Services	250	513	(13)	500	0	500	342
Waste Management	1,491	973	77	1,050	0	1,050	66
<b>Corporate and Community Division</b>							
Property Development	4,400	4,951	150	5,101	182	5,283	2,028
Ballina Byron Gateway Airport	3,635	1,950	0	1,950	0	1,950	91
Facilities Management	5,475	6,131	(1,385)	4,746	0	4,746	1,771
Swimming Pools	51	94	0	94	0	94	36
Tourism	72	151	0	151	0	151	13
Plant Operations	2,500	2,888	0	2,888	0	2,888	1,430
<b>Total Expenditure</b>	<b>62,661</b>	<b>66,336</b>	<b>(15,578)</b>	<b>50,758</b>	<b>478</b>	<b>51,236</b>	<b>19,671</b>

**General Fund**

A review of the capital works program is presented in the report titled “Capital Expenditure Program – 31 December 2024 Review”, which is a separate report to this meeting. The “Other Approved Changes” in the previous table are based on the proposed budget adjustments within that report.

Further adjustments to capital budgets proposed in this report are as follows.

*Roads and Bridges*

Amounts of \$296,000 received under the Regional Emergency Road Repair Fund (RERRF) funding had previously been placed into reserves. These funds are now to be taken from the reserves to fund the following works:

Description	2024/25 (\$)
Humpty Back Road, Pearce Creek, segment 20	182,000
Riverbank Road, Pimlico, segment 10-50	69,000
Empire Vale Road, Empire Vale, Seg 30	45,000
<b>Total</b>	<b>296,000</b>

*Property Development – Wollongbar Urban Expansion Area*

The budget is increased \$150,000, to a revised budget of \$506,000 for 2024/25.

At the Commercial Services meeting held 2 December 2024, Council resolved as follows:

1. *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 Kollektiv, as outlined in option 2 in this report.*
2. *The designs are to be amended whereby the revised townhouse designs are flipped so the nine two-bedroom townhouses go on Lots 26 to 28 and the five two-bedroom townhouses, and two three-bedroom townhouses go on Lots 20 to 22 as this section of Dundee Avenue could accommodate more on-street parking if required.*

The revised staging program proposes to swap out the townhouses proposed for Elsa Avenue with those proposed in Stage 2 for Dundee Avenue.

These amendments require the consultants to undertake further design documentation for the new lot layout.

In summary, a variation is required to the original fee proposal of \$150,000 + GST for detailed design documentation, planning and construction approvals.

Given the original fee proposal was received in late 2023, a 3% escalation has also been included.

This budget increase is to be funded by an increase to Council's bridging loan funds.

*Property Development – Wigmore Arcade*

A new budget of \$32,000 is raised for Wigmore Arcade carpark works.

The western carpark of Wigmore Arcade is in disrepair with significant potholes and poor drainage.

The use of the carpark is on a licence arrangement with tenants paying a carpark rent.

The works will require an overlay of the carpark and additional drainage works.

These works are funded from the Wigmore Arcade reserves.



**Water Fund**

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

Capital Funding / Expenditure	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
<b>Funding</b>							
Reserves	3,970	4,283	0	4,283	0	4,283	
Section 64 contributions	1,000	1,000	0	1,000	0	1,000	
<b>Total Funding</b>	<b>4,970</b>	<b>5,283</b>	<b>0</b>	<b>5,283</b>	<b>0</b>	<b>5,283</b>	
<b>Capital Expenditure</b>	<b>4,970</b>	<b>5,283</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,283</b>	<b>2,449</b>

A review of the capital works program is presented in the report titled “Capital Expenditure Program – 31 December 2024 Review”, which is a separate report to this meeting.

The “Other Approved Changes” in the previous table are based on the proposed budget adjustments within that report.

No further adjustments are proposed in this report.

**Wastewater Fund**

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

Capital Funding / Expenditure	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
<b>Funding</b>							
Reserves	7,622	11,383	943	10,440	0	10,440	
Section 64 contributions	3,025	5,835	175	5,660	0	5,660	
<b>Total Funding</b>	<b>10,647</b>	<b>17,218</b>	<b>1,118</b>	<b>16,100</b>	<b>0</b>	<b>16,100</b>	
<b>Capital Expenditure</b>	<b>10,647</b>	<b>17,218</b>	<b>1,118</b>	<b>16,100</b>	<b>0</b>	<b>16,100</b>	<b>7,104</b>

A review of the capital works program is presented in the report titled “Capital Expenditure Program – 31 December 2024 Review”, which is a separate report to this meeting.

The “Other Approved Changes” in the previous table are based on the proposed budget adjustments within that report.

No further adjustments are proposed in this report.

**Section Four – Cash and Investment Statement**

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

**Forecast Restricted Reserves as at 30 June 2025 (\$'000)**

Reserve Title	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget
<b>Externally Restricted</b>					
Section 7.11	24,286	1,350	25,636	0	25,636
Domestic Waste Management	1,763	0	1,763	(100)	1,663
Section 64 Water	12,146	0	12,146	0	12,146
Water	4,115	0	4,115	0	4,115
Section 64 Wastewater	8,952	175	9,127	0	9,127
Wastewater	9,407	943	10,350	(210)	10,140
<b>Total Externally Restricted</b>	<b>60,669</b>	<b>2,468</b>	<b>63,137</b>	<b>(310)</b>	<b>62,827</b>
<b>Internally Restricted</b>					
Financial Assistance Grant	5,117	0	5,117	0	5,117
Legal / Audit / Revaluations	149	0	149	17	166
Employee Leave Entitlements	2,994	0	2,994	0	2,994
Risk Management Projects / Insurance	181	0	181	0	181
Community Infrastructure Reserve	3,798	13	3,828	0	3,828
Property Development Reserve	3,490	(106)	3,367	0	3,367
Wigmore Arcade	1,009	0	1,009	(32)	977
Crown Properties Rental	107	0	107	0	107
Flat Rock Tent Park	460	0	460	(34)	426
Quarries	326	0	326	0	326
Airport	3,667	0	3,667	(100)	3,567
Facilities Management	0	500	500	0	500
Library Special Projects	321	0	321	0	321
Plant Renewal / Replacement	(230)	0	(230)	0	(230)
Admin Building and Depot	5	385	390	(5)	385
Other Corporate and Community	163	0	163	(22)	141
Strategic Planning Studies and Proposals	502	(50)	452	(71)	381
Section 7.11 Plan Reviews	330	0	330	(47)	283
Public Art	113	0	113	0	113
Healthy Waterways and Other Projects	918	(200)	504	(175)	329
Coastal Management Plans	60	0	274	(265)	9
Vegetation Management	510	0	510	(70)	440
Open Spaces	452	0	452	0	452
Sports Fields	627	0	627	0	627
Cemeteries	249	0	249	(50)	199
Stormwater Capital	262	0	262	0	262
Stormwater and Environ Mgmt Plans	176	0	176	0	176
Canal Dredging	45	0	45	0	45
Bypass Funds	3,289	0	3,289	0	3,289
Road Works	2,041	290	2,331	(296)	2,035
Other Civil	96	0	96	0	96
Ancillary Footpaths	81	0	81	0	81
Boat Ramps and Infrastructure	81	0	81	25	106
Landfill and Resource Management	918	(77)	841	0	841

## 9.14 Financial Year 2024/25 - 31 December 2024 Review

Reserve Title	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget
Total Internally Restricted	32,307	755	33,062	(1,125)	31,937
Total Restricted	92,976	3,223	96,199	(1,435)	94,764

### Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investment summary for 31 December 2024, funds invested amounted to \$90,900,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 31 December 2024 to the amount of \$11,194,431.
4. Actual year to date cash and investments amounted to \$102,094,431 at 31 December 2024.

This amount includes cash at bank of \$11,194,431 and funds invested of \$90,900,000 which has been reconciled to the bank statements and investment reports.

### Comment on Cash and Investment Position

The changes in this report decreases the reserves by a net \$1,435,000 resulting in the current forecast restricted reserves of \$94.764m.

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

The changes made as part of this report are summarised as follows.

#### *Domestic Waste Management*

There is a decrease of \$100,000 to this reserve, being the adjustments to the operating result noted within this report.

#### *Wastewater Reserves*

There is a decrease of \$210,000 being the adjustments to the operating result noted within this report.

#### *Legal/Audit/Revaluation Reserve*

An amount of \$66,000 is placed into this reserve, being the payment received for administrative costs associated with a review of the Emergency Services Levy funding model, as noted within the Financial Services section.

There is a partially offsetting decrease of \$49,000, being part of the increase to the expenditure budgets within the Development Services section.

*Wigmore Arcade*

There is a decrease of \$32,000, being the capital works noted within the capital budgets section of this report.

*Flat Rock Tent Reserve*

There is a decrease of \$34,000, being the adjustments to the operating result noted within this report.

*Airport Reserve*

There is a decrease of \$100,000, being the adjustments to the operating result noted within this report.

*Admin Building/Depot Reserve*

There is a decrease of \$5,000 to this reserve, depleting this reserve to nil.

This reserve balance has been used towards the deterioration noted within the swimming pools operating result.

*Other Corporate and Community Reserves*

There is a decrease of \$22,000 from the Building Asset Renewal Reserve, depleting that reserve to nil.

This reserve balance has been used towards the deterioration noted within the swimming pools operating result.

*Strategic Planning Studies and Proposals*

There is a decrease of \$71,000, being part of the increase to the expenditure budgets within the Development Services section.

*Section s7.11 Plan Reviews*

There is an overall decrease of \$47,000 to this reserve.

An amount of \$30,000 is used to increase the budget for the Roads Contribution Plan, within the Strategic Planning section.

An amount of \$17,000 is used towards developer contributions software enhancements, within the Information Services section.

*Healthy Waterways and Other Projects*

There is a decrease of \$175,000, used towards the increase to the current year expenditure budget for the Lake Ainsworth Coastal Management Plan.

*Coastal Management Plans*

An amount of \$195,000 is used towards the increase to the Lake Ainsworth Coastal Management Plan budget.

A further \$70,000 is used towards the increase to the expenditure budgets within the Development Services section.

*Vegetation Management*

There is a decrease of \$70,000, being part of the increase to the expenditure budgets within the Development Services section.

*Cemeteries*

In previous years, a dividend from Cemeteries operations has been taken for the General Fund. The adopted 2024/25 budgets did not include any dividend from the Cemeteries operations.

Due to the deterioration in the General Fund resulting from large changes made within this review, it is proposed that a \$50,000 dividend to the General Fund be taken for the 2024/25 year. The impact of this is a reduction to the forecast cemeteries reserve balance.

*Road Works*

There is a decrease of \$296,000, being the Regional Emergency Road Repair Fund (RERRF) funds that had been placed into reserves which are now allocated to works per the capital budgets section of this report.

*Boat Ramps and Infrastructure*

There is an increase of \$25,000 to this reserve, being part of the current year savings for the Burns Point Ferry Annual Slip maintenance.

**Section Five - Key Performance Indicators**

This section of the report takes selected financial benchmarks and compares the 30 June 2023 and 2024 ratios with the forecast at December to 30 June 2025. The performance indicators have a short-term focus, which suits the quarterly review.

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

**Key Performance Indicators - Description**

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

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

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

Indicator type: Financial Performance

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

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

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

Indicator type: Financial Position

Benchmark: >1.5 (NSW Code of Accounting Practice)

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

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

Indicator type: Financial Position

Benchmark: >2 (NSW Code of Accounting Practice)

**Benchmark Indicators – General Fund**

- 1. Operating Performance Ratio – General Fund**

Benchmark: >0

2022/23	2023/24	2024/25 Dec
Actual	Actual	Estimate
-3.49%	-2.58%	-5.42%
Fail	Fail	Fail

**Comment**

This is a key ratio for assessment of financial viability and has historically been a difficult benchmark to achieve within the General Fund.

The General Fund failed this benchmark in 2022/23 and 2023/24. The current LTFP forecasts this benchmark will not be met until 2027/28.

The strategy to improve this ratio is to reduce operating expenses and increase income.

- 2. Unrestricted Current Ratio – General Fund**

Benchmark: >1.5

2022/23	2023/24	2024/25 Dec
Actual	Actual	Estimate
2.52	1.86	1.87
Pass	Pass	Pass

**Comment**

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

**3. Debt Service Cover Ratio – General Fund**

Benchmark: > 2

2022/23	2023/24	2024/25 Dec
Actual	Actual	Estimate
4.36	2.48	1.86
Pass	Pass	Fail

**Comment**

Increased budgeted borrowings for property development capital works has resulted in this ratio deteriorating and Council predicted to marginally fail this benchmark for 2024/25.

70% of forecast principal repayments in 2024/25 represent short-term variable loan facilities to fund property development capital works.

Proceeds from sales generated from Southern Cross Industrial Land, Wollongbar Urban Expansion Area and Russellton Industrial developments will repay the loans and the ratio will improve steadily from 2025/26 onwards.

The strategy to continue to meet the benchmark is to limit further borrowings, unless matched by offsetting revenues, and monitor the timing of sales proceeds.

**Benchmark Indicators – Water**

**1. Operating Performance Ratio - Water**

Benchmark: > 0

2022/23	2023/24	2024/25 Dec
Actual	Actual	Estimate
5.64%	0.48%	5.14%
Pass	Pass	Pass

**Comments**

The Water Fund has achieved this benchmark in 2022/23 and 2023/24.

The LTFFP anticipates that the Water Fund will continue to meet this ratio.

**2. Unrestricted current ratio - Water**

Benchmark: >1.5

2022/23	2023/24	2024/25 Dec
Actual	Actual	Estimate
39.73	54.67	45.83
Pass	Pass	Pass

**Comment**

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

**3. Debt Service Cover Ratio - Water**

Benchmark: >2

2022/23	2023/24	2024/25 Dec
Actual	Actual	Estimate
0.0	0.0	0.0
N/A	N/A	N/A

**Comment**

The Fund has no external borrowings.

**Benchmark Indicators – Wastewater**

**1. Operating Performance Ratio - Wastewater**

Benchmark: >0

2022/23	2023/24	2024/25 Dec
Actual	Actual	Estimate
21.55%	28.99%	19.89%
Pass	Pass	Pass

**Comment**

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

**2. Unrestricted current ratio - Wastewater**

Benchmark: >1.5

2022/23	2023/24	2024/25 Dec
Actual	Actual	Estimate
2.42	3.34	3.47
Pass	Pass	Pass

**Comment**

The Wastewater Fund met this benchmark in 2022/23 and 2023/24 and it is anticipated that the Fund will meet the benchmark in future years.

**3. Debt Service Cover Ratio - Wastewater**

Benchmark: > 2

2022/23	2023/24	2024/25 Dec
Actual	Actual	Estimate
2.42	2.28	2.04
Pass	Pass	Pass



**Comment**

The wastewater fund had been failing this ratio for several years due to high debt levels, but the ratio has generally been improving year on year, meeting the benchmark from 2022/23 onwards as the level of debt in the wastewater fund continues to fall.

The LTFP anticipates that the Water Fund will continue to meet this ratio.

**Section Six – Contractors/Consultants/Legal Expenses**

**Contractors**

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

Contractor Name	Purpose	Amount (GST Excl)	Award Date	Contract Duration	Incl in Budget
Active Pest Control	Pest Control Services	Schedule of Rates	01/01/2025	3 years	Y
Andrew Johnston Haulage Pty Ltd	Acid Sulfate Soils Transport and Disposal	Schedule of Rates	01/01/2025	3 years	Y
AQUAJET Pressure Clean	High pressure water cleaning of paths, streetscape and marine infrastructure	Schedule of Rates	01/01/2025	3 years	Y
Precision Projects Pty Ltd	Saunders Oval Sports Field Improvement	\$492,360	05/11/2024	4 weeks	Y
RE-PUMP Australia Pty Ltd	Lennox Head Wastewater Treatment Plant Belt Press Upgrade	\$301,025	31/10/2024	26 weeks	Y
MSS Security Pty Ltd	Aviation Security and Screening Services at Ballina Byron Gateway Airport	Schedule of Rates	01/12/2024	3 years	Y
Bouman Pty Ltd	Lighthouse Beach SLSC Disability Access Ramp and Emergency Vehicle Ramp	\$283,942	28/10/2024	8 weeks	Y
Wight Water Environmental Pty Ltd	Ballina Flood Warning System Improvement Work	\$135,437	25/10/2024	12 weeks	Y
Coote Burchills Engineering Pty Ltd	Alstonville to West Ballina Shared Path - Route Options Assessment and Concept Design / Cost Estimate	\$115,300	16/10/2024	9 months	Y

**Consultants**

The Office of Local Government defines a consultant as:

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

Expenditure to 31 December 2024 on consultants is as follows:

Item	Expenditure YTD (excl GST) (\$)	Included in Budget
Consultancies	2,177,000	Yes

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A listing of those consultancies with an individual expenditure balance of \$50,000 or higher for 2024/25 is as follows:

Consultant	Expenditure YTD (\$)	Purpose
Bitzios Consulting	62,986	Preparing the Ground Transport Masterplan for Ballina Byron Gateway Airport
Blair & Sons Engineering Contractors Pty Ltd (BASEC)	114,920	Contract and tender documentation for Bridge Duplication project
Bluecoast Consulting Engineers	54,639	Ballina Coastline CMP preparation
BM Curtis Pty Ltd	71,412	Project managing Ballina Byron Gateway Airport runway overlay and carpark masterplan projects
BMT Commercial Australia Pty Ltd	290,632	Preparing update to Ballina Shire Flood Study, provide flood model assessments for development applications
Civil Consult Pty Ltd	442,740	Geotechnical investigations for projects including the Bridge Duplication project
Engeny Australia Pty Ltd	135,284	Consultant completing the work on stormwater masterplans for Wardell, Lennox Head and Alstonville
GeoLINK Consulting Ltd	86,060	Various planning projects, work on the North Creek Bridge Replacement
Hydrosphere Consulting	64,605	Variety of projects including Teven Road Reserve rehabilitation, Shaws Bay investigations, Lake Ainsworth CMP implementation
Mecone Group Pty	131,467	Development Assessment for various DAs
Newton Denny Chapelle	65,867	Project management Russellton Industrial Estate and Boeing Avenue
Peter Brown Consulting	72,559	Stormwater Management and Floodplain Management program support
Planit Consulting Pty	90,929	Engineering design for water main replacement, Ross Lane Design work, strategic planning projects, prepare REF for Tamarind Drive duplication project
Virtus Heritage	67,849	Indigenous Heritage advice, permit preparation, site inspections, cultural liaison for projects such as Cronulla Street Midden remediation, Ross Lane AHIP.
Willow & Sparrow Pty Ltd	82,236	Project management and civil design services including stormwater relining project management, Fishery Creek Water main design, Tamarind Drive water main design, Ballina WWTP sludge pond bypass pipeline design, Angels Beach Dr recycled water main design and other project work.
<b>Total</b>	<b>1,834,184</b>	

### Legal Expenses

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

## 9.14 Financial Year 2024/25 - 31 December 2024 Review

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

Item	Expenditure YTD (excl GST) (\$)	Included in Budget
Legal Fees	644,726	Yes*

\*This review includes an increase to budgeted legal fees of \$111,000

### Section Seven - Certification

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

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 31 December 2024 indicates that Council's projected financial position at 30 June 2025 is satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

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



Signed Linda Coulter, Responsible Accounting Officer

### Delivery Program Strategy / Operational Plan Activity

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

EL2.1d – Pursue financial sustainability.

### Community Engagement

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

### Financial / Risk Considerations

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

### Options

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

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

**RECOMMENDATION**

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

**Attachment(s)**

Nil

## **9.15 Delivery Program and Operational Plan - 31 December 2024 Review**

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### **9.15 Delivery Program and Operational Plan - 31 December 2024 Review**

**Section** Communications

**Objective** To provide the quarterly update on the implementation of the 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan

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Section 406 (1) of the Local Government Act states as follows:

#### **406 Integrated planning and reporting guidelines**

*The regulations may make provision for or with respect to integrated planning and reporting guidelines (referred to in this Chapter as **the guidelines**) to be complied with by councils.*

The Office of Local Government issues “guidelines” in respect to how councils must comply with the integrated planning and reporting framework.

The guidelines have evolved over the years, with the last publication, dated September 2021, available as per the following link:

[IPR - Guidelines \(nsw.gov.au\)](https://www.nsw.gov.au/ipr-guidelines)

Clause 4.9 (page 20) of the guidelines states as follows:

#### **Monitoring the Delivery Program**

*4.9 The general manager must ensure that progress reports are provided to the council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.*

Even though six-monthly reports are required, the preferred approach is to provide quarterly reports to ensure the information is timely.

This report represents the second quarterly review of the implementation of the 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan, with the information based on the six-month period from 1 July to 31 December 2024. The review is included as Attachment 1 to this report.

The attachment provides an overview of all the actions and indicators included in the Delivery Program and Operational Plan (DPOP), with comments provided by the Director.

The DPOP is available on Council’s website and is also accessible on the Councillor hub. The actions and indicators in the DPOP reflect the adopted priorities for Council. A new DPOP is prepared, publicly exhibited, and adopted each year, between March and June, for the following financial year.

**Key Issues**

- Outcomes and trends.

**Discussion**

The DPOP is the corporate document that outlines Council's goals and priorities, with a four-year forecast for the Delivery Program and a one-year action list for the Operational Plan.

Attachment 1 provides an update on all the adopted actions and indicators in the DPOP. The attachment has two main sections:

- Program Actions – Outlines the status of all the adopted actions in the Operational Plan.

The actions represent tasks and projects identified as priorities by Council.

- Service Delivery Indicators – Measures actual results as compared to the adopted indicators in the Operational Plan.

The indicators represent a level of activity, or performance, across a wide range of service areas, some of which are under Council's control and others that reflect economic or industry trends.

All items are marked with a green (on track for this financial year) amber (behind schedule or trending below target / benchmark) or red (off track or well below target / benchmark) traffic light.

There are 99 Program Actions listed in the Attachment 1 and the following two tables provide an overview of the status of the actions on a number and percentage basis.

**Program Actions Summary - By Division and Number (#)**

<b>Division / Status</b>	<b>C&amp;C</b>	<b>Civil</b>	<b>PEH</b>	<b>Total</b>
Green	18	25	48	91
Amber	2	2	3	7
Red	0	0	1	1
<b>Total</b>	<b>20</b>	<b>27</b>	<b>52</b>	<b>99</b>

**Program Actions Summary - By Division and Percentage (%)**

<b>Division / Status</b>	<b>C&amp;C</b>	<b>Civil</b>	<b>PEH</b>	<b>Total</b>
Green	90	93	92	92
Amber	10	7	6	7
Red	0	0	2	1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Items of note in the attachment include:

- Undertake a community survey to measure perception and importance of Council services and satisfaction levels (page 3) – This survey was

## **9.15 Delivery Program and Operational Plan - 31 December 2024 Review**

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completed during the quarter, with high levels of community satisfaction in total, on a comparative basis.

Affordable Housing and Crime Prevention and Law and Order Initiatives are the two surveyed service areas, having the lowest levels of satisfaction.

- Seek Approval for a Non-Compulsory Dividend from Wastewater (page 5) – Approval has not yet been forthcoming from the Department of Climate Change, Energy, Environment and Water (DCCEEW), with Council’s Water and Wastewater Section, based on the current process, needing to do a lot more work in respect to strategic planning for our water and wastewater operations before Council gains approval. The dividend funding, if approved, would allow Council to increase the stormwater renewal program.
- Implement Equal Employment Opportunity Management Plan (page 7) – There have been several actions taken during the quarter and of particular interest is Council securing grant funding from the State Government to employ up to 15 additional trainees / cadets, subject to Council being able to secure suitable candidates for those roles.
- Undertake a review of the Development Assessment Service (page 14) – The draft report has now been submitted to Council. A Councillor briefing is planning for February or March 2025.
- Develop an Aboriginal Partnership Agreement (page 20) – Progress has been made with the JALI Local Aboriginal Land Council in respect to the preparation of an agreement, with a briefing scheduled for Council in February.
- Prepare Management Plans (pages 20 - 21) – Hampton Park and Bicentennial Park Management Plans were approved for exhibition during the quarter, with plans for the Serpentine / Pioneer Park / Shaws Bay and Spoonbill Reserve due during the next quarter.
- Implement Ballina Major Regional Centre Strategy, Wollongbar Strategic Plan, Wardell Strategic Plan and Alstonville Strategic Plan (page 21) – An internal assessment of these plans and strategies is being undertaken as a significant number of the actions in the plans have now been completed.
- Complete Streetscape Master Plan for Newrybar Village (page 22) – The consultation component of the preparation of this plan has been completed. That consultation will now also need to be assessed keeping in mind that the Harvest restaurant has recently closed, with that restaurant precinct forming a large part of the economic activity in the Village.

In respect to Service Delivery, there are a total of 92 indicators identified in the Operational Plan.

The following two tables provide an overview of how the indicators are tracking against the benchmark, again on a number and percentage basis.

**Service Indicators Summary - By Division and Number (#)**

<b>Division / Status</b>	<b>C&amp;C</b>	<b>Civil</b>	<b>PEH</b>	<b>Total</b>
Green	34	18	15	67
Amber	10	4	8	22
Red	0	0	3	3
<b>Total</b>	<b>44</b>	<b>22</b>	<b>26</b>	<b>92</b>

**Service Delivery Indicators Summary - By Percentage (%)**

<b>Division / Status</b>	<b>C&amp;C</b>	<b>Civil</b>	<b>PEH</b>	<b>Total</b>
Green	77	82	58	73
Amber	23	18	31	24
Red	0	0	11	3
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

The primary purpose of each indicator is to provide a guide, as to how a service may be tracking compared to previous years, or against a preferred benchmark, with some indicators beyond the control of Council.

Items of note include:

- Community Facilities (pages 26-29) – Usage of the community facilities is trending upwards, particularly the Ballina Indoor Sports Centre. The swimming pools are now requiring a lot more maintenance, resulting in increased operating expenses.
- Minimise Operating Deficit for the Burns Point Ferry (page 32) – This year Council’s workshop staff carried out the annual major maintenance work with the ferry in situ, rather than transporting it to the Swan Bay slip yard.

This was a complex process for the staff, as they had to undertake works while the ferry was still in the water, and exposed to the weather, as compared to Swan Bay, where the ferry is out of the water and mainly undercover.

The results have been exceptional, with the works being completed to a high standard, and the total cost currently at slightly less than \$100,000.

This compares to the long-term average of approximately \$150,000 for the use of the external slip, and the last three year’s actual cost being an average of \$222,000.

The staff involved have been acknowledged for the excellent work they have undertaken for Council.

- Development Assessment (page 36) – These figures are still behind the preferred benchmarks, with one positive trend being the reduction in the number of applications under assessment.
- Number of Events and Filming Approvals (pages 37) – The frequency of activities has continued to increase during the past 12 months, with the figures now returning to levels equal to or above pre-pandemic figures.



### **Other Items of Interest**

#### Coastal Views – Scenic Vista Policy

At the July 2024 Ordinary meeting, Council resolved as follows in response to a notice of motion relating to vegetation management and preservation of views at key points along the coastline (resolution 250724/31).

*That Council considers a draft Scenic Vista Policy report that aims to restore, protect, and enhance the iconic coastal vistas of Ballina Shire as part of the 2025/26 Delivery Program and Operational Plan.*

Even though this is not due until 2025/26, as background information, Council's vegetation management plans for the Coastal Reserve aim to restore, protect and appropriately manage coastal vegetation communities located along the coastline.

These ecological aims are balanced with recognition of views from the coastline and their value to the community.

To respond to the intent of the resolution, the management framework found in the vegetation management plans has been articulated in a series of plans that show the key viewing points along the coast that are managed by Council having regard to the value of the views.

The plans have been loaded to Council's website and are accompanied by the following summary text to provide context:

*Council manages Crown Land that runs along the Shire coastline between the Richmond River and Lennox Head (the Coastal Reserve). As part of managing this land, Council undertakes bushland restoration and maintenance works, whilst also providing a variety of services and infrastructure (including beach accesses, pathways, beach amenities and viewing points).*

*The following plans show key locations where Council manages the Coastal Reserve having particular regard for coastal viewing opportunities and values. Council balances this with the promotion and recognition of ecological values associated with coastal ecosystems.*

*Council has vegetation management plans for the land that recognise the value of views, identify important vegetation communities and guide bushland management and restoration activity.*

*For further information contact Council's Open Spaces Section via email at [openspaces@ballina.nsw.gov.au](mailto:openspaces@ballina.nsw.gov.au).*

A link to that information is as follows - [Council documents | Ballina Shire Council](#) (see Ballina Shire Coastline Viewing Points document under Plans of Management – Vegetation).

The current approach of Council is to maintain key viewing points along the coast and the new plans uploaded to the website seek to make this clear for the community and make information about this more readily accessible.

Having regard for the above, no further reporting in relation to the vista policy resolution is intended. However, if Council would like further action on this matter, the second recommendation to this report could be amended.

Provision of Basketball Facilities, Lennox Head

In November 2022, following a notice of motion from Cr Ramsey, Council resolved as follows:

1. *That Council receive a receive a report on options to deliver a series half-court basketball / handball / multi-purpose sport courts / outdoor beach volley ball courts throughout the shire to provide low maintenance, free, facilities to encourage higher active outdoor participation by children, youth and adults.*
2. *The report is to examine the merits of the following sites, as a guide:*

*Fitzroy Park, Wardell  
Williams Reserve, Lennox Head  
Caloola Road, Lennox Head (EPIQ Estate)  
Spoonbill Reserve, Skennars Head  
Ballina Heights Sports Fields  
Lumley Park, Alstonville  
Chickiba Reserve, Ballina  
Kingsford Smith Reserve, Ballina*

There has been ongoing improvements to the provision of these facilities and a report was submitted to the 22 June 2023 Ordinary meeting where Council resolved as follows:

*(Cr Eva Ramsey/Cr Stephen McCarthy)*

*That Council endorses the recommended actions relating to the provision of sporting hard courts set out in this report commencing with:*

- *Provision of a full-sized basketball court at the Ballina Heights Sports Fields site in 2023/24.*
- *Provision of a basketball hoop in association with an existing concrete slab at Fitzroy Park in Wardell, with funding sourced from the Open Spaces operating budget for 2023/24.*
- *Prioritising the provision of a half sized basketball court at the Hutley Drive sports fields in the 2023/24 Delivery Program with funding options to be reported back to Council.*

In respect to the third bullet point, it was not practical to install the half court at the Hutley Drive sports fields, due to a lack of space, however it now appears likely that Council will be able to secure State Government grant funding for the construction of a basketball facility within Lennox Head.

The only viable site is the Council operational land on the corner of Daybreak and Hutley Drive (Lot 4, DP 1239938). Even though this is operational land, and zoned for commercial use, Council has no plans in the short to medium term to provide a commercial operation on the land.

## **9.15 Delivery Program and Operational Plan - 31 December 2024 Review**

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Rather than have the land sit vacant and unused, the preference is to provide community facilities on the site, noting that one day they may need to be relocated if a commercially viable opportunity does arise.

### **Delivery Program Strategy / Operational Plan Activity**

This report provides a status report on all the adopted activities in the 2024/25 Operational Plan and 2024/25 to 2027/28 Delivery Program.

### **Community Engagement Strategy**

This report provides the community with information on how Council is performing in respect to the Delivery Program and Operational Plan.

### **Financial / Risk Considerations**

The Delivery Program and Operational Plan identify the allocation of Council's resources and finances.

### **Options**

The report is for noting the implementation of the Delivery Program and Operational Plan. with the information highlighting the many activities undertaken by Council.

## **RECOMMENDATIONS**

1. That Council notes the contents of this quarterly review of the 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan.
2. That Council notes the action taken in relation to resolution 250724/31, in respect to the updated information on the management framework for Council's Vegetation Management Plans, and how that relates to the protection of the scenic vista for the coastline.
3. That Council notes the preferred location for the provision of a basketball facility for Lennox Head, is Council operational land on the corner of Daybreak and Hutley Drive (Lot 4, DP 1239938), subject to grant funding being approved.

### **Attachment(s)**

1. 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan - 31 December 2024 Review [↔](#)

## **9.16 Capital Expenditure - 31 December 2024 Review**

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### **9.16 Capital Expenditure - 31 December 2024 Review**

**Section** Governance

**Objective** To provide an update on the implementation of the 2024/25 capital expenditure program.

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#### **Background**

Council has a significant capital expenditure program included in the annual Operational Plan.

Due to the magnitude of the program, status reports on the capital projects are provided on a quarterly basis.

The status report provides details on key milestones, along with a comparison between budget and actual expenditure.

This is the second report for 2024/25 and outlines work undertaken for the six-month period from 1 July 2024 to 31 December 2024.

The report provides an opportunity for Councillors to review the works program and receive an update on the works planned, or underway.

#### **Key Issues**

- Status of works

#### **Discussion**

To assist in understanding the delivery of the capital expenditure program, the attachments to this report provide information on the following items:

- Total Project Value – As projects can be delivered over more than one year, this column provides the total project value. This may include expenditure from previous years or estimated expenditure for future years
- Original 2024/25 Estimate - Represents the original 2024/25 estimate, as per the adopted Operational Plan
- Carry Forwards - Includes budgets carried forward from the previous financial year, approved at the August 2024 Ordinary meeting
- Approved Variations – Includes variations approved by Council, through a Quarterly Budget Review, or a separate report on a project
- 2024/25 Estimate - Sum of the original estimate plus carry forwards and variations
- Expended This Year - Expenditure to 31 December 2024 on a cash basis. This figure excludes commitments and accruals
- % Expended - Percentage of budget expended to 31 December 2024 based on the cash expended figures
- Milestone Dates - Major dates such as completion of design and / or planning approval, as well as construction commencement and completion dates

- Status – Provides space for any additional comments.

The attachments are split into the areas undertaking the works: i.e., Planning and Environmental Health Division (Open Spaces, Public and Environmental Health, Strategic Planning), Corporate and Community Division (Commercial Services, Facilities Management, Tourism) and the Civil Services Division (Emergency Services, Resource Recovery, Water, Wastewater and Engineering Works).

Points of interest in the attachments are as follows.

***Open Spaces (Attachment 1)***

Ballina Pump Track – Tender now accepted, with the budget increased and work expected to commence in February 2025.

Part of this budget is deferred to 2025/26 to reflect cash flows for the construction contract.

Approval is also being sought from the State Government to extend the grant completion date, which was originally January 2025.

Sharpes Beach Master Plan – Council has approved a preferred master plan, with planning consent now being sought for the works. Part of this budget is deferred to 2025/26 to reflect cash flows.

Lighthouse Beach Disability Access – Quotation accepted for this project, with work expected to commence in February 2025.

Playgrounds replaced and operational at Chickiba Park, and John Kearney Park, Ballina.

Open spaces are recommending the deferral of the playground renewal at Lilli Pilli Park, Lennox Head, to replace it with Prospect Lake Park, Ballina. This is due to the rapid deterioration of the equipment at Prospect Lake Park.

Repairs have been undertaken at Lilli Pilli Park, to ensure it continues to meet safety standards, with further consideration given to undertaking an upgrade at Lilli Pilli as part of 2025/26 Delivery Program and Operational Plan.

Sports fields projects at Saunders Oval and Williams Reserve have commenced to provide improved playing surfaces, drainage and irrigation.

***Public and Environmental Health (Attachment 1)***

Teven Reserve Rehabilitation – This project is on hold due to the identification of significant Aboriginal Cultural Heritage on site. The budget is increased through a transfer from Council's Healthy Waterways Reserve.

***Commercial Services (Attachment 2)***

Airport – Council reviewed the Airport Long Term Financial Plan, at the December 2024 Commercial Services Committee meeting, with the attachment reflecting the updated budgets.

## 9.16 Capital Expenditure - 31 December 2024 Review

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Property – Residential Land – Tender documents now in preparation for the construction of housing on the Wollongbar Residential land.

Property – Industrial Land - The Southern Cross Industrial Estate works (12 lots on Boeing Avenue) and the Russellton Industrial Estate works (27 lots at southern end of Northcott Crescent), are largely complete with public auctions to be held during 2025 in respect to the sale of the lots.

As reported to the 2 December 2024 Commercial Services Committee meeting, there has been contract variations for the Russellton Industrial Estate contract, due to additional fencing, removal of rock, additional vegetation clearing, relocation of water main, moving of Telstra pit, as well as additional stormwater works including gravity main and swale.

These variations total \$335,000 which is less than 10% of the contract price.

The total variation in Attachment 2, is \$150,000 which covers the contract variation, that was largely within the project contingency budget, and an allowance for an increase in Council developer contributions payable, as compared to the original estimate.

The developer contributions figure payable to Council is approximately \$1.5m.

This variation will increase the bridging loan funding for this project, and it is imperative that Council undertake land sales for Southern Cross, Russellton and Wollongbar as early as possible, to reduce the overall loan debt being carried for the various property development projects.

### ***Facilities Management (Attachment 2)***

The major project underway is the depot administration building, with construction likely to be finished by June 2025. Following fit-out, the building should be fully operational early in the 2025/26 financial year.

Quotations for the new depot fuel system have come in well over budget and the project is deferred to 2025/26, to allow time to review the specification and to examine options for increased funding.

Tender documentation is still be finalised for the Alstonville Cultural Centre and based on forecast cash flows funds have been deferred to 2025/26.

Council has also received confirmation that the grant application to the Federal Government's Growing Regions Program – Round 2 for \$7.9m was unsuccessful. This application has made it through the preliminary phase for Rounds 1 and 2 of this programs with no success to date.

Approval through the preliminary phase results in Council making a detailed submission for the grant, which consumes a significant amount of staff resources, and it is disappointing that both applications have been unsuccessful.

This places greater financial pressure on Council in delivering this project, which has a preliminary estimate of around \$16m.

A link to the Grower Regions Program successful applications is as follows:

[Growing Regions Program | Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)

***Emergency Services, NEWLOG and Resource Recovery (Attachment 3)***

The Lennox Head Rural Fire Service shed is operational, with a small saving transferred back to an internal reserve.

Planning approval is still to be obtained for the new Ballina SES Building, with the construction component of the building currently unfunded.

The Resource Recovery projects are on track with an additional \$77,000 transferred from reserve to finance works associated with a grant Council received for sorting construction waste.

This grant helped purchase a new excavator.

The additional funds are needed for exactor parts.

***Water and Wastewater Operations (Attachments 4 and 5)***

There are relatively minor budget changes based on actual, or forecast expenditure, along with some works deferred to 2025/26, based on the forecast construction program.

***Engineering Works (Attachment 6)***

Projects of note include:

Bridge Duplication and Four Laning Projects – Based on forecast cash flows, part of the funding is deferred to 2025/26, with no changes to the estimated completion dates.

Wardell Town Centre – Significant stormwater works needed for this project, resulting in a delay in the completed date to March 2025.

Evacuation Route Raising – Part of the funding is deferred to 2025/26, based on forecast cash flows.

Ross Lane Betterment – Similar to the bridge duplications and evacuation route raising, based on forecast cash flows, part of the funding is deferred to 2025/26.

Essential Public Asset Repair (EPAR) Projects – New projects included for Sneaths Road, Eltham Road, Tintenbar Road, Marom Creek Road and Tamarind Drive.

These projects are fully funded from flood damage grants, with Sneaths Road, Marom Creek Road and Tamarind Drive having a total budget of \$837,000, \$733,000 and \$1.648m respectively, with a preliminaries budget of \$50,000 included for all three in the current financial year.

Footpaths – Montwood Drive – Increase in total budget of \$50,000 funded through a transfer from Roads to Recovery monies.

## 9.16 Capital Expenditure - 31 December 2024 Review

The pedestrian refuge planned for Skennars Head Road is too close to the intersection, and does not meet Transport for NSW safety guidelines, resulting in this funding being transferred to other projects.

The Cawarra Street path is similar, in that the work should be undertaken as part of the future upgrade of Cawarra Park, as there is a risk that any future works would impact on any newly constructed path. This funding has been allocated elsewhere to help balance the overall footpath budget.

Stormwater – Various movements to reflect actual project costs along with essential works now included for Grant Street and Las Balsas Plaza, Ballina.

### Delivery Program Strategy / Operational Plan Activity

The Operational Plan includes the entire capital works program and references infrastructure delivery through Operational Plan Activity:

*EL3.3h - Monitor capital works to ensure they are completed on time and within budget*

### Community Engagement Strategy

This report is presented for public information. Many of the projects reflect feedback from community engagements.

### Financial / Risk Considerations

All the projects carry a degree of risk, financial and management, with risk management forming a major component of any construction project.

The following table provides the individual budget adjustments outlined in the attachments to this report.

**Table 2 – 31 December 2024 - Capital Expenditure – Budget Variations**

Item	Current Budget	Variation	Revised Budget	Comment
<b>Open Spaces – Playground Equipment and Embellishments</b>				
Crown Reserve Improvements	52,000	(23,000)	29,000	Transfer to Access Ramp
Ballina Pump Track	1,769,000	(1,200,000)	569,000	Defer part to 2025/26
Sharpes Beach Master Plan	1,347,000	(1,100,000)	247,000	Defer part to 2025/26
Angels Beach Access Ramp	22,000	23,000	45,000	Trans from Crown Reserves
Lilli Pilli Park, Lennox Head	150,000	(150,000)	0	Transfer to Lilli Pilli Park
Prospect Lake Park, Ballina	0	150,000	150,000	Trans from Lilli Pilli Park
<b>Sub Total – Open Spaces</b>	<b>3,340,000</b>	<b>(2,300,000)</b>	<b>1,040,000</b>	
<b>Public and Environmental Health</b>				
Teven Reserve	500,000	200,000	700,000	Revised budget - Trans from Healthy Waters Program Reserve
<b>Sub Total – Public and Env</b>	<b>500,000</b>	<b>200,000</b>	<b>700,000</b>	
<b>Commercial Services</b>				
Property – Russellton Industrial	3,745,000	150,000	3,895,000	Increase budget to finalise Russellton – Increase in bridging loan funds



## 9.16 Capital Expenditure - 31 December 2024 Review

Item	Current Budget	Variation	Revised Budget	Comment
<b>Sub Total – Commercial Servs</b>	<b>3,745,000</b>	<b>150,000</b>	<b>3,895,000</b>	
<b>Facilities Management</b>				
Alstonville Cultural Centre	1,500,000	(1,000,000)	500,000	Defer to 2025/26
Depot – Fuel System	385,000	(385,000)	0	Defer to 2025/26
<b>Sub Total – Facilities Mgmt</b>	<b>1,885,000</b>	<b>(1,385,000)</b>	<b>500,000</b>	
<b>Emergency Services</b>				
Lennox Head RFS Shed	333,000	(13,000)	320,000	Saving transferred back to Community Infra Reserve
<b>Sub Total – Emergency Servs</b>	<b>333,000</b>	<b>(13,000)</b>	<b>320,000</b>	
<b>Resource Recovery</b>				
LG Waste Solutions	193,000	77,000	270,000	Transfer from LRM Reserve
<b>Sub Total – Res Recovery</b>	<b>193,000</b>	<b>77,000</b>	<b>270,000</b>	
<b>Water Operations</b>				
Main Renewals – Recurrent	200,000	(200,000)	0	Trans to Reserve to fund other adjustments
Meters – New	260,000	(42,000)	218,000	Saving – Trans to Reserve
Meters – Replacement	80,000	50,000	130,000	Transfer from Reserve
Main Renewals – Nth Creek Pressure Zone	250,000	30,000	280,000	Transfer from Reserve
Main Renewals – Crane Street	323,000	11,000	334,000	Transfer from Reserve
Main Renewals – Norton Street	10,000	6,000	16,000	Transfer from Reserve
Main Renewals – Norlyn Avenue	60,000	38,000	98,000	Transfer from reserve
Main Renewals – Martin Street	500,000	100,000	600,000	Transfer from Reserve
Main Renewals – Stonehenge Place	10,000	(5,000)	5,000	Transfer to Reserve
Main Renewals – Ballina Road	200,000	(50,000)	150,000	Transfer to Reserve
Main Renewals – Sunrise Cres	15,000	(8,000)	7,000	Transfer to Reserve
Telemetry	10,000	10,000	20,000	Transfer from Reserve
Reservoir – EPIQ Estate	90,000	60,000	150,000	Transfer from Reserve
<b>Sub Total – Water Operations</b>	<b>2,008,000</b>	<b>0</b>	<b>2,008,000</b>	
<b>Wastewater Operations</b>				
Main Renewals – Seamist Place	200,000	(175,000)	25,000	Defer to 2025/26
Main Renewals – Relining	402,000	28,000	430,000	Transfer from Reserve
Main Renewals – Alstonville	372,000	128,000	500,000	Transfer from Reserve
Main Renewals – Junction Shelly	5,000	(5,000)	0	Transfer to Reserve
Main Renewals – Ferngrove	290,000	(240,000)	50,000	Defer to 2025/26
Pump Station – Kellianne Cres	27,000	(10,000)	17,000	Transfer to Reserve
Treatment – Ballina Solar	660,000	(600,000)	60,000	Defer to 2025/26
Treatment - Ballina Sludge	100,000	(20,000)	80,000	Transfer to Reserve
Treatment – Lennox Inner Section	0	56,000	56,000	Transfer from Reserve
Treatment – Lennox Belt Press	450,000	(100,000)	350,000	Defer to 2025/26
Treatment – Alstonville Biosolids	200,000	(180,000)	20,000	Defer to 2025/26
<b>Sub Total – Wastewater Ops</b>	<b>2,706,000</b>	<b>(1,118,000)</b>	<b>1,588,000</b>	
<b>Engineering Works</b>				
<b>Urban Roads</b>				
Ballina Bypass	180,000	(40,000)	140,000	Trans to Kerr Street
Fishery Creek Bridge	5,550,000	(4,550,000)	1,000,000	Defer part to 2025/26
Canal Bride	7,735,000	(6,335,000)	1,400,000	Defer part to 2025/26
Barlows Road Connection	100,000	(50,000)	50,000	Trans to Sec 7.11 Reserve
Hutley Drive, Middle Section	50,000	50,000	100,000	Trans from Sec 7.11 Reserve

## 9.16 Capital Expenditure - 31 December 2024 Review

Item	Current Budget	Variation	Revised Budget	Comment
Roads to Recovery	550,000	(400,000)	150,000	Trans to Other Projects – Reedy Ck \$300K, Coast Road \$50K, Montwood Dve \$50K
Kerr Street, Ballina	180,000	50,000	230,000	Trans from Ballina Bypass
Coast Road	293,000	90,000	383,000	Trans from Roads to Recovery \$50K and part Hickey Place saving \$40K
Evacuation Route Raising	765,000	(315,000)	450,000	Defer part to 2025/26
North Ck -Tamarind – 4 Lanes	800,000	(600,000)	200,000	Defer part to 2025/26
Burnet Street, Ballina	370,000	60,000	430,000	Trans from Hickey Place
Hickey Place, Ballina	372,000	(100,000)	272,000	Trans to Burnet St \$60K and Coast Road \$40K
Winton Lane, Ballina	296,000	(290,000)	6,000	Defer to 2025/26
<b>Rural Roads</b>				
North Creek Road	193,000	(85,000)	108,000	Trans to Stormwater Renewals
Ross Lane – Betterment	1,809,000	(1,600,000)	209,000	Defer part to 2025/26
RERRF – Reedy Creek Road	0	300,000	300,000	Trans from Roads to Recovery
Pimlico Road	450,000	(60,000)	390,000	Trans to Phillips Lane Dust Seal
EPAR – Sneaths Road	0	50,000	50,000	EPAR Approved Funding plus \$787,000 in 2025/26
EPAR – Eltham Road	0	164,000	164,000	EPAR Approved Funding
EPAR – Tintenbar Road	0	29,000	29,000	EPAR Approved Funding
EPAR – Marom Creek Road	0	50,000	50,000	EPAR Approved Funding
EPAR – Tamarind Drive	0	50,000	50,000	EPAR Approved Funding plus \$1,598,000 in 2025/26
<b>Dust Seal</b>				
Phillips Lane	123,000	60,000	183,000	Trans from Pimlico Road
Local Lands Service – MEMS	80,000	27,000	107,000	Trans from Troughtons Lane
MEMS – Troughtons Lane	88,000	(27,000)	61,000	Trans to MEMS Program
<b>Footpaths and Shared Paths</b>				
William Street, Lennox Head	50,000	15,000	65,000	Trans from Skennars Hd Rd
Compton Drive, Ballina	110,000	(56,000)	54,000	Trans to Cawley Close
Skennars Head Road	15,000	(15,000)	0	Trans to William Street
Montwood Drive, Lennox Head	349,000	50,000	399,000	Trans from Roads to Recovery
Cawley Close, Alstonville	400,000	116,000	516,000	Trans from Compton Drive and Cawarra Street
Cawarra Street, Ballina	60,000	(60,000)	0	Trans to Cawley Close
<b>Stormwater</b>				
Urban Lanes	75,000	(40,000)	35,000	Trans to Moon Street
Moon Street	48,000	40,000	88,000	Trans from Urban Lanes
Quays Drive, Ballina	310,000	(105,000)	205,000	Trans to Grant St/Las Balsas
Lindsay Crescent, Wardell	73,000	(48,000)	25,000	Trans to River and Brunswick
Cronulla Street, Ballina	290,000	(45,000)	245,000	Trans to Las Balsas Plaza
Flood Recovery – West Ballina	260,000	85,000	345,000	Trans from North Creek Road Rural Roads
River and Brunswick Sts, Ballina	69,000	48,000	117,000	Trans from Lindsay Crescent
Grant Street, Ballina	0	25,000	25,000	Trans from Quays Drive
Las Balsas Plaza, Ballina	0	125,000	125,000	Trans from Quays Drive and Cronulla Street
<b>Sub Total – Eng Works</b>	<b>22,093,000</b>	<b>(13,337,000)</b>	<b>8,756,000</b>	

**Options**

This report provides an overview of the implementation of the 2024/25 capital expenditure program. Cash expenditure to 31 December 2024 is approximately \$29m on a cash basis, out of a total budget of \$72.5m, as per the following summary.

**Table 3 - Capital Works Summary by Section and Division  
31 December 2024**

<b>Section Results</b>	<b>Budget (\$)</b>	<b>Expended (\$)</b>	<b>% Expended</b>
Open Spaces	6,738,000	1,760,700	26%
Public and Env Heath	1,255,000	713,200	57%
Strategic Planning	18,000	17,600	98%
Commercial Services	7,051,000	2,120,300	30%
Facilities Management	7,728,000	3,236,800	42%
Tourism	151,000	13,000	9%
Asset Mgmt and Emergency Services	673,000	545,700	81%
Resource Recovery	1,050,000	66,700	6%
Water Operations	5,283,500	2,498,800	47%
Wastewater Operations	16,100,500	7,104,300	44%
Engineering Works	26,480,000	11,199,700	42%
<b>Total</b>	<b>72,528,000</b>	<b>29,276,800</b>	<b>40%</b>
<b>Division Results</b>			
Planning and Environmental Health	8,011,000	2,491,500	31%
Civil Services	49,587,000	21,415,200	43%
Corporate and Community	14,930,000	5,370,100	36%
<b>Total</b>	<b>72,528,000</b>	<b>29,276,800</b>	<b>40%</b>

The cash figures applied in this report do not reflect the contracts underway, where there is accrued expenditure incurred by the contractor.

Council’s capital works program has expanded significantly in recent years, primarily due to increased grant funding, along with projects resulting from the 2022 floods.

The recommendations that follow relate to noting the contents of this report, along with approving the budget changes identified in Table 2 of this report.

**RECOMMENDATIONS**

1. That Council notes the contents of this report regarding the 2024/25 capital expenditure review for the period ending 31 December 2024.
2. That Council approves the budget variations, as per Table 2 of this report.

**Attachment(s)**

1. Capital Expenditure - Planning and Environmental Health Division ⇨
2. Capital Expenditure - Corporate and Community Division ⇨
3. Capital Expenditure - Civil Services Division (Emergency Services, Infrastructure Planning, NEWLOG and Resource Recovery) ⇨
4. Capital Expenditure - Civil Services Division (Water Operations) ⇨
5. Capital Expenditure - Civil Services Division (Wastewater Operations) ⇨
6. Capital Expenditure - Civil Services Division (Engineering Works) ⇨

10. Civil Services Division Reports

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**10. Civil Services Division Reports**

Nil items.

## **11.1 Notice of Motion - Alstonville Swimming Pool - Car Park Capacity**

### **11. Notices of Motion**

#### **11.1 Notice of Motion - Alstonville Swimming Pool - Car Park Capacity**

**Councillor** Cr Crollick

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I move:

That Council receive a report providing a cost estimate to construct a sealed car park to service the Alstonville Swimming Pool on the land adjacent to the Pool, Crawford Oval and the Alstonville Community Preschool.

#### **Councillor Comments**

Between the hours of 5.30am – 10am and 3.30pm - 6pm the designated car parks around Alstonville pool are often full especially when the EDGE gym is also having classes (I arrive at 5.50am and cannot get a car park) parking in the streets around the pool is becoming difficult and completing this car park would provide up to an additional 40 spaces which would alleviate the parking issue in this area.

The afternoon is a particular issue as if parents of Learn to Swim children park in Alston Ave, with no footpath, they are walking on the road to access the pool and at that time of the day Alston Ave becomes quite a busy street so a safety aspect must be considered.

#### **Staff Comments**

This information can be included in the report on all the various non-recurrent capital works projects that are under consideration by Council, scheduled for the 8 April 2025 Finance and Facilities Committee meeting.

This report forms part of Council's deliberations for the development of the 2025/26 Operational Plan and 2025/26 to 2028/29 Delivery Program.

#### **COUNCILLOR RECOMMENDATION**

That Council receive a report providing a cost estimate to construct a sealed car park to service the Alstonville Swimming Pool on the land adjacent to the Pool, Crawford Oval and the Alstonville Community Preschool.

#### **Attachment(s)**

Nil

## **11.2 Notice of Motion - Car Parking Upgrade Strategy**

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### **11.2 Notice of Motion - Car Parking Upgrade Strategy**

**Councillor**

Cr Crollick

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I move:

That the draft 2025/26 to 2028/29 Delivery Program and Operational Plan include an action to prepare a Car Park Upgrade Strategic Plan.

#### **Councillor Comments**

Council has a car park improvement plan for the car parks located outside of the central business districts and the road reserves.

This plan comprises many worthwhile projects, however these are relatively minor works with the focus being to improve line marking and lighting.

However, many of our car parks are unformed and are in poor condition. Accordingly, these car parks provide a relatively low level of service and the purpose of this a new Car Park Upgrade Strategic Plan would be to document a prioritised list of works, with cost estimates to upgrade and improve these existing parks and identify the development of any new car parking areas that are needed.

#### **Staff Comments**

The draft 2025/26 to 2028/29 Delivery Program and 2025/26 Operational Plan will be presented to the 8 April 2025 Finance and Facilities Committee meeting, seeking Council approval to endorse the document for public exhibition.

This motion, if supported, can be included as an action in that document.

#### **COUNCILLOR RECOMMENDATION**

That the draft 2025/26 to 2028/29 Delivery Program and Operational Plan 2025/26 include an action to prepare a Car Park Upgrade Strategic Plan.

#### **Attachment(s)**

Nil

### **11.3 Notice of Motion - Shared Path Improvements**

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#### **11.3 Notice of Motion - Shared Path Improvements**

**Councillor**

Cr Crollick

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I move:

That Council receive information at the 8 April 2025 Finance and Facilities Committee meeting, that includes a scope of works and cost estimate to upgrade the following shared paths in Ballina:

- Kingsford Smith Drive – From the Swimming Pool to Missingham Bridge
- Compton Drive – Shaws Bay to Cedar Crescent
- Lighthouse Parade – Lookout to North Wall

#### **Councillor Comments**

The shared paths at the above locations, and others, are very popular and the usage of these paths will only continue to growth.

Over time this increase in traffic volume has created a demand to upgrade the capacity of this infrastructure and improve safety for the users.

The proposed resolution requests an assessment of these paths be completed by Council's technical officers and advice provided to Council in respect of any gaps in the current service level, safety improvement opportunities and the cost to implement these.

#### **Staff Comments**

This information can be included in the report on the recurrent capital works program, scheduled for the 8 April 2025 Finance and Facilities Committee meeting.

Council has recurrent funding of approximately \$560,000 for the renewal and upgrade of footpaths and shared paths, and it is then a matter for Council to determine the four-year priority, included in the draft Delivery Program for public exhibition.

#### **COUNCILLOR RECOMMENDATION**

That Council receive information at the 8 April 2025 Finance and Facilities Committee meeting that includes a scope of works and cost estimate to upgrade the following shared paths in Ballina:

- Kingsford Smith Drive – Swimming Pool to Missingham Bridge
- Compton Drive – Shaws Bay to Cedar Crescent
- Lighthouse Parade – Lookout to North Wall

#### **Attachment(s)**

Nil

## **11.4 Notice of Motion - Swimming Pool Fees and Charges Review**

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### **11.4 Notice of Motion - Swimming Pool Fees and Charges Review**

**Councillor**

Cr Chate

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I move:

That Council review the swimming pool admission pricing and seek options (such as the introduction of single-entry tickets for larger families) for making general entry fee to the Alstonville and Ballina swimming pools more accessible.

#### **Councillor Comments**

Ballina Shire Council offers a two-tier pricing structure for single visit entry to our pools. In 2024/25 an adult price is \$6.30 and a child \$5.20. Under these prices, a family of 2 adults and 5 children will pay \$38.60 for a single pool visit.

There is also an opportunity to slightly reduce this entry fee through the purchase of a "10 Pass Card", where an adult is \$57 and child \$47. Under this system, a family with 2 adults and 5 children will get two visits out of a child 10 Pass card, plus access the reduced adult rate of \$5.70 each on the adult 10 Pass card.

Total for a single visit will be \$34.90 that requires an upfront payment of \$104.

Other options are available, such as the 3-month pass card, on this card, a family with 5 kids will come in at \$40.23 per week, but this requires an initial up-front payment of \$523. On the full season pass card, a family with 5 kids will come in at \$26.63 per week, but this ticket requires an initial up-front payment of \$1,385 to lock in this price.

For larger families these costs are prohibitive, and therefore I am seeking a review of our pricing structure to find a more appropriate single-visit ticket price for larger families.

#### **Staff Comments**

The review of all of Council's fees and charges is submitted to the March or April Finance and Facilities Committee meetings, to seek Council approval for exhibition. That report can evaluate the contents of this notice of motion.

#### **COUNCILLOR RECOMMENDATION**

That Council review the swimming pool admission pricing and seek options (such as the introduction of single-entry tickets for larger families) for making general entry fee to the Alstonville and Ballina swimming pools more accessible.

#### **Attachment(s)**

Nil



## **11.5 Notice of Motion - Changing Places Facility**

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### **11.5 Notice of Motion - Changing Places Facility**

**Councillor**

Cr Dicker

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I move that Council;

- Identify a location for a second Changing Places Toilet Facility in the Ballina Shire
- Receive a report as part of the Delivery Program and Operational Plan on the likely costs of such a facility; and
- Consider applying for funding under Tranche 3 of the Changing Places Commonwealth Funding Offer for a 50% contribution.

#### **Councillor Comments**

Changing Places Facilities represent best practice in disability accessible toilets.

There is currently one Changing Places Facility in the Ballina Shire (Tamar Street, Ballina).

The Commonwealth Government is currently offering matched grants to Local Councils to cover half the cost of building new permanent or modular Changing Places Facilities.

Given the Shire's ageing population and the significant contribution of the care industry to our local economy, this motion initiates a process for exploring a location for a second facility.

#### **Staff Comments**

Changing places facilities are larger than standard accessible public toilets. These facilities typically include:

- a height-adjustable adult-sized change table
- a constant-charging ceiling track hoist system
- a centrally located peninsula toilet
- more circulation space than standard accessible toilets
- an automatic door with a clear opening of 950mm at minimum
- a privacy screen.

The options for an additional facility can be included in the report on all the various non-recurrent capital works projects that are under consideration by Council, scheduled for the 8 April 2025 Finance and Facilities Committee meeting.

Council has a recurrent public toilet improvement funding program of approximately \$160,000 per annum, and if supported by Council, the objective would be to align the provision of an additional changing places facility, with the public toilets identified in that improvement program.

## **11.5 Notice of Motion - Changing Places Facility**

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### **COUNCILLOR RECOMMENDATIONS**

That Council:

- Identify a location for a second Changing Places Toilet Facility in the Ballina Shire
- Receive a report as part of the Delivery Program and Operational Plan on the likely costs of such a facility; and
- Consider applying for funding under Tranche 3 of the Changing Places Commonwealth Funding Offer for a 50% contribution.

### **Attachment(s)**

Nil

**11.6 Notice of Motion - Mobile Laundry Services and Showers for Rough Sleepers**

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**11.6 Notice of Motion - Mobile Laundry Services and Showers for Rough Sleepers**

**Councillor**

Cr Dicker

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I move that Council:

1. Work collaboratively with Orange Sky Laundry to enable them to provide a weekly service to rough sleepers in Ballina
2. Promote the service to rough sleepers, including people sleeping in tents and cars.

**Councillor Comments**

Councillors will be aware of the significant increase of homelessness and rough sleepers throughout the Shire.

Orange Sky Laundry provide mobile laundry and shower services. They advise they have enough volunteers to run a two-hour shift in the Ballina Shire on a Tuesday or Thursday afternoon.

To enable the service, Orange Sky Laundry require two car parking spaces, access to water, power and sewer, as well as a safe area for volunteers.

While Council is not the primary agency for homelessness services, we can support other providers that enable services for our community.

**COUNCILLOR RECOMMENDATIONS**

1. That Council work collaboratively with Orange Sky Laundry to enable them to provide a weekly service to rough sleepers in Ballina
2. That Council promote the service to rough sleepers, including people sleeping in tents and cars.

**Attachment(s)**

Nil

## **11.7 Notice of Motion - Flat Rock Tent Park - Rough Sleepers**

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### **11.7 Notice of Motion - Flat Rock Tent Park - Rough Sleepers**

**Councillor**

Cr Dicker

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I move that Council:

1. Provide a limited number of unpowered sites at the Flat Rock Tent Park during the off-peak season for the purposes of providing safe and affordable accommodation to rough sleepers
2. Offer these sites to rough sleepers for an affordable weekly rate of \$120, at the discretion of Council officers based on a referral system (i.e. sites can't be booked directly by campers)
3. If necessary, negotiate appropriate compensation with the Park Managers for the change in contract conditions.

#### **Councillor Comments**

Councillors have received correspondence recently from members of the community about homeless persons camping in public areas. Councillors will be aware of the significant increase of homelessness and rough sleepers throughout the Shire. In particular, an emerging homeless camp at Kingsford Smith Reserve (Boomerang Park).

Council staff monitor locations where they are aware of homeless people, although Council is not the primary agency when it comes to the services and supports required by homeless people. Whilst being mindful of the concerns of the broader community and residents using public spaces and living nearby to camp, the Notice of Motion may provide a short-term solution to address this community need.

#### **Staff Comments**

The Flat Rock Tent Park is operational land owned by Council, operated through a management contract. The motion would be outside the existing management contract and would require the support of the managers to be implemented effectively.

#### **COUNCILLOR RECOMMENDATIONS**

1. That Council provide a limited number of unpowered sites at the Flat Rock Tent Park during the off-peak season for the purposes of providing safe and affordable accommodation to rough sleepers
2. Offer these sites to rough sleepers for an affordable weekly rate of \$120, at the discretion of Council officers based on a referral system (i.e. sites can't be booked directly by campers)
3. If necessary, negotiate appropriate compensation with the Park Managers for the change in contract conditions.

**11.7 Notice of Motion - Flat Rock Tent Park - Rough Sleepers**

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**Attachment(s)**

Nil

12. Advisory Committee Minutes

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**12. Advisory Committee Minutes**

Nil items.

## 13.1 Mayoral Meetings

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

#### 13.1 Mayoral Meetings

**Councillor** Sharon Cadwallader

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Activities I have attended, or propose to attend, as at the time of writing this report, since the December 2024 Ordinary meeting are as follows:

<b><u>Date</u></b>	<b><u>Meeting</u></b>
12 December	Richmond Christian College Celebration Night
13 December	Airbnb meeting with Susan Wheeldon, Country Manager
13 December	Alstonville Carols on the Plateau event
14 December	Opening of the Lismore to Bentley section of the Northern Rivers Rail Trail – attended as Deputy Chair of NRJO
16 December	Meeting with Col Lee OAM
16 December	Councillor induction: Working together and delivering outcomes for the community – Emma Broomfield, Locale Learning; and Dinner
17 December	Ballina Hospital Auxiliary Christmas Lunch
17 December	Councillor induction: Risk Management overview by Council's insurer - Statewide Mutual, Adam Hellier and Naamon Eurell
17 December	Alstonville Wollongbar Chamber of Commerce Annual General Meeting
18 December	Lennox Head Residents Association meeting
19 December	Country Mayors Association Executive Meeting
19 December	Meeting with rate payer – Rous County Council related
19 December	Ballina Hospital Christmas function
19 December	Meeting with new Australian Airports Association (AAA) CEO, Simon Westaway
20 December	Lennox Head Lions Club Christmas event
21 December	Lennox Head Alstonville Surf Life Saving Club Nippers Christmas event
31 December	Alstonville New Years Eve Family Festival and Fireworks
<b>2025</b>	
6 January	Meeting with Dr Darcy Ryan as part of the Rural Doctors Network – Bush Bursary Program with Cr Simon Kinny
6 January	Ballina Shire Australia Day Ceremony Briefing with Staff
6 January	Lennox Head Residents Association meeting
9 January	Northern Rivers Community Gallery – January/February Exhibitions Launch Event
10 January	Attended Court house to advocate for the Ballina Shire community that has been affected by the growing numbers of break and enter offences committed by juveniles
10 January	Meeting with Glen Cook, Indigenous Elder
10 January	Ballina Players production 'Finding Little Nemo'
11-23 January	Annual leave
21 January	Northern Regional Planning Panel briefing
24 January	Northern Rivers Pickleball 300 <sup>th</sup> member celebration
26 January	Ballina Shire Australia Day Ceremony
3 February	Lennox Head Residents Association meeting

## 13.1 Mayoral Meetings

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4 February	NSW Reconstruction Authority & Ballina Shire Council Bi-Monthly Meeting
4 February	Cr Briefing – Jali LALC and Burabi Aboriginal Corporation – Draft Partnership Agreements
5 February	Rous County Council – Workshop / Tour
5 February	Cr Briefing – Newrybar Streetscape Master Plan
7 February	Meeting with Mayor Cr Patricia White, Shoalhaven City Council new member ACCA
7 February	On site inspection overland flooding issue Lennox Head
7 February	Federal Government Funding Commitment CCTV Lennox Head Justine Elliott and Prime Minister
7 February	Alstonville Wollongbar Chamber Meeting
8 February	Lennox Head Community Connections Expo
10 February	Meeting with Milt Barlow, Northern Rivers Media
10 February	Australian Coastal Councils Association (ACCA) Meeting
11 February	Meeting with Ted Nabung CEO, North Coast Community College
11 February	Ballina Shire Economic Activation Group Meeting
12 February	Ballina Croquet Club meeting with Liz Watson, Secretary, Richard Buxton and Staff
12 February	Local Traffic Committee Meeting
12 February	Meeting with Jade Taylor, Sustainability and Staff
13-14 February	Ministerial meetings with Minister Jackson, Policy Advisor to Treasurer The Hon. Daniel Mookhey MP, Policy Advisor to The Hon. Jihad Dib MP, Minister Whan, The Hon. Sarah Mitchell MLC, The Hon. Ben Franklin MLC – Sydney
14 February	LGNSW Board Briefing and Board Meeting – Sydney
17 February	Northern Rivers Community Leaders Forum – Mayors / MPs
17 February	Cr Briefing – Duplication of Fishery Creek and Canal Bridges
18 February	Councillor Induction: Shire Bus Tour #3 – Infrastructure and property holdings
19 February	Rous County Council Meeting and Councillor Induction
19 February	Public Art Advisory Meeting
19 February	Wardell Progress Association Meeting
20 February	CMA Board Meeting
20 February	Meeting with Williams Reserve stakeholders regarding cricket pitch removal
20 February	NSW SES Retirement Farewell Function – Ballina Unit Commander Gerry Burnage
21 February	Northern Rivers Joint Organisation (NRJO) Board meeting
22 February	Ballina Lions Club Youth of the Year interviews
23 February	North Coast Show n’ Shine and Swap Meet
24 February	Business Paper review
25 February	Meeting with Dave Layzell MP, Shadow Minister for Regional Transport and Roads and Staff
25 February	Ballina Lions Club Youth of the Year judging
26 February	Welcome Family of Veterans Guild War Widows lunch
27 February	Ordinary Meeting

### RECOMMENDATION

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

### Attachment(s)

Nil



14. Confidential Session

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**14. Confidential Session**

Nil Items