

# Agenda

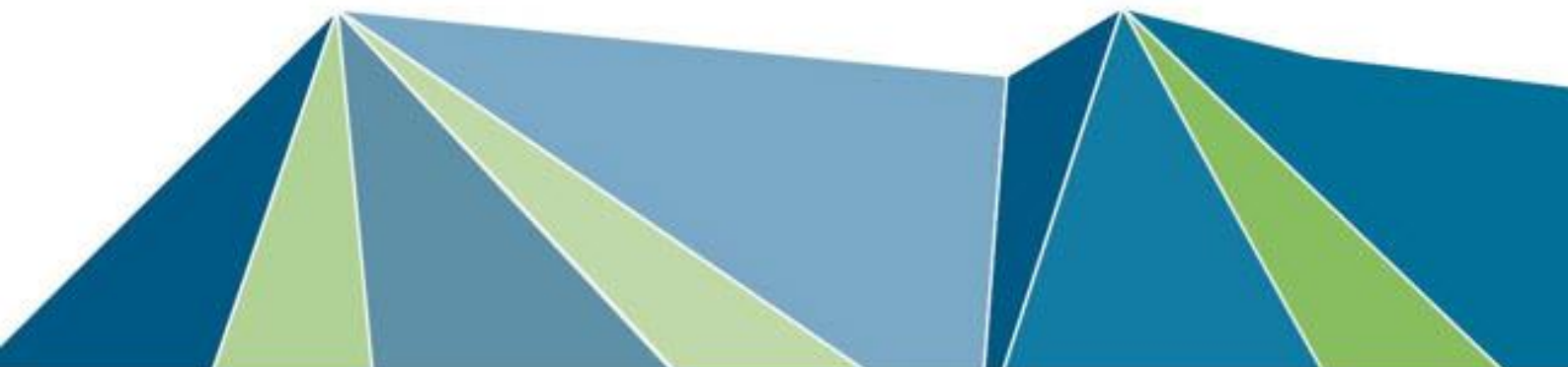
## *Ordinary Meeting* 27 March 2025

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **27 March 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 absenting 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
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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**

Cr Phil Meehan has been granted leave of absence.

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 February 2025 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 February 2025.

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

**6. Deputations**

**7. Mayoral Minutes**

Nil Items.

8. Planning and Environmental Health Division Reports

8.1 DA 2023/504 - 22-40 Commercial Road, Alstonville

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<b>Applicant</b>	Newton Denny Chapelle
<b>Property</b>	Lot 2 DP 1031929 22-40 Commercial Road ALSTONVILLE
<b>Proposal</b>	<p>Stock holding yard comprising use of existing stock holding pens and entry ramp, erection of shade structures above the existing stock holding pens and ancillary stormwater management works and the installation of a vegetation buffer along the northern boundary.</p> <p>The stock holding yard will be used to hold horses, between 20-30 for each respective event and will be dispersed over the stock holding pens. Holding of horses will occur during daytime hours only and will be for a maximum of 10 times within a 12-month period.</p> <p>The excavated levelled area within the northeastern corner of the site is proposed to be used as a warmup area for horses ready to compete in the show ring. In addition, the levelled area will continue to be used by the Alstonville Pony Club.</p>
<b>Effect of Planning Instrument</b>	The land is zoned RE2 Private Recreation under the provisions of the Ballina LEP 2012.
<b>Locality Plan</b>	The subject land is depicted on the locality plan in Attachment 1.

**Introduction**

Council is in receipt of Development Application 2023/504 for stock holding yards comprising use of existing stock holding pens and entry ramp, erection of shade structure above the existing stock holding pens and ancillary stormwater management works and the installation of a vegetation buffer along the northern boundary at 22-40 Commercial Road, Alstonville.

The site of the proposed development is the Alstonville showground (Attachment 1).

The pens are in the northeastern part of the showground.

The purpose of this report is to seek the Council's determination of the subject development application.

Due to the nature and circumstances of the proposal, the application is being presented to Council for determination.

This report addresses key matters under Section 4.15 of the Environmental Planning and Assessment Act (EP&A Act) relating to the proposed development.

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

A copy of the plans for the proposed development are contained in Attachment 3.

### **Background**

DA 2023/504 was lodged on 3 January 2024 for the use of existing stock holding pens and cattle entry ramp, erection of shade structure above the existing stock holding pens, construction of six additional stock holding pens with shade structure, and ancillary earthworks and stormwater management work. The stock holding yards were originally to have a capacity for 120 cattle and be utilised for a maximum of six showground events per year.

The proposed application was lodged in response to development compliance investigations. Following an initial complaint received from nearby residents in November 2022, Council staff undertook an inspection of the site and observed stock holding pens erected. Following a review of the approval history there was no evidence of development consent for the works that had occurred.

A Please Explain Notice was issued to the Alstonville Agricultural Society (AAS) in December 2022. The AAS responded in January 2023 providing that they relied upon DA 2019/301 and were unaware of the need to obtain approval for the works.

Of note here is that DA 2019/301 did not grant consent for the erection or use of the stock holding yards that were constructed.

In February 2023, Council issued a Show Cause Notice to the AAS which invited the AAS to address the concerns raised by Council. The AAS responded to the notice by advising that a consultant has been engaged to prepare a development application.

In March 2023, Council advised the AAS that given the intention to lodge a DA, action on the works constructed without development consent would be deferred for a period to provide time for DA to be lodged.

In June 2023, Council issued a Notice of Proposed Order to the AAS, due to no application being lodged.

By July 2023, the consultant (Newton Denny Chapelle) advised Council of their engagement to prepare a DA with a 12-week timeframe.

In September 2023, the consultant advised that there was a delay in preparing the DA and an updated timeframe for submission of a DA of November 2023 was provided. Following this information, Council issued an Order to the AAS.

In October 2023, McCartney Young Lawyers lodged an appeal against the Order with the Land and Environment Court (LEC).

In November 2023, the LEC's first directions hearing was held. In January 2024, the application was formally lodged.

During February 2024 – March 2024 the originally submitted application was publicly notified.

Following a review of the application by Council staff a request for additional information (RFI) letter was issued to the applicant on 8 March 2024. The issues raised were in regard to an acoustic barrier, extent of yards and a waste management plan.

On 18 March 2024, a response to the above RFI was received by the applicant and on 28 March a Waste Management Plan was received.

In April 2024, a S34 Conciliation conference was held in regard to the LEC appeal. After the conciliation conference, the Alstonville Agricultural Society and Ballina Shire Council reached agreement as to the terms of a decision in the proceedings that would be acceptable to both parties. This decision involved the Court upholding the appeal and amending the Order.

The amended Order modified the time period for compliance with Order 3, being the removal of the stock yards, fencing and associated works and rectification of the premises to allow for the determination or withdrawal of a development application. The same outcome could have been achieved through a request for additional time from the agricultural society (rather than Court action).

Two further letters were issued to the applicant requesting the address of issues around the use of the yards in association with existing showground usage, noise, stormwater and waste management, odour and dust impacts and concerns raised by the Department of Planning and Environment – Water.

Following the issue of these letters a number of meetings were held with the applicant and Council staff to discuss the concerns and a pathway forward.

Subsequent to these letters and meetings held with Council and the applicant, an amended proposal was submitted by the applicant on 1 November 2024.

The amended proposal involves:

- Use of the existing stock holding pens (as built) to hold horses only and in conjunction with the ongoing use of the main show ring for equine events;
- Between 20 – 30 horses will be held for each respective event and will be dispersed over the stock holding pens;
- Holding horses will occur during daytime hours only.

On 29 November 2024, and following ongoing discussions with the applicant a further amended plan was provided that included as part of the application the installation of a vegetation buffer along the northern boundary that has a proposed minimum width of 2.8 metres up to 5.0 metres.

The Section 37 Amendment under the Environmental Planning and Assessment Regulation 2021 was accepted by Council on 4 December 2024.

The amended application was publicly notified from 6 December 2024 to 25 January 2025, with 72 submissions of objection received.

A further overview of this background is provided in Attachment 4.

### **Details of the Current Proposal**

#### **Existing Stock Holding Pens (As Built)**

The existing stock holding pens are located within the northeastern corner of the existing Alstonville showground.

The stock holding pens are located within the existing excavated levelled area approved under DA 2019/301, and provide a setback of 4.7 metres from the northern boundary, and 6.73 meters to the eastern property boundary.

The proposed use of the stock holding pens are as follows:

- The stock holding pens will work in conjunction with the ongoing use of the main show ring for equine events. The stock holding pens will only be used to hold horses;
- Between 20-30 horses will be held for each respective event and will be dispersed over the stock holding pens;
- Holding horses will occur during daytime hours only.

The existing stock holding pens comprise a total of 45 separate holding pens, with laneways provided between pens to enable transfer of horses between the pens.

The stock holding pens are constructed of steel panels and gates, with concrete footings provided to each panel.

The stock yards are proposed to be used up to 10 times per year in association with equine events held in the main show ring.

#### **Use of Existing Excavated Levelled Area**

It is proposed to use the remainder of the excavated levelled area within the northeastern corner of the site as a warm-up area for horses ready to compete in the show ring.

The warmup area will comprise sand for the surface, with portable structures (i.e. jumps) used for warm up activities.

It has been advised that generally no spectators will observe the warmup activities as the competition will be in the main show ring. However, there may be occasions where some showground attendees may be curious and wander over to the warmup area to take a look.

It is also proposed to utilise the excavated levelled area within the northeastern corner of the site (approved via DA 2019/301) for continued use by the Alstonville Pony Club. This will usually occur one weekend per month during

daytime hours, with up to 10 horses to train younger riders on a safe surface and will not draw a large number of spectators.

#### Proposed Internal Operations

With regard to internal operations, the following is provided:

- The stock holding pens and warm up area are linked to the main showing via the already constructed roadways within the site from both the southwestern gate, and the ramp on the northwestern corner of the as built stockyard structures;
- Horses are brought in, loaded/unloaded via horse floats and small trucks entering through the gate on the northern end of Green Street.

General car parking arrangements will remain consistent with the existing operations of the showground. Vehicles associated with the use of the holding pens, warm up area, and the Alstonville Pony Club, will park within the northern end of the showground site to the west of the excavated levelled area, which has historically been used to provide internal parking.

As the use of the stock holding pens and adjacent excavated levelled area will occur during daytime hours, no lighting is proposed.

#### Proposed Shade Structures

The proposed development involves the construction of new shade structures over the existing stock holding pens.

The shade structures will be constructed of steel poles and 80% black shade cloth coverings and are proposed to provide shade to horses while being held in the stock holding pens.

The proposed shade structures provide a maximum height of 2.7 metres.

#### Vehicle Access

The site currently maintains two existing driveway access points, one being from South Street, and one being from Green Street. Vehicles accessing the site to load and unload horses will utilise the Green Street access point, being the closest to the existing and proposed stock holding pens.

#### Vegetation Buffer

The proposed application includes the installation of a vegetation buffer along the northern boundary. The vegetation buffer has a minimum width of 2.8 metres up to 5.0 metres.

The vegetation planting proposed within this buffer is for approximately 3.0 metre mature high, mostly broadleaf indigenous plants with a 1.0 metre to 1.5 metre spacing.

The vegetation buffer will require removal of ten as built stock holding pens to allow for the planting of the vegetation.

With the vegetation buffer in place, this will leave 35 stock holding pens for use if the development is granted consent as recommended.

### **Description of the Subject Site**

The works are proposed at 22-40 Commercial Road, Alstonville, being land known as Lot 2 DP 1031929.

The subject site has an area of 5.638 hectares and currently maintains frontage to Commercial Road, South Street and Green Street. The land currently contains a show ring, pavilion and other ancillary structures.

The site is mapped as containing a heritage item under Schedule 5 of the Ballina Local Environmental Plan (BLEP) 2012 (Item 10 – Alstonville Show Ground Memorial Gates).

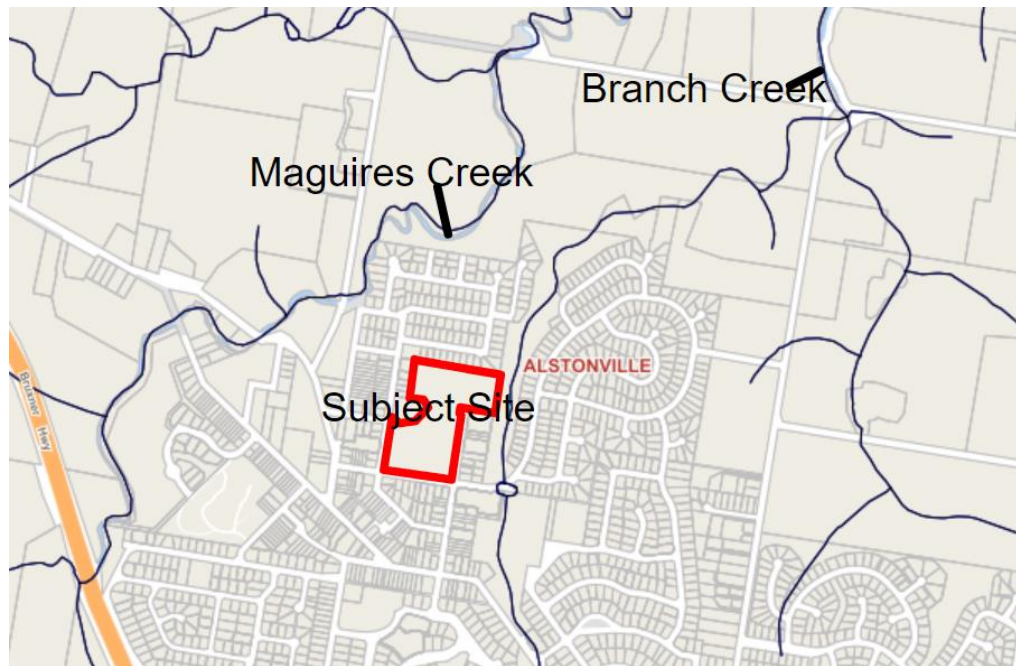
The subject site contains the existing Alstonville showground. Existing structures are located along Commercial Road and South Street frontage and within the central southern portion of the site.

Surrounding land uses generally comprise a mixture of residential, open space, educational and commercial developments, as shown in the below figure.



**Figure 1: Surrounding Locality**

An existing public reserve is located to the east of the subject site which includes an existing mapped drainage line, as shown in Figure 2.



**Figure 2: Locality with River Catchment and Drainage**

The Alstonville showground is utilised for a range of community events throughout the year including the Alstonville Show and various show/livestock events.

The site has historically been used to hold other events including markets, music events and New Year's Eve celebrations.

### **Reportable Political Donations**

Details of known reportable political donations are as follows:

- Nil

### **Public Exhibition**

The application was placed on public exhibition in accordance with the Environmental Planning and Assessment (EP&A) Regulations 2021 and Council's Community Participation Plan.

The application was placed on public exhibition from 21 February to 22 March 2024. A total of 63 Submissions were received, 40 objecting (one petition with 161 signatures) and 23 supporting.

A second exhibition was undertaken due to the amended application. The second exhibition period was from 6 December 2024 to 25 January 2025, and a total of 72 objecting submissions were received.

Significant amendments have been made to the proposal over the course of the assessment, which have addressed the issues raised in public submissions.

A detailed assessment of the submissions is contained in Attachment 5 to this report. The submissions received are contained in Attachments 6 to 9.

## 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 which are elaborated upon for Council's information and consideration.

Further matters are addressed in the Section 4.15 Assessment Report (Attachment 2).

This report should be read in conjunction with the Section 4.15 Assessment Report (Attachment 2) and the Development Plans within Attachment 3.

### Applicable Planning Instruments

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

#### Ballina Local Environmental Plan 2012

The BLEP 2012 is the principal relevant local planning. Under the provisions of this Plan, the subject land is zoned as RE2 Private Recreation as indicated in Figure 3.

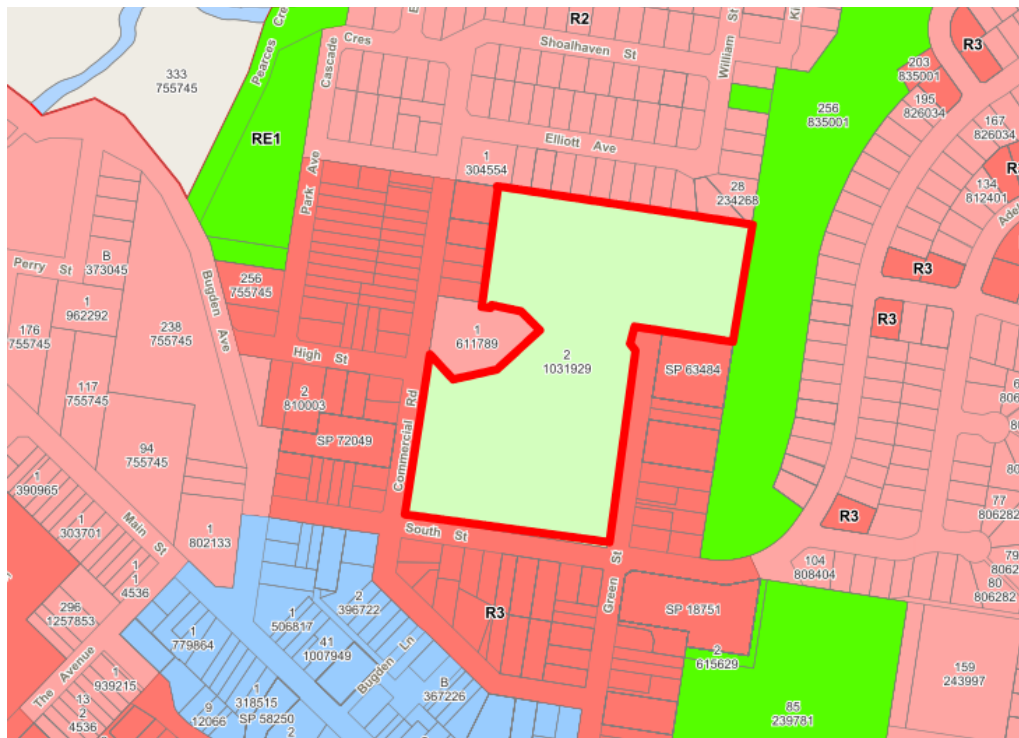


Figure 3: Land Zoning, subject site outlined in red

The Land Use Table and Zone Objectives are reproduced as follows:

**Zone RE2 Private Recreation**

**1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To enable development that is compatible with the recreational nature and environmental character of the land.
- To encourage development that achieves the efficient use of resources such as energy and water.

**2 Permitted without consent**

*Environmental protection works*

**3 Permitted with consent**

*Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Dwelling houses; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Home occupations; Hotel or motel accommodation; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restaurants or cafes; Roads; Sewerage systems; Signage; Take away food and drink premises; Water recreation structures; Water supply systems; Wharf or boating facilities*

**4 Prohibited**

*Advertising structures; Any other development not specified in item 2 or 3*

A detailed assessment of the objectives of the zone are provided within the Section 4.15 Assessment (Attachment 2).

The applicant has not nominated the land use for the proposed works; however the proposed development is considered to be ancillary to the long-term use of the land as a showground.

Notwithstanding the above, under the provisions of the BLEP 2012, the use of the land as a showground is defined as:

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Development for the purposes of a recreation facility (outdoor) is permitted with consent within the RE2 zone.

The proposed development is considered to be ancillary to this use of the land, in accordance with Planning Circular PS 21-008 How to characterise development.

The use of the stock yards is an ancillary use to the dominate use of the land, being the showground.

Given the above, the proposed development is permissible within the RE2 zone.

**State Environmental Planning Policies**

No issues are raised in relation to any applicable SEPPs. Refer to Attachment 2 for further comments.

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

**Development Control Plan 2012**

**Chapter 2 – General and Environmental Considerations**

Subject to conditions in relation to waste management, stormwater, sediment and erosion controls, the proposal is acceptable in relation to the relevant provisions of this DCP chapter.

A complete assessment of this DCP is undertaken in the Section 4.15 Assessment Report (Attachment 2).

**Section 4.15(1)(a)(iia) any planning agreements that has been entered into under section 6.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

None applicable.

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

There are no relevant matters.

**Section 4.15(1)(b) the likely impacts on that development**

The proposed development may result in impacts to the adjoining property owners by way of noise, odour and air quality. However, it is considered that compliance with recommended conditions will minimise any impacts to adjoining properties.

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

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

The subject site is appropriately zoned for the proposed use and has historically been used by the Alstonville Agricultural Society as a showground.

The appropriateness of the use of the site due to the proximity to residential uses and the proposed temporary keeping of horses has been assessed as part of the application. It is considered that compliance with the recommended conditions will allow for the site to be suitable for the development.

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

The application was placed on public exhibition in accordance with the Environmental Planning and Assessment (EP&A) Regulations 2021 and Council's Community Participation Plan.

The application was placed on public exhibition in accordance with the Ballina Community Participation Plan, Level 2, Three Step Notification, with an exhibition period from 21 February to 22 March 2024.

A total of 63 submissions were received, comprised of 40 objections and 23 supporting submissions.

The matters raised in the letters of support are summarised as follows (objections are addressed below and in Attachment 5):

- Showground is part of Alstonville heritage
- Integral part of Alstonville
- Agricultural has a strong contribution to the area
- The ability to use the facility for multiple purposes, than just the Alstonville Annual Show
- Guarantee of future viability of the showground
- Council has allowed development of residential estates around the Alstonville Showground
- Events at the showground help local businesses
- People who purchased properties adjacent to the showground knew full well that the showground was always visible prior to their purchase or build and Council allows these areas to develop into housing
- Will attract people from local and outside areas and in turn bring financial and economic benefits
- Privately owned by the society and funding provided in form of grants of financed by the society itself
- Cattle transported in on the day and leave within 24 hours
- Movements of livestock are subject to strict Bio Security regulations
- Pens are for short-term holding of stock
- Upgrades are essential for the continued viability and functionality of the Alstonville showground
- Improvements will enhance the facilities for housing livestock events but contribute to the preserving the rich history and tradition with the showground
- Great facility
- Benefit both the community and competitors by improving the safety of both humans and animals
- Council is responsible for the houses that have been built since around the perimeter of the showground without a reasonable buffer zone
- Great community events each year and navigate complex regulatory processes required to stage large events safety and successfully

- The society is committed to preserving and enhancing the Alstonville Showground
- Adheres to rigorous protocols mandated by NSW regulations
- Ensures responsible livestock management
- Limiting the number of cattle held in pens close to residential areas and conducting events in accordance with zoning regulations to minimise noise disruptions
- ASS commitment to fostering community spirit through events
- Addressing local concerns and adhering to strict biosecurity measures
- Proposed development presents a wonderful opportunity to further enhance valuable space
- Development can attract new and exciting events
- Draw people from surrounding areas and boosting local economy
- Project align with responsible livestock management practices
- Revitalise historic space
- Well planned for future events
- Encourage and support a variety of clubs to come and participate
- North coast needs a venue set up like this for continued use for agricultural, livestock performances and cultural pursuits.
- Showground has always had noise at certain times during events, however they are not occurring every day and not all events require cattle
- Waste from different to previous times on the showground except this is in a different area and the existing neighbours to other yards have not complained
- Society is bound by regulations from Department of Primary Industry requirements in relation to the movement of stock.

Following an amendment to the application, the application was advertised again during 6 December 2024 to 25 January 2025. A total of 72 submissions of objection were received.

The key matters raised in the objections of relevance to the application are summarised and addressed within Attachment 5.

All submissions received are contained in Attachments 6 to 9.

In terms of Government Agency advice, Council received General Terms of Approval (GTA) from the Department of Planning and Environment – Water. A copy of the GTA is provided in Attachment 10.

There are no matters raised in the agency submissions that would preclude the granting of consent, subject to conditions.

#### **Section 4.15(1)(e) the public interest**

The proposed development, being a use associated with the long-term showground operation, is within the Federal, State and Local Government interests as well as the interest of the community.

Whilst the proposed development is within the public interest, a number of submissions have been received that have raised concerns in regard to amenity issues (noise, odour, potential health impacts and air quality).

An assessment of these concerns has been undertaken and the impacts and risks associated with the amended proposed development can be managed with suitable conditions imposed on the consent to protect the local amenity.

### **Options**

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

#### *Option One – Approve*

That Council approve the development for the site as recommended by Council's technical officers with conditions that will minimise any negative impact on the adjoining properties and community.

Approval would be subject to recommended conditions set out in the section 4.15 assessment, including non-standard conditions as referenced within Attachment 11 and standard conditions for this type of development.

This option is recommended for the reasons outlined within this report and section 4.15 assessment.

#### *Options Two – Refuse*

Council could resolve to refuse the development application based on impacts that the development may have on surrounding residents and the Alstonville community.

If Council elects to determine this application by way of refusal, reasons for refusal should be embodied in the Council resolution (e.g. this could reference impacts and/or nonconformance with particular planning provisions).

### **Conclusion**

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

The use of the site for the proposed development as amended is suitable, subject to compliance with any conditions on the consent.

It is considered that suitable mitigation measures can be implemented as part of the development to avoid any significant adverse impacts of the adjoining properties, community and environment.

Key concerns in relation to the proposal have been addressed by the applicant and summarised within this report.

Approval of the proposed development is recommended.

## RECOMMENDATION

That Development Application DA 2023/504 for the use of a stock holding yard comprising use of existing stock holding pens and entry ramp for the temporary accommodation of 20-30 horses, erection of shade structures above the existing stock holding pens and ancillary stormwater management works and the installation of a vegetation buffer along the northern boundary be **APPROVED** subject to the application of conditions as referenced within the Section 4.15 Assessment Report in Attachment 2, non-standard conditions set out in Attachment 11 and standard planning, building, environmental health and engineering conditions for this type of development.

## Attachment(s)

1. Locality Map [⇒](#)
2. Section 4.15 Assessment [⇒](#)
3. Development Plans [⇒](#)
4. Timeline of Development Application [⇒](#)
5. Assessment of Submissions [⇒](#)
6. Public Submissions - 1st Exhibition [⇒](#)
7. Public Submissions - 2nd Exhibition [⇒](#)
8. Confidential Submissions - 1st Exhibition [⇒](#)
9. Confidential Submissions - 2nd Exhibition [⇒](#)
10. NSW Department of Planning and Environment - Water GTA [⇒](#)
11. Non-Standard Conditions [⇒](#)

### 8.2 Newrybar Village Centre - Streetscape Master Plan

<b>Section</b>	Strategic Planning
<b>Objective</b>	To present the Draft Newrybar Streetscape Master Plan for endorsement for public exhibition.

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#### **Background**

*“Complete a streetscape master plan for Newrybar Village”* is an action under the Delivery Program and Operational Plan for the 2024/25 year.

To deliver this action, Council engaged a consultant team consisting of landscape architects and community engagement specialists. Council staff and the consultant team have undertaken a detailed community and stakeholder engagement process to share knowledge of the local area and develop a Draft Streetscape Master Plan that aligns with the community’s specific vision and priorities.

The Draft Streetscape Master Plan provides a plan to guide future improvements, while maintaining the hamlet's quiet rural atmosphere and historic old-world charm.

This report seeks the endorsement to place the Draft Newrybar Streetscape Master Plan on public exhibition to obtain further community feedback.

#### **Key Issues**

- Project background and rationale
- Community engagement process and insights
- Key features of the Draft Newrybar Streetscape Master Plan
- Public and private domain areas
- Public green space and location of Rural Fire Service infrastructure

#### **Discussion**

Newrybar is situated at the northern extent of Ballina Shire at the interface of the rural hinterland and coastal strip. It is a popular tourist destination and local centre for surrounding rural landholders.

Established in 1881, the village of Newrybar is one of Ballina Shire’s earliest colonial settlements. The Newrybar Public School (founded in 1890), the Newrybar School of Arts (Community Hall built in 1899), and the Newrybar Bakery (built in 1900) are some of the oldest built heritage in Ballina Shire. None of the buildings are listed on Schedule 5 of the Ballina LEP 2012 as heritage items.

Since establishment of the village, various small-scale commercial land uses have emerged or evolved from historic uses commenced prior to the introduction of the Environmental Planning and Assessment Act 1979, with subsequent expansion and changes of use based on these historic activities/approvals.

## 8.2 Newrybar Village Centre - Streetscape Master Plan

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Newrybar does not have a centralised reticulated sewerage system. All wastewater is treated and disposed of onsite. This is consistent with most other small villages in the Shire.

There have been various representations from members of the community, including landholders and business owners regarding commercial expansion, diversification, subdivision, services, parking and streetscape. This has typically been in the context of the popularity of Newrybar as a destination.

Significant practical and legal considerations apply due to the village being located within two major drinking water catchments, Emigrant Creek and Wilson's Creek Catchments. Water supply protection provisions included in the Ballina LEP 1987 and Ballina LEP 2012, which apply to Newrybar and surrounds, have the effect of limiting the range and intensity of land uses within the village and adjoining areas.

A report that assessed options for improvements to wastewater services in Newrybar was undertaken and reported to the April 2024 Finance and Facilities Committee Meeting.

Fundamentally, the broadening of land use permissibility and / or amending the zoning of land in Newrybar is not supported by the local or regional planning framework. Newrybar is not identified as an urban expansion area.

The extent of the project brief for the Master Plan has been limited to works within Council owned land to improve the street for public benefit. Figure 1 shows the study area that formed part of the early project brief (blue solid outline).



Figure 1: Study area

During the engagement, this study area was expanded to include the Council owned community land (containing the Newrybar Community Hall) and Council owned road reserve on Hinterland Way (dashed blue outline).

### Process and Engagement

In late 2024 Council engaged a consultant team consisting of landscape architects and community engagement specialists to undertake a co-design process with stakeholders and the community to prepare a Draft Streetscape Master Plan for Newrybar.

The consultants and Council staff collaborated with the community through a variety of forums to better understand the way the village works; community needs and aspirations. This provided a range of opportunities for community members to be made aware and get involved.

The primary engagement activities included:

- An online survey and ideas mapping (October – November 2024)
- A street trader walk (October 2024)
- A pop-up stall at the twilight markets (October 2024)
- 2 x community workshops at the Newrybar Community Hall (November 2024)
- A workshop with 20 students at Newrybar Public School (November 2024)
- Discussions with key land holders unable to attend the workshops
- Engagement with Council technical staff.

A summary of the community engagement outcomes is provided in the Appendix to the Draft Streetscape Master Plan in Attachment 1.

The online feedback form and other submissions are in Attachment 2.

When asked about Newrybar's identity, strengths and weaknesses, there was strong alignment in the key messages from the community.

The key messages and community directions for the future of Newrybar, focus on maintaining the village's character, functionality, and community life, including:

1. *Preserving Newrybar's unique village charm*  
The community values the small-scale, historic feel of Newrybar and wants future enhancements to respect its identity.
2. *Enhancing pedestrian safety and movement*  
There is strong support for traffic calming, improved crossings, widened footpaths, and safer pedestrian connections.
3. *Formalising car parking and improving vehicle circulation*  
The community supports structured car parking solutions and a one-way traffic system to ease congestion and improve accessibility.
4. *Creating more public open space and amenities*  
A desire for more shade, seating, public gathering spaces, and green areas as consistently expressed.

5. *Strengthening community connection and activation*  
Locals want more opportunities for community-led events, local markets, and activations.
6. *Celebrating Newrybar's artisanal and agricultural identity*  
The paddock-to-plate philosophy, boutique retail, and local craftsmanship should be highlighted through design, materials, and public art.

The community also expressed that the unique character of the place is very dependent upon assets and businesses in the private realm.

They feel that this character is vulnerable and important to embed in the public domain and streetscape.

### Draft Streetscape Master Plan

The Draft Streetscape Master Plan has been developed to best address and balance the various needs and aspirations identified in the community and stakeholder engagement. The Draft Master Plan is a community-led, place-based vision that sets a thoughtful and sustainable plan for the future of Newrybar village streetscape.

The community vision is:

*Newrybar will be a welcoming and vibrant village where character, community, and creativity flourish. An intimate, walkable destination that honours its artisanal spirit, local produce, and deep connection to the natural landscape.*

The Draft Newrybar Streetscape Master Plan is contained in Attachment 1. The document provides significant information about the proposed streetscape works.

The Draft Master Plan identifies five place values which collectively represent what is loved about Newrybar and the community aspirations for the future. These values inform the Master Plan and can be used to test future design decision making.

These include:

1. *Authentic Village Charm* - Honour Newrybar's intimate village scale and historic character, enhancing a main street that celebrates its unique heritage character and invites people to connect with its timeless charm, providing a peaceful retreat in the countryside that contrasts with nearby busier destinations.
2. *Memorable Artisanal Experiences* - Nurture Newrybar's identity as a vibrant artisan hub, celebrating the village's distinctive craftsmanship and passionate business community through spaces that reflect its refined, boutique character.
3. *Home Grown Produce and Flavours* - Strengthen Newrybar's identity as a culinary destination rooted in local agriculture, linking the streetscape to the richness of farm-to-table practices and local seasonal produce to be enjoyed by locals and visitors alike.

## 8.2 Newrybar Village Centre - Streetscape Master Plan

4. *Honouring the Big Scrub and Connection to Country* - Celebrate the rich natural heritage of the Big Scrub rainforest and Newrybar's connection to Country, integrating native plantings and stories that ground the village in its unique landscape and Indigenous roots.
5. *Fostering a Connected Community* - Enhance Newrybar's welcoming atmosphere as an intimate local hub, creating spaces that encourage community connection and gathering, support local businesses, and invite peaceful enjoyment of the village.

These values are intended as metrics to guide future development in Newrybar Village.

Figure 2 is an overview of the Draft Master Plan. Further detail is provided in Attachment 1.



**Figure 2: Draft Master Plan Overview**

A key feature of the Draft Master Plan is a change to the vehicle traffic direction on Old Pacific Highway between Brooklet Road and Hinterland Way to one-way. A reduced speed limit in this section is also proposed.

This provides for a narrower road pavement and creates space within the road corridor for a continuous footpath on both sides of the road (where it is not at present), seating, additional shade trees and opportunities for pedestrian priority crossing areas.

Other key features are outlined below:

### 1. Entries and gateways

- Entry signage, native planting and stone walling to improve visibility and attractiveness of the entry
- An entry parkland at the northern gateway including seating and a hardstand area for youth for recreation

### 2. Vehicle circulation and parking

- A change to the vehicle traffic direction on Old Pacific Highway between Brooklet Road and Hinterland Way to one-way.
- Activation of Hinterland Way, including a speed reduction to enable provision of parallel car parking and a safe crossing point that connects the village to the public school. Both Hinterland Way and Old Pacific Highway are Council owned roads.
- Speed reduction to high use pedestrian areas in the village centre.
- Creation of “shared” pedestrian priority area across the roadway between the community hall and general store.
- Provision of a dedicated bus layby.

### 3. Pedestrian circulation

- A safe footpath connection and crossing point to the school.
- A footpath connection around the entire village ‘block’ including on Hinterland Way and Old Pacific Highway.
- Connect to existing informal pedestrian accessways through private land that link Hinterland Way (new parking areas) to the village centre (Old Pacific Highway).

### 4. Seating and amenities

- Creation of a village green / community space near the Community Hall
- Possible relocation of the fire shed (subject to further investigations and finding a suitable site) to open this area as a village green for public use and pop-up street activations.

These proposals maintain access to all approved private property access points.

The Draft Master Plan articulates a community aspiration to relocate the Rural Fire Brigade building to enable creation of a community Village Green on Council land with the community hall - a flexible, central heart for the village, supporting community events, informal gatherings, and play opportunities for young children.

In 2012/13 site analysis was undertaken to determine an appropriate site for the establishment of a new Fire Shed to service the Newrybar locality.

Several options were explored with the decision being made to improve the provision of fire brigade services at the existing location adjoining the Newrybar Community Hall.

The existing fire shed was constructed on community land in 2014 and is a basic metal shed construction.

The Draft Master Plan considers relocating the fire shed from the current location in the village centre to open opportunities for use of the community land next to the hall for public space and establishment of a community activation space.

## 8.2 Newrybar Village Centre - Streetscape Master Plan

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The Draft Master Plan also includes an inset design (page 38 of Attachment 1) that shows how this area could be configured if the RFS building remains in place.

Consultation with the Newrybar RFS indicates that they have no aspirations to move but they do have some issues at their current location in the main street which impact their operations.

These include lack of parking for emergency responders and their driveway being blocked from time to time.

Correspondence from the RFS is in Attachment 2.

Attachment 3 provides an overview of two locations which could be explored further in consultation with the fire brigade, as potential sites in which to relocate.

Both sites were investigated in 2013, however, since this time standards relating to onsite wastewater disposal and bore locations have changed potentially opening opportunities at these locations.

Further site investigation and liaison with the RFS is required on this matter.

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

Preparation of a streetscape master plan for Newrybar is an action of the Operational Plan for the 2024/25 year:

*Operational Plan Activity HE3.1k Complete streetscape master plan for Newrybar Village*

### **Community Engagement Strategy**

The projects consultants and Council staff collaborated with the community through a variety of forums to better understand the way the village works, community needs and aspirations.

The engagement broadly included:

- Notifying stakeholders and the general community of the project (letterbox drop, social media, media release) and inviting participation. This included collaborating with Byron Shire Council to ensure residents outside the local government area were informed.
- Online survey and interactive place value mapping via the Your Say Ballina “Newrybar Streetscape Master Plan” project page.
- Street traders walk to meet business owners and ensure they are aware of the project.
- Community conversations at a pop-up stall at the Twilight market at the Newrybar Community Hall (October 2024).
- Two-part community design workshops in November 2024 at the Newrybar Community Hall as detailed earlier in this report.
- One-on-one discussions with some stakeholders not able to attend other engagement activities.

- Project team meetings with internal staff.
- Councillor briefing (5 February 2025).

This report seeks Council's endorsement to place the Draft Streetscape Master Plan on public exhibition to obtain further community and stakeholder feedback on the design and priorities.

It is proposed to hold an additional community workshop during the public exhibition period to ensure the community understand the key features of the Draft Master Plan.

This engagement methodology is comprehensive and consistent with an 'involve' and 'collaborate' approach as outlined within Council's Community Engagement Strategy 2024.

Community 'empowerment' (the highest level of engagement under the CES) was facilitated via the design workshop process.

### **Financial / Risk Considerations**

There have been numerous representations from the community in the past seeking upgrades in Newrybar.

A Streetscape Master Plan provides a co-ordinated approach to such upgrades.

Whilst there is no funding in the current Delivery Program for implementation of any proposed capital works, an adopted plan can be a valuable tool to support future investment or seek grant funding.

Planning pathway investigations have not yet been undertaken.

As most of the work is located within Council owned road reserves a planning process under Division 5.1 of the EP&A Act may be suitable (Review of Environmental Factors – REF).

The planning pathway will inform the recommendations for priority works once the exhibition of the Draft Streetscape Master Plan is complete.

### **Options**

Council has the following options to proceed:

#### *Option One – Place the Draft Streetscape Master Plan on public exhibition*

Under this option, Council acknowledges the extent of community engagement to date and staff will proceed to place the Draft Streetscape Master Plan Report in Attachment 1 on public exhibition.

If Council wishes to make relatively minor changes, such changes could be incorporated into the Council resolution.

In relation to the RFS site, the preference from a green space and road design perspective in the Master Plan is for relocation of the RFS facility.

## 8.2 Newrybar Village Centre - Streetscape Master Plan

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Further examination of relocation of the RFS shed and use of the Newrybar Hall site can be undertaken as an action of the Master Plan on the basis that the plan makes provision for both retention and relocation of the RFS facility.

This can also be considered in more detail in association with submissions on the Draft Master Plan following public exhibition.

Following the exhibition, the outcomes of the exhibition process would be reported to Council as part of seeking direction on the finalisation and adoption of the plan.

### *Option Two – Council may choose to revise the Draft Streetscape Master Plan*

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

This option is not preferred due to the resources applied to the extensive community engagement process to date.

## **RECOMMENDATION**

That Council approves the public exhibition of the Draft Newrybar Streetscape Master Plan, as per Attachment 1 to this report.

### **Attachment(s)**

1. Newrybar Streetscape Master Plan (Draft) [⇒](#)
2. Newrybar Streetscape Master Plan - Community Engagement Summary, Survey and Submissions [⇒](#)
3. Newrybar Streetscape Master Plan - Preliminary Fire Brigade Site Options [⇒](#)

### 8.3 Homelessness

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### 8.3 Homelessness

#### Section

Public and Environmental Health

#### Objective

To provide the Council with an overview of different approaches to homelessness and seek direction on the application of Council resources.

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#### Background

Homelessness is a complex issue and is not unique to the Ballina Shire. It is being experienced by other local government authorities, particularly in coastal areas, across Australia.

Council's current approach to homelessness is summarised in the information sheet contained in Attachment 1 to this report.

There has also been an increase in recent months in the number of people experiencing homelessness in the Ballina Shire.

This is presenting challenges for Council, local service providers, the community, NSW Police and State Agencies involved in community support, housing, health and other services.

Locally, the availability of housing that serviced the needs of our most vulnerable people has diminished.

This was due in part to the 2022 flood that impacted on caravan parks. One caravan van park that provided a home to many vulnerable people has not reopened and the site is being redeveloped.

In considering homelessness, Council adopted the following resolution at the 27 February 2025 Ordinary meeting.

1. *That Council investigate providing a limited number of unpowered sites at the Flat Rock Tent Park, or another suitable site, 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.*

People who are rough sleepers are a particularly vulnerable and hard to service group. Research undertaken by the Department of Communities and Justice (DCJ), published in 2023, identified that rough sleepers are more likely to experience chronic health and mental health issues, alcohol and other drug use, disconnected family relationships, impaired social relationships and greater exposure to violence.

### 8.3 Homelessness

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The issue of homelessness is broad and far-reaching and is becoming increasingly prevalent in many communities. The reasons why a person becomes homeless vary, but what is certain is that the impacts are profound and life changing.

A whole-of-community response is needed to address homelessness.

This report explores options available to Council in contributing to address the need

#### Key Issues

- Local support for rough sleepers
- Long term response to homelessness

#### Discussion

A whole of community response is needed to address the issue of homelessness. Council is working proactively with NSW Police, DCJ, NSW Health and other support agencies and groups to provide a more coordinated approach to the homelessness issue in the Shire.

The role of different government and non-government support organisations and services are summarised as follows:

- *Department of Communities and Justice (DCJ)*

In NSW, the DCJ is responsible for assisting people who are homeless or at risk of becoming homeless and work with housing support services to respond to homelessness.

DCJ operates various programs that aim to provide direct support and links to support services for people who are homeless. This ranges across areas such as medical care, mental health support, disability support, child welfare, drug and alcohol management and housing.

The Link2home program is a notable service provided through the NSW Government.

Link2home is an information and referral telephone service that is open 24 hours per day 7 days per week.

This program aims to support people by connecting them to homeless support and accommodation services.

- *Non-government support services and organisations*

These organisations provide support to people experiencing homelessness by way of legal and housing support, help with linking to Centrelink and health services, and providing for daily needs such as food, showering and washing facilities, computer access, medical and psychological care.

Local organisations providing such services have experienced an increase in demand for their services in recent years.

### 8.3 Homelessness

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Service provider feedback is that a key issue for homeless people in Ballina Shire is direct access to support services, including health services.

- *Police*

The Police role in homelessness primarily involves ensuring public safety and responding to situations where a person's behavior, or circumstances, pose a risk, while also facilitating access to support services.

Police can also conduct welfare checks.

- *Council*

In line with the *NSW Protocol for Homeless People in Public Places*, local councils and other agencies are expected to adopt a coordinated and compassionate approach when managing homelessness in public spaces.

This protocol applies to public places such as parks, streets, and vehicles parked on public roads, but it does not cover private property.

Council's Rangers conduct routine patrols of areas known to be occupied by homeless people, to help and to manage companion animal concerns, rubbish accumulation and public safety.

A key aspect of Council's Ranger functions in respect to homelessness is the development of relationships with homeless people, so there is a line of communication available.

Attachment 1 outlines Council's current approach and roles and responsibilities.

#### Assertive Outreach Program

Council staff recently met with DCJ to discuss options for working in collaboration to better assist people who are sleeping rough.

DCJ has had success in other parts of NSW working with rough sleepers through the introduction of the Assertive Outreach Program (AOP).

The AOP involves specialist caseworkers and health professionals actively engaging with people experiencing street homelessness to help them find stable, long-term housing.

Successful support of a person experiencing homelessness often requires consistent and intensive outreach, over a period, to build trust before the person will consider offers of help or housing.

Council's role in the program could be to help in conducting patrols (which is already a part of Council's Ranger responsibilities) to identify rough sleepers so that support services can actively reach out to these people.

Council's involvement in the AOP is a relatively immediate action in helping to address homelessness.

### 8.3 Homelessness

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Council has the capacity to support the AOP through existing resources, primarily through the Rangers. This will also require the commitment of DCJ in managing such a program.

Expansion of the AOP into Ballina Shire is likely to be of significant benefit to those experiencing homelessness and addressing some of the broader community concerns around rough sleeping and camping in public areas.

#### Housing and Accommodation

Solutions to finding safe and accessible accommodation for rough sleepers can be broken down into short, medium and long-term solutions.

Short term solutions focus on immediate needs to support rough sleepers by providing locations that are, in the first instance, safe and located close to support services.

Types of accommodation include sleep buses, sites to accommodate tents and short-term accommodation in buildings where amenities and services are shared, and there is an expectation that you are not guaranteed of a space to sleep for longer than an overnight period.

The Flat Rock Tent Park could provide for a short-term accommodation solution, if made available. The key points within Council's resolution relating to the Flat Rock Tent Park are addressed as follows.

- *Site Investigation*

Council could elect to provide a specified number of sites for rough sleepers for short term stays at the Flat Rock Tent Park site.

From a practical perspective, the main issue is the relative isolation of the park relative to services and facilities that homeless persons rely on day to day.

The experience to date has been that homeless persons tend to prefer to be near to service providers (such as Mary's Place) and have access to sources for food and other basic supplies.

Another consideration here is that if a homeless person does not wish to leave the Flat Rock Tent Park, once a specified time on site is exceeded, this will present a management challenge for Council, particularly amongst regular site bookings.

For those in need of accommodation and want this kind of support, tents provide for a limited solution. The preference in this regard is to work with the responsible NSW Government agencies, to maximise opportunities for people to connect with State provided housing (temporary and hopefully more permanent).

However, it is fair to say though that temporary accommodation sources are scarce and there is considerable pressure on this system.

- *Weekly Rate and Referral System*

With respect to a weekly rate, any discounted fee will lead to reduced income for the park. It is hard to quantify what this might be, as the take up rate if sites are made available to homeless persons, is difficult to estimate.

Income may also be more broadly impacted by changes in patron bookings. Again, this is difficult to quantify.

The concept of a referral system, in principle, would provide a need and suitability-based framework for access to the Tent Park.

In practice though it is often difficult for Council staff (who are not specialists in the issues that face Homeless persons) to discern the circumstances, character and needs of individuals, without considerable time to build relationships and interact with service providers.

This task of determining suitability is a significant ask of Council's Rangers, given their roles and responsibilities, training and expertise are not founded in welfare and social services.

Having said that, Council's Rangers are working extremely hard to support homeless persons and respond to community concerns within Council's capabilities and resources.

Utilising non specialist Council officers to determine suitability for access to temporary accommodation is not recommended.

- *Operator Compensation*

Council has a management contract with Live 4 Adventure Pty Ltd to manage the park, with that contract expiring 30 June 2027. The contractor has an option for two additional years.

The contractor management fee is based on a retainer and 15% of operating income. This is a signed contract and to vary the conditions of the contract will require agreement from both parties.

Councillors have previously received an email from the representative of Live 4 Adventure Pty Ltd, dated 27 February 2025, that outlined concerns in respect to the Flat Rock Tent Park being a park for displaced / homeless people.

The concerns related to the reliance on public transport, there being no power and no laundry and the management company staff being unqualified to support the need of homeless or displaced people.

These are all genuine concerns and with the park management trying to build the reputation and turnover of the tent park, to in turn increase their own compensation, it is somewhat unreasonable for Council to change a focus of the park, from a basic tourist camping spot, to providing critical short-term accommodation for displaced and homeless people.

If Council is supportive of providing accommodation, then there are other Council sites that are more suitably located closer to essential services.

### 8.3 Homelessness

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The other Council owned, or managed, sites that could potentially provide a space for tent or short-term accommodation, that are closer to facilities, public amenities and services sites are:

- Treelands Reserve – open space next to the Kentwell Centre. This is located next to Mary's Place, which provides meals, showering facilities and other services to people needing support.

Basic infrastructure, such as some form of shelter, could be installed by Council in this location to support homeless people.

- Bicentennial Reserve – This is similar to Treelands Reserve, with major food stores located within walking distance. If Council was supportive of using open space areas, Treelands Reserve would be the preferred option, due to its location next to Mary's Place and other services.
- Council Properties – Council owns two freehold properties at 62 and 64 Crane Street, adjacent to Ignite Studios and the Northern Rivers Community Gallery.
- 62 Crane Street is leased to Ballina Shire Meals on Wheels Inc, until September 2027, with 64 Crane Street currently occupied by Council's People and Culture Section, following the flooding and demolition of 71 Tamar Street.

These two properties are long term strategic landholdings, for potential future expansion of the Administration Centre, or construction of a major civic precinct in Ballina (i.e. gallery, library, conference centre etc). This precinct would incorporate the Wigmore Car Park as well.

Even though they are not an immediate solution, both properties could potentially provide some form of shelter for homeless people, and they could potentially be medium to long term solutions.

It is also possible that 64 Crane Street will be vacated by Council's People and Culture Section, within the next six months, as staff located in the Administration Centre, are relocated to the next Depot Administration building, currently under construction. This then frees up space in the Administration Centre for the People and Culture Section.

Medium term solutions can be described as transitional housing. Transitional housing is intended to help individuals move from sleeping rough to more permanent accommodation.

They provide an entry point to stable housing, for those in crisis, along with ongoing support from specialist services or case managers.

Typically offered for 12-18 months, transitional housing can include 1-bedroom apartments, self-contained studio units, or boarding houses with shared facilities like kitchens, bathrooms, or laundries.

Tweed Shire Council and Social Futures, a non-government Community Housing Provider, have recently gained funding from the State Government's Homelessness Innovation Fund.

### 8.3 Homelessness

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This fund was set up to help community housing and homelessness organisations trial new approaches to getting rough sleepers into safe accommodation.

The funding received by Tweed Shire Council is being used to transform a vacant retirement village, into 70 transitional temporary accommodation units, which will have 24/7 onsite management and access to support services.

Long term housing solutions to homelessness, focus on providing stable, permanent housing options, along with supportive services to help individuals maintain their housing and improve their overall well-being.

Council's housing strategy highlights the need to increase and diversify housing stock in the shire.

It advocates for mixed-type developments to meet diverse needs and calls for increased investment and funding for centrally located affordable and social housing in new release and infill areas.

The DCJ and Homes NSW are key stakeholders in relation to social housing.

Centrally located housing stock in Ballina controlled by the NSW Government has redevelopment potential, which could increase density and housing variety, offering long-term solutions for rough sleepers and homeless individuals. Council staff are currently engaging with Homes NSW in relation to opportunities for increased social housing in the shire.

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

The report aligns with the following elements of Council's Delivery Program and Operational Plan:

CC1 We feel safe and resilient,  
CC2 We have a sense of belonging within the community  
CC2.3 Assist disadvantaged groups within our community

#### **Community Engagement Strategy**

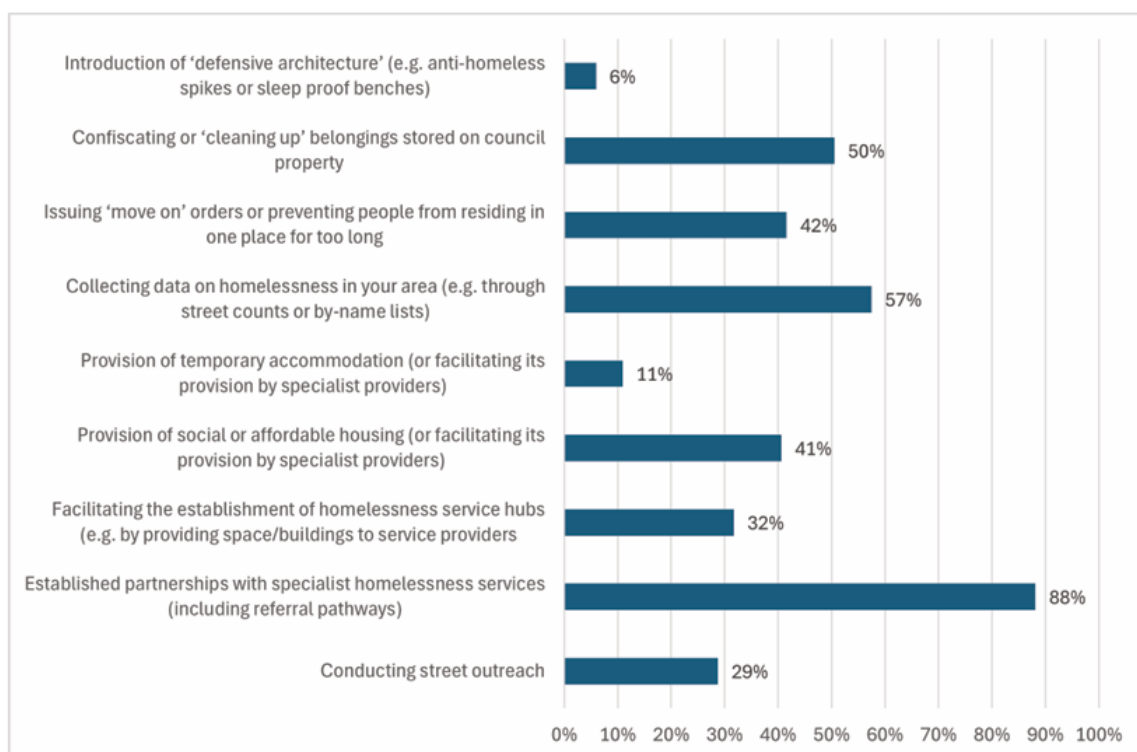
Staff met recently with representatives from DCJ and discussed how best to work in partnership in assisting rough sleepers. Discussions with DCJ could continue with respect to the establishment of an AOP for Ballina Shire.

Further engagement and collaboration would be needed with relevant agencies and organisations already working with homelessness in the development of a homelessness response framework for the Shire.

Significant research is being undertaken in respect to homeless and the following link is a report from a range of institutions titled "Australian Homelessness Monitor 2024": [AHM final.pdf](#).

Pages 110 to 116 of that document outline approaches taken by local governments, with a summary provided in the following chart (page 110)

**Figure 6.5: How do homelessness active councils address the issue?**



The sample number of councils for this survey is 118 across Australia.

Ballina Shire, through our Rangers, is currently actively involved in cleaning up belongings, preventing people from residing too long in one place from a public health and safety perspective, and collecting data (albeit through the State Government)

The DCJ 2024 NSW Statewide Street Count, included as Attachment 2 to this report, confirmed that:

- Byron Shire had the largest cohort of rough sleepers at 348 (page 2)
- Tweed Shire increased from 145 to 174
- Lismore from 40 to 64
- Ballina from 30 to 63 (all page 9)

These figures highlight that homelessness is a major issue for all the councils in the Northern Rivers.

A 2025 count has recently been completed in Ballina by DCJ and Council is awaiting the results.

### Financial / Risk Considerations

Council can support the Assertive Outreach Program within the existing resources available through Council's Ranger team, and other staff involved in management of community space, public health and social planning.

### **8.3 Homelessness**

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Medium and long term homelessness housing projects require additional funding, with costs dependent on the solution pursued.

The NSW Homelessness Innovation Fund is a potential source of funding for any such projects.

#### **Options**

Further investigation of the Flat Rock Tent Park site for temporary homeless accommodation is not the preferred approach due to the lack of services, including electricity and showers, and the competing priorities of providing short term accommodation for homeless people, whilst operating as a basic camping ground for tourists.

The other sites mentioned, could potentially provide some form of accommodation, notably Treelands Reserve.

Improvements needed include the provision of additional shelter, storage facilities, ensuring lighting is suitable, providing a water source and making provision for waste collection.

Electricity capacity would also be something to consider if service providers, such as Orange Sky, make services available.

Active management might also be required for the preferred site to function satisfactorily. The hiring of security personnel to perform checks during the night would be of benefit to those using the spaces and from a broader community perspective.

However, this type of approach is not yet recommended, as not all homeless persons want to co-locate, with each individuals, or small group's circumstances, being different.

Designating a particular area for use by homeless people may also result in challenges that are beyond the resource and expertise capacity of Council.

The preferred approach, at this point in time, is for Council to engage and work collaboratively with government and non-government service providers.

Responses to homelessness are better developed in cooperation and coordination with the government and non-government support agencies and organisations already operating to support rough sleepers.

As part of this collaborative approach, it is recommended that Council invite DCJ, NSW Health and NSW Police to a round table forum with Councillors, key staff and non-government agency stakeholders to discuss the approach to homelessness in Ballina Shire and the response framework.

Once relationships with local support agencies and services are established and a framework is developed, Council could seek funding to build longer term housing such as Tweed Shire Council are pursuing.

In this regard, the recommendations of this report also include looking for opportunities to apply for funding under the Homelessness Innovation Fund.

### 8.3 Homelessness

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A more immediate action is to work with DCJ to implement the Assertive Outreach Program. It is also recommended that Council engage collaboratively with DCJ with a view to supporting them in managing such a program.

It is also recommended that Council continues to build relationships with non-government service providers, such as Mary's Place and Orange Sky, which is consistent with the following resolution from the 27 February 2025 Ordinary meeting:

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*

In conclusion, this report recommends that the most effective action Council can take, at this point in time, is to work with support agencies and service providers in identifying and providing further help within the current frameworks to those sleeping rough.

Lastly, it is also important to document that Council's Rangers have been allocating a significant amount of time to help homeless people in our Shire.

They have established several positive relationships to ensure people move from sites that may be impacting people who use those sites (i.e. parks) and they have provided an exceptional service in dealing with the complexities that often exist for each homeless person.

As outlined in the "Australian Homelessness Monitor 2024" report and the 2024 Street Count figures, homelessness is an Australia wide issue and it is essential that all levels of government, and the community, work together to generate outcomes that help reduce the overall level of homelessness.

#### RECOMMENDATIONS

1. That Council actively collaborate with the Department of Communities and Justice in the delivery of an Assertive Outreach Program for homeless people in Ballina Shire.
2. That Council work with local non-government service providers to develop relationships and frameworks to support homeless persons in Ballina Shire.
3. That Council examine opportunities for projects that could be funded under the Homeless Innovation Fund, in collaboration with agency and non-government service provider stakeholders.
4. That Council invite the Department of Communities and Justice, NSW Health, NSW Police and non-government service providers to a round table discussion with Council regarding homelessness in the Ballina Shire and the associated response.

#### Attachment(s)

1. Ballina Shire Council - Homelessness Information Sheet [↗](#)
2. Communities & Justice - NSW Statewide Street Count 2024 [↗](#)

**8.4 Development Compliance - 404 Old Byron Bay Road, Newrybar**

**Section** Development Services

**Objective** To provide an overview of development compliance matters relating to the subject land in association with a confidential report that seeks direction on the preferred approach to any further compliance action.

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**Background**

In 2016 Council received a complaint regarding construction of a road at 404 Old Byron Bay Road. At the time Council was advised that the works were being undertaken to maintain an existing road within the property. No further action was taken at that time.

In October 2017 Council received a development application for construction of a dwelling house at the property (DA 2017/584). This application was withdrawn in December 2017.

Following withdrawal of the DA and receipt of several complaints, Council compliance officers inspected the site in February 2018. Various works observed at the site were identified for further investigation.

Following the inspection Council issued a direction to the landholder to undertake preventative action in relation to erosion and sedimentation control. This direction was complied with.

Council also issued correspondence seeking an explanation with respect to the construction of a road, installation of culverts and pipes and removal and poisoning of vegetation.

Council received a detailed response to its enquiry and was advised that a development application would be lodged for the construction of a dwelling using the road the subject of the works as access.

DA 2018/381 for a new dwelling, swimming pool and upgrade of an existing internal access was lodged in June 2018.

In September 2018 Council received a report relating to development compliance action in relation to certain works observed at the site.

In summary Council resolved to:

- Commence criminal proceedings in the Local Court in relation to the culvert works and associated pollution incident.
- Seek a Court order for remediation of the escarpment zone in the area where the unauthorised works and pollution incident occurred. As part of the resolution this element was to be actioned based on the outcomes associated with determination of DA 2018/381 (i.e. action would be informed by the outcomes of the DA).

A copy of the September 2018 report is contained in Attachment 1.

The Local Court action proceeded with the outcome being that the magistrate found the offence proven but dismissed conviction whilst awarding costs in the amount of \$4,200 in favour of Council. This concluded the prosecution.

Action associated with remediation of the land was held in abeyance pending the determination of DA 2018/381.

Council considered the determination of DA 2018/381 at the November 2019 Ordinary meeting.

At that meeting, Council resolved to grant development consent for decommissioning of an existing dwelling and construction of a new two storey dwelling and swimming pool and the upgrading of an existing internal access, inclusive of a specific condition addressing rectification works associated with the culvert.

This decision was subsequently subject to a rescission motion which Council considered at the December 2019 Ordinary meeting.

The original decision was rescinded and Council resolved:

*that DA 2018/381 for the decommissioning of an existing dwelling and construction of a new two storey dwelling and swimming pool and the upgrading of an existing internal access way be REFUSED on the basis that the application is inconsistent with the objectives of the 7d 1 Zone and the impacts of the development do not meet the requirements of the DCP.*

This decision was then appealed by the landowner in the Land and Environment Court.

A third party joined the proceedings, with this party raising issues additional to those set out in Council's statement of facts and contentions.

The hearing was finalised on 4 December 2020 and on 29 October 2021 the Court ruled that the refusal was upheld, and the appeal was dismissed.

The full judgement can be found at:

<https://www.caselaw.nsw.gov.au/decision/17b098435bc9edc17ae32aaa>

Following the judgement, the landowner indicated an intention to lodge a new development application.

DA 2022/469 was lodged in November 2022 and sought a partial widening, regrading, extension and use of an internal accessway to provide access from the western side of the property to its eastern side.

The proposal also included earthworks, stormwater drainage, retaining walls, tree protection works, and environmental protection works.

Action in relation to remediation works stemming from the 2018 resolution were held in favour of completing the assessment of the DA. A key reason for this

was that the DA presented a potential pathway for the achievement of remediation outcomes in association with a development consent.

It is also reasonable in circumstances like those associated with this matter to defer Court action whilst a development application is under assessment as the Court may adjourn proceedings to enable a DA to be determined.

The DA was scheduled to be reported to the December 2023 Ordinary meeting of Council for determination.

Although the reporting to the elected Council was not finalised, the draft reporting recommended refusal of the DA.

Prior to the reporting and determination of the application, the applicant withdrew the DA.

The assessment of this DA included engagement of external ecological expertise to provide an independent ecological assessment.

The landowner has again indicated an intention to lodge a new development application relating to the internal accessway and advised that work to prepare required documentation is underway.

There is also ongoing concern and interest from adjoining landholders and the Scenic Escarpment Protection Alliance (SEPA) in relation to the unauthorised works and remedial action.

Two submissions have been received recently in relation to the remediation of 404 Old Byron Bay Road.

Key matters specifically referenced include the timeframe associated with compliance and remediation, restoration of the waterway, reforestation, bamboo plantings on the ridgeline, road usage and closing off the accessway.

The purpose of this report and the associated confidential report is to outline the status of this matter and seek direction on compliance action having regard for legal advice received by Council.

The legal advice is addressed in the confidential report elsewhere in this business agenda.

### **Key Issues**

- Unauthorised works and appropriate remedial action

### **Discussion**

Works relating to the installation of an internal access road and vegetation clearing at the subject property have been under consideration over several years, through development compliance and development application processes.

Given this, it is prudent to review the approach to this matter having regard for the steps and processes to date and legal advice obtained by Council.

## **8.4 Development Compliance – 404 Old Byron Bay Road, Newrybar**

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This includes consideration of the second point in Council's 2018 resolution.

Council's legal advice and associated options regarding possible courses of action are set out in the confidential report relating to this matter.

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

The consideration of this matter relates to Council's development compliance and development assessment programs.

### **Community Engagement Strategy**

This matter is not of a type that is subject to community engagement under Council's Community Participation Plan.

This report has been provided in open Council for the information of the community.

### **Financial / Risk Considerations**

Legal implications associated with this matter are the subject of a confidential report.

### **Options**

The purpose of this report is to provide an overview of the matter, which is also the subject of a confidential report, for the information of the community.

The recommendation is for Council to note this report.

### **RECOMMENDATION**

That Council notes the contents of this report regarding development compliance relating to land located at 404 Old Byron Bay Road, Newrybar.

### **Attachment(s)**

1. Council Report - 27 September 2018 - Legal Proceedings - 404 Old Byron Bay Road, Newrybar [↗](#)

## 9.1 Investment Summary - February 2025

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### 9. Corporate and Community Division Reports

#### 9.1 Investment Summary - February 2025

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

---

#### **Background**

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

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

This report 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 February 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 28 February 2025 was \$90.4m compared to a balance of \$86.9m as at 31 January 2025.

Council's investments, as at 28 February 2025, were invested at a weighted average interest rate of 5.210%, which was 0.829% higher than the February average 90 Day Bank Bill Index (BBSW) of 4.381%.

The balance of Council's Commonwealth Bank business account, as at 28 February 2025 was \$12,636,564 which compares to a balance of \$10,311,099 as at 31 January 2025.

## 9.1 Investment Summary - February 2025

Total combined cash and investments, as at 28 February 2025 was \$103,036,564 compared to a balance of \$97,211,099 as at 31 January 2025.

The net increase of \$5.82m in cash and investments from January to February is the result of rates instalments received during the month offset by regular creditor payments made.

NSW TCorp's monthly Economic Commentary report for February 2025 can be viewed using the following link: [Monthly economic report – February 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.

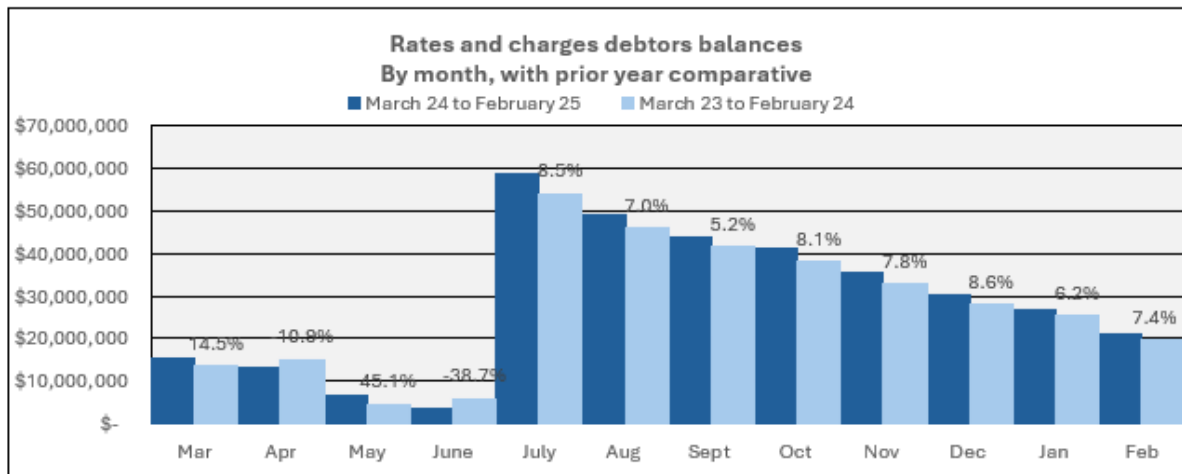
Reserve Name	Restriction	% Portfolio
Wastewater (incl developer contributions)	External	24.18%
Water (incl developer contributions)	External	15.66%
Section 7.11 Developer Contributions	External	18.74%
Domestic Waste Management	External	1.81%
Bonds and Deposits	External	3.07%
Specific Purpose Unexpended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

### *Debtors*

As per the following chart, the balance, as at 28 February 2025, was 7.4% higher than 28 February 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.

## 9.1 Investment Summary - February 2025



### A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	31 January \$'000	28 February \$'000	Quota %	% of Total
AMP Bank	No	BBB+	9,000	9,000	20%	9.96%
Australian Unity	Yes	BBB+	4,000	2,000	20%	2.21%
Auswide Bank	Yes	BBB	4,000	8,000	20%	8.85%
Bank of Queensland	Yes	A-	13,000	11,000	20%	12.17%
BankVic	n/a	BBB+	3,000	3,000	20%	3.32%
Bendigo & Adelaide Bank	Yes	BBB+	1,000	1,000	20%	1.11%
Beyond Bank	Yes	BBB+	4,000	4,000	20%	4.42%
Commonwealth Bank	No	AA-	1,000	1,000	20%	1.11%
Defence Bank Ltd	n/a	BBB+	3,000	3,000	20%	3.32%
ING Bank (Australia) Ltd	No	A	2,000	2,000	20%	2.21%
G & C Mutual	Yes	BBB+	2,000	2,000	20%	2.21%
Macquarie Bank	No	A+	1,600	1,600	20%	1.77%
MyState Bank Ltd	Yes	BBB+	4,000	4,000	20%	4.42%
National Australia Bank	No	AA-	10,000	11,500	20%	12.72%
Newcastle Greater Mutual Group Ltd	Yes	BBB+	1,000	1,000	20%	1.11%
Rabobank Australia Ltd	No	A+	8,000	10,000	20%	11.06%
Suncorp Limited	Yes	A+	14,300	14,300	20%	15.82%
Westpac Bank Corp	No	AA-	2,000	2,000	20%	2.21%
<b>Total</b>			<b>86,900</b>	<b>90,400</b>		<b>100%</b>

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value 31 January \$'000	Value 28 February \$'000	%	%
	%	Value \$'000				
A- or Higher	100%	90,400	51,900	53,400	59.7%	59.1%
BBB	60%	54,240	35,000	37,000	40.3%	40.9%
<b>Total</b>			<b>86,900</b>	<b>90,400</b>	<b>100%</b>	<b>100%</b>

Liquidity Risk Parameters as per the Investment Policy	Maximum Allowed		Value \$'000 31 January	Value \$'000 28 February	%	%
	%	Value \$'000				
Term equal to 1 year or less	100%	90,400	77,000	80,500	88.6%	89.0%
Term > 1 year and < 3 years	40%	36,160	-	-	-	-
Term > 3 years	20%	18,080	9,900	9,900	11.4%	11.0%
<b>Total</b>			<b>86,900</b>	<b>90,400</b>	<b>100%</b>	<b>100%</b>

## 9.1 Investment Summary - February 2025

### B. Fossil Fuel Free and Green Investments

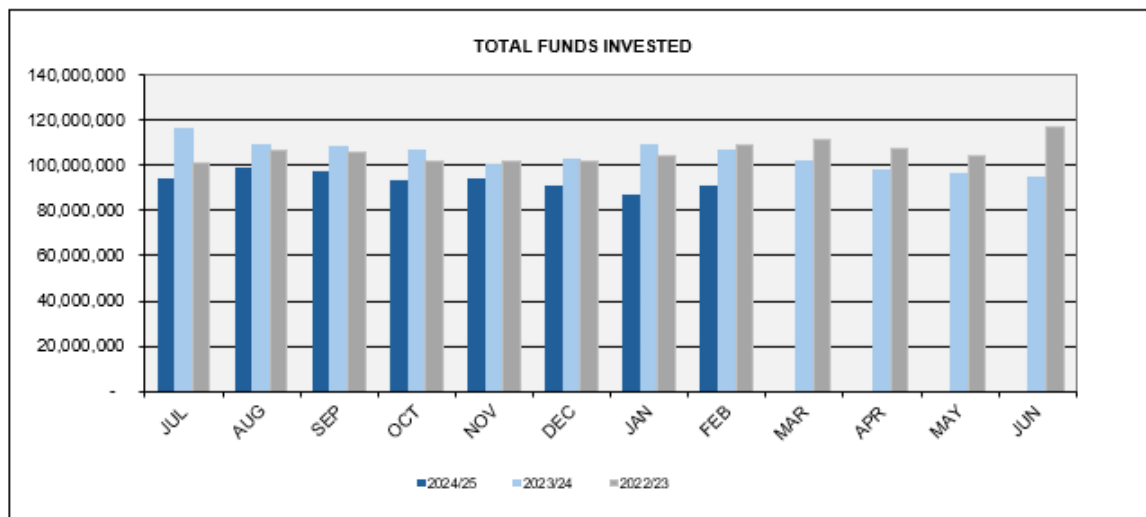
Environmental Classification	31 January		28 February	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned Investments	24,600	28.3	28,100	31.1
Non-Fossil Fuel Aligned Investments	56,300	64.8	56,300	62.3
Not Classified	6,000	6.9	6,000	6.6
<b>Total</b>	<b>86,900</b>	<b>100%</b>	<b>90,400</b>	<b>100%</b>

In February 2025, six investments matured totalling \$10.3m.

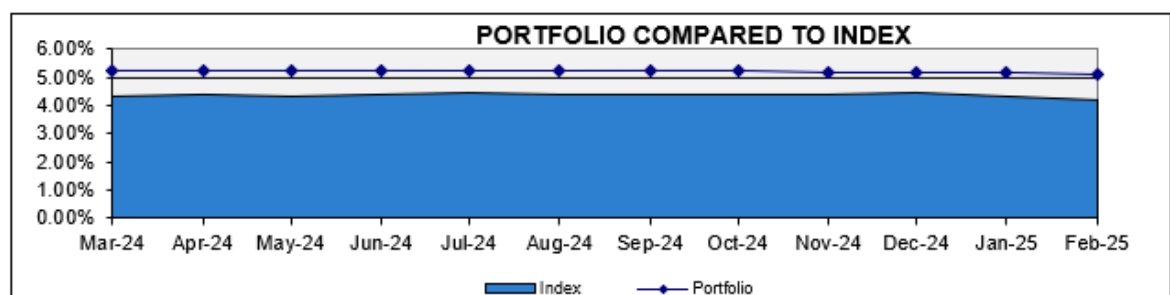
Four of the investments, totalling \$7.3m, were held with non-fossil fuel aligned institutions.

Eight new investments, totalling \$13.8m, were placed. Four investments, totalling \$7.3m, were with non-fossil fuel aligned institutions.

### C. Monthly Comparison of Total Funds Invested

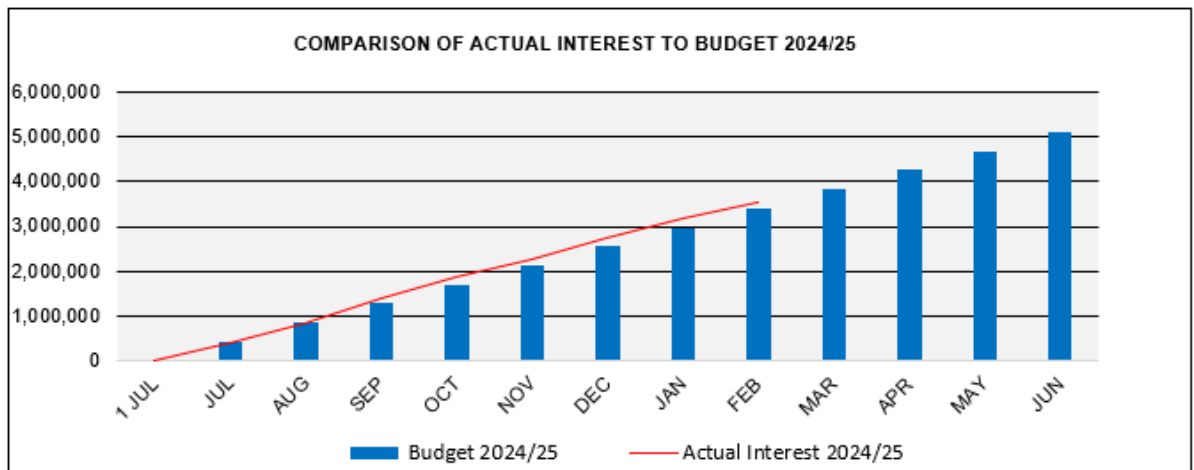


### D. Comparison of Portfolio Investment Rate to 90 Day BBSW



## 9.1 Investment Summary - February 2025

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



### F. Investments held as of 31 January 2025 and 28 February 2025

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 January \$'000	28 February \$'000
24/02/21	Suncorp-Metway Limited	FRN	4.58%	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	5.02%	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	5.00%	22/08/29	1,000	1,000
28/02/24	Australian Unity Bank	TD	5.10%	27/02/25	2,000	-
28/05/24	MyState Bank Ltd	TD	5.25%	27/08/25	2,000	2,000
04/06/24	MyState Bank Ltd	TD	5.25%	03/06/25	2,000	2,000
27/06/24	National Australia Bank	TD	5.50%	24/06/25	4,000	4,000
10/07/24	Suncorp-Metway Limited	TD	5.45%	08/07/25	3,000	3,000
31/07/24	Rabobank Australia Ltd.	TD	5.35%	31/07/25	3,000	3,000
13/08/24	AMP Bank	TD	5.20%	10/06/25	4,000	4,000
28/08/24	Suncorp-Metway Limited	TD	5.07%	04/03/25	6,000	6,000
28/08/24	Rabobank Australia Ltd.	TD	5.00%	03/06/25	5,000	5,000
04/09/24	Bank of Queensland	TD	4.85%	04/02/25	4,000	-
11/09/24	G&C Mutual Bank	TD	5.00%	03/09/25	2,000	2,000
01/10/24	Bank of Queensland	TD	5.05%	15/04/25	1,000	1,000
01/10/24	Bank of Queensland	TD	5.05%	04/04/25	2,000	2,000
01/10/24	Bank of Queensland	TD	5.05%	08/04/25	2,000	2,000
12/11/24	Australian Unity Bank	TD	5.10%	11/11/25	1,000	1,000
12/11/24	Australian Unity Bank	TD	5.10%	11/11/25	1,000	1,000
19/11/24	ING Bank (Australia) Ltd	TD	5.17%	18/11/25	2,000	2,000
26/11/24	Bank of Queensland	TD	5.15%	01/07/25	2,000	2,000
26/11/24	Bank of Queensland	TD	5.15%	21/05/25	2,000	2,000
10/12/24	Beyond Bank	TD	5.18%	10/06/25	2,000	2,000
10/12/24	Beyond Bank	TD	5.18%	17/06/25	2,000	2,000
11/12/24	Auswide Bank	TD	5.15%	15/07/25	2,000	2,000

## 9.1 Investment Summary - February 2025

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 January \$'000	28 February \$'000
17/12/24	Auswide Bank	TD	5.20%	17/06/25	2,000	2,000
07/01/25	AMP Bank	TD	5.10%	16/06/25	2,000	2,000
07/01/25	Defence Bank Ltd	TD	5.10%	22/07/25	1,000	1,000
07/01/25	Defence Bank Ltd	TD	5.10%	29/07/25	2,000	2,000
07/01/25	BankVic	TD	5.10%	07/08/25	1,000	1,000
08/01/25	AMP Bank	TD	5.10%	15/07/25	2,000	2,000
14/01/25	BankVic	TD	5.10%	13/08/25	2,000	2,000
21/01/25	National Australia Bank	TD	4.95%	19/08/25	2,000	2,000
21/01/25	National Australia Bank	TD	4.90%	02/09/25	2,000	2,000
21/01/25	National Australia Bank	TD	4.90%	16/09/25	2,000	2,000
28/01/25	Suncorp-Metway Limited	TD	4.91%	09/09/25	2,000	2,000
28/01/25	Suncorp-Metway Limited	TD	4.91%	07/10/25	1,000	1,000
04/02/25	Bank of Queensland	TD	4.85%	05/08/25	-	2,000
12/02/25	National Australia Bank	TD	4.90%	13/05/25	-	1,500
27/02/25	Auswide Bank	TD	4.76%	17/02/26	-	2,000
27/02/25	Auswide Bank	TD	4.76%	24/02/26	-	2,000
28/02/25	Rabobank Bank Australia Ltd.	TD	4.79%	02/09/25	-	2,000
	<b>Total</b>				<b>86,900</b>	<b>90,400</b>
	TD=Term Deposit; FRN=Floating Rate Note					

### RECOMMENDATION

That Council notes the contents of this report on banking and investments for February 2025.

### Attachment(s)

Nil

## 9.2 Ward Committee - Membership - Heritage Advisory Ballina

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### 9.2 Ward Committee - Membership - Heritage Advisory Ballina

#### Delivery Program

Governance

#### Objective

To approve membership of Heritage Advisory Ballina to Council's three 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 and adopted at the February 2025 Council meeting.

Since that report, a further application has been received from Heritage Advisory Ballina to have representation on each of the Ward Committees.

#### Key Issues

- Community representation on Council's Ward Committees.

#### Discussion

Heritage Advisory Ballina (HAB), as per Attachments 1, 2 and 3 to this report, is seeking membership for all three of Council's Ward Committees.

The applications states that the HAB represents the seven historical associations within the Ballina Shire, with a combined membership of 350.

Council's 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.

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

## 9.2 Ward Committee - Membership - Heritage Advisory Ballina

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#	Organisation
13	Ballina Naval and Maritime Museum
14	Cumbalum Residents Association Incorporated
15	Ballina East Lions Club Incorporated
16	Ballina CWA
17	Rainbow Region Dragon Boat Club
18	Ballina Coastcare
19	U3A Ballina/Byron
20	NSW Police Force/Ballina Police Station/Richmond Police District
21	Screenworks
22	West Ballina Residents Association Incorporated

### **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
10	Lennox Head Chess Club Incorporated
11	Tuckombil Landcare

### **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
12	Rous Mill Ratepayers Association

The applications from HAB are consistent with the membership requirements for the Ward Committees.

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

This report is linked to Delivery Program Strategy EI1.2 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 for the Ward Committees.

### **Options**

The options are to approve or not approve the nominations for membership.

The recommendation is for approval.

### **RECOMMENDATION**

That Council approves Heritage Advisory Ballina, as a member of Council's A, B and C Ward Committees.

### **Attachment(s)**

1. Ward A Committee Application Form - Heritage Advisory Ballina [⇒](#)
2. Ward B Committee Application Form - Heritage Advisory Ballina [⇒](#)
3. Ward C Committee Application Form - Heritage Advisory Ballina [⇒](#)

### 9.3 Debt Recovery - Community Facility Hire

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#### 9.3 Debt Recovery - Community Facility Hire

**Section** Facilities Management

**Objective** To provide an overview of an outstanding sundry debtor that requires Council direction.

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#### **Background**

Council has an outstanding debt originating from the hire of the Lennox Head Cultural Centre, with efforts to recover this debt being unsuccessful.

The confidential report later in this agenda seeks Council direction in respect to the options available to recover the debt.

#### **Key Issues**

- Compliance with Local Government (General) Regulations 2021
- Avenues available to collect the outstanding debt

#### **Discussion**

Details of the sundry debtor are included in the confidential report in this agenda.

The debt recovery for this debt has involved numerous telephone and emails from staff to the debtor since 2022.

Council's external debt recovery agency, Executive Collections commenced proceedings in early 2023 without success.

To pursue this matter further will incur additional costs and increase the value of the debt, which may not be recoverable.

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

This is identified within Council's adopted Delivery Program, under Direction 4: Engaged Leadership.

EL2.1d – Pursue financial sustainability.

#### **Community Engagement Strategy**

Council has liaised with the debt collection agency as they worked through the process to recover the outstanding debt and associated costs.

It is a confidential matter not requiring community engagement.

**Financial / Risk Considerations**

There is a continued cost to Council in staff time liaising with the debt collection agency.

A write-off of this sundry debtor amount owing is revenue foregone from the General Fund.

**Options**

This report is for noting only, with the confidential report recommending a preferred option.

**RECOMMENDATION**

That Council notes the contents of this report regarding the confidential report for debt recovery later in this agenda.

**Attachment(s)**

Nil

## 9.4 Policy (Review) - Councillor and Staff Interaction

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### 9.4 Policy (Review) - Councillor and Staff Interaction

**Section** Governance

**Objective** To review the Councillor and Staff Interaction Policy.

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#### **Background**

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

The purpose of this report is to review the Councillor and Staff Interaction policy.

Council first adopted this policy in May 2004 and the policy is reviewed following a Council election.

Council adopted the current policy in July 2022.

#### **Key Issues**

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

#### **Discussion**

The councillor and staff interaction policy provides a framework for councillors when exercising their civic functions that addresses their ability to interact with, and receive advice from, Council staff. It provides clear boundaries for appropriate interaction.

The Office of Local Government (OLG) released an updated Model Councillor and Staff Interaction Policy in April 2022. A copy of the OLG Model Policy is [linked here](#).

Council's existing policy is largely as per the OLG model document.

The Council policy has been reviewed and an updated policy is included as Attachment 1.

There are only very minor amendments in the update, primarily relating to a note for Councillors to refer operational matters by community members to the standard Council email address and telephone number.

It is important that operational matters are referred through the correct channels (i.e. through the Council email address or telephone number), as this will often result in a consistent response to the matter raised and reduce the potential for multiple staff handling the matter.

It can also reduce the risk of a Councillor becoming involved an operational decision that they may not necessarily support.

## **9.4 Policy (Review) - Councillor and Staff Interaction**

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The updated clause (5.4 e)) highlights that if the member of the public is not satisfied with a decision, then they can raise it again with the Councillor.

Recommended amendments to the policy are in yellow highlight.

Important aspects of the policy include:

- Positive working relationships are a key element to any council's success (Preface)
- The Policy should be read in conjunction with Council's Code of Conduct (clause 1.2)
- Councillors cannot direct staff, with the General Manager directed by resolution (clause 4.7 c)
- The General Manager is responsible for implementing lawful decisions without undue delay (clause 4.8)
- Councillors do not have a right to matters they are only curious about (clause 5.1)
- Councillors should only contact the General Manager and staff whose positions are included in Schedule 1 of the Model Policy (clause 6.1)
- Examples of appropriate and inappropriate interactions are provided (Part 8)

It is not mandatory for Council to adopt this Model Policy, as it is a Model Policy and not a Model Code.

Model Codes, such as the Code of Meeting Practice and the Code of Conduct, set minimum standards, which a council cannot dilute. However, a Model Policy is not prescribed and is offered as a guide to councils as best practice.

It is recommended best practice to adopt this policy to ensure the boundaries between Councillors and staff are clearly defined.

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

The Councillor and Staff Interaction Policy is an important element in the effective functioning of a council.

### **Community Engagement Strategy**

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

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

### **Financial / Risk Considerations**

It is important to have a clear framework in place for interaction between Councillors and staff to minimise the risk of inappropriate interactions and to set clear boundaries.

### **Options**

The options are to adopt the updated Councillor and Staff Interaction Policy, which is based on the OLG Model Policy.

The alternative is to provide further changes.

The recommendation is to adopt the updated policy, as attached to this report, as it provides a best practice guide to councils.

### **RECOMMENDATIONS**

1. That Council adopts the updated Councillor and Staff Interaction Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any significant submissions to be resubmitted back to Council.

### **Attachment(s)**

1. Policy (Review) - Councillor and Staff Interaction [⇒](#)

**10. Civil Services Division Reports**

Nil Items

**11. Notices of Motion**

Nil Items

**12. Advisory Committee Minutes**

**12.1 Finance and Facilities Committee Minutes - 12 March 2025**

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**Attendance**

Crs Sharon Cadwallader (Mayor - in the chair), Michelle Bailey (Online), Damian Loone, Therese Crollick, Simon Chate, Erin Karsten, Kiri Dicker and Eva Ramsey.

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

There were three people in the gallery at this time.

**1. Acknowledgement of Country**

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

**2. Apologies**

An apology was received from Cr Simon Kinny and leave of absence had previously been approved for Cr Phil Meehan.

**RECOMMENDATION**

(Cr Simon Chate/Cr Damian Loone)

That such apology be accepted for Cr Kinny and leave of absence granted for Cr Meehan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE – Cr Phil Meehan and Cr Simon Kinny

**3. Declarations of Interest**

**Cr Therese Crollick** – declared an interest in Item 5.1 – Ballina Surf Club Meeting Rooms – Sublease (Nature of Interest: non-significant, non-pecuniary). Member of the surf club. Cr Crollick will remain in the meeting while this item is discussed.

**Paul Hickey** – declared an interest in Item 5.1 – Ballina Surf Club Meeting Rooms – Sublease (Nature of Interest: non-significant, non-pecuniary). Mr Hickey is friends with a partner of an Executive Member of the Surf Club and will leave the meeting while this item is discussed.

**Cr Michelle Bailey** – declared an interest in Item 5.6 – Rating Structure – 2025/26 (Nature of Interest: significant non-pecuniary). Cr Bailey is the

President of the Lennox Head Chamber of Commerce and will depart the meeting while this item is discussed.

**4. Deputations**

Nil

Paul Hickey left the meeting at 4.03pm.

**5. Committee Reports**

**5.1 Ballina Surf Club Meeting Rooms - Sublease**

**RECOMMENDATION**

(Cr Therese Crollick/Cr Erin Karsten)

1. That Council notes the contents of this report and resolves not to proceed with the leasing proposal based on the reasons outlined in the report.
2. That Council thanks the Far East Company Pty Ltd (Capiche) and the Ballina Lighthouse and Lismore Surf Lifesaving Club for their proposal and input into this decision.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE – Cr Phil Meehan and Cr Simon Kinny

Paul Hickey returned to the meeting at 4.13pm.

**5.2 Road Material Reuse - Stockpile Locations Review**

**RECOMMENDATION**

(Cr Therese Crollick/Cr Eva Ramsey)

That Council notes the concerns that have been expressed in respect to the operation of the Uralba Road (Dees Lane), material storage area, and endorses the continued operation of this stockpile site, based on:

- the significant operational savings generated from the operation of the material storage area
- the lack of any other suitable site in the locality
- a commitment to ensure risks are minimised in the operation of the site through fencing, signage and operational practices that are consistent with Council's Work Health and Safety framework.

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Eva Ramsey, Cr Damian Loone, Cr Erin Karsten, Cr Michelle Bailey and Cr Therese Crollick

AGAINST VOTE - Cr Simon Chate

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Simon Kinny

**5.3 Southern Cross Employment Precinct Expansion - Update**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Damian Loone

1. That based on the contents of this report, Council takes no further action, at this point in time, in pursuing the rezoning of Council owned land associated with the Southern Cross Expansion Precinct at this time.
2. That Council investigate the sites east of Russellton Estate at Alstonville and the land north of Wardell for inclusion in an updated draft Local Strategic Planning Statement as potential future employment lands.
3. That Council retains the Southern Cross Precinct Expansion area as a potential employment land site within its local strategic planning framework.
4. That Council make representations to the NSW State Government regarding the identification of a suitable planning pathway and policy framework for employment land provision in the expansion area and elsewhere in Ballina Shire.

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

1. That based on the contents of this report, Council takes no further action, at this point in time, in pursuing the rezoning of Council owned land associated with the Southern Cross Expansion Precinct at this time.
2. That Council investigate the sites east of Russellton Estate at Alstonville and the land north of Wardell for inclusion in an updated draft Local Strategic Planning Statement as potential future employment lands.
3. That notwithstanding Point 1 that Council prepare a planning proposal to apply a C2 zone in accordance with the Northern Environmental Zone criteria.

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

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

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

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Simon Kinny

An **Amendment** was moved by Cr Erin Karsten and seconded by Cr Therese Crollick

1. That based on the contents of this report, Council takes no further action, at this point in time, in pursuing the rezoning of Council owned land associated with the Southern Cross Expansion Precinct at this time.
2. That Council investigate additional sites for employment land potential including the land north of Wardell and Skennars Ridge, and if necessary the land at Russellton Estate at Alstonville, in an updated draft Local Strategic Planning Statement as potential future employment lands.

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

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

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

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Simon Kinny

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Damian Loone)

1. That based on the contents of this report, Council takes no further action, at this point in time, in pursuing the rezoning of Council owned land associated with the Southern Cross Expansion Precinct at this time.
2. That Council investigate additional sites for employment land potential including the land north of Wardell and Skennars Ridge, and if necessary the land at Russellton Estate at Alstonville, in an updated draft Local Strategic Planning Statement as potential future employment lands.
3. That Council retains the Southern Cross Precinct Expansion area as a potential employment land site within its local strategic planning framework.
4. That Council make representations to the NSW State Government regarding the identification of a suitable planning pathway and policy framework for employment land provision in the expansion area and elsewhere in Ballina Shire.
5. That as part of Point 4, Council provide the NSW Minister for Planning and Public Spaces, with a copy of the minutes from this meeting.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Eva Ramsey, Cr Damian Loone and Cr Michelle Bailey

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

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Simon Kinny

**5.4 Wollongbar Residential Estate Stage Three - Sale of Lots**

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

1. That Council authorises the sale of Lots 1 to 18 (inclusive) in DP 1292552 as per Attachment 1 to this report, by public auction and authorises the General Manager to set the price reserve based on market conditions at the time.
2. That Council authorises the General Manager to enter into open or general agency agreements with local real estate agents who wish to participate in the auction campaign.
3. That the agents' commission be set at 1.5% + GST of the sale price.
4. That in respect to point 1, the General Manager is authorised to execute all necessary sale documents and affix the Council seal to same.

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

1. That Council defers its decision on the sale of Lots 1 to 18 until a resolution has been made regarding Lots 19 to 30, no later than at the April Ordinary meeting.
2. That Councillors receive a briefing on the history of the land in the Wollongbar Urban Expansion Area.

The **Amendment** was **LOST**

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

AGAINST VOTE - Cr Sharon Cadwallader, Cr Eva Ramsey, Cr Damian Loone, Cr Michelle Bailey and Cr Therese Crollick

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Simon Kinny

Cr Kiri Dicker left the meeting at 05:50 pm.

### **RECOMMENDATION**

(Cr Damian Loone/Cr Therese Crollick)

1. That Council authorises the sale of Lots 1 to 18 (inclusive) in DP 1292552 as per Attachment 1 to this report, by public auction and authorises the General Manager to set the price reserve based on market conditions at the time.
2. That Council authorises the General Manager to enter into open or general agency agreements with local real estate agents who wish to participate in the auction campaign.
3. That the agents' commission be set at 1.5% + GST of the sale price.
4. That in respect to point 1, the General Manager is authorised to execute all necessary sale documents and affix the Council seal to same.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Kiri Dicker, Cr Phil Meehan and Cr Simon Kinny

Cr Kiri Dicker returned to the meeting at 05:54 pm.

## **5.5 Waste Operations - Long Term Financial Plan**

### **RECOMMENDATION**

(Cr Erin Karsten/Cr Eva Ramsey)

1. That Council endorses the draft fees and charges and Landfill and Resource Management and Domestic Waste Management long term financial plans, as per Attachments 1, 2 and 4 to this report, for exhibition in the draft 2025/26 to 2028/29 Delivery Program and 2025/26 Operational Plan.
2. That Council make representation to the Queensland Premier and write to the Queensland Government Minister for the Environment and Tourism and

Minister for Science and Innovation, along with the NSW Cross Border Commissioner, to request the regional waste levy rate be applied to waste transported from the Ballina Shire.

3. That Council approves the transition to a fortnightly landfill bin collection service model for all properties receiving a rural Domestic Waste Management Service, including delivery of a comprehensive community engagement and education campaign.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Simon Kinny

Cr Michelle Bailey left the meeting at 05:57 pm.

#### **5.6 Rating Structure - 2025/26**

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

That this matter be deferred to the April Finance and Facilities Committee meeting to examine a rating structure that lowers the business rate differential.

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

1. That this matter be deferred to the April Finance and Facilities Committee meeting to examine a rating structure that lowers the business rate differential.
2. That Council writes to the State Government in favour of a 2021 IPART recommendation for a separate rating category for environmental land.

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan, Cr Michelle Bailey and Cr Simon Kinny

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

#### **RECOMMENDATION**

(Cr Kiri Dicker/Cr Erin Karsten)

1. That this matter be deferred to the April Finance and Facilities Committee meeting to examine a rating structure that lowers the business rate differential.
2. That Council writes to the State Government in favour of a 2021 IPART recommendation for a separate rating category for environmental land.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan, Cr Michelle Bailey and Cr Simon Kinny

**5.7 Water Operations - Long Term Financial Plan****RECOMMENDATION**

(Cr Therese Crollick/Cr Simon Chate)

That Council endorses the annual charges, as per the following table, as well as the long-term financial plan, as per Attachments 1, 2 and 3 to this report, for the Water Operations, for exhibition in the draft 2025/26 to 2028/29 Delivery Program and 2025/26 Operational Plan.

Charge Type	2024/25	2025/26	% Increase
Water Access Charge 20mm meter	250	265	6.0
Water Consumption under 350kl	2.82	2.99	6.0
Water Consumption over 350kl	4.23	4.49	6.1
Vacant Land Charge	250	265	6.0

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan, Cr Michelle Bailey and Cr Simon Kinny

**5.8 Wastewater Operations - Long Term Financial Plan****RECOMMENDATION**

(Cr Erin Karsten/Cr Damian Loone)

That Council endorses the annual charges, as per the following table, as well as the long-term financial plan, as per Attachments 1, 2 and 3 to this report, for the Wastewater Operations, for exhibition in the draft 2025/26 to 2028/29 Delivery Program and 2025/26 Operational Plan.

Charge Type	2024/25 \$	2025/26 \$	% Increase
Residential Availability Charge	1,074	1,106	3.0
Vacant Land Charge	811	835	3.0
Non-Residential Usage Charge	2.74	2.82	2.9
Non-Residential Access Charge	Variable based on meter size		
Recycled Water	80% of potable water step 1		

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan, Cr Michelle Bailey and Cr Simon Kinny

**6. Confidential Session****RECOMMENDATION**

(Cr Erin Karsten/Cr Eva Ramsey)

That Council notes the contents of the report as this matter was determined in Item 5.1, with no further action required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan, Cr Michelle Bailey and Cr Simon Kinny

**MEETING CLOSURE**

The meeting was closed at 6.17pm.

**RECOMMENDATION**

That Council confirms the minutes of the Finance and Facilities Committee meeting held 12 March 2025 and that the recommendations contained within the minutes be adopted.

**Attachment(s)**

Nil

### 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 March 2025 Ordinary meeting are as follows:

<b><u>Date</u></b>	<b><u>Meeting</u></b>
3 March	Meeting with Dave Harmon and Jodie Shelley, Rotary Club of Ballina on Richmond
3 March	Meeting with Aileen MacDonald MLC, Shadow Minister for Youth Justice, Shadow Minister for Aboriginal Affairs and Member of the Legislative Council and Staff
3 March	NSW SES Tropical Cyclone Alfred Ministerial Update
3 March	Cr Induction session – Community Strategic Plan
4 March	NSW SES Tropical Cyclone Alfred Ministerial Briefing
4 March	Cr Briefing – Banyan Hill Planning Proposal
4 March	Cr Briefing – Review of Rural Bin Collection Service
5 March	Mayor meeting with Senator Tony Sheldon, Special Envoy for Disaster Recovery; Kaela Barber National Emergency Management Agency (NEMA) and Staff
5 March	NSW SES Tropical Cyclone Alfred Ministerial Briefing
5 March	Senator Tony Sheldon, Special Envoy for Disaster Recovery Tropical Cyclone Alfred Briefing
6 March	Evacuation Centre visit – Southern Cross Public School
6 March	Meeting with NSW Premier The Hon. Chris Minns MP and The Hon. Jihad Dib MP including Ballina Shire site visits
6 March	NSW SES Tropical Cyclone Alfred Ministerial Briefing
6 March	Senator Tony Sheldon, Special Envoy for Disaster Recovery Tropical Cyclone Alfred Briefing
7 March	Evacuation Centre visit – Southern Cross Public School
7 March	NSW SES Tropical Cyclone Alfred Ministerial Briefing
7 March	Senator Tony Sheldon, Special Envoy for Disaster Recovery Tropical Cyclone Alfred Briefing
8 March	Evacuation Centre visit – Southern Cross Public School
8 March	NSW SES Tropical Cyclone Alfred Ministerial Briefing
8 March	Senator Tony Sheldon, Special Envoy for Disaster Recovery Tropical Cyclone Alfred Briefing
9 March	Evacuation Centre visit – Southern Cross Public School
9 March	NSW Reconstruction Authority and Councils impacted by Tropical Cyclone Alfred Briefing
9 March	NSW SES Tropical Cyclone Alfred Ministerial Briefing
9 March	Senator Tony Sheldon, Special Envoy for Disaster Recovery Tropical Cyclone Alfred Briefing
10 March	Evacuation Centre visit – Southern Cross Public School
10 March	NSW SES Tropical Cyclone Alfred Ministerial Briefing
10 March	Finance and Facilities Committee Meeting Business paper review
11 March	Public Citizenship Ceremony
11 March	Meeting with NSW SES Commissioner Mike Wassing and Todd Smeaton, Manager State Operations and Staff

### 13.1 Mayoral Meetings

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11 March	Meeting with Ballina Times Managing Director Warwick Brown and Staff
11 March	NSW SES Tropical Cyclone Alfred Ministerial Briefing
11 March	A Ward Committee Meeting
11 March	Meeting with The Hon. Paul Scully MP Minister for Planning and Public Spaces and The Hon. Justine Elliot MP
12 March	NSW SES Tropical Cyclone Alfred Ministerial Briefing
12 March	Finance and Facilities Committee Meeting
13 March	Meeting with Senior Policy Advisor to The Hon. Ryan Park MP Minister for Health and Staff to discuss Ballina District Hospital
13 March	NSW Reconstruction Authority Ex-Cyclone Alfred recovery update
13 March	C Ward Committee Meeting
14 March	Meeting with The Hon. Jenny Aitchison MP, Minister for Regional Transport and Roads and Staff site visit
14 March	The Hon. Kevin Hogan MP election promise Alstonville Cultural Centre solar panels
14 March	Senator Tony Sheldon, Special Envoy for Disaster Recovery Ex-Cyclone Alfred Briefing
16 March	Meeting with NSW SES Deputy Commissioner Debbie Platz
17 March	Mayor meeting with Senator Tony Sheldon, Special Envoy for Disaster Recovery
17 March	Australian Coastal Councils Association (ACCA) Meeting
17 March	B Ward Committee Meeting
18 March	Meeting with Superintendent Scott Tanner, Recovery Coordinator and Jessica Bourner, Director, Regional Delivery North Coast - NSW Reconstruction Authority and Staff
18 March	NSW Reconstruction Authority Ex-Cyclone Alfred recovery update
18 March	Cumbalum Residents Association Meeting
19 March	Rous County Council Workshop
20 March	Country Mayors Association (CMA) Executive Board Meeting
21 March	Ballina Chamber International Women's Day Lunch
22 March	Quota Annual Women's Friendship High Tea Luncheon
25 March	LGNSW Webinar – Governance of Registered Organisations
27 March	Ordinary Meeting

### RECOMMENDATION

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

### Attachment(s)

Nil

**14. Confidential Session**

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A (4) of the Local Government Act 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session is as follows:

**14.1 Development Compliance - 404 Old Byron Bay Road Newrybar**

This report contains legal advice and the discussion could impact the ability of Council to undertake any compliance action in respect to the property. As per Item 8.4.

**14.2 Debt Recovery - Community Facility Hire - Options**

This report contains information relating to personal information of a resident. As per Item 9.3.

**RECOMMENDATION**

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

**14.1 Development Compliance - 404 Old Byron Bay Road Newrybar**

**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A (2)(g) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D (2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the discussion could impact the ability of Council to undertake any compliance action in respect to the property.

**14.2 Debt Recovery - Community Facility Hire - Options**

**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A (2)(b) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:

- b) the personal hardship of any resident or ratepayer

and in accordance with 10D (2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the personal information of a resident may be discussed.