

Agenda

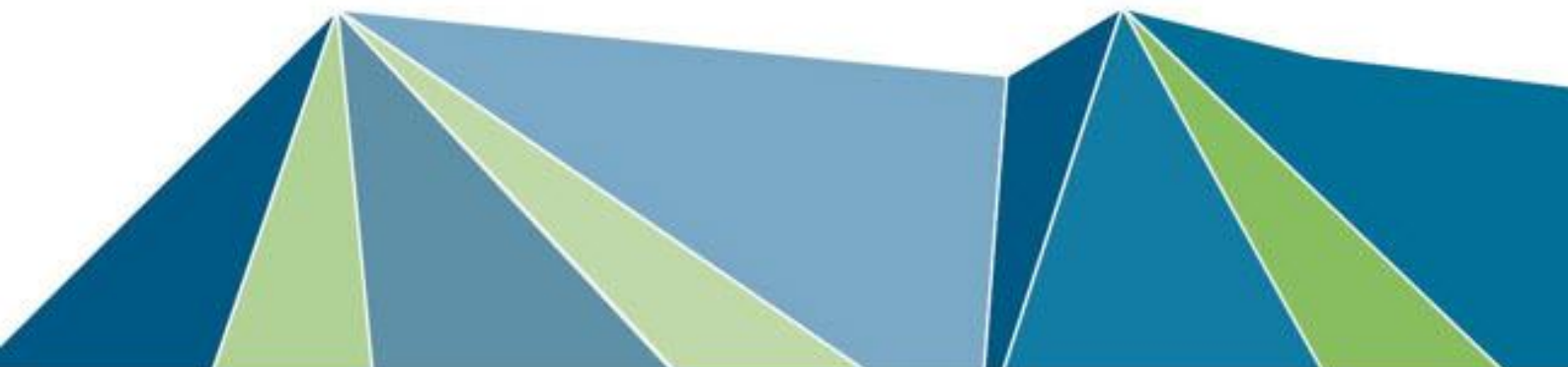
Ordinary Meeting 24 April 2025

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **24 April 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) and a person's image and/or voice may be broadcast.
- Attendance at the meeting is taken as consent by a person to their image and/or voice being webcast.
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

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1. Australian National Anthem

The National Anthem will be performed by

2. Acknowledgement of Country

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 March 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 March 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 Planning Proposal and DCP Amendments - CURA A - Cumbalum Views

Section	Strategic Planning
Objective	To determine the preferred approach to a planning proposal, including associated Development Control Plan amendments, to facilitate the rezoning of certain rural zoned land at Cumbalum.

Background

2014 Rezoning to create Cumbalum Urban Release Area A (CURA A)

Ballina LEP 2012 (BLEP 2012) Amendment 9 was made on 14 August 2014. This resulted in rural land at Cumbalum being rezoned to part R3 Medium Density Residential (R3) and part R2 Low Density Residential (R2) zones within the area now known as CURA A.

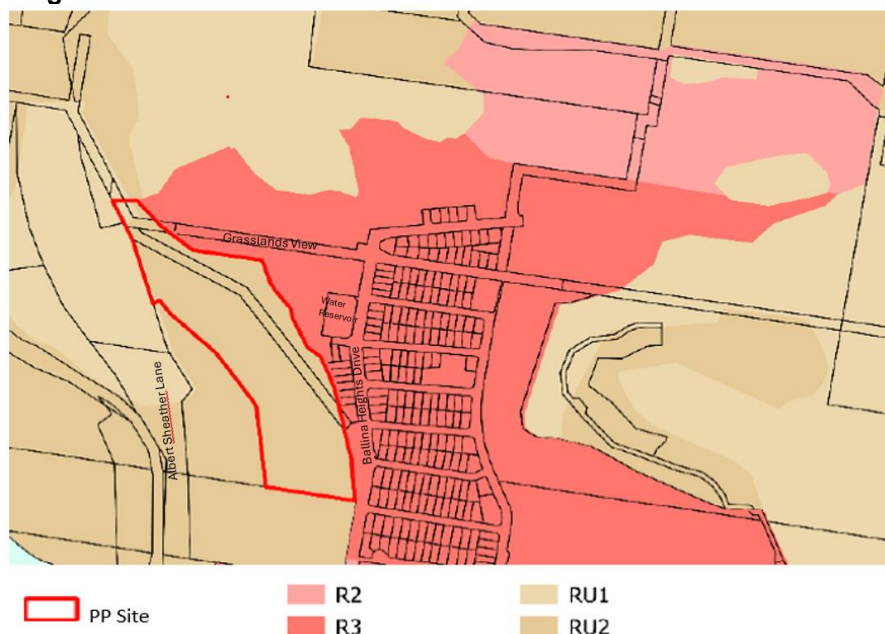
Excluded from the rezoning was land to the west of the water tower site and along Ballina Heights Drive. This land retained its rural zone but was designated as a Strategic Urban Growth Area (SUGA) in BLEP 2012.

SUGA designated land requires further evaluation through the planning proposal (PP) process before it may be rezoned for urban purposes.

A PP has now been submitted seeking to rezone this land.

Diagram 1 shows the location of the proponent's PP site (outlined red) and the residential land zones applicable to CURA A as well as adjoining rural zones.

Diagram 1 – PP Site and CURA A Zones



2022 Strategic Urban Growth Area (SUGA) Review

The PP site is substantially located within the Western Cumbalum SUGA. Council most recently reviewed SUGA areas in May 2023.

Council resolved to retain the SUGA (Area 8), which incorporates the land the subject of the proponent's PP.

Diagram 2 shows the location of the Western Cumbalum SUGA.

This SUGA has an area of 21.2ha of which approximately 9.7ha relates to this PP.

Diagram 2 – Western Cumbalum SUGA (outlined in yellow)



2022 Planning Proposal (PP-2022-4336) and 2024 Planning Proposals (PP-2024-129 and PP-2024-2503)

The PP the subject of this report (*PP-2024-2503*) is the third PP lodged by the proponent since December 2022.

The earlier PPs did not proceed due to deficiencies identified with the submitted supporting information.

The PP site area of approximately 9.7ha remains unchanged from that indicated in the original PP.

Also unchanged, is the R3 Medium Density Residential zone and 450m² minimum lot size proposed by the proponent.

Concept allotment layout plans lodged with each of the PPs have undergone significant changes.

The current plan makes provision for 91 residential lots and 3 local park lots. Earlier plans proposed 110 residential lots.

Attachment 1 contains a list of matters referred to the proponent in April 2024. In response the proponent submitted the current PP (*PP-2024-2503*) in November 2024.

8.1 Planning Proposal and DCP Amendments - CURA A - Cumbalum Views

Ballina DCP 2012 Chapter 3 – Urban Subdivision (DCP Chapter 3)

Section 5.6 of DCP Chapter 3 and the DCP *Special Area Control Map Subdivision* apply to the PP site. The *Special Area Control Map Subdivision* incorporates the site within Cumbalum Precinct A, known as Cumbalum Views.

Diagrams in Appendix D to DCP Chapter 3 currently designate the use of the PP site as Rural Landscape Land.

Various amendments to DCP Chapter 3 including the diagrams contained within Appendix D will be required should Council support the PP.

The recommendation of this report is that the proponent's PP (*PP-2024-2503*) be amended by Council in several respects including proposed zones, residential lot sizes and the area covered by the PP.

Various amendments are also proposed to DCP Chapter 3 – Urban Subdivision, as discussed in this report.

Key Issues

- Planning Proposal Assessment
- DCP Amendments

Discussion

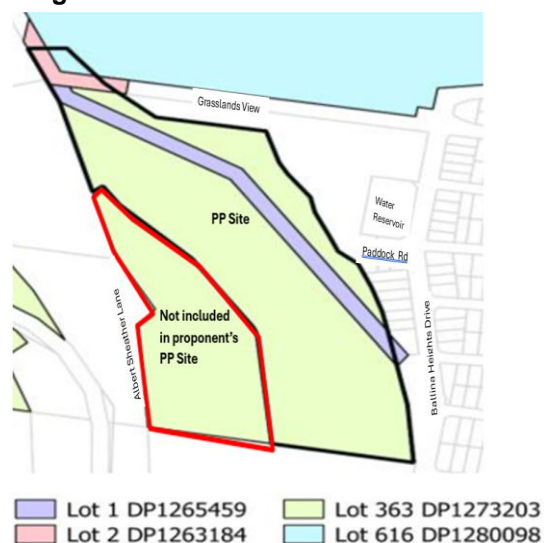
Proponent and Lots incorporated within the Planning Proposal (PP)

The PP has been lodged by Macroplan Holdings Pty Ltd on behalf of the proponent Intrapac Property Pty Ltd.

The proponent's PP site has an area of approximately 9.7ha and is located generally to the west of the Cumbalum water reservoir site.

The PP site consists of part Lot 1 DP 1265459, part Lot 2 DP 1263184, part Lot 363 DP 1273203 and part Lot 616 DP 1280098 as shown outlined in black in Diagram 3.

Diagram 3 – PP site lot location



8.1 Planning Proposal and DCP Amendments - CURA A - Cumbalum Views

Not included in the submitted PP is that part of Lot 363 which extends to Albert Sheather Lane and Mitchell Close as outlined in red on Diagram 3.

Zone and other LEP changes proposed by the PP (PP-2024-2503)

The proponent's original PP sought to rezone RU1 and RU2 zoned land under the provisions of BLEP 2012 to an R3 Medium Density Residential zone.


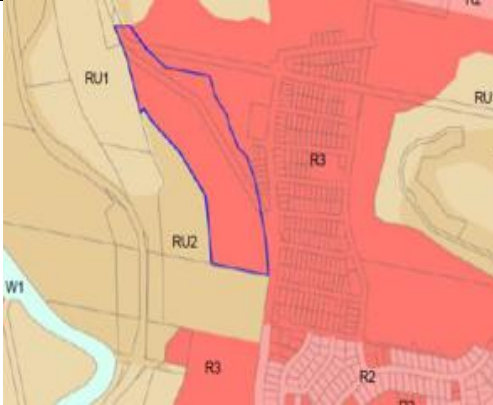


A minimum lot size of 450m² over the proposed residential portions of the PP site is also proposed.

These proposed LEP changes were designed to support the creation of 91 residential lots as shown on the Concept Allotment Layout (CAL) plan submitted with the proponent's PP, which is included in Attachment 3 to this report.

Consequential changes to the Urban Release Area (URA) and Strategic Urban Growth Area (SUGA) maps have also been requested.

Diagram 4 below shows the main BLEP 2012 mapping changes proposed by the proponent's PP.

Diagram 4 – BLEP 2012 Existing and Proposed Mapping (Proponent's Proposal)

Existing Land Zoning Map LZN_005B (RU2 & RU1)	Original Proposed Land Zoning Map LZN_005B (R3)
	
Existing Lot Size Map LSN_005B (40ha)	Original Proposed Lot Size Map LSN_005B (450m ²)
	
Existing Urban Release Area Map URA_005	Proposed Urban Release Area Map URA_005



Attachment 2 contains a copy of the proponent's original PP submission excluding specialist studies and reports.

Should the PP progress to exhibition then all associated documentation will be available for viewing on the NSW Planning Portal as well as the council web site.

Concept Allotment Layout Plan

A concept allotment layout plan (CAL) forms part of the proponent's PP submission as shown in Attachment 3.

The CAL plan makes provision for 91 residential lots and 3 proposed local park lots. The value of the CAL plan has been to enable more detailed consideration of site constraints and consideration of whether the PP has site specific merit. It also assists in the delineation of proposed zone boundaries.

The proponent's original PP submission did not propose an increase in minimum lot sizes to reflect the larger lot sizes shown in the CAL plan. These larger lots respond to site constraints.

Proposed residential lot sizes as shown in the CAL plan range in size from 450m² to 1480m². The larger residential lots are located along the western edge of the PP site adjoining a proposed acoustic barrier. These lots have a minimum area of 1200m².

The centrally located dual road frontage lots (17), shown by the orange colour in the plan in Attachment 3, are proposed dual occupancy lots.

In terms of dwelling yield the site is envisaged to yield a minimum of 108 dwellings once the potential dwellings on dual occupancy lots are included.

Site Topography

The site is moderately slope constrained with contours ranging from approximately RL50m AHD to RL75m AHD west to east as shown in Diagram 5.

This necessitates extensive areas of cut and fill across the site to create the final landform and to enable connection to the existing (and proposed) road network as well as site servicing (drainage and sewer).

Diagram 5 – Site Topography



Acoustic Barrier

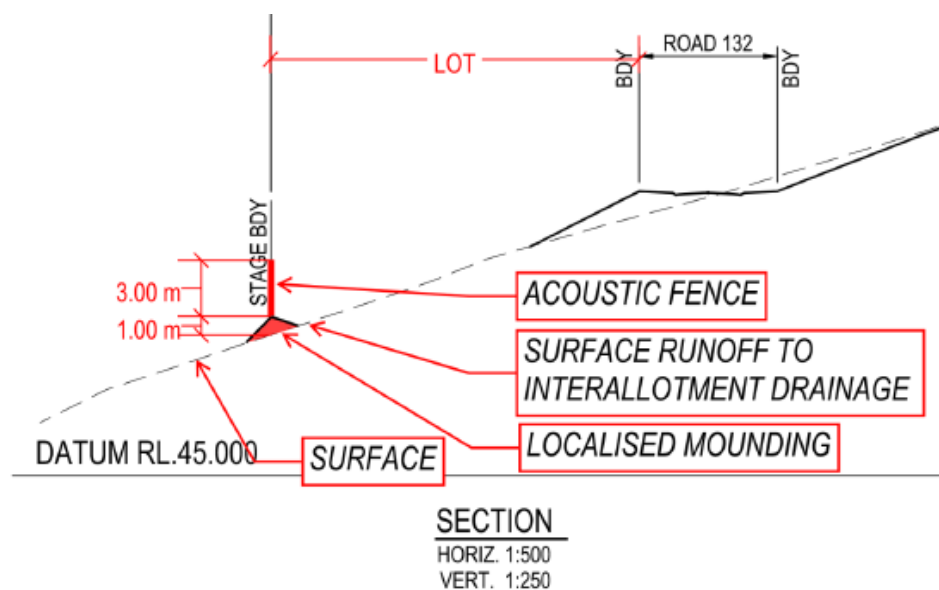
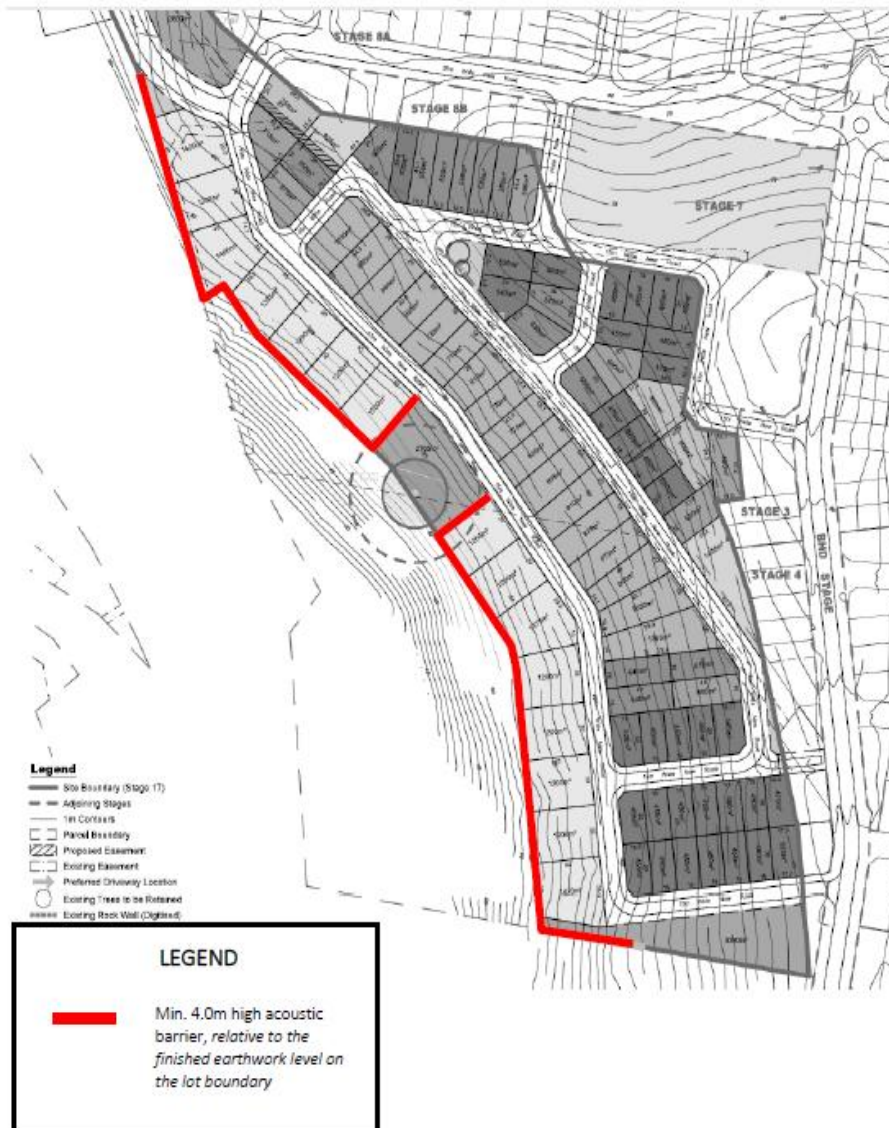
The PP is supported by a *Road Traffic Noise Assessment* which is contained in Attachment 4. The *Road Traffic Noise Assessment* has been peer reviewed and is discussed later in this report under consideration of Site-Specific Merit.

A copy of the peer review report and associated email is contained in Attachment 5.

Proposed to be located along the western and part southern boundaries of the PP site is an acoustic barrier (fence/wall). This barrier is significantly upslope from the barrier previously considered along the Pacific Motorway boundary and referenced in the 2022 SUGA Review report.

The acoustic barrier is indicated as having a minimum 4 metre height and is proposed to be in the position shown by the red line in Diagram 6.

Diagram 6 – Proposed Location of Acoustic Barrier and Cross Section



Residue Land West of Acoustic Barrier

In respect to the land between Albert Sheather Lane and the acoustic barrier, the proponent's PP indicates that this land retains its current RU2 Rural Landscape zoning and is not a part of the site proposed to be rezoned.

This land is also indicated as containing proposed urban infrastructure including a bioretention basin, sewer pumping station and associated vehicle access.

The land is part of Lot 363 and has an area of approximately 3.6ha.

The land is mapped as containing remnant native vegetation such as Far North Coast Bangalow Palm Swamp Forest and dry subtropical rainforest communities. In addition, Hairy Jointgrass is recorded within this area.

Council staff requested that this land be incorporated within the PP and be designated as C3 Environmental Management zone. This is to prevent further fragmentation of Lot 363, avoid longer term land maintenance concerns, and assist with the rehabilitation and preservation of native vegetation on the land.

Council staff also suggested that restoration and embellishment of this land, as well as longer term ownership, could be considered in the context of a planning agreement.

In response the proponent has advised that:

Intrapac have no arrangement with the landowner to include this specific land in the PP and is unable to include it without landowner's consent. As such, this should be a matter for Council to raise direct with the landowner.

At this stage council staff have not raised the above residue land issues with the property owner.

Amendments proposed to the PP include the application of a C3 Environmental Management zone to the subject residue land. This will then provide for a clean edge between Albert Sheather Lane and the rezoning site.

Having regard to the presence of Endangered Ecological Communities (EECs) application of a C3 Environmental Management zone to the land is considered desirable.

Restoration and rehabilitation of this residue land will also assist in screening the proposed acoustic wall from the Pacific Motorway and rural lands to the west.

Strategic and Site-Specific Merit

Assessment of a PP requires consideration of strategic and site-specific merit. The matters considered are summarised below.

Strategic Merit Assessment

Assessment of strategic merit consists of reviewing the applicable strategic planning framework as follows:

- North Coast Regional Plan 2041 (NCRP2041)

8.1 Planning Proposal and DCP Amendments - CURA A - Cumbalum Views

The majority of the proponent's PP site is located within an *Investigation Area – Urban Land* (IA-UL) in the *NCRP2041*.

Urban land means land in a variety of zones including residential, business and industrial.

A small part of the site (872m²), located in the PP site's far northwestern corner (mauve colour in Diagram 7), is located outside of this area, and outside of the corresponding SUGA.

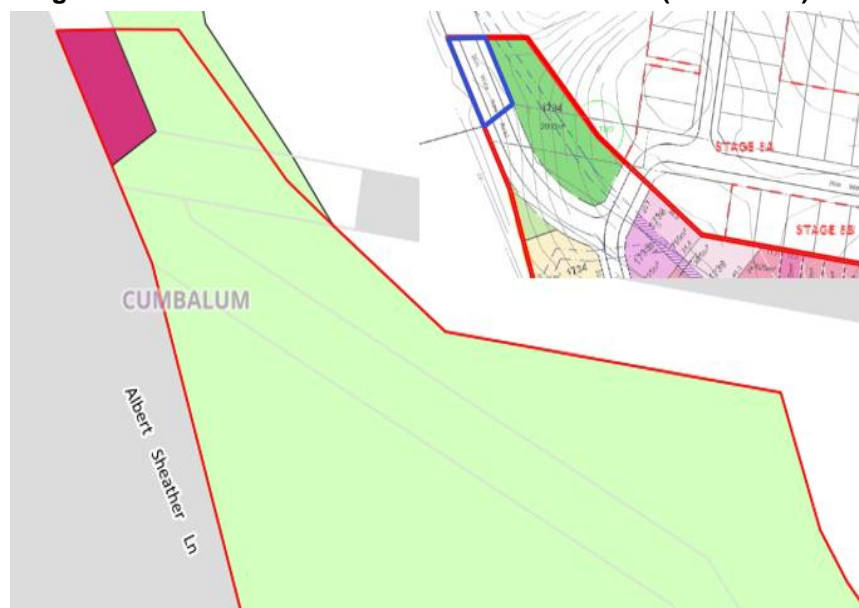
This area is proposed to contain a future road which may provide access to the remaining section of the Western Cumbalum SUGA.

The proposed road could also provide a link to Albert Sheather Lane.

The proposed road and the variations to the approved subdivision layout on the adjoining land within its vicinity have not yet been considered as part of the DA process, as shown in Diagram 7 below (top right).

Notwithstanding this the variation sought can be supported due to its minor nature.

Diagram 7 – PP site outside of current NCRP IA-UL (and SUGA)



It is considered that the proponent has suitably addressed the *Urban Growth Area Variation Principles* as specified in the *NCRP2041*.

The variation is considered minor and will be a matter for the Department of Planning Housing and Infrastructure (DPHI) to consider as part of any Gateway process.

- Strategic Urban Growth Area (SUGA) BLEP 2012

The PP site is substantially located within a SUGA. The SUGAs were last reviewed by the Council in 2023.

At that time, Council resolved to retain the Western Cumbalum SUGA.

The *SUGA Review Report (2022)* considered by the Council noted the following in terms of background and urban design considerations:

Initially identified in mid 1990s Urban Land Release Strategy (ULRS). Considered in detail during Precinct A Planning Proposal, and further on several subsequent occasions.

Omitted from residential zoning due to road noise and steep slopes. Road noise impact assessments indicate that noise barriers (on the Pacific Motorway) would be ineffective and that individual building treatments would be required to meet the relevant road noise standards. Through detailed considerations, Council has held that allowing residential development on the site would not meet community expectations or achieve sustainable development principles. The site is located adjacent to and is contiguous with the Ballina Heights residential estate.

The *SUGA Review Report (2022)* recommended that the subject SUGA be retained on the basis that, *'having regard for the environmental factors of the site, a non-residential use (commercial or community) may be achievable on the land'*.

Notwithstanding the comments made in the *SUGA Review Report (2022)*, the determination of future use of the land (and zoning) is required to be the subject of more rigorous investigation as part of the PP process.

- Significant Farmland

The proponent's PP site is designated as Regionally Significant Farmland (RSF) in the *Northern Rivers Farmland Protection Project 2005*.

Given that most of the PP site has been identified as an investigation area and is located substantially within the existing urban growth area boundaries in the NCRP2041, its designation as RSF is not considered to be an impediment to its rezoning for urban purposes.

- Ballina Shire Local Strategic Planning Statement 2020-2040(LSPS)

The LSPS indicates that dwelling and population increases will largely be accommodated in existing zoned residential release areas.

The LSPS also provides that, *additional potential for residential lots exists within identified SUGA areas and these areas require further investigation to determine their suitability for urban uses*. As noted above, the SUGAs were reviewed in 2023.

The 2019 land supply estimate in the LSPS (p31) did not indicate a residential lot potential in respect to SUGA areas at Cumbalum and Kinvara.

There are significant environmental constraints impacting on the proponent's PP site which include noise impacts, topography, and its west facing orientation.

Biodiversity constraints and opportunities on residue land not incorporated within the PP site also require consideration.

These matters have all been addressed in amendments proposed to be made to the proponent's PP.

Notwithstanding the recommendation of the *SUGA Review Report (2022)*, it is considered that the PP has sufficient strategic merit to warrant further consideration for residential use and a site-specific merit assessment as the site adjoins existing residential zoned land and is of limited agricultural utility due to its slope constraints.

Site Specific Merit Assessment

Assessment of site-specific merit includes the following where relevant:

- *the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards),*
- *the built environment, social and economic conditions,*
- *existing, approved and likely future uses of land in the vicinity of the land to which the proposal relates,*
- *services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Attachment 6 contains an assessment of the major relevant site-specific factors.

The factors considered, and the assessment conclusions, are summarised as follows.

- *Ecology.* Sufficient information has been submitted to support a PP for residential use of the site. Any PP prepared should incorporate residue land to Albert Sheather Lane. Consultation with NSW Department of Climate Change, Energy, the Environment and Water post Gateway is recommended.
- *Heritage* including Aboriginal cultural heritage matters. Sufficient information has been submitted to support a PP for residential use of the site. Consultation with the NSW Department of Climate Change, Energy, the Environment and Water, post Gateway determination, in respect to the submitted *Aboriginal Cultural Heritage Assessment* (ACHA) and the *Heritage Significance Assessment* (HSA) is recommended.
- *Ballina Byron Gateway Airport proximity.* The site is located within the *Obstacle Limitation Surface Level* (OLSL) of Ballina Byron Gateway Airport. Consultation with both the airport and CASA has already been undertaken. This has not raised any issues of concern relating to the rezoning of the PP site. No further consultation is required.
- *Acoustic Environment.* An *Acoustic Report – Road Traffic Noise Assessment* has been submitted with the PP and independently peer reviewed (Attachments 4 and 5). The peer review concluded that the proponent's PP site could be developed for residential uses. This would require a balanced acoustical treatment outcome (i.e. barrier and building shell treatments) to provide acceptable noise mitigation. It is noted here that many of the proposed future lots will be designated as requiring dwellings to be individually designed to meet applicable noise criteria via DCP controls. Air conditioning will likely be required for some

dwelling to meet accepted nighttime noise criteria. Whilst this has been viewed as an undesirable outcome it is permitted by applicable NSW controls.

Sufficient information has been submitted to demonstrate that the proponent's PP site is suitable for residential development. Amendments to existing DCP controls are considered necessary to ensure satisfactory acoustic amenity outcomes for future residents.

- *Land Contamination issues.* A *Preliminary Investigation for Contamination* report has been submitted and assessed. The report indicates there is a low to moderate potential for contamination in an area of uncontrolled fill located in the northwestern portion of the PP site. This fill was likely placed on the site during construction of the Pacific Motorway. Further investigation of this area is required. This can occur post Gateway determination and before rezoning finalisation.
- *Landslip Hazard.* a *Landslip Hazard Risk Assessment* report has been submitted which indicates that the site presents a low risk while alerting to the fact that there is steep land to contend with. Further detailed work will be required at the DA stage, if the PP proceeds. Sufficient information has been submitted to demonstrate that the site is suitable for residential development.
- *Bushfire Risk.* A *Strategic Bushfire Study* has been submitted. The study incorporated consideration of a proposed 4-metre-high acoustic barrier as well as the revegetation of land on the western side of the barrier to Albert Sheather Lane. The PP site is not currently designated as bushfire prone land and the assessment has concluded that the PP is appropriate in the bush fire hazard context. Irrespective of this, the proponent's consultant has already consulted with the NSW Rural Fire Service (NSWRFS). Council will be required to undertake further consultation with the NSWRFS post Gateway determination and prior to community consultation in accordance with applicable Ministerial Planning Directions.
- *Engineering Services – Earthworks, Road Pattern, Stormwater Management, Sewer and Water Infrastructure, Electricity and Telecommunication.* These matters have been considered in an *Engineering Services Report*. Sufficient information has been submitted to demonstrate that the PP is able to be developed for residential purposes.

Sewer infrastructure is required to be upgraded to accommodate flows associated with the proposed residential area. In addition, other developer funded sewer infrastructure is required to pump sewage to a pump station capable of accepting anticipated flows.

Existing Rous County Council watermain infrastructure on the PP site is proposed to be relocated at the developer's cost. Consultation with Rous County Council is proposed as part of post Gateway process.

- *Developer Charges and Contribution Plans.* The PP site is in the area covered by the *Cumbalum Urban Release Area Precinct A Contributions Plan 2015*. The proponent has submitted that the dwelling yield (820) upon which the contribution plan is based will not be achieved due to factors related to topography and environmental constraints. The proposed lot yield is envisaged (by the proponent) as compensating for the loss of lots elsewhere due to constraints. A review of the *Cumbalum*

Urban Release Area Precinct A Contributions Plan 2015 has been proposed for completion in the 2026/27 year in the current draft Delivery Program and Operational Plan. The review will assess existing and likely future lot yields and recommend adjustments to the plan if required.

Consideration of the proponent's PP documentation has concluded that the PP site at a broad level does have sufficient site-specific merit to warrant residential rezoning consideration.

However, rezoning of the site as proposed by the proponent i.e. to R3 Medium Density Residential zone and 450m² minimum lot size, is not considered suitable because site constraints including topography, acoustic environment and ecological values present on residue land to the west have not been adequately resolved.

The conclusion of the site-specific merit assessment of the proponent's PP, is that the site lacks sufficient site-specific merit to support what is proposed. Amendments proposed to the PP by Council staff address these deficiencies to better resolve the site constraints.

Amendments Proposed to Proponent's Planning Proposal

Having regard to the strategic and site-specific merit assessments an option is to consider amending the PP, as detailed in Diagrams 8 and 9. This proposal provides for a mixed R2 Low Density Residential and R3 Medium Density Residential zoning as well as the application of a broader range of minimum lot sizes.

This is considered to better resolve the topographic and acoustic constraints which impact the proponent's PP site. It also better aligns proposed land use zones and minimum lot sizes with the lot sizes shown in the proponent's CAL plan.

The R2 Low Density Residential zone is proposed, together with a 1200m² minimum lot size, for the lots (15) shown on the proponent's CAL plan along the PP site's western edge. These lots are more slope constrained and abut a proposed acoustic barrier.

Such lots would benefit from additional site area to resolve design challenges presented by slope and the acoustic environment and to provide mosquito buffer areas. Remaining areas in the residential section of the site are proposed to be zoned R3 Medium Density Residential.

An 800m² minimum lot size for the dual frontage lots (17) in the central part of the site is also proposed. These lots will require dwellings to be individually designed to resolve acoustic and slope constraints. Such lots would also benefit from the larger lot size proposed. The remainder of the proposed R3 zone will be subject to a 450m² minimum lot size as proposed by the proponent.

The proposed minimum lot sizes for the residential zones will enable the lot sizes shown on the proponent's CAL plan and will not result in a reduction in lot yield.

The residue of Lot 363 between the proponent's PP site and Albert Sheather Lane is proposed to be zoned C3 Environmental Management to replace the existing RU2 Rural Landscape zone.

This land has an area of approximately 3.6ha and is proposed to be subject to a 2ha minimum lot size, which will effectively prevent further subdivision.

A C3 zone is proposed for this land due to the presence of remnant rainforest vegetation communities, including vulnerable plant species (Hairy Jointgrass and Macadamia tetraphylla).

This land would also benefit from an environmental restoration strategy for revegetation and to remove weed species.

The application of a 2ha minimum lot size to the proposed C3 zoned land also enables a dwelling to be erected should it be retained in private ownership. This is seen as a positive outcome from a future land stewardship perspective.

Residue sections of Lot 363 located west of the Pacific Motorway, and east of Foley Avenue, which currently are subject to a 40ha minimum lot size, are proposed to have a 20ha minimum lot size applied. These residue sections (3) have a combined area of approximately 37.97ha once the amended PP site is excised.

No further subdivision of this land to create additional rural lots will be possible as is currently the case. One dwelling currently exists on Lot 363 in the area west of the Pacific Motorway.

The variations to minimum lot sizes for the residue sections of Lot 363 are proposed due to the restrictions in clause 4.2C of Ballina LEP 2012. This clause in its present form would require all the residue land to be contained in a single lot. Compliance with this restriction would further fragment Lot 363. It would also prevent the excision of the proposed C3 zone from Lot 363.

Two areas of RE1 Public Recreation zoned land are proposed. The larger area, approximately 3,000m², is located along the site's southern boundary. It adjoins an area of existing vegetation, and an access track located on an adjoining property. The smaller area (approx. 2,765m²) is more central to the PP site and contains a fig tree and associated buffer (40 metre radius).

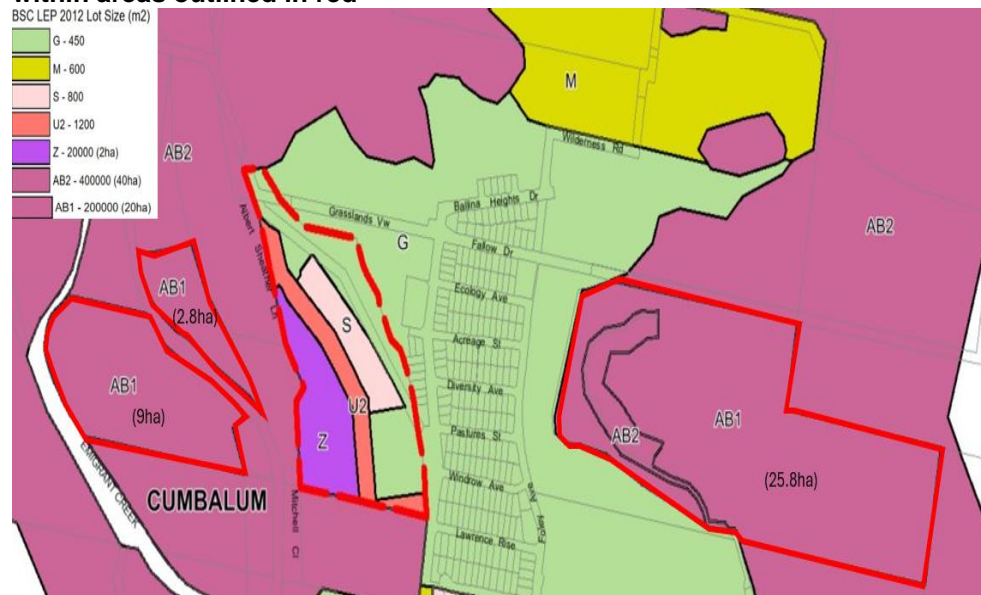
At land subdivision stage additional areas of land may be proposed to be dedicated as open space including the area shown on the proponent's CAL plan in the far northeast of the site.

8.1 Planning Proposal and DCP Amendments - CURA A - Cumbalum Views

Diagram 8 – Alternative proposed zones for a planning proposal within area outlined in red.



Diagram 9 – Alternative proposed minimum lot sizes for a planning proposal within areas outlined in red.



In addition to the proposed zones and lot sizes shown above, the SUGA and URA LEP Maps will require updating to incorporate the additional urban zones shown in Diagram 8.

The proposed amendments to the proponent's PP, and associated DCP amendments, have been discussed with the proponent several times following the Councillor briefing on 4 March 2025.

To date (11 April 2025) the proponent has advised the matters raised are being considered but proposed adjustments from the proponent have been received.

8.1 Planning Proposal and DCP Amendments - CURA A - Cumbalum Views

The discussions did not highlight any significant areas of concern relating to the amendments proposed.

Subject to the Council endorsing the proposed amendments to the proponent's PP, and the DCP, the proponent will have a further opportunity to submit comments post Gateway determination.

This would be as part of the PP and DCP exhibition process.

Proposed Amendments - Ballina Development Control Plan 2012 – Chapter 3 Urban Subdivision (DCP Chapter 3)

The proponent has requested minor amendments to DCP Chapter 3 to incorporate the PP site and a small section of land in the far northwestern corner.

This land is currently outside of the Cumbalum Views Structure Plan boundary, as detailed in Section 5.6 of the DCP, and Figures 1 to 6 contained in Appendix D.

If Council supports progression of an amended PP to the Gateway stage, the site must be incorporated into the DCP to enable compliance with clause 6.3 of BLEP 2012.

Failure to include the site in section 5.6 of Chapter 3 would prevent development consent for future subdivision DAs being granted.

BSDCP 2012 Chapter 3 was amended in March 2015 to incorporate precinct specific controls relating to the Cumbalum Precinct A - Cumbalum Views. The planning objectives for this precinct included:

- g. Provide for a range of residential densities and built forms.*
- h. Encourage higher density residential development in locations that are well situated in respect of facilities and services.*
- i. Ensure that residential allotments are of a sufficient size and shape to accommodate anticipated diversity of housing densities/uses.*

Attachment 7 contains a draft revised section 5.6 *Cumbalum Views* of DCP Chapter 3 with amendments highlighted in yellow together with new Figures 1 to 8.

These amendments go well beyond the minor changes proposed by the proponent.

They are required to enable the satisfactory resolution of site constraints as part of any future DA process.

The more significant DCP changes proposed are summarised below:

- Designation of a Noise Impact Area in which specific new DCP controls apply to mitigate noise impacts from the Pacific Motorway.
- Updating of all plan figures in Appendix D to reference the PP site and to insert new figures related to the Noise Impact Area, and Road Pattern and Widths.

- Provision of 17-metre-wide road reservation widths for the main north – south roads within the PP site and an associated minimum verge width of 4.5 metres.
- Designation of an additional off-road pedestrian / cycle path location on land immediately to the south of the PP site and applicable to an existing privately owned pathway.
- Designation of the proposed C3 zoned area as *Environmental Lands* which then triggers specific rehabilitation and embellishment requirements as part of the DA stage.
- Restricting the noise barrier to a maximum height of 4 metres, which is consistent with the height used for the acoustic impact and bushfire risk assessments.
- Incorporation of a note, specifying that areas designated as *Environmental Lands* within the Structure Plan will be assessed for suitability as C2 or C3 zoned land.

It is noted that a copy of the draft DCP has been provided to the proponent following the Councillor briefing.

As is the case with the amendments proposed to the PP no written submission has been made or significant concerns expressed.

Planning Agreement

The issue of a planning agreement has been raised with the proponent in the context of the proposed C3 zoned area and its restoration, embellishment and ownership.

In addition, consideration of affordable housing opportunities that may be available in the broader CURA A context have been flagged with the proponent. In respect to these matters no positive response has been received.

The existing DCP Chapter 3 provisions do provide for the embellishment and rehabilitation of land designated as *Environmental Lands*.

To that extent a planning agreement is not required.

However, should the proponent seek to transfer or dedicate this land to Council a planning agreement would have been of value in determining when this would take place and under what circumstances.

This issue is also able to be considered at the DA stage.

In terms of affordable housing provision, on or off site, a planning agreement could provide the means to achieve such an outcome.

It is noted that Council is unable to insist on a planning agreement as such agreements are required to be entered into on a voluntary basis.

Delivery Program Strategy / Operational Plan Activity

The proposed LEP amendment is consistent with operational plan outcome *HE3.1 Implement plans that balance the built environment with the natural environment*, and more specifically with activity *HE3.1f Maintain Local Environmental Plan*.

Community Engagement Strategy

The PP (and associated DCP amendments) will be publicly exhibited in accordance with the requirements of a Gateway determination and in accordance with Council's Community Participation Plan.

At this stage consultation is proposed with the NSW Rural Fire Service, Rous County Council and the NSW Department of Climate Change, Energy, the Environment and Water. Contact will also be made with the owners of part lot 363 as it relates to the application of a C3 zone to this land.

Financial / Risk Considerations

Preparation of the PP to date has been funded by the proponent's as provided in Council's Fees and Charges schedule. It is expected that the proponent will continue to fund the costs associated with the amended PP as detailed in this report.

The proponent will also be required to meet the cost of required DCP amendments in accordance with Council's fees and charges.

Confirmation of this will be required of the proponent prior to the amended PP being submitted for a Gateway determination.

Non-support of the planning proposal, in the absence of an amended PP as discussed, provides the proponent with the ability to review the Council decision via an appeal lodged with the Department of Planning, Housing and Infrastructure.

Options

The options available to the Council include the following:

Option 1 – Support the proponent's PP as submitted for a Gateway determination and endorse the proponent's suggested draft DCP amendments to enable their progression to public exhibition.

This option is not recommended as it is considered that the proponent's PP and suggested DCP amendments have not:

- Adequately addressed land zoning in the context of land constraints including environmental constraints,
- Incorporated residue land directly associated with the proposed urban area and requiring rehabilitation and revegetation,
- Adequately considered minimum lot sizes required to mitigate environmental constraints, and
- Proposed draft DCP amendments beyond the minimum required to incorporate the PP site within s5.6 of Chapter 3.

Option 2 – Indicate nonsupport for the proponent's PP without nominating an alternative.

This option is not supported and will enable the proponent to appeal the Council's decision to the DPHI.

The PP site is considered to have sufficient strategic planning merit to enable its consideration for residential rezoning.

In respect to the proponent's PP, whilst not considered to suitable in its current form, it can be amended to better address key issues and site characteristics.

In the context of the above factors rejecting the PP without nominating an alternative is not supported.

Option 3 - Prepare an amended PP and draft DCP amendments as detailed in this report.

This is the recommended option. This option results in the preparation of a PP, and suite of DCP changes, that address both the site-specific concerns detailed in this report as well as broader off-site concerns relating to residue land.

RECOMMENDATIONS

1. That the proponent be advised that Council does not support certain aspects of planning proposal *PP-2024-2503* which relate to the proposed uniform R3 Medium Density Residential zone and 450m² minimum lot size across the site as well as non-inclusion of residue land to the west within the proposal.
2. That Council endorses amendment of planning proposal *PP-2024-2503* to incorporate the zoning and lot size outcomes detailed in this report as well as associated changes to the SUGA and Urban Release Area maps.
3. That subject to the proponent agreeing to fund the planning proposal and development control plan amendment process following the amendments being made, as provided in Council's schedule of Fees and Charges, the amended planning proposal be submitted to the Department Planning Housing and Infrastructure for a Gateway determination.
4. That upon an affirmative Gateway determination being received from the Department of Planning Housing and Infrastructure, the procedural steps associated with progression of the planning proposal and draft DCP amendments be undertaken, including public exhibition.
5. That the Department of Planning, Housing and Infrastructure be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
6. That draft amendments to Ballina Shire DCP 2012 Chapter 3 Urban Subdivision, as contained in Attachment 7, be exhibited concurrently with the planning proposal.
7. That the planning proposal and draft DCP amendments be reported to Council for further consideration following completion of the public exhibition process.

Attachment(s)

1. PP Assessment Issues April 2024 [⇒](#)
2. Planning Proposal PP-2024-2503 (excluding studies and reports) [⇒](#)

8.1 Planning Proposal and DCP Amendments - CURA A - Cumbalum Views

3. Concept Allotment Layout Plan (November 2024) [⇒](#)
4. Road Traffic Noise Assessment [⇒](#)
5. Road Traffic Noise Assessment Peer Review and Supplementary Explanatory Emails [⇒](#)
6. Site Specific Merit Assessment [⇒](#)
7. Draft DCP Chapter 3 Section Cumbalum Views with Figures 1 to 8 [⇒](#)

8.2 Ballina LEP 2012 - Deferred Matters Integration - Program Continuation

Section Strategic Planning

Objective To examine options for the further transitioning of Deferred Matter designated land into Ballina LEP 2012

Background

When the Ballina Local Environmental Plan 2012 (LEP 2012) came into effect in January 2013, it included '*deferred matters*'.

Deferred matters applied to land that had been proposed for environmental zoning but had been '*deferred*' from the LEP by the (then) Department of Planning and Infrastructure, pending a review of the application of environmental zones. The land affected instead retained its zoning under the Ballina LEP 1987 (LEP 1987).

The review of environmental zones was completed in 2016 with the publication of the *Northern Councils E Zone Review Final Recommendations Report* (NCEZR) and associated Ministerial Direction.

The NCEZR stipulates criteria councils are required to apply when proposing land for an environmental protection zone. See Attachment 2.

In April 2017 Council resolved to retain all areas zoned for environmental purposes under LEP 1987 as deferred areas and to prepare a planning proposal to integrate the remaining deferred matter areas into Ballina LEP 2012 using criteria in the NCEZR.

In February and March 2023 Council publicly exhibited its *Conservation Zone Review (deferred matters integration) Planning Proposal* (PP). 169 submissions were received.

In accordance with Council's April 2017 resolution the planning proposal did not include land zoned for environmental purposes under LEP 1987.

In September 2023, prior to considering submissions received or an independent evaluation of submissions by Gyde Consulting, Council resolved to include environmental zones on private property only where a written request ("opt-in") from a landholder was submitted to and accepted by Council.

Where written consent was not given, the land was instead to be zoned the most appropriate equivalent zone to its current LEP 1987 zone.

The Department of Planning, Housing and Infrastructure (DPHI) did not support this approach (see letter from DPHI in Attachment 3) and in July 2024 finalised LEP 2012 Amendment No 55.

Amendment No.55 gave effect to Council's exhibited planning proposal, excluding sites that were the subject of objections, along with land owned by JALI LALC at Wardell, and some agency and Council owned sites.

Five confidential objections were inadvertently not sent to the DPHI and, unlike other sites subject to an objection, were also included in Amendment No.55.

The DPHI made further LEP mapping amendments in February 2025 to correct errors identified by Council in the mapping associated with Amendment No 55.

The DPHI advised that the five confidential objections inadvertently omitted from the submission set considered by DPHI could not be corrected as part of the mapping anomalies amendment (LEP 2012 Amendment No. 9).

In March 2025 all landowners affected by Amendment No.55 were advised that the amendment had been made, including the five owners who lodged confidential submissions. Notification had been delayed as staff waited for errors to be corrected before advising landowners.

This report outlines the effect of LEP 2012 Amendment No.55 and proposes a strategy to transition remaining *deferred matter* lots that were a part of Council's original 2023 *Deferred Matters Integration Planning Proposal* from LEP 1987 to LEP 2012.

A more detailed summary of State Government and Council decisions relating to deferred matters is provided in Attachment 1. Copies of relevant State government correspondence are in Attachments 3-5.

This report should be read in conjunction with the Ballina LEP 2012 – Deferred Matters Integration – Teven test Methodology report located as the next report in this agenda.

Key Issues

- Deferred matter integration options

Discussion

Impact of Amendment No 55

On 12 July 2024 Ballina LEP 2012 Amendment No.55 came into effect.

It applied to 475 lots and created an additional 1351.5ha of C2 Environmental Conservation (C2) zoned land and 68.59ha of C3 Environmental Management (C3) zoned land.

Also created on some lots were additional areas of RU1 or RU2 zoned land. In some urban areas small sections of land were zoned R2 Low Density Residential.

Not included in Amendment No.55 were 257 lots in the following categories:

- 157 lots the subject of landowner objections,
- 41 lots requested by agencies to be further considered,
- 41 lots owned by JALI at Wardell, and
- 18 lots owned by Council.

These lots continue as *deferred matters* in LEP 2012 and retain their LEP 1987 zoning.

In the weeks following the notification of Amendment No.55, associated mapping was checked by Council staff to ensure zone changes proposed in the original exhibited planning proposal were correctly applied.

This was done as the cadastral base used by the DPHI was different to that used by Council and there were some significant inconsistencies between vegetation and aerial photo mapping data layers.

This review found multiple errors.

A check of lots excluded from Amendment No.55, due to landowner objection, was also undertaken.

This review found that five lots that were the subject of confidential objections were not considered by the DPHI as they were inadvertently not included in the bundle of submissions forwarded by Council to the DPHI.

This meant that the properties were zoned as proposed in Council's 2023 planning proposal instead of being excluded as was the case with the other non-confidential landowner objections.

On 10 September 2024 a submission was made to the Department requesting a resolution pathway for the identified mapping errors as well as for the confidential objections.

Resolution of Identified Errors and Amendment No 55 Issues

In October 2024 the DPHI advised Council that it was continuing its review of the mapping errors highlighted in Council's September 2024 submission.

It was not until 3 March 2025 that Council was advised that a mapping amendment was published on 28 February 2025 (Attachment 5).

This amendment, Map Amendment No. 9, corrected the mapping errors identified by Council in September 2024.

In respect to the confidential objection submissions not considered by the DPHI, Council was advised as follows:

Council's request included five sites where confidential submissions were made to Council objecting to the proposal but were not submitted to the Department for consideration. It was determined that inclusion of these sites in accordance with s3.22(1) (c) EP&A Act do not meet the criteria for this process and warrant compliance with the usual plan making processes. I would encourage Council to work with the landowners to determine whether a planning proposal for the five sites is appropriate and necessary and should be pursued.

If the DPHI had considered these 5 sites in the same way that it considered other sites the subject of objections, the previous *deferred matter* status would have applied.

Instead, the properties were rezoned as indicated in Attachment 7.

This issue and the recommended approach to consideration of the zoning of these properties are discussed as follows.

Properties the subject of objections not considered by the DPHI

The properties the subject of objections not considered by the DPHI are:

- 66B Fig Tree Hill Drive, Lennox Head (Lot 8 DP1181942) - submission no 83 & 83a
- 54 Buckombil Mountain Road, Meerschaum Vale (Lot 2 DP604231) – submission no 148
- 226 Hinterland Way, Newrybar (Lot 2 DP1184725) – submission no 149
- 287 North Teven Road, Teven (Lot 12 DP1191626) – submission no 150
- 278 Marom Creek Road, Meerschaum Vale (Lot 3 DP793030) submission no 159.

These submissions are in Attachment 6 (Confidential) together with Submission Evaluation Sheets prepared by Gyde Consulting Pty Ltd (Gyde).

Gyde was engaged by the DPHI in 2023 to undertake an independent evaluation of submissions to expedite the consideration of the planning proposal to assist in meeting Gateway timeframes.

Council has not previously considered the submissions received to the 2023 planning proposal or the submission evaluations prepared by Gyde.

Following Council's resolutions to proceed with C zones via an "opt-in" staged approach (September & November 2023), these submissions were no longer of relevance to the Council's adopted process.

Recommended response for properties not considered by the DPHI

It is considered that an appropriate response for the five properties is to arrange for ground truthing to be undertaken of the vegetation on each property based on the criteria in the NCEZR.

Following ground truthing, and consultation with property owners, Council will then be able to make an evidenced based decision.

This may result in the 'C zones' being retained, amended or replaced with a rural zone through the planning proposal process.

In late March 2025 affected landowners were contacted and their agreement sought to the ground truthing taking place. A quotation for this work has also been obtained.

Privately owned properties subject to objection submissions deferred from Amendment No.55

157 lots that were the subject of landowner objections were not included in Amendment No.55. It is in respect to these properties that the DPHI has encouraged Council to:

'...engage with the affected landowners as a priority and appropriate zonings be applied to their land in accordance with the Northern Council's E Zone Review Final Recommendations Report'. (Attachment 4)

8.2 Ballina LEP 2012 - Deferred Matters Integration - Program Continuation

A review of the objection evaluations prepared by Gyde found that recommendations for ground truthing of vegetation, and further consideration of primary land use, were made in respect to 125 lots (109 properties).

Not all these properties will require ground truthing by expert ecologists. In some cases, a desk top review and or inspection by a Council staff member (planner) will suffice to consider the objection.

In February 2025, five North Teven properties formed part of a Council-initiated test case involving ground truthing and determination of primary use of land use.

These properties were the subject of an objection to a proposed C2 zone in the 2023 planning proposal.

The objections questioned the assigned primary use of land, and/or the ecological value of vegetation.

The properties are near each other, and all located on the same LEP map sheet.

Primary objectives of the test case were to reestablish landowner trust in Council's planning proposal processes and to assess the cost, time and effectiveness of further evaluating properties subject to objections and the extent to which agreed outcomes could be negotiated.

The Teven test case is the subject of the next report in this agenda.

Preparation of planning proposal to further consider remaining deferred matter areas

Council has been requested by the DPHI to engage with the landowners still the subject of a deferred matter zoning as a priority, and to apply appropriate zonings to their properties. Zonings are to be applied in accordance with the NCEZR report.

Compliance with the DPHI request will require ground truthing and reconsideration of the primary use of land for up to 104 properties (120 lots). This process will require property inspections to be undertaken and new planning proposals to be prepared.

It would be preferable to undertake the transitioning of the remaining deferred matter lots in a staged approach which recognises resource limitations.

This issue is further discussed in the options section of this report.

Delivery Program Strategy / Operational Plan Activity

Reviewing deferred matter areas and the preparation of planning proposals aligns with the 2024 – 2028 Delivery Program and Operational Plan Outcome HE3.1f – Maintain Local Environmental Plan.

Community Engagement Strategy

Future community consultation with impacted landowners will be required in accordance with Council's Community Participation Plan and the requirements

of the *Environmental Planning and Assessment Act 1979* and associated Regulation.

Consultation with impacted landowners will also take place as part of any ground truthing process that may be implemented.

Financial / Risk Considerations

The preparation of planning proposals to transition the 257 lots excluded from Amendment No.55 is proposed to be undertaken within allocated strategic planning staff resources.

In terms of the cost of consultant ecologists to undertake ground truthing, where required, this is currently estimated to be approximately \$1,600 plus GST per property or \$160,000 plus GST for 100 properties.

These costs will be spread over several years but will require an annual budget allocation to be made.

The DPHI has advised there is currently no DPHI funding available to undertake ground truthing.

There may also be some circumstances, such as with surplus land owned by Transport for NSW and associated with the Pacific Motorway, where a fee may be applied for preparation of the planning proposals, as provided for in Council's Fees and Charges.

Options

Option 1 – Take no further action to integrate deferred matter areas.

This option is not recommended. Significant resources have been invested to date and integration into a single Local Environmental Plan has administrative efficiencies for Council and landowners (particularly for the mix of zones other than the suite of 7 zoned environmental protection areas).

Council cannot be compelled to prepare a planning proposal to integrate deferred matter areas into Ballina LEP 2012.

However, the Minister may direct (s3.32 (2) EP&A Act) that the Planning Secretary or other nominated entity is the planning proposal authority for a proposed planning instrument.

This could occur for several reasons including if (s3.32 (2)(d) EP&A Act):

- (d) the council for the local government area concerned has, in the opinion of the Minister, failed to comply with its obligations with respect to the making of the proposed instrument or has not carried out those obligations in a satisfactory manner.*

Section 3.21(1) of the EP&A Act is also relevant. It provides:

- (1) The Planning Secretary shall keep State environmental planning policies and councils shall keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the*

8.2 Ballina LEP 2012 - Deferred Matters Integration - Program Continuation

objects of this Act are, having regard to such changing circumstances as may be relevant, achieved to the maximum extent possible.

At this stage the DPHI has encouraged Council to:

engage with the affected landowners as a priority and appropriate zonings be applied to their land in accordance with the Northern Council's E Zone Review Final Recommendations Report.

Should the Council determine that it will take no further action to integrate deferred matter areas within Ballina LEP 2012 it runs the risk of the DPHI appointing a planning proposal authority other than Council to prepare the planning proposal and LEP amendments.

Option 2 – Prepare planning proposals to integrate remaining deferred matter areas (excluding LEP 1987 environmental zones) into Ballina LEP 2012.

This is the recommended option.

Under this option, over time, staff will prepare reports seeking Council resolutions to prepare planning proposals to integrate the remaining deferred matter areas (excluding LEP 1987 environmental zones) into BLEP 2012.

Planning proposals will then be prepared and reported to the Council for further consideration prior to being forwarded to the DPHI for a Gateway determination and subsequent exhibition.

Several planning proposals will be required having regard to resource constraints and the time required to adequately evaluate impacted land.

Separation of planning proposals based on land ownership (i.e. separate private property from land owned by government and other entities) may be necessary.

For example, some deferred matter land owned by Transport for NSW, relating to the Pacific Motorway project is still in the survey phase with surplus lots not yet created.

Land owned by JALI LALC at Wardell may also require more detailed examination and consultation.

The North Teven test case has highlighted the degree of work required to adequately assess properties and work with landowners to secure appropriate outcomes.

In this respect it is recommended that the transition process is staged based on LEP 2012 map sheets.

There are 19 LEP 2012 zone map sheets.

A program to address 1 or more map sheets per year will take several years to complete.

Attachment 8 shows the structure of Ballina LEP 2012 map sheets.

The graphic also shows the location of properties subject to objections in 2023. Depending on the number of objections to be resolved per map sheet it is likely that several map sheets could be completed in some years.

Overall, a staged map sheet-based program of integration on an annual basis is the staff recommendation, noting though that there may need to be departure from this at times to address stakeholder considerations or priorities of Council.

If the staged annual map sheet-based approach is supported in principle, staff will compile a more detailed map sheet-based program for presentation to Council, having regard for Council's preferred approach to the five test case sites and five sites the subject of confidential submissions.

The recommendations provide a suggested pathway for the further documentation of the map sheet-based program.

In relation to the sites the subject of confidential submissions, the recommendation is to proceed with ground truthing (where possible) and preparation of a zoning recommendations report to Council as a priority.

In relation to the test case sites at Teven, the recommendation of the next report in this agenda is to proceed with a planning proposal to complete the integration of the deferred matter areas at these sites into the Ballina LEP 2012.

Importantly, lots proposed to be zoned C2 or C3, in whole or part, will also be required to be assessed in accordance with the methodology detailed in the NCEZR. As has been demonstrated by the DPHI with respect to Amendment No 55, the application of a rezoning process based on an "opt-in" approach is not supported by the DPHI.

RECOMMENDATIONS

1. That Council endorses transition of remaining deferred matter properties which were a part of the 2023 Integration of Deferred Matters Planning Proposal via a staged annual program.
2. That preparation of planning proposals proceeds generally on a Ballina LEP 2012 map sheet by map sheet basis, except in relation to the confidential submissions referenced in this report and any decision of Council relating to the five test case sites at Teven.
3. That Council endorses ground truthing and preparation of a zoning recommendations report for the properties the subject of the five confidential submissions referenced in this report.
4. That in relation to point 3, where the landowner does not consent to ground truthing, that zoning recommendations are based on available ecological mapping and aerial photography, and having regard for submissions made by the landowner.
5. That the planned map sheet-based program for the 2025/26 to 2028/29 Delivery Program and Operational Plan period be reported to Council as part of the first quarterly DPOP report for 2025/26, with ongoing progress to be reported through the DPOP quarterly review cycle.

Attachment(s)

1. Summary of background to LEP 2012 deferred matters [⇒](#)
2. Northern Councils E Zone Review Final Recommendations Report [⇒](#)
3. Letter from DPE dated 16 October 2023 [⇒](#)
4. Letter from DPHI dated 7 July 2024 [⇒](#)
5. DPHI Letter received 3 March 2025 re Mapping Errors - 3.22 Deferred Matters [⇒](#)
6. Confidential Submissions and associated Gyde Evaluation Sheets (Under separate cover) (Confidential)
7. Zones before and after Confidential Submissions [⇒](#)
8. BLEP 2012 Map Sheets and C zone Objector Locations [⇒](#)

8.3 Ballina LEP 2012 - Deferred Matters Integration - Teven Test Methodology

Section Strategic Planning

Objective To give consideration to a methodology which aims to transition select remaining deferred matter sites from Ballina LEP 1987 into Ballina LEP 2012.

Background

In February and March 2023, the *Integration of certain deferred matter land (Conservation Zone Review) into Ballina LEP 2012* planning proposal was placed on public exhibition.

The objective of the planning proposal was to transition land zoned under Ballina LEP 1987 (LEP 1987), excluding the 7 series environmental protection zones, into Ballina LEP 2012 (LEP 2012).

In September 2023, Council resolved to include environmental zones on private property only where a written request ("opt-in") from a landholder was submitted to and accepted by Council.

Where written consent was not given, the land was instead to be zoned the most appropriate equivalent zone to its current LEP 1987 zone.

The Department of Planning, Housing and Infrastructure (DPHI) did not support this approach and in July 2024 finalised the planning proposal as LEP 2012 Amendment No.55.

Amendment No.55 gave effect to Council's exhibited planning proposal, excluding sites that were the subject of objections, along with land owned by JALI LALC at Wardell, and some agency and Council owned sites.

This amendment was subsequently applied to 475 lots and left 257 lots which were a part of the 2023 planning proposal still to be transitioned.

On 23 July 2024 the owners of 118 Beacon Road, Teven (whose property was not included in Amendment No.55 and therefore is still to be transitioned) requested Council incorporate part of their property within the next general LEP amendment process and apply an RU1 Primary Production zone to part of that land (Attachment 1).

This request was regarded as problematic for several reasons. Instead, it was proposed that a process should be established that would enable a consistent approach to transition properties zoned under LEP 1987 into LEP 2012, with the area in the vicinity of 118 Beacon Road as a pilot case.

This report details the approach taken to the review of the zoning of these five properties and recommends the zones that could be applied to the deferred matter areas and a process for transitioning these areas into Ballina LEP 2012. This report should be read in conjunction with the Ballina LEP 2012 – Deferred Matters Integration – Program Continuation report located earlier in this agenda.

Key Issues

- Transitioning methodology
- Planning proposal

Discussion

The request from the owners of 118 Beacon Road, Teven to include the zoning of their property in the next LEP general amendment was regarded as problematic for the following reasons:

- It proposed that the land designated with a C2 zone in the 2023 planning proposal retain its LEP1987 1(b) Rural (Secondary Agriculture) zoning.
- The nature of the rezoning proposed raised policy issues which were not appropriate to be determined through a general amendment process.
- The proposal did not seek to transition the whole of the property and still resulted in a fragmented zoning regime under two LEPs.
- “Cherry picking” zones considered by the landowner to be more favourable and ignoring less favoured zones is not an appropriate way to administer land zoning controls.

Following discussion of the proposal with the property owner it was agreed that it was desirable to establish a process which would enable properties zoned under LEP 1987 to be transitioned into LEP 2012.

Subsequently an additional four nearby properties were identified where the owners had agreed to an inspection to facilitate a zone review process.

In all cases such owners had previously objected to the 2023 exhibited planning proposal.

Figure 1 shows the location of the subject properties outlined in red.

These properties are described as the “test case” properties.

The zone colours in Figure 2 relate to zones proposed in the 2023 planning proposal.

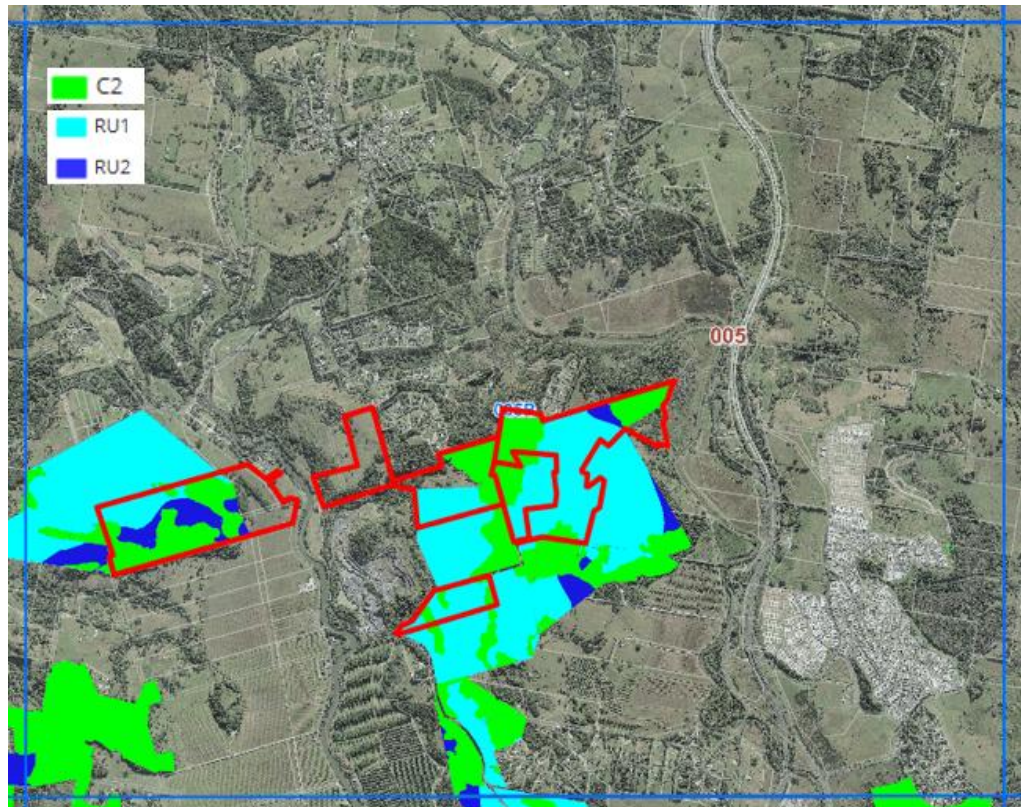


Figure 1 – Test Case Properties and 2023 Planning Proposal Zones

Test Case Methodology

The test case methodology involved:

- Ground truthing of each property by ecologists to determine the nature of vegetation present in the areas originally designated for a C2 Environmental Conservation zone (C2 zone).
- Reconsideration of the primary land use of the areas evaluated.

Recommendations for zoning are based on the criteria in the *Northern Councils E Zone Review Final Recommendations Report* (NCEZR), which councils are required to consider when applying environmental zones, including the primary land use test.

Ecologists were engaged by Council to undertake the ground truthing which took place in the presence of landowners. The ecologist's report was distributed to the landowners and comments sought.

Meetings between Council's strategic planner and property owners were held following the distribution of the ecologist's report.

Attachment 2 contains a copy of the report from Earthscapes Consultants (ecologists) report.

Test Case Properties

The Teven test case occurred on the properties detailed in Table 1.

Table 1 - Test Case Properties and Details

Property Details	Land Area
118 Beacon Road, Teven (Lot 6 DP 1162316)	15.25ha
225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)	47.74ha
444 North Teven Road, Teven (Lot 101 DP 865070)	39.98ha
54 Beacon Road, Teven (Lot 104 DP 862670)	9.885ha
660 Teven Road, Teven (Lot 1 DP 1166050 & Lot 1 DP 1207272)	53.558ha

Evaluation 118 Beacon Road Teven

Attachment 3 contains the property owner's submission made following consideration of the ecologist's report. A confidential attachment to the report is contained within Attachment 4.

The whole of this property is currently zoned 1(b) Rural (Secondary Agricultural Land) under the provisions of LEP1987. Agriculture (other than feed lots, piggeries, poultry farms, stock homes and other intensive keeping of animals) is permitted without consent in this zone.

Ideally the property owner would like to see the whole of the property zoned RU1 Primary Production under LEP 2012. However, the property owners recognise the value of vegetation on part of their property and have proposed a mixed C2 and C3 Environmental Management (C3) zoning strategy for these parts.

The RU1 Primary Production zone under the provisions of LEP2012 permits without consent *extensive agriculture* and *intensive plant agriculture*.

Compared to the exhibited 2023 planning proposal, the ecologists have recommended a reduced area for C2 zoning and an increase in the area proposed to be zoned for rural purposes. The area proposed for C2 zoning by the ecologist exceeds that nominated by the property owners for C2 and C3 zoning.

Figure 2 shows the current zoning of the subject property and the way it was impacted by the 2023 planning proposal.

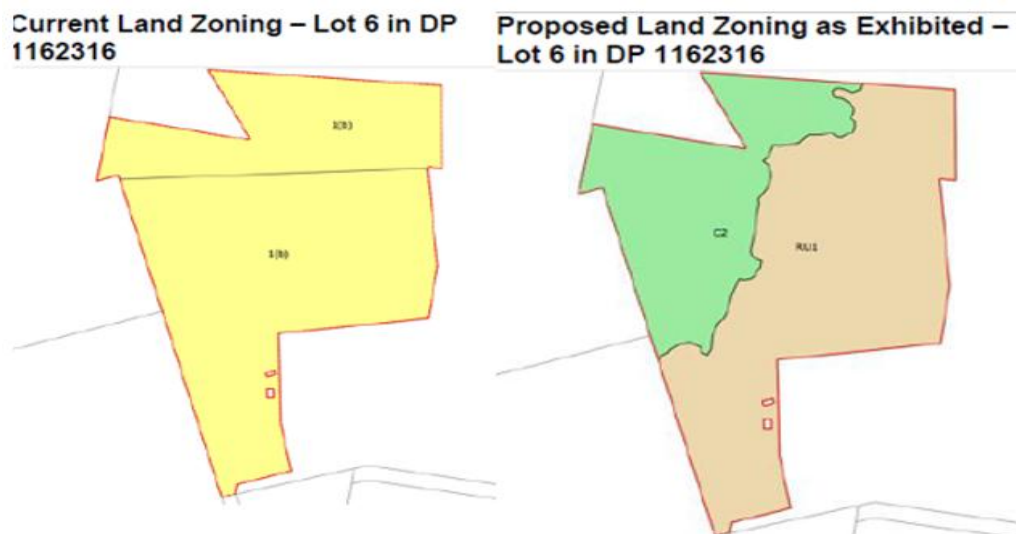


Figure 2 – 118 Beacon Road Current and 2023 Proposed Zones

Figure 3 below shows the zones recommended by the ecologists alongside the property owners' proposal.

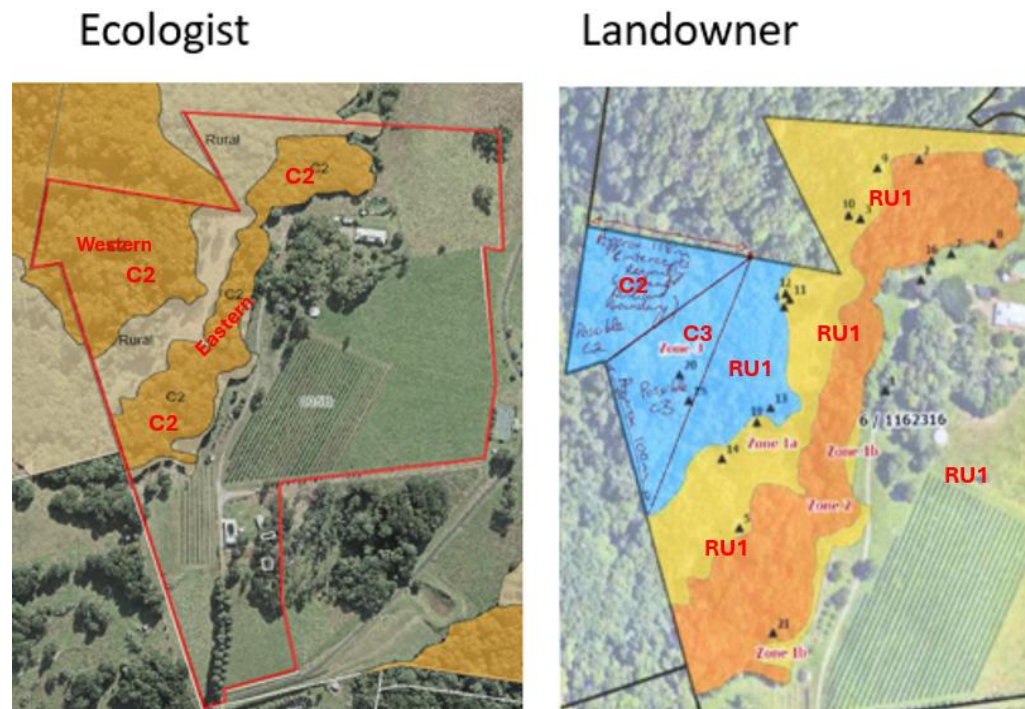


Figure 3 - 118 Beacon Road Ecologist and Landowner Zone

Recommendations

The agricultural activities on this property primarily consist of cattle grazing (extensive agriculture) and the production of custard apples and figs (intensive plant agriculture – horticulture).

Part of the property has vegetation that has been identified by ecologists as being consistent with *Lowland Subtropical Rainforest* vegetation communities.

This vegetation community is a *Threatened Ecological Community* (TEC) and listed as an *Endangered Ecological Community* (EEC) under state and federal legislation. *Lowland Subtropical Rainforest* meets the criteria for a C2 zone under the criteria of the NCEZR report.

The primary use of the land (PU) over the past 2-year period is mixed consisting of environmental and agriculture.

The ecologists have recommended two areas (western and eastern) be zoned as C2 Environmental Conservation with a strip of proposed rural zoned land separating these areas.

The eastern area is steeper land containing predominantly subtropical rainforest vegetation communities.

The vegetation is in good condition. This is due in part due to the active maintenance and weed clearing activities of the property owners over the past 10 years.

The vegetation serves to stabilise the slope, reduce erosion and ensures that water flowing to the dam is not silt laden. The dam is essential in supporting the

8.3 Ballina LEP 2012 - Deferred Matters Integration - Teven Test Methodology

agricultural uses on this property (cattle and orchards). Cattle can access this area and there is evidence of some rural infrastructure.

For these reasons, it is considered that the eastern area actively sustains the agricultural uses on this property and could be designated with a PU of agriculture.

Applying an RU1 zone to the eastern area means that vegetation management in this area will continue to be controlled by *Local Land Services* (LLS) under the provisions of the *Land Management (Native Vegetation) Code 2018*.

This land is designated as *Category 2 Vulnerable Regulated Land* on the *Draft Native Vegetation Regulatory Map*.

It is agreed that the western most C2 area (1.73ha) should remain as a proposed C2 area with a PU of environmental. To that extent the landowner's submission which proposes that this area be reduced in size with a mixed C2 and C3 zoning regime is not supported.

The western area contains wet sclerophyll forest with rainforest mid and understorey vegetation communities. The vegetation is in good condition.

Agricultural activity within this area is limited. For these reasons, and due to this area adjoining other areas of similar vegetation on adjoining land, a C2 zone is considered appropriate as recommended by the ecologists.

Evaluation 444 North Teven Road

This property is zoned partly 1(b) Rural (Secondary Agricultural Land) under the provisions of LEP1987 and partly RU1 Primary Production under the provisions of LEP2012.

Figure 4 shows the existing zoning of the subject property and the way it was impacted by the 2023 planning proposal.

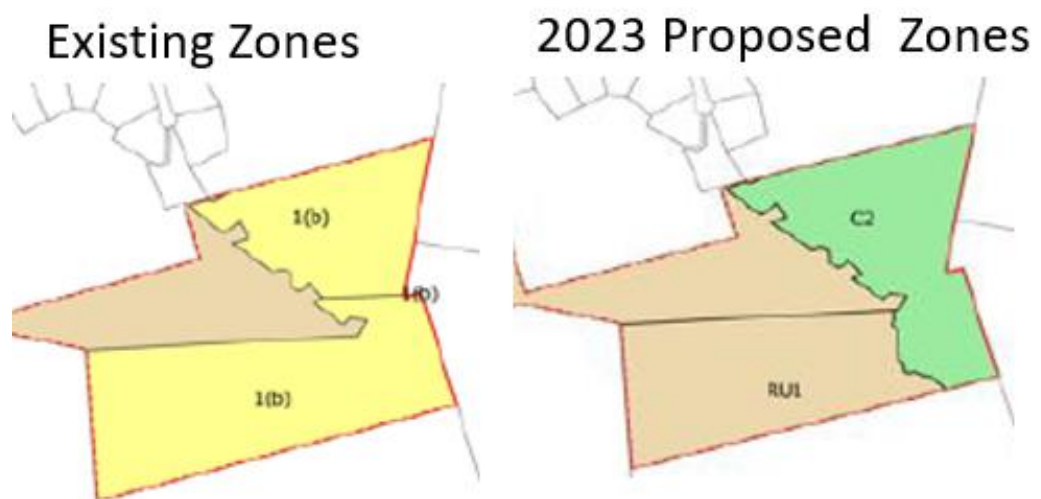
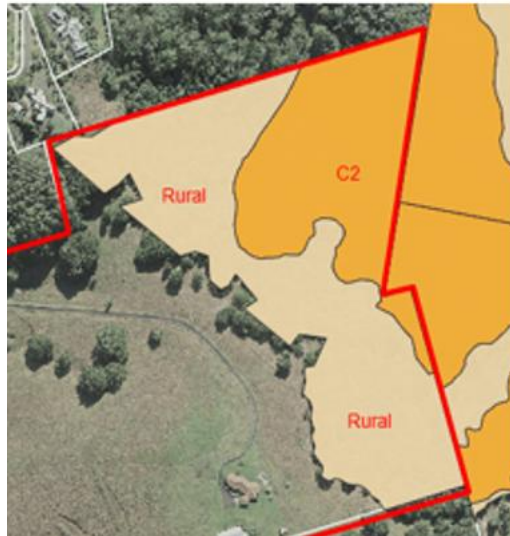


Figure 4 – 444 North Teven Road Existing and 2023 Proposed Zones

Figure 5 shows the zones recommended by the ecologists as well as the proposal put forward by the property owners.

Ecologist



Landowner

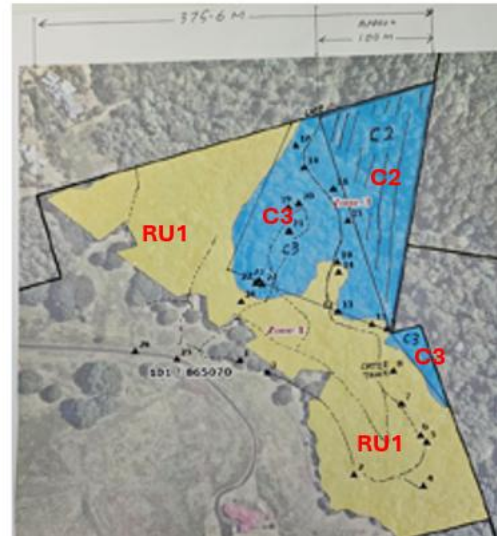


Figure 5 – 444 North Teven Road Ecologist and Landowner Zone Recommendations

The 2023 planning proposal designated approximately 8.4ha as a C2 zone with the remainder of the 1(b) rural zone being proposed to be zoned RU1. The ecologists have recommended that the area of proposed C2 zone be reduced to approximately 3.2ha with a rural zone being applied to the balance of the area originally proposed to be zoned C2. The area designated for a rural zone (5.2ha) was found to be generally dominated by exotic weed species Camphor laurel and privet.

The property owner generally agrees with a conservation zone being applied to the land in the areas designated by the ecologists but has sought a mixed C2 and C3 zoning regime.

A C3 zone is nominated for part of the land due to it being used for cattle grazing as it contains some year-round feed and shelter areas.

The property owner has also sought to straighten zone boundaries to enable more clearer on-site identification of proposed zoned areas to take place. Attachment 5 contains a copy of the landowner's submission.

The ecologists have identified the vegetation within the proposed C2 zone to be wet sclerophyll forest communities. The mid and understorey contains rainforest species. The vegetation communities within the proposed C2 zone meet the criteria for C2 specified in the NCEZR report.

The vegetation within the proposed C2 zone is of good quality, blends into similar vegetation communities on adjoining land, and contains a low density of weed species.

The ecologists consider that the vegetation within the proposed C2 zoned areas has high environmental value and contains little evidence of more recent agricultural activities. The recommendations made by the ecologist are supported in terms of the size and shape of the proposed C2 zone.

8.3 Ballina LEP 2012 - Deferred Matters Integration - Teven Test Methodology

The use of part of this area for understorey cattle grazing and foraging, as indicated by the property owners, is subject to continuing use rights and will not be restricted should a C2 zone be applied to the land.

In respect to straightening zone boundaries this is only of limited value having consideration to the very steep terrain in the proposed C2 zoned area.

On balance retaining the boundaries as recommended by the ecologists is supported.

Evaluation 660 Teven Road Teven

This property consists of two lots – Lot 1 DP 1166050, and Lot 1 DP1207272 which was a previously closed road. The property is zoned partly 1(b) Rural (Secondary Agricultural Land) and partly 1(a2) Rural (Coastal Lands Agriculture) under the provisions of LEP1987. It is also zoned partly RU1 Primary Production under the provisions of LEP 2012.

Figure 6 shows the existing zoning of the subject property and the way it was impacted by the 2023 planning proposal.

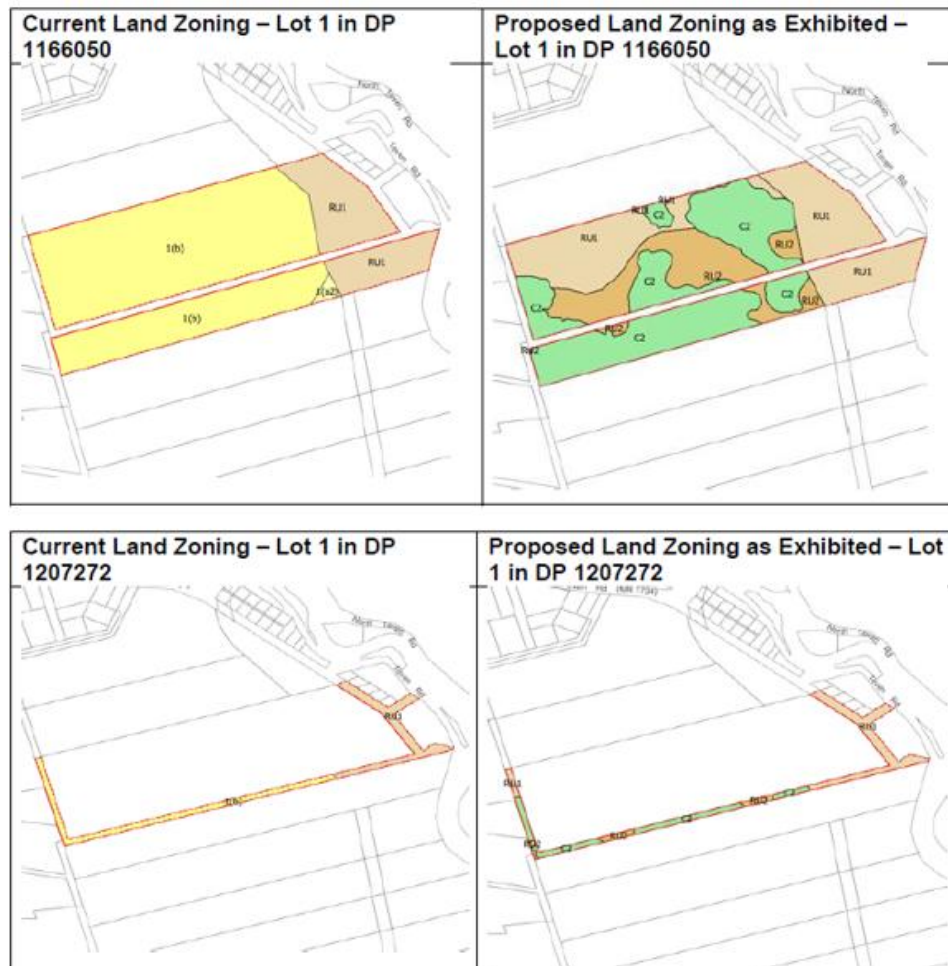


Figure 6 – 660 Teven Road Existing and 2023 Proposed Zones

On inspection the ecologists found that the vegetation on this property is dominated by Camphor laurel and Broad-leaf privet.

8.3 Ballina LEP 2012 - Deferred Matters Integration - Teven Test Methodology

A small number of scattered rain forest species were also found. Due to the degraded condition of the vegetation and the grazing of cattle in all areas the ecologists have assigned a PU of agriculture to this property.

The 2023 planning proposal provided for 19.15ha of proposed C2 zone on this property. The ecologists assigned PU of agriculture is supported.

This is based on the extent of weed species present, the condition of native vegetation, the grazing of cattle throughout the whole of the property, and the presence of rural infrastructure such as fences, farm sheds and water tanks.

It is also noted that located in the north-western corner is a tropical fruit orchard in which cattle also graze.

A RU1 zone is proposed to be applied to the whole of this property.

The property owner has advised as follows:

I agree with the report that my property remain Agriculture RU1 (Primary production land). I appreciate the process council has undertaken by engaging Earthscapes Consulting Pty Ltd to conduct a ground inspection of the Teven properties and for the way in which communication was conducted with landowners throughout this inspection process.

Evaluation 54 Beacon Road Teven

The property is zoned partly 1(b) Rural (Secondary Agricultural Land) and partly 1(e) Rural (Extractive and Mineral Resources) under the provisions of LEP1987.

Figure 7 shows the existing zoning of the subject property and the way it was impacted by the 2023 planning proposal.

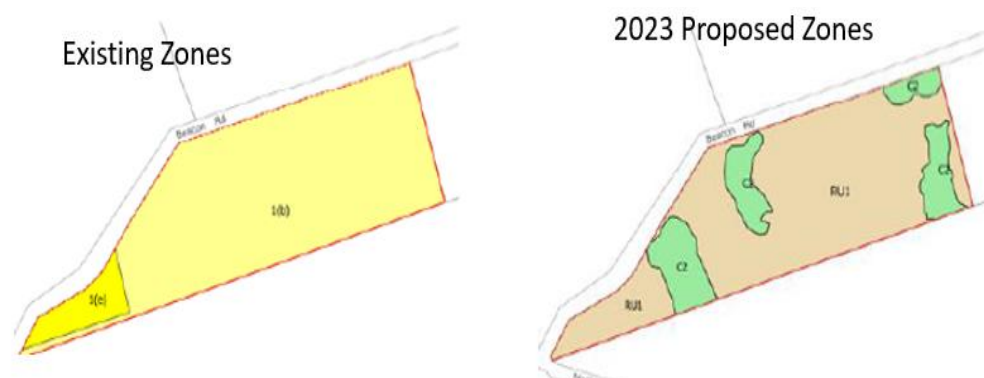


Figure 7 - 54 Beacon Road Existing and 2023 Proposed Zones

Figure 8 shows the zones recommended by the ecologists.



Figure 8 - 54 Beacon Road Ecologists Recommended Zones

The ecologists have recommended that three areas on this property be designated with a PU of environmental and be zoned C2.

These areas have a total area of approximately 1.4ha.

This is approximately 0.6ha less than proposed in the 2023 planning proposal. The vegetation in the proposed C2 zoned areas has been classified as *Native vegetation in over-cleared Mitchell landscapes - Rainforest*.

This is a key threatened species habitat and meets the criteria for a C2 zone in the NCEZR.

The ecologists found that the proposed C2 areas contained vegetation in good to very good condition and contained few weeds.

This contrasts with the proposed central rural area which was actively used for cattle grazing.

It is also dominated with Camphor laurel with small numbers of rainforest species.

The straight edge for the western proposed C2 area is achieved by aligning the zone boundary with an existing fence line.

The proposed C2 zoned areas were actively revegetated and maintained by the previous property owner who utilised LLS grant funding obtained in 2011 for this purpose.

He also applied his own substantial resources and investment to the replanting and maintenance of these areas.

The grant funding entailed a 5-year maintenance agreement which expired in 2016.

8.3 Ballina LEP 2012 - Deferred Matters Integration - Teven Test Methodology

Under the NCEZR criteria a C2 zone cannot be applied to land where the owner has voluntarily revegetated the land.

This is unless the revegetation was undertaken with grant funding which required ongoing protection of the vegetation.

In this case these criteria do not apply as the property was sold to a new owner in March 2025 and the maintenance obligations expired in 2016.

Both the previous and current property owners have not agreed to a C2 zone on this property.

The new owner has advised that he intends to continue the rainforest rehabilitation work commenced by the previous owners.

The previous owner has indicated that the Earthscapes report is “*fair and reasonable*” whilst not agreeing with a C2 zone on the property.

The ecologist’s recommendations are supported.

This is due to the quality and type of vegetation within the proposed C2 zoned areas, and the degraded and weed species dominate vegetation in the proposed rural zoned area.

Evaluation 225 Cumbalum Road Cumbalum

The property is zoned partly 1(b) Rural (Secondary Agricultural Land) under the provisions of LEP1987 and RU1 Primary Production under the provisions of LEP2012.

Figure 9 shows the existing zoning of the subject property and the way it was impacted by the 2023 planning proposal.

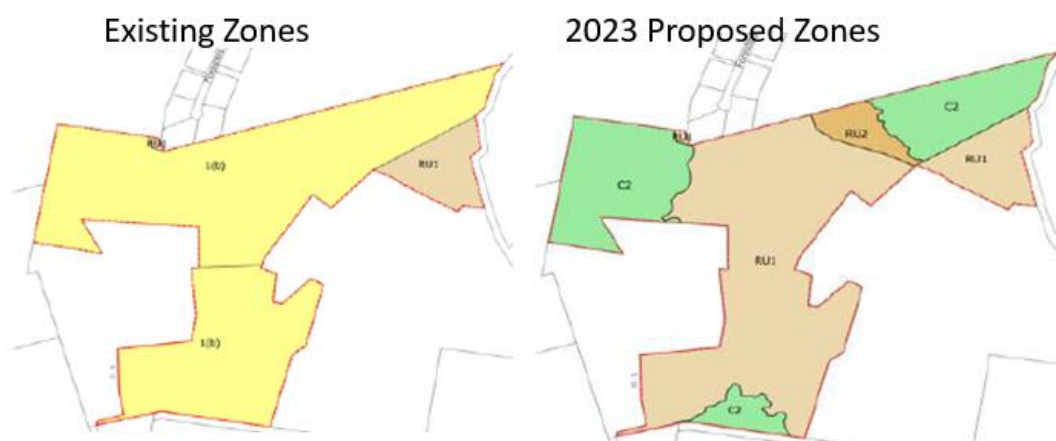


Figure 9 – 225 Cumbalum Road Existing and 2023 Proposed Zones

Figure 10 shows the zones recommended by the ecologists.

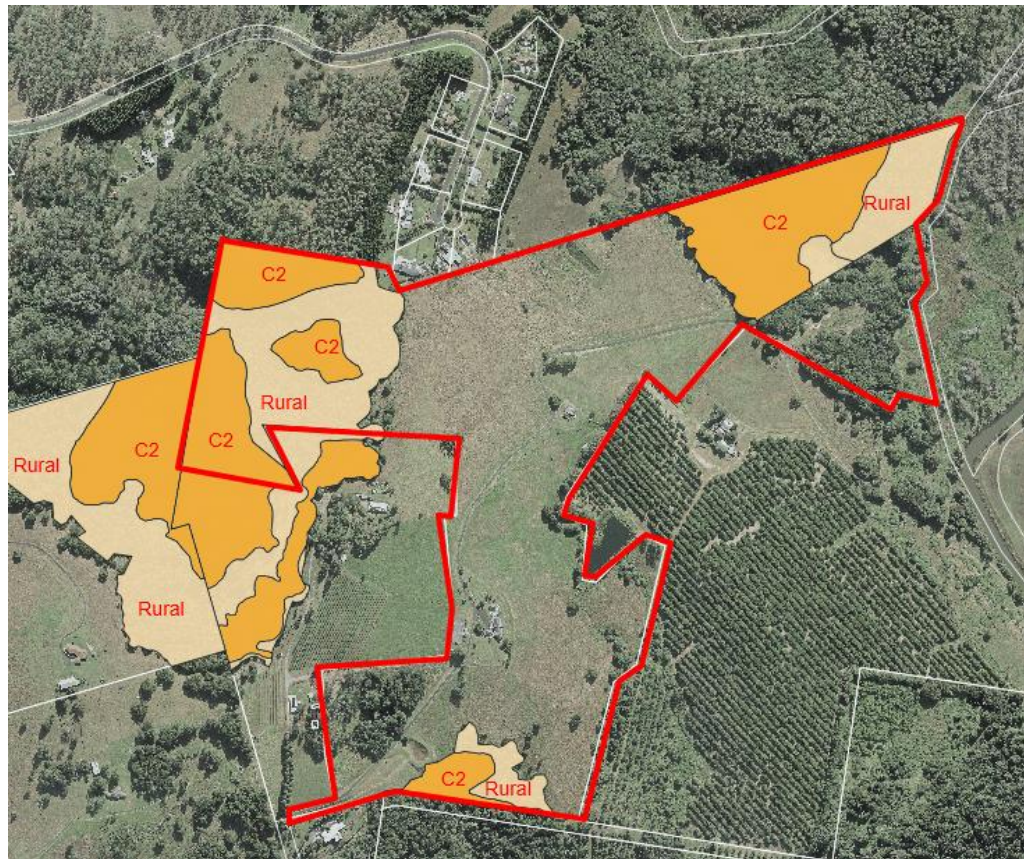


Figure 10 - 225 Cumbalum Road Ecologists Recommended Zones

The 2023 planning proposal provided for 15.8ha to be zoned C2 on this property.

Following recent ground truthing by ecologists the area of land recommended for a C2 zone has been reduced to 9ha with an additional 6.8ha of rural zoning.

The areas designated for a C2 zone contain a variety of native vegetation communities including *Native vegetation in over-cleared Mitchell Landscapes-Rainforest*, *Wet sclerophyll forests*, and *Endangered Ecological Communities (EECs)*.

These vegetation communities are considered by the ecologists to be of high environmental value and meet the criteria for a C2 zone in the NCEZR.

Due in part to the steep terrain in which the above vegetation communities exist they have not been significantly impacted by agricultural activities such as grazing.

The property owner has advised that he is seeking a C3 zone instead of the C2 zone for the identified areas as he is seeking to build conservation assets (eco cabins).

He has also advised that, *'this process of on ground investigation, with feedback has worked out well. A better outcome will evolve for all parties'*.

Eco tourist facilities are not permitted within the RU1, RU2, C2 and C3 zones.

8.3 Ballina LEP 2012 - Deferred Matters Integration - Teven Test Methodology

Applying a C2 zone to the land as recommended by the ecologist makes no difference in terms of the ability to building conservation assets as proposed by the property owner.

Given that the land that has been recommended by the ecologists for a C2 zone, is of high environmental value and has little evidence of any agricultural use, application of a C2 zone is supported.

Summary of Test Case Evaluation Recommendations

Table 2 provides an overview of the outcomes of the test case process.

Table 2 – Summary of Test Case Property Evaluation Recommendations

Property	Recommendation
118 Beacon Road, Teven (Lot 6 DP1162316)	Apply a C2 zone to the western area as indicated in Figure 3 with an RU1 zone to be applied to the remaining deferred matter areas.
444 North Teven Road, Teven (Lot 101 DP 865070)	Proceed with application of C2 zones as recommended by the ecologists with an RU1 zone to be applied to the remaining deferred matter areas.
54 Beacon Road, Teven (Lot 104 DP 862670)	Proceed with application of C2 zones as recommended by the ecologists with an RU1 zone to be applied to the remaining deferred matter areas.
660 Teven Road, Teven (Lot 1 DP 1166050 & Lot 1 DP 1207272)	Apply an RU1 zone to all the deferred matter areas on this property.
225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)	Proceed with application of C2 zones as recommended by the ecologists with an RU1 zone to be applied to the remaining deferred matter areas.

Delivery Program Strategy / Operational Plan Activity

Reviewing deferred matter areas and the preparation of planning proposals aligns with the 2024 – 2028 Delivery Program and Operational Plan Outcome HE3.1f – Maintain Local Environmental Plan.

Community Engagement Strategy

Further consultation with affected landowners and nearby property owners will occur in accordance with Council's Community Participation Plan and the requirements of the *Environmental Planning and Assessment Act 1979* and associated Regulation.

This will take place once a planning proposal has been prepared and a Gateway determination made which allows the proposal to proceed to public exhibition.

Financial / Risk Considerations

The ecological evaluation of the 5 test case properties cost approximately \$1,600 per property plus GST. Staff costs to date and any additional staff costs associated with the preparation of a planning proposal which incorporates the test case properties will be met through existing budget allocations.

Options

Option 1 – Take no further action

This option is not recommended as Council is part way through the deferred matters integration process and the maintenance of the LEP is a core strategic planning function.

Option 2 – Incorporate the Teven test case properties in the first stage of any annual deferred matter transitioning planning proposal process

This is the recommended option. The zones to be applied to the Teven test case properties are recommended as detailed in Table 2 in this report. If the Council adopts a program to transition deferred matter areas into LEP 2012, the test case properties could be in the first stage of such a program.

It would be preferable to incorporate these properties in a planning proposal with the properties subject to confidential objections not considered by the DPHI in Amendment No. 55 if a planning proposal is ultimately required in relation to these properties. This matter is discussed earlier in this agenda.

RECOMMENDATIONS

1. That based on the zonings recommended in Table 2 of this report, Council prepares a planning proposal for the five Teven test case properties to transition deferred matter areas from the Ballina LEP 1987 to Ballina LEP 2012.
2. That the planning proposal be submitted to the Department Planning Housing and Infrastructure for a Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department of Planning Housing and Infrastructure, the procedural steps associated with progression of the planning proposal be undertaken.
4. That the Department of Planning, Housing and Infrastructure be advised that Council does not wish to exercise its delegated plan making functions for this LEP amendment.
5. That the planning proposal be reported to Council for further consideration following completion of the public exhibition process.
6. That the property owners of the Teven test case properties be advised of the Council's decision and be thanked for agreeing to take part in the test case transitioning process.

Attachment(s)

1. LEP Amendment Request - July 2024 - 118 Beacon Rd -Teven ➡
2. Earthscapes Final Report review of C zone on 5 properties ➡
3. Submission - 118 Beacon Road redacted Attachment G ➡
4. Confidential Appendix G to Submission from Tail Feather Produce - 118 Beacon Rd Teven (Confidential)
5. Submission - 444 North Teven Road - Teven ➡

8.4 Development Applications - Works in Progress - 31 March 2025 Review

8.4 Development Applications - Works in Progress - 31 March 2025 Review

This report provides an overview of current development application activity. The data provided is to the end of March 2025.

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

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

The structure and content of this report is being reviewed having regard for the Minister's Statement of Expectations regarding DA assessment timeframes, key indicators other than average assessment times and the outcomes of the independent review of Council's DA assessment process by Two Things (which is nearing completion).

At present, it is anticipated that a revised report format will be utilised in the 2025/26 financial year.

Outstanding DAs by Month

The following tables for 2023, 2024 and 2025 provide an indication of the number of DAs (including modifications) under assessment with reference to various timeframes.

The number of DAs lodged, but not determined on a month-to-month basis, peaked in March 2022 at 385.

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

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

8.4 Development Applications - Works in Progress - 31 March 2025 Review

Assessment Timeframe	2025		
	Jan	Feb	Mar
Less than 90 days	37	49	65
90 to 180 days	54	44	33
180 to 365 days	30	24	20
More than 365 days	17	13	15
TOTAL	138	130	133

The number of outstanding (lodged but not determined) DAs this financial year has seen an ongoing reduction compared to recent years.

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

Northern Regional Planning Panel DAs under Assessment

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

DA No.	Applicant	Address	Proposal	Status
2024/252	Ardill Payne & Partners	18 Commercial Road ALSTONVILLE	Construction of a two-storey medical centre	NRPP briefing meeting was held on 17 January 2025. Following this meeting a request for further information was issued. A subsequent response to this request was received on 17 March and is currently under assessment.

DA Determination Trend (Financial Year Comparison)

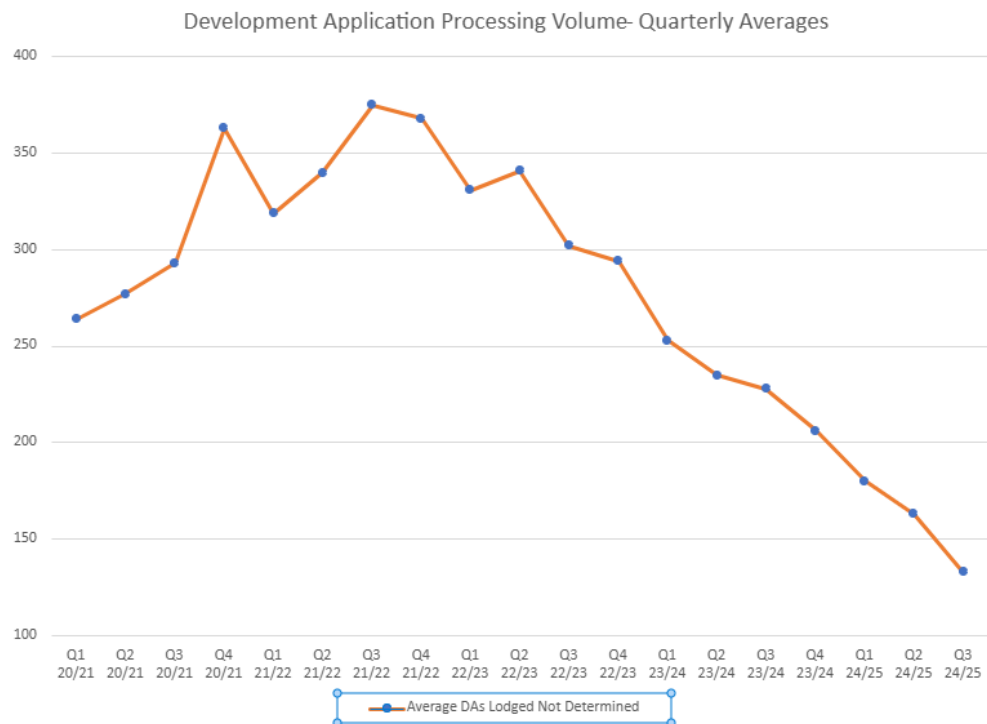
The following chart provides an overview of the volume of development applications lodged, but not determined each quarter, for the period July 2020 to the end of March 2025.

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

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

8.4 Development Applications - Works in Progress - 31 March 2025 Review

This reduction is influenced by several factors including economic conditions and staff availability, noting there are now seven vacancies in development assessment positions within the Development Services Section.



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

In terms of the types of development applications, a continuing focus is to prioritise the assessments of DAs for alterations and additions to dwelling houses and construction of new dwelling houses, dual occupancies and secondary dwellings, to allow people to proceed with these works as quickly as possible.

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

Number of DAs Under Assessment for > 12 Months and >18 Months

Month 2024	>12 Months	>18 Months
July	35	16
August	27	16
September	24	12
October	24	10
November	20	9
December	16	7
January	17	9
February	13	7
March	15	9

8.4 Development Applications - Works in Progress - 31 March 2025 Review

Three of the applications over 12 months old are ready for determination but are awaiting the Department of Planning's finalisation of Council's most recently endorsed general amendments to the Ballina LEP 2012.

The Department has not been able to confirm a timeframe for completion.

The table demonstrates that the strategies applied in having the longer outstanding applications determined is showing positive results, with a steady reduction in the number of these longer outstanding applications.

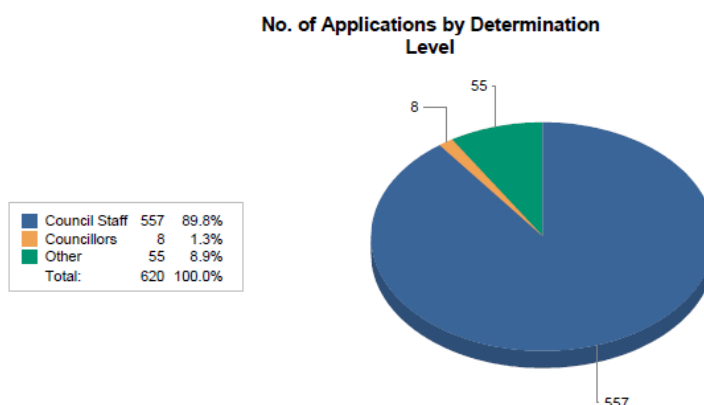
Determination Method

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

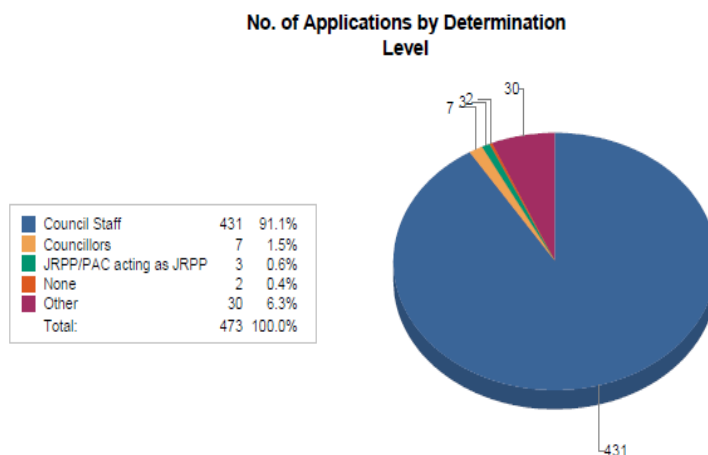
'Other' denotes applications withdrawn.

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

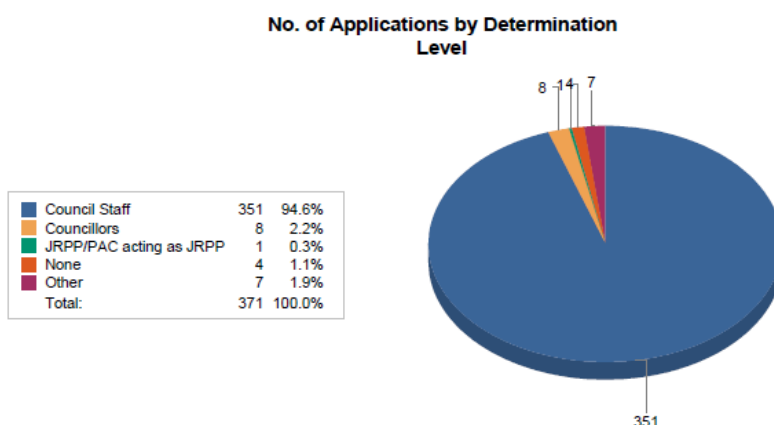
2022/2023



2023/2024



July 2024 to March 2025



In the July to March 2025 period, 97.6% of applications determined have been resolved by staff under delegation. The target for the percentage of applications determined under delegated authority in the 2024/25 Delivery Program and Operational Plan is >95%. One application was determined by the Northern Regional Planning Panel during this period.

Determination Outcome

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

In the last financial year 2023/24, 97% of all applications determined by Council have been approved and this percentage of approvals is continuing in the first 9 months of 2024/25.

In the previous two financial years the approval rate has been 98.2% (2022/23) and 98.9% (2021/22).

Variations to Development Standards

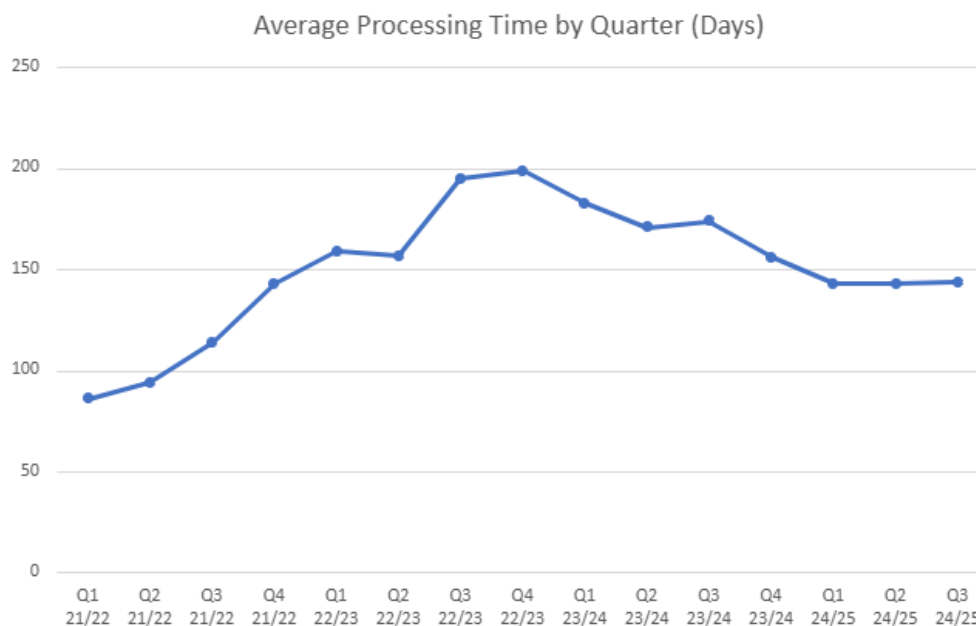
In accordance with Department of Planning reporting requirements, the following information is provided on development applications lodged prior to 1 November 2023 where a variation to a development standard of 10% or less (via the BLEP 1987 or BLEP 2012) has been approved by staff under delegated authority in the period January to March 2025.

DA Details	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for Variation
Nil	Nil	Nil	Nil	Nil

Processing Time

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

8.4 Development Applications - Works in Progress - 31 March 2025 Review



In March, the Department of Planning, Housing and Infrastructure (DPHI) wrote to councils across NSW with respect to the Minister's Statement of Expectations. A copy of the correspondence is contained in Attachment 2.

The correspondence reminds council's that the Department is monitoring performance in relation to average assessment timeframes.

In particular, the Department has indicated it is monitoring councils where:

- Gross assessment timeframes for DAs are 145 days or greater; or
- 50% or less of applications are being determined in less than 115 days; or
- Councils have a housing target greater than 500 dwellings during the housing accord period.

The NSW Planning Portal reports Ballina Shire Council's average DA assessment timeframe for the 2024/25 year as 159 days.

62% of applications determined have been completed in less than 115 days.

On the third criteria, Council does not have a State Government set housing target.

There is a difference between the State Government reported portal figures and Council's internal tracking figures as different parameters are used.

For example, Council's figures include modification applications as these contribute to total assessment work volume, the State figures do not reflect stop the clock timeframes which can be applied when additional information is required to advance the assessment of a DA).

Council's current average assessment timeframe is impacted by the focus on completion of DAs that have been under assessment for more than 12 months.

8.4 Development Applications - Works in Progress - 31 March 2025 Review

Average assessment timeframes are expected to improve as these DAs are cleared from the system.

The effect of the residual DAs that are more than 12 months old on average assessment timeframes is illustrated in the following table.

The table shows average assessment timeframes with and without DAs over 12 months old for January, February and March 2025 (exclusive of modifications).

The table also shows the median determination time for the month.

Month	Average Timeframe (All DAs) - Days	Average Timeframe (Excluding DAs over 12 months old) - Days	Median Assessment Timeframe - Days
January 2025	116	106	72
February 2025	184	106	91
March 2025	140	99	75

In the DPHI letter in Attachment 2, the State indicates that housing is a key driver of the monitoring of DA assessment timeframes.

In considering this it is important to note that DA assessment spans far wider than new or expanded housing.

By way of example, DAs determined in the last three months included fences, garages, pools, jettys, earthworks, tourist accommodation, driveways, sheds, recreation facilities, decks, rural industry and a function centre.

Seven of the nine DAs determined, that had an assessment timeframe of more than 12 months, were not for dwellings.

To clear older DAs from the assessment system and achieve the Minister's timeframe expectations within available resources, Council will need to continue the use of external consultancies for assessment work.

Current service levels relating to non-assessment related tasks are also being reviewed and altered.

Council's duty planning and building enquiry service is an example of a non-assessment task that is carried out by DA assessment staff.

During 2024/25 Council has received an average of 308 duty enquiries per month, with each of these matters needing to be researched and responded to with various degrees of difficulty and time demands.

Whilst it can be argued that is a service that supports the community, it is also used by speculators and many who utilise Council's staff expertise to do research on their behalf at either no or little cost.

With the urgency to respond to the timing set out in the DPHI correspondence (Attachment 2), services such as the duty service are being better matched to available resources so that maximum time can be applied to DA assessment.

Staff have also implemented several other strategies to address DA assessment times recently. These strategies have included:

- A series of changes to DCP based planning provisions relating to dwellings (which aim to simplify the assessment process)
- Allocation of specific DA types to be assessed via different workflows (e.g. strata subdivision)
- Ongoing refinements to the front-end processing of applications initially submitted on the portal and before the payment of the DA fees triggering lodgement of the application.

The front-end phase is referred to as the adequacy review phase, whereby applications submitted on the portal are screened for their adequacy of documentation and plans.

These adequacy phase processing changes have resulted in a considerable reduction in time from a total of 43 days in July 2024 to 14 days in December 2024.

The adequacy review figures being published on the Department's league tables are considerably higher than Council's figures.

This discrepancy is a consequence of deficiencies in the NSW Planning Portal operation, resulting in a series of inaccuracies in the way the portal calculates some of its data.

These discrepancies and inaccuracies have been acknowledged by the Department but are yet to be rectified.

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

This is within a context of significant staff shortages and competing demands for development assessment resources.

Total DA Volume

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

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

The first nine-month figures for 2024/25 show the number of submitted DAs is trending slightly lower than last year's figure.

Volume is not the only influence on the key assessment indicators. The type of applications received is also a factor.

8.4 Development Applications - Works in Progress - 31 March 2025 Review

	Year							
	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25 YTD
No. of DAs Submitted	861	890	976	1,093	1,020	759	602	420
% Change	N/A	+3.4%	+9.7%	+12%	-7.2%	-25%	-20%	N/A

When thinking about housing as a particular class of development, applicants can use the complying development pathway, rather than lodging a development application.

The complying development pathway is a criteria-based assessment pathway, where if the criteria are met in full the application must be approved.

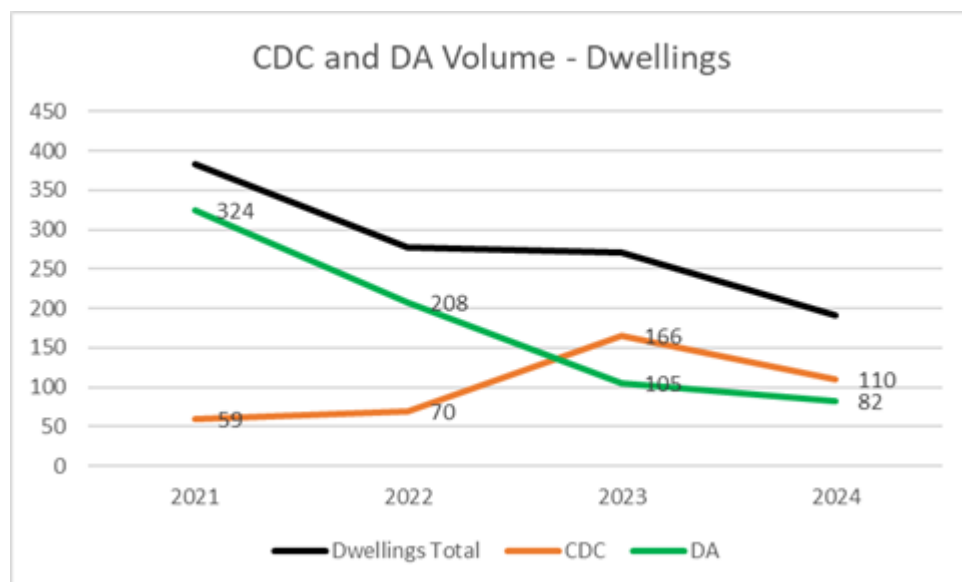
This is a quick approval pathway for compliant applications.

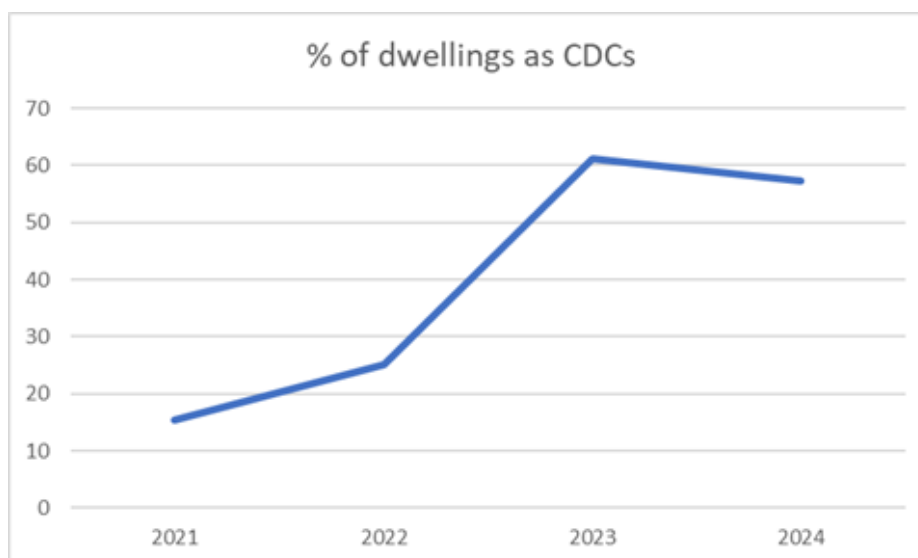
Where applicants cannot meet the complying development criteria, or do not want to in relation to the house design, a development application is required.

The next two charts show that there has been an increasing trend towards complying development, over the last four years, which is generally a positive outcome for housing.

This typically means though that the DAs assessed by Council have variances to controls and so are more complex than a dwelling that meets complying development criteria.

As indicated earlier, one response to this by Council has been to adjust DCP provisions having regard for trends in dwelling design.





The first chart above shows that in the last two years complying development has become the more common approval pathway for dwellings compared to lodgement of a DA. The second chart represents this in percentage terms, again reflecting growth in the use of complying development since 2022.

It is important to look at housing delivery in relation to the overall planning system, not just average DA assessment timeframes.

Development Assessment Review Process

Following on from Council's June 2024 resolution to engage an independent consultant to assess options that could be implemented to improve development assessment times, consultancy Two Things has now completed draft reporting. A Councillor briefing on the outcomes of the review is scheduled for May 2025.

The review process has focussed on the Minister for Planning's Statement of Expectations Order which came into effect on 1 July 2024 and development assessment related data the State Government is publishing. The following link provides information on both the Statement of Expectations Order 2024 and the Monitoring Council Performance data.

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

RECOMMENDATIONS

1. That Council notes the contents of the report on the status of outstanding development applications for the period ending 31 March 2025.
2. That Council notes there were no variations to development standards of 10% or less approved in the period 1 January 2025 to 31 March 2025.

Attachment(s)

1. Undetermined DAs (Under Assessment 90 Days) March 2025 ➡
2. DPHI - Statement of Expectations - March 2025 Targets ➡

8.5 Alstonville Skate Park - Site Investigations

8.5 Alstonville Skate Park - Site Investigations

Section	Strategic Planning
Objective	To review site options for the establishment of a skate park in Alstonville.

Background

Council's Delivery Program and Operational Plan 2024-2028 (DPoP) includes an action CC3.2c to carry out '*investigation of options for a skate park in Alstonville*'.

Council has at various times previously considered the provision of skate park facilities on the Alstonville Plateau since December 2012.

At the 28 March 2019 Ordinary meeting, after years of site investigations and a refused DA for the Wollongbar Sports Fields, Council reviewed potential locations for a skate park on the Alstonville Plateau, including at Plateau Drive, Geoff Watt Oval and Crawford Park.

The report to this meeting can be viewed on page 33 of the meeting agenda accessed [here](#).

Plateau Drive emerged as the preferred option having regard for accessibility, integration with a broader district park plan, and management of noise.

Council resolved to proceed with community consultation on a draft concept design for the district park at Plateau Drive, including the proposed skate park.

Following consultation, Council resolved at the June 2019 Ordinary meeting to adopt the Wollongbar District Park Concept Plan, which incorporated a small scale "street style" skate park within the District Park. The report to this meeting can be accessed [here](#), on page 2 of the meeting agenda.

In terms of parameters for a skate park in Alstonville, it is suggested that any new facility should be, at a minimum, the size of the Lennox Head Skate Park.

Ideally a new facility would also provide different features to the skate park at Wollongbar in the form of elements with vertical components such as ramps and 'vert' bowls.

The following potential sites in Alstonville have been explored in the past to differing extents:

- Geoff Watt Oval (Ballina Road)
- Crawford Park (Ballina Road)
- Lumley Park (Pearces Creek Road)
- Cawley Park (Coral and Ashland Streets)
- Gap Road Sports Fields (Gap Road)

A review of these sites and other potential locations has been undertaken.

8.5 Alstonville Skate Park - Site Investigations

This report provides a summary of these site investigations, and a review of one additional site not previously considered.

A summary of previous Council reports and resolutions is included in Attachment 1 to this report

Key Issues

- Site access, noise, safety, and security considerations
- Optimising skate facility design and surrounding environment

Discussion

Key considerations for locating skate facilities

The following are the key elements that have been considered in assessing potential locations for a skate facility.

- Accessibility and connectivity

As skate facilities primarily cater to young people, good pedestrian/cycleway path access is essential, along with car parking. Connection to residential areas and key community uses is also important.

- Noise / proximity of residential

Noise can pose a significant concern for residents at locations close to housing.

However, isolation from residential areas has other disadvantages, such as poor accessibility and lack of passive surveillance.

- Supporting amenities / infrastructure

Available amenities and supporting infrastructure such as lighting, toilets, shaded seating, drinking fountains, bins, car parking, and clear pedestrian pathways enhances safety and usability.

- Adequate site area

Locating the skate facility with other recreation / sporting activities can maximise the use of facilities beyond just skating and improves community connectivity.

However, sufficient area is required to reduce potential conflict with other activities.

- Passive surveillance / safety

Passive surveillance is a key factor in reducing antisocial behaviour. Perceptions that skateparks are associated with antisocial behaviour have changed over time and there is increasing recognition that providing dedicated areas for active engagement for youth can foster positive social interaction, which also helps mitigate antisocial behaviour.

8.5 Alstonville Skate Park - Site Investigations

- Physical site constraints

Stormwater drainage is a potential constraint that may require additional works and if not managed properly could exacerbate flooding elsewhere.

Vegetation can also be a constraint to achieving good passive surveillance and lead to ongoing maintenance issues.

Summary of Sites Reviewed

Figure 1 shows the location of the sites reviewed, five of which have been previously considered by Council.

The sites are numbered 1 to 6, and a summary of each site's features follows the figure.

Location plans for each site are contained in Attachments 2 to 7.

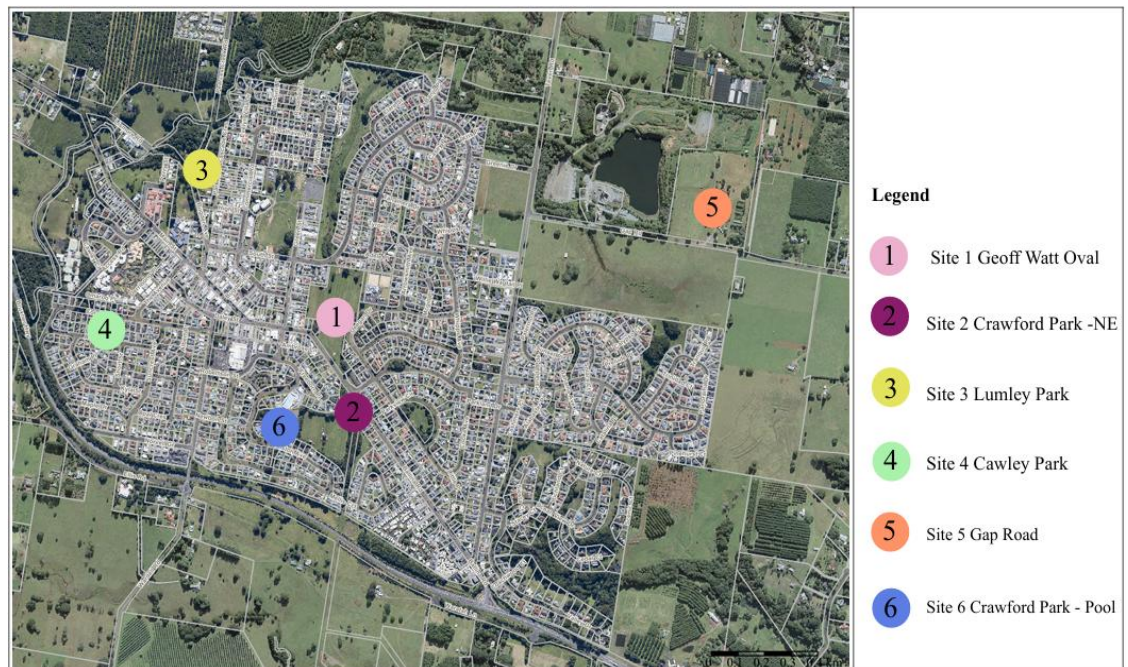


Figure 1 Potential skate facility sites Alstonville

Site 1 Geoff Watt Oval, Ballina Road

Shown on Figure 2, Geoff Watt Oval on Ballina Road, is Council-owned land that currently supports various sporting activities, hosts local events such as school athletics carnivals and includes existing infrastructure such as parking and public amenities.

A more detailed options plan for this site was prepared at the request of Councillors in 2019 and information regarding this is included in Attachment 2 and Figure 2.

The three potential skate facility locations shown have similar dimensions to the constructed Plateau Drive site in Wollongbar.

8.5 Alstonville Skate Park - Site Investigations

The plan also includes an assessment of drainage and flooding risks by Council's stormwater engineer.



Figure 2 – Geoff Watt Oval

Advantages

- Pathways connect this site to the Alstonville town centre and surrounding residential areas and it is close to public transport routes.
- Located centrally and has good connection to residential areas.
- Contains existing public amenities and frontage to Ballina Road which assists in giving the site good passive surveillance.
- Maximises an existing well used public recreation facility.

Disadvantages

- Stormwater drainage, which could be addressed through additional drainage works but further detailed investigations would be required.
- Potential noise impacts on nearby residences and potential conflicts with existing uses on the site (existing sporting groups that use the site have not been consulted about locating a skate park on the site).
- Car parking is limited and not formed.
- Amenities are not always open and further review would be needed.
- Potential conflict with established sports using the oval, including soccer and cricket.

8.5 Alstonville Skate Park - Site Investigations

Site 2 Crawford Park, Ballina Road (north-eastern side)

Figure 3 shows the location of a skate facility on the north-eastern portion of Crawford Park, located on Ballina Road.

Crawford Park is Council-owned land that supports existing sporting uses and contains established infrastructure, including some parking and public amenities.

Details about drainage flow paths are also shown in Figure 3 and in Attachment 3 to this report.



Figure 3 – Crawford Park (north-eastern)

Advantages

- Pathways provide easy access from the Alstonville town centre and nearby residential areas and the site is serviced by public transport.
- Good passive surveillance.
- Existing sporting uses, along with established infrastructure such as parking and public amenities.

Disadvantages

- Noise impacts. Previous community feedback suggests this caused significant concerns from nearby residences.
- Inadequate space to ensure existing uses are not adversely impacted by the addition of a skate park.
- Significant stormwater drainage considerations (potentially more so than other sites).

Site 3 Lumley Park, Pearces Creek Road

Lumley Park, located on Pearce's Creek Road and shown in Figure 4, is a Crown Reserve with Council acting as the Crown Land Manager. The site was

8.5 Alstonville Skate Park - Site Investigations

identified as a preferred site for further investigation at the December 2012 Ordinary Council meeting.

Attachment 4 includes a plan of the area which locates the skate park to the northern side of the existing tennis courts on the site, fronting Pearces Creek Road.

The Alstonville Tennis Club operates in Lumley Park under a Crown Land Licence. The Club completed the conversion of two of its four tennis courts into dedicated pickleball courts in 2024.

The majority of Lumley Park, including most of the tennis courts, is on land on which Widjabul Wia-Bal Native Title exists.

Preparation of a management plan for Lumley Park is an action in Council's DPOP, EL1.2e. The management plan is currently on hold pending Council's decision on the location for a skate park.



Figure 4 – Lumley Park

Advantages

- Close to the Alstonville Public primary school and residential areas.
- Contains public amenities and existing sporting facilities including tennis and pickleball courts.
- Site is connected to public transport.
- Buffered visually by distance to nearby housing and vegetation.

Disadvantages

- Location at the north-west edge of the Alstonville urban area with residences flanking only one edge of the site reduces pedestrian accessibility and passive surveillance, which is also limited by the presence of vegetation.

8.5 Alstonville Skate Park - Site Investigations

- Additional planning and stakeholder engagement due to the Widiabul Wia-Bal Native Title claim.
- The proximity of the previously considered site (refer to Figure 4) to large trees will mean frequent maintenance to remove vegetative debris and leaf litter to allow safe use of a skate facility.
- The site plan in Attachment 4 indicates a stormwater drain can be managed but this is likely to impact any future works.
- Car parking within the reserve area is limited.

Site 4 Cawley Park, Coral and Ashland Streets

Figure 5 shows the location of Cawley Park, which is Council-owned land with frontage to both Coral and Ashland Streets. It has an area of 4,679m² and is currently passive recreation space.



Figure 5 – Cawley Park

Advantages

- Site has good accessibility, with pathway access from the Alstonville town centre, schools, and surrounding residential areas.
- Good passive surveillance with surrounding housing and frontage to two streets.
- Is a large flat site with no apparent drainage or other physical constraints.

Disadvantages

- Proximity to residential properties has raised significant concerns in the past.
- Currently lacks public amenities or other supporting facilities, however, services such as water could be extended to the site.
- Would change the only passive recreational space in the south-western part of Alstonville.

8.5 Alstonville Skate Park - Site Investigations

Site 5 Gap Road Sports Fields

Figure 6 shows the location of the Gap Road Sports Fields. Adjacent to the former Tuckombil Quarry, the site is Council-owned land that also contains Council's nursery, a dog walking facility and a croquet lawn.

It is the only site under review that is not zoned RE1 Public Recreation under the Ballina Local Environmental Plan 2012.



Figure 6 – Gap Road Sports Fields

Advantages

- Site contains existing public amenities.
- No nearby residential properties, minimising potential noise concerns.
- Some passive surveillance from Council's nursery, croquet and dog walking facilities.

Disadvantages

- Site is relatively isolated from future users of the facility.
- Poor accessibility with no pathway access and formal parking.
- Is a considerable distance from other community facilities.

Site 6 Crawford Park, Alston Avenue (south- western side)

Figure 7 shows the location of an option on a part of Crawford Park not previously considered.

This potential site is on the southern side of the swimming pool and adjacent to the Alstonville Community Pre-school.

8.5 Alstonville Skate Park - Site Investigations

This portion of Crawford Park was considered for similar reasons to site 2 but with a potential advantage of being screened from most of the adjoining residences.



Figure 7 – Crawford Park (south-western side)

Advantages

- Good accessibility, with potential pathway access from the Alstonville town centre and surrounding residential areas in all directions.
- Proximity to an existing well-used community facility and pre-school.
- Has access to public transport and potential for shared parking off Freeborn Place.
- Partial vegetative buffer to residents on the southern side.

Disadvantages

- A car park upgrade is required as parking overflows onto the grass on busier days.
- Proximity to residential properties will likely raise noise concerns.
- Relative lack of passive surveillance due to location behind the preschool building and surrounded by vegetation.
- Stormwater drainage constraints have not been fully investigated but may necessitate flood mitigation measures and would require careful consideration for safety.

Conclusions

None of the sites are without constraints and several sites have similar advantages.

Aside from the Gap Road site (site 5), all sites are within a distance close enough for there to be perceived noise impacts to nearby residences, although Lumley Park and Geoff Watt Oval may have lesser impacts due to greater

8.5 Alstonville Skate Park - Site Investigations

distance from residences and vegetative noise buffers compared to the other sites.

Site 1 at Geoff Watt Oval is recommended for additional consideration due to its central location, accessibility, good passive surveillance, existing facilities and wider number of options within the site in which to locate a skate park.

Further investigations into the optimum site for a skate park within the oval will need to occur, particularly in relation to drainage impacts.

The location of a skate park within Site 3 at Lumley Park, as proposed in Attachment 4, is not preferred due to proximity to large trees and lesser amount of passive surveillance compared to Geoff Watt Oval.

However, if Council is open to considering the skate park where the current tennis courts exist on the corner of Bugden Ave, and Pearces Creek Road, then this could be further investigated in consultation with the tennis club.

It is recommended that no additional consideration be given to sites 2 (Crawford Park NE), 4 (Cawley Park), 5 (Gap Road Sports Fields) and 6 (Crawford Park – Pool) for the reasons discussed.

Delivery Program Strategy / Operational Plan Activity

The content of the report is identified in Council's adopted Delivery Program and Operational Plan (DPOP) as Action CC3.2c, *'investigation of options for a skate park in Alstonville'*.

Community Engagement Strategy

Extensive public consultation regarding the establishment of a skate park in Alstonville has been conducted over the past decade.

Given evolving social attitudes toward skateboarding and the increasing recognition of its positive role in youth engagement and community wellbeing, a refreshed approach to consultation is considered necessary if a facility is to be planned within Alstonville.

The recent youth survey undertaken to inform the preparation of Council's CSP attracted 383 responses. When asked what young people would like to see in the next ten years, 'Skate Park' was mentioned eight times and of the 39 young people from Alstonville who completed the survey, one mentioned they wanted a skate park.

Any future consultation should prioritise including younger members of the community, skaters, and other key user groups to ensure their perspectives and needs are adequately represented.

Additionally, broader stakeholder input from residents, businesses, schools, and neighbouring community organisations will be vital in addressing any concerns and ensuring the skate park aligns with the broader community vision.

Financial / Risk Considerations

Further investigations into the recommended site will require additional resources for investigation and design work (estimated cost \$20,000) and community engagement.

There is no current funding allocated to fund preliminary site investigations, preliminary design or construction of a skate park in Alstonville.

Council will need to consider its priorities in the Delivery program and operational Plan and Long-Term Financial Plan if further investigations into a skate park in Alstonville are to be progressed.

If Council does identify a preferred site and adopt a design, it will provide a valuable tool in seeking future investment and grant funding.

However, in considering what is required to investigate and consult on skate park options further, it is important to recognise that such investigations and consultation are expected to be quite resource intensive with any proposal likely to generate significant feedback.

Past processes in decision making around the location of a skate park have proved difficult, with often divisive community views.

Council has commenced, only to abandon investigations for a skate park in Alstonville previously.

The history and resource implications should be a consideration in determining whether to proceed.

It is also worth reviewing whether a skate facility in Alstonville remains a priority relative to other works and programs considering the results of the recent youth survey discussed in the community engagement section above.

Options

Option 1 – Undertake further investigations into the provision of a skate facility at Geoff Watt Oval, including drainage investigations and stakeholder consultation.

Geoff Watt Oval is the preferred site for more detailed investigation if Council wishes to investigate provision of a skate park at Alstonville further.

However, the staff recommendation is that this would be best done in the context of a wider consideration of the future of Geoff Watt Oval including clubhouse and amenities renewal, drainage, car parking and long-term sporting field use preferences.

A broader planning process for Geoff Watt Oval will help Council to determine overall costs, and its priorities for improvement works and expenditure of funds.

For example, it could be argued that refurbishment of the Geoff Watt Oval clubhouse is a higher priority than a new skate park when soccer and cricket participation is compared to the demand for a skate park in Alstonville.

8.5 Alstonville Skate Park - Site Investigations

This type of work for Geoff Watt Oval will require considerable resources and would be difficult to compete within existing resources in the next financial year unless other programs or works are deferred.

If Council wishes to examine Geoff Watt Oval in further detail as part of a broader master planning process, it is suggested this is best programmed into the Delivery Program and Operational Plan for the 2026/27 year.

This timing enables orderly allocation of staff resources to the project and provides time for Council to consider funding strategies for priority works in this area.

The recommendation is to program preparation of a master plan for Geoff Watt Oval in the 2026/27 year within the 2025/26 to 2028/29 Delivery program and Operational Plan, with the plan to include consideration of a skate park within the reserve.

Option 2 – Undertake investigations into the provision of a skate facility in locations other than Geoff Watt Oval.

Under this option, Council could continue investigations into a skate park at other locations.

Like option 1, this requires resourcing and would be best programmed for a year post 2025/26 having regard for the currently proposed work program in the draft Delivery Program and Operational Plan.

One exception in this regard is Lumley Park.

Council has already identified the preparation of a management plan for Lumley Park in its draft Delivery Program and Operational Plan for the 2025/26 year so a skate park could be examined in association with this work.

Although Lumley Park has not been identified as the preferred location for a skate park within this report, it does have some qualities that align with provision of a skate park that can be explored through the site management planning process.

The suggested approach is to continue with the Lumley Park management planning process (if endorsed by Council as part of the draft Delivery Program) with the process to include consideration of a skate park amongst other design and use options.

The outcomes of this process could then inform further considerations for Geoff Watt Oval in the 2026/27 year.

Option 3 – Discontinue investigations into a skate facility at Alstonville.

Council could discontinue investigations into a skate park at Alstonville.

This could be on the basis that the need is not considered justified, potential sites are not considered suitable, or a skate park is not identified as a current priority relative to other needs, for example.

RECOMMENDATIONS

1. That Council include the preparation of a master plan for Geoff Watt Oval in the draft 2025/26 – 2028/29 Delivery Program and Operational Plan, for 2026/27, with the master planning process to include consideration of a skate park within the Geoff Watt Oval reserve area.
2. That the preparation of a management plan for Lumley Park include consideration of a skate park, with the outcomes of this management planning process to inform future investigations relating to Geoff Watt Oval in relation to skate park facilities.

Attachment(s)

1. Summary of Council decisions on skate facility [⇒](#)
2. Site 1 Geoff Watt Oval [⇒](#)
3. Site 2 Crawford Park (north-east) [⇒](#)
4. Site 3 Lumley Park [⇒](#)
5. Site 4 Cawley Park [⇒](#)
6. Site 5 Gap Road Sports Fields [⇒](#)
7. Site 6 Crawford Park (south-west) [⇒](#)

8.6 Licence Renewal - Ballina Bowling & Recreation Club Ltd

Section Open Spaces

Objective To consider a licence renewal and determine the appropriate fee

Background

The Ballina Bowling and Recreation Club Ltd (Club) currently holds a one-year licence from Council (as Crown Land Manager) for part of Hampton Park Ballina (Lot 5611 DP1282979), being the area occupied by the croquet clubhouse building and croquet lawns (Croquet Area).

Crown Lands is currently progressing a direct lease to the Club. The Club is seeking a further one-year licence from Council for the Croquet Area as it awaits progression of the direct lease with Crown Lands. This report is to seek direction from Council on granting the next one-year licence to the Club, including the determination of the licence fee to be charged.

Key Issues

- Leasing and licensing of Crown Land managed by Council
- Appropriate licence fee amount

Discussion

Crown Reserve 540004 known as Hampton Park, Ballina, occupies land surrounded by Cherry, Bentinck, Moon and Burnet Streets. Crown Reserve 540004 has the reserve purpose of Public Recreation.

Hampton Park consists of the Croquet Area, tennis clubhouse, tennis courts, car parking, the area occupied by the Cherry Street Sports Club and vacant land that is the subject of the Hampton Park Master Plan process. The draft Hampton Park Master Plan has recently been out on public exhibition.

Council is the appointed Crown Land Manager for part of the land within Hampton Park, including the Croquet Area. The balance of Hampton Park is subject to direct tenure arrangements from Crown Lands to the Club (Crown Lands Tenure Area).

Crown Lands proposes to consolidate the Croquet Area into the Crown Lands Tenure Area. When that process is completed, Council will be removed as Crown Land Manager of the Croquet Area and Crown Lands will proceed with tenure arrangements for the consolidated area directly with the Club.

The timing for completion of this consolidation process by Crown Lands is not certain, so in the interim, Council as Crown Land Manager should continue to manage the occupation of the Croquet Area by the Club by putting in place appropriate tenure with the Club.

At the 25 July 2024 Ordinary meeting, Council resolved to:

- grant a 12-month licence agreement between Council as Crown Land Manager of Reserve 540004 and Ballina Bowling and Recreation Club Ltd for occupation of land for Croquet Lawns and Clubhouse at a statutory minimum rental amount.
- seek a valuation for the commercial use of Reserve 540004

A market rent assessment for the Croquet Area has been obtained and is included as Attachment 1. The market rent assessment for the Croquet Area determined a market rent to be \$20,000 per annum plus GST.

The Club is seeking a further one-year licence from Council (as Crown Land Manager) for the Croquet Area. This further licence would remain in place, pending the consolidation of the Croquet Area with the Crown Lands Tenure Area.

The licence would contain appropriate provisions so that the licence will end early if:

- Council is removed as Crown Land Manager of the Croquet Area during the term of the licence; or
- Crown Lands grants tenure directly to the Club over the Croquet Area as part of the consolidation process.

Delivery Program Strategy / Operational Plan Activity

All options align with Council's Delivery Program and Operational Plan:

- CC3.3 Support improved health outcomes by providing equitable access to sporting, recreational and community facilities

Community Engagement Strategy

If Council resolves to proceed with a proposed licence of the Croquet Area to the Club, public notification of the proposed licence will be carried out, inviting public submissions.

This licence renewal will not limit any outcomes from the current draft Plan of Management for Hampton Park. The report on the outcomes from that process is due to be submitted to the May 2025 Ordinary meeting.

This licence renewal is only for one year and it is important that a licence is in place to ensure the use of the Croquet Area is supported by a legal agreement.

Council also needs to determine the appropriate rent for the licence.

Financial / Risk Considerations

There is a current one-year licence in place with Ballina Bowling & Recreation Club Ltd for the Croquet Area at an amount equivalent to the statutory minimum rent amount set by Crown Lands.

8.6 Licence Renewal - Ballina Bowling & Recreation Club Ltd

Under the Community Property Leasing and Licensing Policy, Council may charge a licence fee higher than the statutory minimum rent amount set by Crown Lands.

The Ballina Bowling & Recreation Club Limited's Annual Report for 2023/2024 (available publicly on the Club's website) reported:

- Operating revenue of \$18,475,475
- Profit of \$497,311
- Net assets of \$12,475,090.

Options

Option 1

Grant a one-year licence to Ballina Bowling & Recreation Club Ltd of the Croquet Area, at a licence fee equal to the statutory minimum rent amount published by Crown Lands (currently \$604 per annum plus GST).

This is the recommended approach as it is consistent with Council's historic and current approach to licensing of land for sporting uses.

Option 2

Grant a one-year licence to Ballina Bowling & Recreation Club Ltd of the Croquet Area at 50% of the market valuation licence fee, being \$10,000 plus GST.

Council could apply option 2 or 3 if it considers the licensing circumstances for the croquet lawns to be different to other sporting uses and their lease/licensing arrangements (e.g. Council may view volunteer run organisations different to the Ballina Bowling & Recreation Club).

Something to consider here is that a significant increase in rent payable may result in a transfer of additional costs to users of the croquet lawns.

Additional costs may also impact the ongoing availability and management of the lawns under current arrangements.

Whilst there is an argument for sporting user groups to make a larger financial contribution towards maintenance and management of sporting fields and infrastructure, this approach is not recommended in the absence of a broader and more comprehensive review of fees and charges levied on sporting groups.

Option 3

Grant a one-year licence to Ballina Bowling & Recreation Club Ltd of the Croquet Area at 100% of the market valuation licence fee of \$20,000.00 plus GST.

Option 4

Do not grant a further licence to Ballina Bowling & Recreation Club Ltd of the Croquet Area.

8.6 Licence Renewal - Ballina Bowling & Recreation Club Ltd

This option is not recommended due to Council being the current Crown Land Manager of the Croquet Area and appropriate tenure should be in place to properly manage the Croquet Area.

RECOMMENDATION

That Council grants a one-year licence to the Ballina Bowling & Recreation Club Ltd at a licence fee equal to statutory minimum rent, noting the continued provision and availability of this facility for community croquet.

Attachment(s)

1. Market Valuation Report - Licence Renewal - Ballina Bowling & Recreation Club Ltd. [⇒](#)

8.7 DA 2023/503, DA 2023/537 and DA 2021/185 - Developer Contributions

8.7 DA 2023/503, DA 2023/537 and DA 2021/185 - Developer Contributions

Section Development Services

Objective To outline requests for developer contributions and charges to be set aside.

Background

Council has received the following requests for a reduction or setting aside of developer contributions and charges applicable to the approved developments. The requests from each applicant are included in Attachments 1, 2 and 3, inclusive of the reasons for seeking a reduction or waiver.

DA 2023/503 (Attachment 1)

Reduction Applicant: NSW Government Aboriginal Housing Office

Development Summary:

- 91 Moon Street Ballina.
- Multi dwelling housing development comprising four two storey dwellings.
- Development value - \$2,860,000.
- Approved 21 January 2025 (Ballina Shire Council).

Contributions Summary

Contribution/Charge	Amount (\$)
Section 7.11 Contributions - Open Spaces, Community Facilities and Roads	37,546.56
Section 64 - Wastewater Services	12,464.62
Section 64 - Water Supply	1,244.36
Rous Bulk Water	14,490.00
Total	65,745.54

Contributions not yet paid.

DA 2023/537 (Attachment 2)

Reduction Applicant: Bullinah Aboriginal Health Service

Development Summary:

- 18-22 Grant Street and 109 Tamar Street Ballina.
- Two and three storey medical centre.
- Development value - \$12,283,000.
- Approved 22 November 2024 (Northern Regional Planning Panel).

Contributions Summary

Contribution/Charge	Amount (\$)
Section 7.11 Contributions - Roads	133,816.99
Section 64 - Wastewater Services	40,322.93
Section 64 - Water Supply	2,897.68
Rous Bulk Water	33,741.00
Total	210,778.60

These contributions have been paid, noting the applicant has done this to enable the development to proceed. If Council supports a reduction or waiver in this instance it would equate to a return of monies paid.

DA 2021/185 (Attachment 3)

Reduction Applicant: Northern Rivers Wildlife Hospital

Development Summary:

- 1243 Bruxner Highway Wollongbar
- Change of use to establish a veterinary hospital
- Development value - \$350,000.
- Approved 20 June 2022 (Ballina Shire Council) and modified 23 August 2024.

The modification assessment was a somewhat complex matter as it was discovered that works were undertaken without all the necessary approvals in place.

Given proposed amendments to the outbuilding on the site under the modification resulted in an increase in the GFA, consideration was given to whether additional contributions would be applicable. The application was assessed as being subject to contributions additional to those applied to the original proposal in accordance with Council's adopted plans.

Having regard for the circumstances of the development and sequence of works undertaken, conditions were imposed to require payment of the contributions prior to Occupation Certificate, with this seen as the most appropriate way to ensure they were paid prior to the project completion.

Contributions Summary (Modification)

Contribution/Charge	Amount (\$)
Section 7.11 Contributions - Open Spaces, Community Facilities and Roads	11,215.80
Section 64 - Wastewater Services	3,857.02
Section 64 - Water Supply	2,520.30
Rous Bulk Water	6,411.42
Total	24,004.54

These contributions have been paid, noting the applicant has done this to enable the development to proceed at present.

If Council supports a reduction or waiver in this instance it would equate to a return of monies paid.

Other Similar Circumstances

Council has considered another contributions and charges reduction request recently at the June 2024 Ordinary meeting.

The context of that request was different as the development was for a seniors housing project at 78 Moon Street Ballina (DA 2017/643) and a specific Ministerial Direction applied to that circumstance.

The request was made by Minister Rose Jackson (Minister for Housing) on behalf of the State Government's Aboriginal Housing Office.

Under the Ministerial Direction, a consent authority cannot levy contributions, amenities, or public services, on a development consent for seniors housing, where the applicant is a social housing provider.

In that instance, Council resolved as follows:

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

Council was not required by the Ministerial Direction to set aside charges relating to water and wastewater services and did not resolve to waive these fees (i.e. these charges were applied).

The circumstances of DA 2017/643 in relation to the Ministerial Direction do not apply to any of the development proposals the subject of this report.

Key Issues

- Fair and equitable application of developer contributions and charges.
- Funding for open spaces, community facilities, roads, wastewater and water infrastructure.
- Merits of individual reduction and waiver request cases.

Discussion

There are social, health and housing merits associated with the services provided by the Aboriginal Housing Office (AHO) and the Bullinah Aboriginal Health Service and the projects the subject of the requests for contributions reduction.

The Northern Rivers Wildlife Hospital is meritorious in the environmental benefits it provides in the care of local and regional wildlife.

However, these projects all generate demand for infrastructure and services.

8.7 DA 2023/503, DA 2023/537 and DA 2021/185 - Developer Contributions

Demand is the basis for contributions and the levying of these funds is essential for Council to be able to keep up the delivery of its infrastructure development programs.

Reducing or waiving contributions does equate to Council subsidising development (and in the case of the AHO State Government led development), through foregone revenue.

This revenue is collected for defined service provision.

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

Alternatively, sufficient funds are not raised, and the infrastructure is not delivered or is delayed.

These requests are difficult to weigh against the services and infrastructure delivered by contributions given the merits of each individual proposal.

Aside from the integrity of the contributions system and planned revenue and infrastructure delivery, another key factor to consider is that there are arguments to set aside contributions due to the merits or financial circumstances of individuals and developers across a range of development.

Council has previously addressed some of these cases in policy (e.g. contributions for secondary dwellings).

The boundaries for these types of arguments are difficult to define as they reflect a political decision to encourage certain types of development.

Consistency is a fundamental key to a functional and orderly developer contributions and charge system.

If Council starts reducing or waiving contributions contrary to its adopted plans based on individual requests and cases, the integrity of the plans and system can be lost, and it can be argued the plans and contributions are not being applied fairly and equitably.

This is on top of lost revenue that directly impacts Council's ability to deliver planned and endorsed works.

In relation to the Rous County Council Bulk Water Charge, the charge that has been levied is not something Council can set aside as this is applied by another entity.

Council collects the charge on behalf of Rous County Council and so any reduction or waiver of this charge is a matter for Rous County Council.

Delivery Program Strategy / Operational Plan Activity

Consideration of this matter relates to Council's implementation of its adopted developer contributions plans and development servicing plans.

The operation and application of these plans is a central part of the development assessment system and Council's forward infrastructure planning and delivery.

Community Engagement Strategy

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

Financial / Risk Considerations

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

Essentially any charges set aside will need to be funded from alternate revenue sources when delivering the planned infrastructure (e.g. grants, charges paid by the private development sector).

Setting aside charges can also have the effect of delaying works as it takes longer to raise the funds needed for large projects, or the result can be works are not delivered.

Options

Council has the following options in relation to each request:

1. Not set aside the levied contributions and charges.
2. Set aside only Section 7.11 contributions levied.
3. Set aside both Section 7.11 and Section 64 contributions and charges levied.

In considering the options, it is important to note that Council cannot set aside charges levied by Rous County Council.

Notwithstanding the social, health and environmental merits of each development, from an operational perspective, it is difficult to recommend a reduction, or waiver of all, or part, of the charges, as it is largely a political decision as to the weight or benefit generated for each request from that waiver.

Based on this, the recommended approach is to not reduce or waive the levied charges in relation to any of the three requests on the following basis:

- Developer contributions and charges are applied in accordance with Council's adopted contributions plans and development servicing plans.
- Reducing or waiving developer contributions and charges on an ad hoc basis is not consistent with a fair and equitable application of charges to development
- Reducing or waiving of contributions directly negatively impacts Council's ability to deliver planned infrastructure works under its adopted plans through lost revenue.
- Developer contributions and charges are collected based on demand created by new development for the purpose of providing for infrastructure arising from that new demand.
- Where development contributions are not paid by the development that generates the service demand, the broader community ultimately pays more to fund the required infrastructure or required infrastructure is not built or is delayed.

8.7 DA 2023/503, DA 2023/537 and DA 2021/185 - Developer Contributions

Alternatively, Council can resolve to waive or reduce any combination of charges, excluding the Rous County Council Bulk Water Charges, that are a matter for Rous to consider.

The recommendation also supports referring the requests to Rous County Council to confirm a decision on the Bulk Water Charges.

RECOMMENDATIONS

1. That Council acknowledges the individual merits of development outcomes under DA 2023/503, DA 2023/537 and DA 2021/185.
2. That notwithstanding point 1, Council does not agree to a reducing or waiving of contributions for development associated with DA 2023/503, DA 2023/537 or DA 2021/185 for the reasons outlined in this report.
3. That Council refer the applications to Rous County Council to determine whether a waiver or reduction is to be provided on the Bulk Water Charges.

Attachment(s)

1. Aboriginal Housing Office - Request for reduction of developer contribution fees - DA 2023/503, Moon Street, Ballina [⇒](#)
2. Bullinah Aboriginal Health Service - Request for reduction of developer contribution fees - DA 2023/503, Grant Street, Ballina [⇒](#)
3. Northern Rivers Wildlife Hospital - Request for reduction of developer contribution fees - DA 2021/185, Lindendale Road, Wollongbar [⇒](#)

9.1 Use of Council Seal

9. Corporate and Community Division Reports

9.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following document.

US2025/4	<p>Assignment of Lease – Good Hydration Pty Ltd to Lubrano Aquatics Pty Ltd for property known as Lot 2 DP 1051004, 2-4 River Street Ballina.</p> <p>Explanation: Good Hydration P/L has held the lease over Lot 2 DP 1051004 for many years.</p> <p>The site contains the Ballina Waterslide.</p> <p>Good Hydration P/L has sold the business to Lubrano Aquatics P/L and have requested consent to assign the lease.</p> <p>This is a land lease only and the improvements (waterslide and infrastructure) are owned by the Lessee.</p>
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Attachment(s)

Nil

9.2 Investment Summary - March 2025

Section Financial Services

Objective To provide details of Council's cash and investments portfolio breakup and performance

Background

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

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

This report 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 March 2025, have been made in accordance with the Act, the Regulations and Council's Investment Policy.

Key Issues

- Compliance with Investment Policy
- Return on investments

Discussion

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

A copy of the [Investment Policy](#), adopted 27 June 2024, is available on Council's website and linked above.

The total balance of investments, as at 31 March 2025 was \$91.4m compared to a balance of \$90.4m as at 28 February 2025.

Council's investments, as at 31 March 2025, were invested at a weighted average interest rate of 5.198%, which was 0.755% higher than the March average 90 Day Bank Bill Index (BBSW) of 4.443%.

The balance of Council's Commonwealth Bank business account, as at 31 March 2025 was \$11,473,484, which compares to a balance of \$12,636,564 as at 28 February 2025.

Total combined cash and investments, as at 31 March 2025 was \$102,873,484 compared to a balance of \$103,036,564 as at 28 February 2025.

9.2 Investment Summary - March 2025

The net decrease of \$0.16m in cash and investments from February to March is due to regular creditor payments made during the month offset by water rates instalments due at the end of the month along with grant funds received from Transport for NSW in relation to the 2022 Flood Event.

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

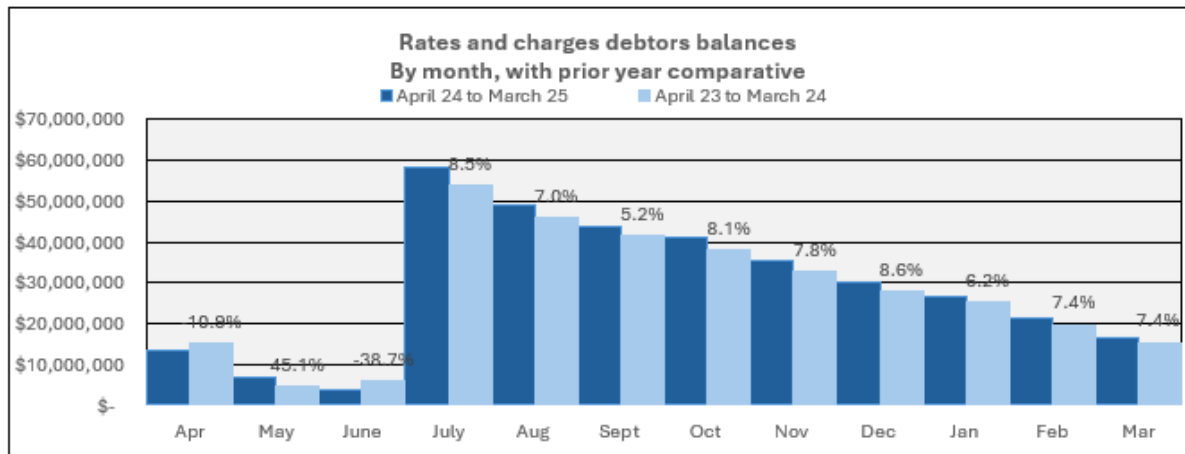
Reserve Name	Restriction	% Portfolio
Wastewater (incl developer contributions)	External	24.18%
Water (incl developer contributions)	External	15.66%
Section 7.11 Developer Contributions	External	18.74%
Domestic Waste Management	External	1.81%
Bonds and Deposits	External	3.07%
Specific Purpose Unexpended 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%
Total		100.00%

Debtors

As per the following chart, the balance, as at 31 March 2025, was 7.4% higher than 31 March 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.

9.2 Investment Summary - March 2025



A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	28 February \$'000	31 March \$'000	Quota %	% of Total
AMP Bank	No	BBB+	9,000	9,000	20%	9.85%
Australian Unity	Yes	BBB+	2,000	2,000	20%	2.19%
Auswide Bank	Yes	BBB	8,000	8,000	20%	8.75%
Bank of Queensland	Yes	A-	11,000	11,000	20%	12.04%
BankVic	n/a	BBB+	3,000	5,000	20%	5.47%
Bendigo & Adelaide Bank	Yes	BBB+	1,000	1,000	20%	1.09%
Beyond Bank	Yes	BBB+	4,000	4,000	20%	4.38%
Commonwealth Bank	No	AA-	1,000	1,000	20%	1.09%
Defence Bank Ltd	n/a	BBB+	3,000	3,000	20%	3.28%
ING Bank (Australia) Ltd	No	A	2,000	2,000	20%	2.19%
IMB Bank	Yes	BBB	-	3,000	20%	3.28%
G & C Mutual	Yes	BBB+	2,000	4,000	20%	4.38%
Macquarie Bank	No	A+	1,600	1,600	20%	1.75%
MyState Bank Ltd	Yes	BBB+	4,000	4,000	20%	4.38%
National Australia Bank	No	AA-	11,500	11,500	20%	12.58%
Newcastle Greater Mutual Group Ltd	Yes	BBB+	1,000	1,000	20%	1.09%
Rabobank Australia Ltd	No	A+	10,000	10,000	20%	10.94%
Suncorp Limited*	No	A+	14,300	8,300	20%	9.08%
Westpac Bank Corp	No	AA-	2,000	2,000	20%	2.19%
Total			90,400	91,400		100.0%

*Market forces has recently been updated to change the status of Suncorp to be fossil fuel aligned. This is due to the recent purchase of Suncorp Bank by ANZ Bank.

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value 28 February \$'000	Value 31 March \$'000	%	%
	%	Value \$'000				
A- or Higher	100%	91,400	53,400	47,400	59.1%	51.9%
BBB	60%	54,840	37,000	44,000	40.9%	48.1%
Total			90,400	91,400	100.0%	100.0%

Liquidity Risk Parameters as per the Investment Policy	Maximum Allowed		Value \$'000 28 February	Value \$'000 31 March	%	%
	%	Value \$'000				
Term equal to 1 year or less	100%	91,400	80,500	81,500	89.0%	89.2%
Term > 1 year and < 3 years	40%	36,560	-	-	-	-
Term > 3 years	20%	18,280	9,900	9,900	11.0%	10.8%
Total			90,400	91,400	100.0%	100.0%

9.2 Investment Summary - March 2025

B. Fossil Fuel Free and Green Investments

Environmental Classification	28 February		31 March	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned Investments*	42,400	46.9	36,400	39.8
Non-Fossil Fuel Aligned Investments	42,000	46.5	47,000	51.4
Not Classified	6,000	6.6	8,000	8.8
Total	90,400	100.0	91,400	100.0

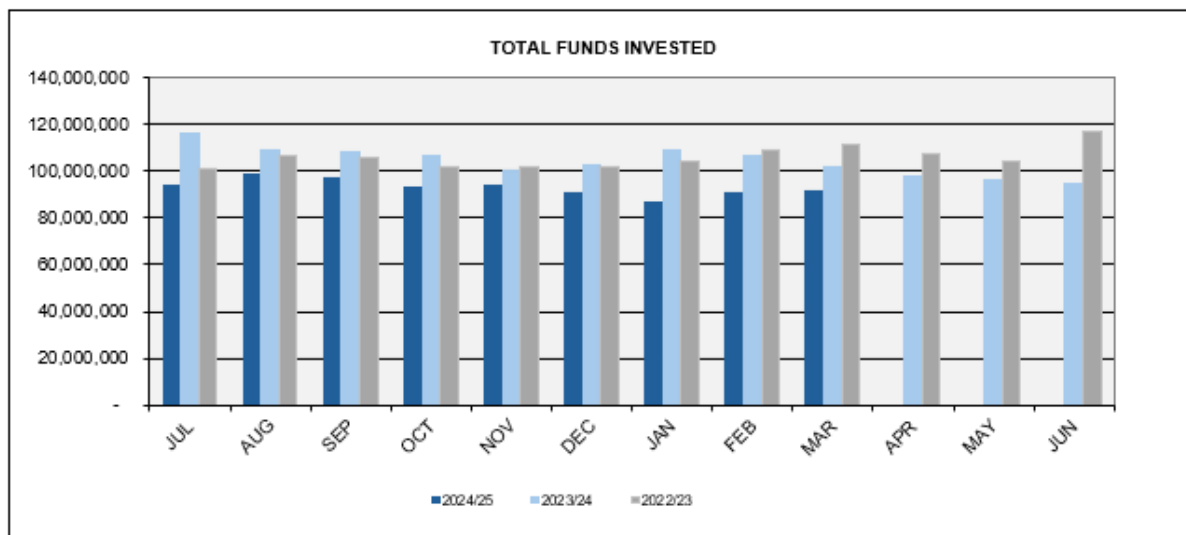
*The balances as at 28 February have been adjusted for the change in classification of Suncorp Bank for easier comparison

In March 2025, six investments matured totalling \$11.6m.

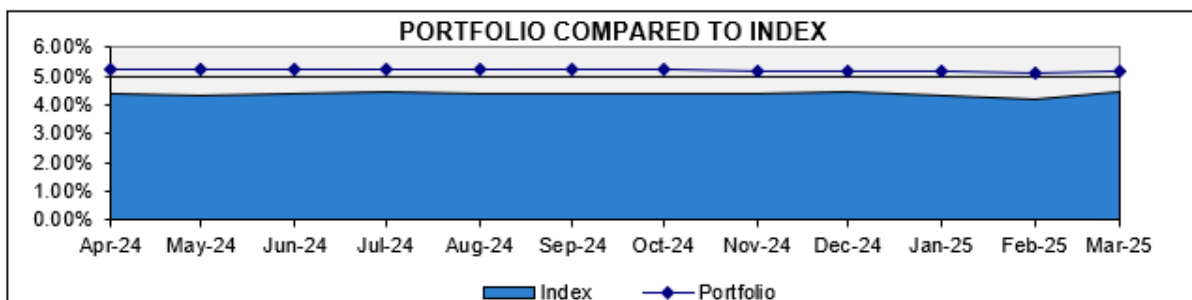
Two of the investments, totalling \$2m, were held with non-fossil fuel aligned institutions.

Nine new investments, totalling \$12.6m, were placed. Five investments, totalling \$7m, were with non-fossil fuel aligned institutions and one investment of \$2m was not classified.

C. Monthly Comparison of Total Funds Invested

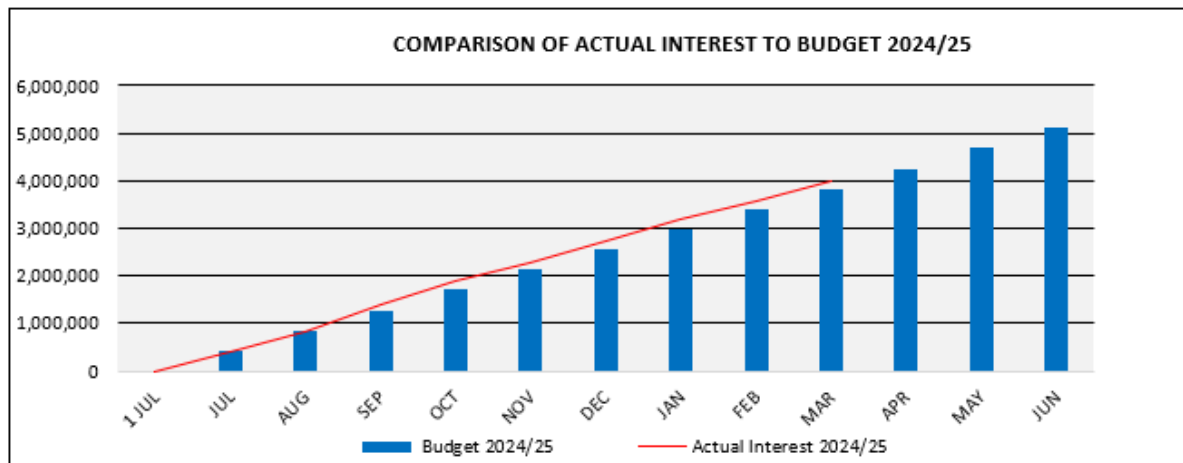


D. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.2 Investment Summary - March 2025

E. Progressive Total of Interest Earned to Budget



F. Investments held as of 28 February 2025 and 31 March 2025

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	28 February \$'000	31 March \$'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
28/05/24	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	-
28/08/24	Rabobank Australia Ltd.	TD	5.00%	03/06/25	5,000	5,000
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
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

9.2 Investment Summary - March 2025

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	28 February \$'000	31 March \$'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	2,000
12/02/25	National Australia Bank	TD	4.90%	13/05/25	1,500	1,500
27/02/25	Auswide Bank	TD	4.76%	17/02/26	2,000	2,000
27/02/25	Auswide Bank	TD	4.76%	24/02/26	2,000	2,000
28/02/25	Rabobank Bank Australia Ltd.	TD	4.79%	02/09/25	2,000	2,000
04/03/25	IMB Bank	TD	4.70%	02/09/25	-	2,000
04/03/25	IMB Bank	TD	4.70%	09/09/25	-	1,000
28/03/25	BankVic	TD	4.75%	28/03/25	-	2,000
28/03/25	G&C Mutual Bank	TD	4.75%	14/10/25	-	2,000
	Total				90,400	91,400
	TD=Term Deposit; FRN=Floating Rate Note					

RECOMMENDATION

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

Attachment(s)

Nil

9.3 Tender - Construct Embankment and Preload in Tamarind Drive

9.3 Tender - Construct Embankment and Preload in Tamarind Drive

Section Project Management Office

Objective To report the outcomes of the tender evaluation for the Tender - Construct Embankment and Preload in Tamarind Drive

Background

The works to be undertaken under this contract are to Construct Embankment and Preload in Tamarind Drive, including installation of monitoring equipment, in accordance with the Principal's drawings specifications.

Tenders were called on 7 March 2025 and at the close of tenders on 28 March 2025, four tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Twenty-three companies downloaded the documentation with tenders received from:

- DT Infrastructure Pty Ltd
- Quickway Constructions Pty Ltd
- Hazell Bros (QLD) Pty Ltd
- Doval Constructions (QLD) Ltd

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

- Insurance
- Work Health and Safety
- Environmental Management – ISO 14001:2016 Accredited Company
- Quality Management – ISO 9001:2015 Accredited Company

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

- | | |
|-----------------------------|-----|
| • Pricing structure | 60% |
| • Social and community | 15% |
| • Experience and capability | 10% |
| • Methodology and Programme | 15% |

9.3 Tender - Construct Embankment and Preload in Tamarind Drive

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

Delivery Program Strategy / Operational Plan Activity

Council's adopted Long Term Financial Plan has \$8m allocated to Tamarind Drive Canal Bridge 4 Lanes in 2024/25.

The 2024/25 Delivery Program and Operational Plan has the following activity listed PE3.3c – Progress Tamarind Drive Dual Laning.

Community Engagement Strategy

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

Concept designs for the Tamarind Drive Bridge Duplication project were placed on public exhibition during October/November 2022 with Council endorsing the design at the December 2022 Council meeting.

Community consultation activities have been ongoing since then and further consultation will occur in accordance with a communications plan for the project.

Council has also been in consultation with NSW Aboriginal Land Council (NSWALC), Jali Local Aboriginal Land Council (Jali) and Crown Lands regarding the acquisition of part Lot 491 in DP 729381, being Lot 3 which is subject to an Aboriginal Land Claim. This issue is discussed further below.

Financial / Risk Considerations

NSW Reconstruction Authority (RA) provided written confirmation on 29 January 2025 that funding for these works is available within the signed Funding Agreement for project BA18.

The revised budget for the full scope of works for Fishery Creek and Canal Bridge duplication is now expected to exceed budget as outlined in a report to the 8 April 2025 Finance and Facilities Committee meeting.

The tender documentation for the main Design Development and Construct contract is structured so that pricing includes separable portions, which means there are options to reduce the scope of work of if required.

A further report regarding these options will be presented to the May or June 2025 Ordinary meeting.

Under all budgeting scenarios, the duplication of Canal Bridge will be able to proceed. Therefore, there are no risk issues in proceeding with the preload/earthworks in Tamarind Drive now.

The pre-tender estimate for this contract was \$2,128,000 (ex GST). The total expected cost for the contract is estimated to be \$2,334,300 (ex GST). The total cost of the preferred tender is \$2,029,117.19, excluding GST which is within the amount allocated within the project budget.

9.3 Tender - Construct Embankment and Preload in Tamarind Drive

An Aboriginal Land Claim has been lodged on behalf of Jali for land required for the project. This prevents Council from acquiring the land it needs for dedication as a public road.

The project team has been in discussions with Jali, Crown Lands and NSW RA to consider mechanisms to allow the project to proceed while the Land Claim is determined.

An interim option under consideration is a request to Jali for the Land Council to provide non-objection consent for the Pre-Load works.

The Pre-Load contract will not be awarded to the contractor until an acceptable resolution is in place to deal with the management of the land.

Options

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

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

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

Based on the tender evaluation, it is recommended that Council accept the tender from Quickway Constructions Pty Ltd.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Quickway Constructions Pty Ltd for the RFT2173 Tender - Construct Embankment and Preload in Tamarind Drive for the total amount of \$2,029,117.19 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential Memorandum - Tender Report - Embankment and Preload in Tamarind Drive (Under separate cover) (Confidential)

9.4 Tender - Development Assessment Services Panel

Section Development Services

Objective To report the outcomes of the tender evaluation for the Tender - Development Assessment Services Panel

Background

The works to be undertaken under this contract are for Development Assessment Services (support for Council's Development Assessment Section).

Tenders were invited from a list of recognised service providers under a selective tendering method to establish a panel of suitably qualified and independent providers, for the next three years, to assist Council in delivering development assessment services.

The types of services sought through the tender are:

- Provision of Development Assessment Services
- Preparation of Council/Panel determination reports
- Provision of Ecological Assessment Services

The tender was called for three reasons:

- The Development Services Section has experienced a prolonged period of staff vacancies. There are currently seven position vacancies in the section (town planning and building surveying positions) representing a 40% shortfall in positions available for development assessment and related services.
- The Minister for Planning issued a Statement of Expectations Order in July 2024 requiring all councils in NSW to meet certain development assessment timeframe targets.
- The nature, scale and complexity of some development applications require specialist engagement and to ensure probity and conflicts of interest are appropriately managed.

Selective tenders were called on 3 March 2025 and at the close of tenders on 31 March 2025, four tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Six companies downloaded the documentation with tenders received from:

- Greenloaning Biostudies Pty Ltd
- Mecone Group Pty Ltd
- SJB Planning (NSW) Pty Ltd
- Specialist Research Services Pty Ltd

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

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

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

- | | |
|-----------------------------|-----|
| • Pricing structure | 40% |
| • Capability and Experience | 45% |
| • Social and Community | 15% |

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

Delivery Program Strategy / Operational Plan Activity

Development Assessment services are referenced in the Delivery Program and Operational Plan (DPOP) Strategy

EL3.3 To provide efficient and cost-effective regulatory environment for doing business and specifically to efficiently process and assess development applications and related applications.

Community Engagement Strategy

Section 55(1)(f) of the Local Government Act 1993 (NSW) states that:

(1) A council must invite tenders before entering into any of the following contracts:

(f) a contract for the provision of services to the council (other than a contract for the provision of banking, borrowing or investment services),

Division 2 (Prerequisites for tendering), section 166 of the Local Government (General) Regulation 2021 provides for Council to determine whether tenders are to be by open tendering or selective tendering. Section 166(c) states that:

“Whenever a council is required by section 55 of the Act to invite tenders before entering into a contract, the council must decide which ... tendering method(s) is to be used....”

9.4 Tender - Development Assessment Services Panel

Given the nature of the expertise required, there is a limited and specific market for consultants of this nature and to ensure probity and transparency the best and most effective results to assist with Council delivering this essential service would come from:

- (c) the selective tendering method by which recognised contractors selected from a list prepared or adopted by the council are invited to tender for proposed contracts of a particular kind.

Financial / Risk Considerations

Engagements under this tender are costed against respective Development Services operational budgets. There is no estimated total contract value for this tender, as the outcome of this evaluation is to have a panel of providers which have provided scheduled rates for a volume of work that cannot be accurately estimated.

Options

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

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

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

Based on the tender evaluation, it is recommended that Council accept the tenders from all companies assessed as part of the evaluation process as they provide value for money, satisfy probity and transparency requirements and are appropriately located to meet our operational requirements.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to:

- Greenloaning Biostudies Pty Ltd
- Mecone Group Pty Ltd
- SJB Planning (NSW) Pty Ltd
- Specialist Research Services Pty Ltd

to form the Development Assessment Services Panel contract.

2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential Memorandum - Tender Report - Development Assessment Services Panel (Under separate cover) (Confidential)

9.5 Tender - Underbore Services

9.5 Tender - Underbore Services

Section Engineering Works

Objective To report the outcomes of the tender evaluation for the Tender - Underbore Services

Background

The works and services to be undertaken under this contract are Underbore Services with a view to developing a panel of approved contractors.

Tenders were called on 20 February 2025 and at the close of tenders on 20 March 2025, two tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Nineteen companies downloaded the documentation with tenders received from:

- Under Road Boring Australia Pty Ltd
- Ozcom Holdings Pty Ltd

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

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

Only one tender submission met the mandatory conformance assessment.

Delivery Program Strategy / Operational Plan Activity

Underbore Services are not specifically identified in the Delivery Program and Operational Plan. These services are undertaken as part of capital works activities.

Community Engagement Strategy

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

Financial / Risk Considerations

Works and services are funded from project/work order budgets within capital expenditure.

Options

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

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

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

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

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

(3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:

- (a) postpone or cancel the proposal for the contract,*
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
- (f) carry out the requirements of the proposed contract itself.*

(4) If a council resolves to enter into negotiations as referred to in subclause 3 (e), the resolution must state the following:

- (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
- (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

Approach 3(e) will enable staff to negotiate with identified and qualified contractors to provide consistent schedules of rates with a view to developing a panel of approved providers.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Tender - Underbore Services as the tenders submitted did not provide a sufficient market test.
2. That Council, in accordance with Local Government (General) Regulation 2021 Section 178(3)(e) authorises the General Manager to enter into negotiations with at least 3 recognised contractors (whether or not they were a tenderer), with a view to enter into a panel contract for the Tender - Underbore Services .
3. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest, and it is more efficient and timelier to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(b), Council has determined to negotiate with at least 3 recognised contractors with a view to entering into a contract in relation to the subject matter following assessment against the mandatory and priced evaluation criteria established for the tender.

Attachment(s)

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

9.6 Tender - Ballina War Memorial Pool - Management Contract

Section Facilities Management

Objective To report the outcomes of the tender evaluation for the Tender - Ballina War Memorial Pool - Management Contract

Background

This contract is for the Management of the Ballina War Memorial Pool. This follows advice from the current contractor, Good Hydration Pty. Ltd, that they will not be exercising their option for another five years on the existing contract.

The Directors of Good Hydration have been managing the Ballina War Memorial Pool for 30 years, which means there is a significant loss of corporate knowledge based on the non-renewal.

Good Hydration also lease the adjoining crown land, from Council, on which the Ballina Waterslide operates, with the lease being for the land only, and the lessee owns all the improvements (i.e. the actual waterslide).

Good Hydration has asked for Council approval to assign that lease to another company. The assignment is included in the Use of Seal report earlier in this agenda.

As a result of the non-renewal of the existing management contract, tenders were called on 3 March 2025, for the five-year management contract, with the approved contractor having the option to extend that contract for another five years.

The first five-year term is for 1 July 2025 to 30 June 2030.

At the close of tenders on 3 April 2025, two tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Thirteen companies downloaded the documentation with tenders received from:

- Fettell Swim Co. Pty Ltd
- Belgravia Leisure

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

9.6 Tender - Ballina War Memorial Pool - Management Contract

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

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

- | | |
|--------------------------------------|-----|
| • Pricing structure | 45% |
| • Capability and Relevant Experience | 40% |
| • Local and community | 15% |

Fettell Swim Co. Pty Ltd has been assessed as the preferred tenderer based on the evaluation. Details of the assessment have been provided to Councillors by a confidential memorandum.

The Directors of Fettell Swim Co. Pty. Ltd. have direct experience in managing the Alstonville Aquatic Centre and have the necessary background and expertise to manage the Ballina War Memorial Pool.

Delivery Program Strategy / Operational Plan Activity

Delivery Program Strategy: CC3.3 Support improved health outcomes by providing equitable access to community facilities.

Community Engagement Strategy

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

Financial / Risk Considerations

The budget for 2025/26, for contract management of the Ballina War Memorial Pool is \$360,000, with an allowance of \$35,000 for extra lifesavers, when patron numbers reach above set thresholds (100 persons in attendance).

The pricing for the preferred tender is significantly more than the forecast budget in 2025/26, although lower than the competing tender.

This will have a negative impact on the operating deficit for the facility, and the financial position of Council's Long Term Financial Plan, for the General Fund.

From a risk perspective, Fettell Swim Co. Pty Ltd is a local company that has a sound understanding of swimming pool complexes due to their previous experience working at the Alstonville Aquatic Centre.

Options

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

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

9.6 Tender - Ballina War Memorial Pool - Management Contract

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

The options available relate to Council accepting the tender, not accepting any tender and negotiating with the preferred tenderer, or any other contractor, or another option is that Council staff manage the facility.

The preferred tender is far lower than the second placed tender, and the tender figure submitted is consistent with the results from the previous tender process in 2020, excluding the successful tender for that process.

From a Council staffing perspective, the long opening hours and seven day a week operation of the facility, as well as commercial aspects such as the kiosk and swimming lessons, are not conducive to an award-based approach.

This type of facility is more suited to an incentive arrangement where the contractor can generate extra revenue, through entrepreneurial activities, that result in increased turnover and sales revenue.

Currently Council retains all entry income for the pool complexes, and pays for the operating expenses, with the contractors able to generate extra revenue from kiosk sales, swimming lessons etc.

Overall, based on the tender evaluation, it is recommended that Council accept the tender from Fettell Swim Co. Pty Ltd, as the preferred contract management company for the Ballina War Memorial Pool.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Fettell Swim Co. Pty Ltd for the Tender - Ballina War Memorial Pool - Management Contract for the total amount of \$509,600 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.
3. That Council notes the significant increase in operating costs for the Ballina War Memorial Pool, based on the tendered amount.
4. That Council thanks the Directors of Good Hydration Pty. Ltd., Lee and Vicki Fitzgerald, for their contribution to the Ballina Shire through their contract management of the Ballina War Memorial Pool for a period of 30 years.

Attachment(s)

1. Confidential Memorandum - Tender Report - Ballina War Memorial Pool - Contract Management (Under separate cover) (Confidential)

9.7 General Fund - Long Term Financial Plan Sustainability

9.7 General Fund - Long Term Financial Plan Sustainability

Section Financial Services

Objective To review the long term sustainability of the General Fund and to obtain Council direction on a proposal for a future special rate variation.

Background

The Long-Term Financial Plan (LTFP) forms a major component of the exhibition of the draft Delivery Program and Operational Plan.

A “General Fund - Long-Term Financial Plan” report was presented to the 8 April 2025 Finance and Facilities Committee meeting.

That report included three models, of which Model 1 was based on the IPART (Independent Pricing and Regularly Tribunal) determined rate peg limit, whilst Models 2 and 3 were based on special rate variations (SRVs) applied within the ten-year plan.

Model 2 was based on a rate variation of 11% over and above the rate peg, with that increase applied over a four-year period commencing 2026/27.

Model 3 was based on a rate variation of 23% over and above the rate peg, with that increase applied over a six-year period commencing 2026/27.

The recommendation from the Finance and Facilities Committee meeting was for a further report to be provided to Council, on the implementation of a special rate variation in 2026/27.

This report responds to that recommendation, even though, it has not yet been formally resolved (included in this agenda), as there are time constraints in respect to the SRV process, if Council wishes to implement the SRV by 2026/27.

Key Issues

- Long term financial sustainability
- Level of rate income and affordability
- Rate pegging limit

Discussion

In managing a Council’s finances one of the key objectives is to obtain a cash operating surplus, with the surplus funds then invested into capital activities such as asset expenditure, particularly asset renewal, loan principal repayments and transfers to reserves for future activities.

The current forecast operating results, and working capital (WC) movements, for the General Fund, as presented to the April 2025 Finance and Facilities Committee meeting are as follows:

9.7 General Fund - Long Term Financial Plan Sustainability

Table 1 – General Fund Results (\$'000) – Model 1 - 3.25% Rate Peg

Year	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35
Operating Revs	100,067	103,694	108,410	111,975	116,069	119,184	123,326	127,586	132,135	136,730
Operating Expenses Excl Non-Cash	82,002	83,031	86,205	88,455	91,056	92,376	95,491	98,552	100,949	104,024
Result before Non-Cash items	18,065	20,663	22,205	23,520	25,013	26,808	27,835	29,034	31,186	32,706
Less Depreciation / Loss on Disposal	25,070	25,798	25,832	26,658	27,508	28,385	29,290	30,223	31,185	32,178
Add Other Non-Cash Items	3,360	3,360	2,277	1,995	1,563	1,582	1,601	1,621	1,641	1,684
Operating Result (Deficit)	(3,645)	(2,858)	(1,632)	(1,575)	(913)	24	166	452	1,663	2,212
Operating Ratio	-4.45%	-2.32%	-0.71%	-0.16%	0.49%	1.34%	1.48%	1.72%	2.66%	3.04%
WC Result	(764)	(596)	(393)	(379)	(168)	(52)	(3)	(34)	12	24
WC Balance	1,627	1,031	638	259	91	39	36	2	14	38

Model 1 has an assumed underlying rate peg of 3.25% applied across future years, whereas 2025/26 includes the IPART confirmed rate peg limit of 3.8%.

The future year forecasts indicate the General Fund does not reach an operating surplus until 2030/31. The working capital results do not reach a positive movement until 2033/34.

Special Rate Variation (SRV) - Model 2 – 11% Above Rate Peg

A second model was presented to the April 2025 Finance and Facilities Committee meeting, based on Council generating a level of rate revenue consistent with the average of the neighbouring councils, through an SRV (Model 2).

Ballina Shire Council ordinary rates generate approximately 11% less revenue than the average of neighbouring councils and is similarly less than the average of NSW Group 4 Councils.

The Office of Local Government (OLG) groups are based on the Australian Classification of Local Governments (ACLG) determined by the Australian Bureau of Statistics (ABS). NSW councils have been condensed from 22 ACLG categories into 11 groups, to better reflect the councils in NSW.

The OLG has also classified councils by type into large rural, metropolitan, metropolitan fringe, regional town/city and rural.

The groupings are based on demographic variables.

Ballina Shire is classified as Group 4, Regional Town / City (medium). More information on OLG classification can be found at this link: [Australian-Classification-of-Local-Government-and-OLG-group-numbers.pdf](#)

Model 2 assumed an SRV of 11% above the rate peg over a four-year period. The four-year period is to even out the impact on ratepayers, providing a staged catchup.

9.7 General Fund - Long Term Financial Plan Sustainability

The outcome provided by this model is to bring Council's average rates to a level that is comparative to surrounding councils and to the NSW Group 4 Council average rate, by the fourth year, i.e. by 2029/30.

It is probable that several councils within the Group 4 category will apply for special rate increases in the medium term, and this would widen the gap for Council.

This model results in rate increases of 6% per annum for 2026/27 to 2029/30, inclusive of an assumed rate peg of 3.25% and an additional 2.75% from the SRV for 2026/27 to 2029/30.

**Table 2 – General Fund Results (\$'000) – Annual 6% SRV
(inclusive of Rate Peg 3.25%) for 2026/27 – 2029/30 - Model 2**

Year	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35
Operating Revs	100,067	104,575	110,267	114,911	120,194	123,475	127,790	132,230	136,965	141,758
Operating Expenses Excl Non-Cash	82,002	83,431	86,955	89,505	92,406	93,767	96,926	100,035	102,491	105,627
Result before Non-Cash items	18,065	21,144	23,312	25,406	27,788	29,708	30,864	32,195	34,474	36,131
Less Depreciation and Loss on Disposal	25,070	25,798	25,832	26,658	27,508	28,385	29,290	30,223	31,185	32,178
Add Other Non-Cash (Fair Value Adjustments)	3,360	3,360	2,277	1,995	1,563	1,582	1,601	1,621	1,641	1,684
Operating Result (Deficit)	(3,645)	(2,377)	(525)	311	1,862	2,924	3,195	3,613	4,951	5,637
Operating Ratio	-4.45%	-1.83%	0.33%	1.51%	2.82%	3.68%	3.83%	4.08%	4.99%	5.38%
WC Result	(764)	(496)	(193)	21	432	552	604	571	604	603
WC Balance	1,627	1,140	947	968	1,400	1,952	2,556	3,127	3,731	4,334

The future year forecasts of Model 2 indicate the General Fund reaches an operating surplus in 2028/29. The working capital result also reaches a positive movement in 2028/29.

Additional Rate Income - Model 2

The following table outlines the additional rate income raised from Model 2.

Table 3 – Additional Rate Income - Model 2 (\$)

Scenario	2026/27	2027/28	2028/29	2029/30
Standard Rate Peg - Model 1	33,103,000	34,427,000	35,804,000	37,237,000
SRV of 6% - Model 2	33,978,000	36,272,000	38,721,000	41,335,000
Additional SRV Income PA	875,000	1,845,000	2,917,000	4,098,000

The rate pegging legislation operates by capping the limit a council's rate income can increase by each year. For example, if you collected \$10m in Year 1 and the State Government approved a 3% increase, the total rate income (referred to as the yield) a council could raise in Year 2, would be \$10.3m (an increase of 3%).

Individual rates on properties can vary, both up and down by more than the rate pegging percentage, as rates are levied on land values, but importantly the total income is capped by that peg limit.

9.7 General Fund - Long Term Financial Plan Sustainability

There is one slight variance to this, in that when new land releases occur, the subsequent multiple allotments typically have a higher combined land value than the original allotment.

The higher land values allow the base yield to be adjusted, which in turn provides some natural growth in the total rate yield. This reflects that your population is growing, which in turn increases demand for Council services.

The major benefit of having a higher rate yield is the compounding of that figure over the years.

This is the same principle as compound interest, and it has significant revenue benefits over the medium to long term.

The allocation of the additional revenue from an SRV is a matter for Council to determine. Importantly, the allocation of the extra revenue to capital expenditure, both renewal and new, improves the operating result, whereas the allocation of revenue to operating expenses, does not improve the operating result. This is because the additional revenue is matched against additional operating expenses.

It is essential that any additional SRV revenue is allocated, as much as possible, to capital expenditure, particularly asset renewal, to improve the operating result.

The report on the Community Infrastructure – Recurrent Capital Works program to the 8 April 2025 Finance and Facilities Committee meeting, included the following information in respect to the annual depreciation expense and recurrent funding

Table 4 - Annual Estimated Depreciation and Recurrent Funding (\$'000)

Description / Asset Class	Depreciation Estimate	Recurrent Funding
Open Spaces – Playgrounds, fencing, signage	1,350	880
Sports Fields – Buildings and other infrastructure	880	230
Public Amenities	62	160
Stormwater	1,850	910
Roads	9,500	8,400
Ancillary Transport	280	160
Footpaths and Shared Paths	780	560
Ferry	28	0
Emergency Services	155	0
Community Buildings (Halls, Child Care Centres, Cultural Centres, Surf Clubs etc)	1,300	1,300
Libraries	250	
Swimming Pools	450	
Tourism	20	
Administration Centre and Depots	1,200	
Animal Pound	7	
Gallery	47	
<i>Sub Total Community Buildings</i>	<i>3,274</i>	<i>1,300</i>
Sub Total – General Fund	18,159	12,600

Theoretically Council should be trying to match the depreciation expense with renewal funding each year, as that means Council is reinvesting in infrastructure at the same rate it is deteriorating.

9.7 General Fund - Long Term Financial Plan Sustainability

This does not consider that councils also receive government grants to assist with asset renewal or expansion, therefore it is reasonable to have some shortfall in the recurrent funding, albeit that shortfall should be minimal.

Table 4 does not dissect the recurrent funding between what is allocated to asset renewal and what is allocated to new assets, as new assets expenditure dilutes the funding available for renewals.

What Table 4 highlights is that on a proportionate basis, the major shortfalls in recurrent capital funding are in sports fields buildings, stormwater and community buildings.

The expenditure from an SRV should reflect community priorities and should ensure that the benefits are distributed evenly across the community, as all ratepayers pay the SRV.

The Micromex community satisfaction survey in 2024 identified that the highest ranked services in respect to importance to the community were:

Higher importance	T2 Box	Mean
Roads	98%	4.83
Beaches and foreshores	96%	4.75
General garbage collection	94%	4.74
Overall health of the Richmond River	93%	4.71
Crime prevention and law and order initiatives	93%	4.70
Management of development as the population grows	93%	4.69
Long term planning	93%	4.68

The lowest ranked services in respect to satisfaction were:

Lower satisfaction	T3 Box	Mean
Affordable housing	34%	2.12
Crime prevention and law and order initiatives	57%	2.67
Management of development as the population grows	63%	2.76
Drainage/flood management	63%	2.78
Overall health of the Richmond River	64%	2.84
Festival and event management	66%	2.92

Common themes in these results are crime prevention and health of the Richmond River. Roads is traditionally one of the highest services of importance to the community for any council survey.

Operationally, Council's major infrastructure areas, such as Open Spaces, Engineering Works and Facilities Management, being the areas that maintain Council's parks, roads and buildings, are struggling to maintain the existing asset base, and there is a need to increase funding to those areas, above CPI, due to large increases in costs for materials and labour in recent years.

9.7 General Fund - Long Term Financial Plan Sustainability

Based on this background information, a possible distribution of the SRV revenue, for Model 2, is as follows.

Table 5 – Possible SRV Funding Distribution - Model 2 (\$)

Service	2026/27	2027/28	2028/29	2029/30
Additional Capital				
Open Spaces	50,000	150,000	200,000	300,000
Sports Fields	100,000	200,000	300,000	500,000
Stormwater	100,000	200,000	400,000	600,000
Roads	150,000	345,000	500,000	798,000
Footpaths / Shared Paths	0	50,000	100,000	150,000
Community Facilities	75,000	150,000	367,000	400,000
Sub Total	475,000	1,095,000	1,867,000	2,748,000
Percentage of SRV (%)	54%	59%	64%	67%
Expanded Operating				
Waterways / Biodiversity	100,000	150,000	200,000	250,000
Roads Operations	100,000	200,000	300,000	400,000
Open Spaces Operations	100,000	200,000	300,000	400,000
Facilities Maintenance	50,000	100,000	150,000	200,000
Crime Prevention	50,000	100,000	100,000	100,000
Sub Total	400,000	750,000	1,050,000	1,350,000
Percentage of SRV (%)	46%	41%	36%	33%
Total Per Annum	875,000	1,845,000	2,917,000	4,098,000

This distribution aims to allocate 2/3 of the funding to capital by Year 4, while also addressing the key asset funding gaps, and service areas where additional funding is essential.

The Waterways / Biodiversity funding would increase the resources allocated to Council's Healthy Waterways Program and Biodiversity Strategy, whereas the Crime Prevention funding could assist with maintenance and operation of CCTV, once installed, plus any additional crime prevention programs.

The increased capital funding would result in recurrent capital works being brought forward based on a larger program of works being completed each year.

Importantly, this funding is in addition to any existing funding in Council's recurrent budget for these services.

Special Rate Variation (SRV) Scenario – Model 3 – 23% Above Rate Peg

A third model was presented to the April 2025 Finance and Facilities Committee meeting, based on Council generating a level of rate revenue consistent with the high end of neighbouring councils through an SRV (Model 3).

Ballina Shire Council ordinary rates generate 23% less revenue than the high end of similar coastal based neighbouring councils, being Byron and Tweed shires.

This model assumed a special rate variation of 23% above the rate peg over a six-year period.

This model results in rate increases of 9% per annum for 2026/27 to 2031/32, inclusive of an assumed rate peg of 3.25% and an additional 5.75% from the SRV.

9.7 General Fund - Long Term Financial Plan Sustainability

**Table 6 – General Fund Results (\$'000) – Annual 9% SRV
(inclusive of Rate Peg 3.25%) for 2026/27 – 2031/32 - Model 3**

Year	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35
Operating Revs	100,067	104,921	111,009	116,104	121,903	126,910	133,152	137,810	142,768	147,795
Operating Expenses Excl Non-Cash	82,002	83,481	87,105	89,705	92,556	93,921	97,085	100,198	102,659	105,801
Result before Non-Cash items	18,065	21,440	23,904	26,399	29,347	32,989	36,067	37,612	40,109	41,994
Less Depreciation and Loss on Disposal	25,070	25,798	25,832	26,658	27,508	28,385	29,290	30,223	31,185	32,178
Add Other Non-Cash (Fair Value Adjustments)	3,360	3,360	2,277	1,995	1,563	1,582	1,601	1,621	1,641	1,684
Operating Result (Deficit)	(3,645)	(2,081)	67	1,304	3,421	6,205	8,398	9,030	10,586	11,500
Operating Ratio	-4.45%	-1.53%	0.87%	2.36%	4.07%	6.19%	7.63%	7.89%	8.78%	9.17%
WC Result	(764)	(496)	(143)	21	432	2,178	4,048	4,130	4,280	4,396
WC Balance	1,627	1,140	997	1,018	1,450	3,628	7,676	11,806	16,086	20,482

The General Fund reaches an operating surplus in 2027/28. The working capital result reaches a positive movement in 2028/29.

Additional Rate Income - Model 3

The following table outlines the additional rate income raised from Model 3.

Table 7 – Additional Rate Income - Model 3 (\$)

Scenario	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32
Standard Rate Peg - Model 1	33,103,000	34,427,000	35,804,000	37,237,000	37,237,000	40,276,000
SRV of 9% - Model 3	34,322,000	37,009,000	39,906,000	43,031,000	46,400,000	50,033,000
Additional SRV Income PA	1,219,000	2,582,000	4,102,000	5,794,000	7,673,000	9,757,000

A possible allocation of revenue is as follows.

Table 8 – Possible SRV Funding Distribution - Model 3 (\$)

Service	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32
Additional Capital						
Open Spaces	100,000	200,000	300,000	400,000	500,000	600,000
Sports Fields	100,000	200,000	400,000	600,000	700,000	800,000
Stormwater	100,000	250,000	400,000	600,000	700,000	800,000
Roads	269,000	632,000	1,052,000	1,794,000	2,923,000	4,157,000
Footpaths / Shared Paths	100,000	200,000	300,000	400,000	500,000	600,000
Community Facilities	100,000	200,000	400,000	500,000	600,000	800,000
Sub Total	769,000	1,682,000	2,852,000	4,294,000	5,923,000	7,757,000
Percentage of SRV (%)	63%	65%	70%	74%	77%	80%
Expanded Operating						
Waterways / Biodiversity	100,000	200,000	300,000	300,000	300,000	300,000
Roads Operations	100,000	200,000	300,000	400,000	500,000	600,000
Open Spaces Operations	100,000	200,000	300,000	400,000	500,000	600,000
Facilities Maintenance	100,000	200,000	250,000	300,000	350,000	400,000
Crime Prevention	50,000	100,000	100,000	100,000	100,000	100,000
Sub Total	450,000	900,000	1,250,000	1,500,000	1,750,000	2,000,000
Percentage of SRV (%)	37%	35%	30%	26%	23%	20%
Total Per Annum	1,219,000	2,582,000	4,102,000	5,794,000	7,673,000	9,757,000

9.7 General Fund - Long Term Financial Plan Sustainability

Rate Income and Affordability

As reported to the March and April 2025 Finance and Facilities Committee meetings, Council's overall level of rate income is comparably low, which limits the opportunities to increase service levels, to increase operating and capital budgets and to take on new services.

The information from the Rating Structure – 2025/26 report to each meeting is replicated as follows.

Table 9 benchmarks neighbouring councils for 2024/25 and Table 10 provides information from the NSW State Government's Your Council website, with the latest data being for 2022/23.

Table 9 – Benchmarking of Rates Neighbouring Councils 2024/25

Council	Average Business Rate (\$)	Average Residential Rate (\$)	Average Farmland Rate (\$)	Yield Difference (\$)	Difference (%)
Ballina	4,144	1,271	1,985	0	
Byron	4,204	1,614	2,877	7,064,796	23
Clarence Valley	3,689	1,394	1,947	1,525,227	5
Lismore	5,475	1,489	2,750	6,465,511	21
Richmond Valley	3,878	1,298	2,075	202,824	1
Tweed	3,483	1,689	2,581	7,115,831	23
Average of Above	3,553	1,452	2,031	2,455,512	11

Table 10 – NSW State Government Your Council 2022/23

Council	Average Business Rate (\$)	Average Residential Rate (\$)	Average Farmland Rate (\$)	Yield Difference (\$)	Difference (%)
Ballina	3,642	1,164	1,827	0	
Average Group 4	3,999	1,237	2,589	2,540,651	9

The following table provides a comparison of the total rates and charges currently paid by an average residential property.

Table 11 – Benchmarking of Total Rates and Charges Neighbouring councils 2024/25

Indicators	Ballina	Byron	Clarence Valley	Lismore	Richmond Valley	Tweed
Average Ordinary Residential Rate	1,271	1,614	1,394	1,489	1,298	1,689
Stormwater	25	25	0	25	25	25
Water Access Charge	250	237	145	369	213	210
Water Consumption (150kl)	423	541	442	754	487	588
Waste Water	1,074	1,563	1,327	1,013	1,254	961
Waste Collection	448	834	462	646	733	568
Total	3,491	4,814	3,770	4,296	4,010	4,041
Ballina % Comparison	100%	138%	108%	123%	115%	116%

Ballina Shire Council's total Rates and Charges for the average residential ratepayer are between 8% and 38% lower than the councils benchmarked.

9.7 General Fund - Long Term Financial Plan Sustainability

Table 12 provides a comparison of the increases in the average rates payable based on an assumed rate pegging increase of 3.25% for 2026/27 to 2028/29 as compared to the 6% (Model 2) increase.

Table 12– Comparison of Average Rates between Rate Peg Model (Model 1) and SRV Model (Model 2)

Rate Peg Only (3.25%)	2025/26	2026/27	2027/28	2028/29	2029/30	Cumulative
Total Rate Increase	3.80%	3.25%	3.25%	3.25%	3.25%	13.65%
Average residential rate (\$)	1,319	1,362	1,406	1,452	1,499	180
Average business rate (\$)	4,269	4,408	4,551	4,699	4,852	583
Average farmland rate (\$)	2,065	2,132	2,201	2,273	2,347	282
SRV of 6% for 4 years	2025/26	2026/27	2027/28	2028/29	2029/30	Cumulative
Total Rate Increase	3.80%	6.00%	6.00%	6.00%	6.00%	26.25%
Average residential rate (\$)	1,319	1,398	1,482	1,571	1,665	346
Average business rate (\$)	4,269	4,525	4,797	5,085	5,390	1,121
Average farmland rate (\$)	2,065	2,189	2,320	2,459	2,607	542
Variance	2025/26	2026/27	2027/28	2028/29	2029/30	Cumulative
Average residential rate (\$)	0	36	40	43	47	166
Average business rate (\$)	0	117	129	140	152	538
Average farmland rate (\$)	0	57	62	67	74	260

Table 13 provides a comparison of the increases in the average rates payable based on an assumed rate pegging increase of 3.25% for 2026/27 to 2030/31 as compared to the 9% (Model 3) increase.

Table 13– Comparison of Average Rates between Rate Peg Model (Model 1) and SRV Model (Model 3)

Rate Peg Only (3.25%)	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	Cumulative
Total Rate Increase	3.80%	3.25%	3.25%	3.25%	3.25%	3.25%	3.25%	21.15%
Average residential rate (\$)	1,319	1,362	1,406	1,452	1,499	1,548	1,598	279
Average business rate (\$)	4,269	4,408	4,551	4,699	4,852	5,010	5,173	904
Average farmland rate (\$)	2,065	2,132	2,201	2,273	2,347	2,423	2,502	437
SRV of 9.0% for 6 years	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	Cumulative
Total Rate Increase	3.80%	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	67.71%
Average residential rate (\$)	1,319	1,438	1,567	1,708	1,862	2,029	2,212	893
Average business rate (\$)	4,269	4,653	5,072	5,528	6,026	6,568	7,160	2,891
Average farmland rate (\$)	2,065	2,251	2,453	2,674	2,915	3,177	3,463	1,398
Variance	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	Cumulative
Average residential rate (\$)	0	76	85	95	107	118	133	614
Average business rate (\$)	0	245	276	308	345	384	429	1,987
Average farmland rate (\$)	0	119	133	149	167	186	207	961

It has been assumed that the percentage rate increase is applied proportionately across all three rating categories.

In practice, it is likely that the business differential would continue to be reduced, in line with current practice, with a lower proportion of the % increase applied to business assessments.

Community Engagement Strategy

Any proposal for a special rate variation would be subject to an extensive consultation process.

The suite of documents, including the Delivery Program and Operational Plan 2025/26 – 2028/29, are to be placed on exhibition for a minimum of 28 days, commencing early May 2025. These documents would include information on any proposed special rate variations.

Further consultation would also be undertaken in following months, prior to Council making any resolution to apply to IPART. This consultation would typically include in Community Connect and a community survey of residents.

For Council to apply for an SRV for 2026/27, the consultation must take place during 2025/26, by December 2025, which is why the information must be included in the draft 2025/26 to 2028/29 Delivery Program and Operational Plan.

Financial / Risk Considerations

The purpose of this report is to provide an overview of the General Fund finances and current resource levels.

One of the key objectives in managing Council's finances is to obtain a cash operating surplus, with the surplus funds then invested into capital activities such as asset expenditure, particularly asset renewal, loan principal repayments and transfers to reserve for future activities.

This means it is important to minimise increases in operating expenses, without offsetting revenues, as any net increase results in less funding available for capital activities.

As reported to the March and April 2025 Finance and Facilities Committee meetings, Council's overall level of rate income is comparably low, which limits the opportunities to increase service levels, to increase operating and capital budgets and to take on new services.

The Chair of Council's Audit Risk and Improvement Committee (ARIC) reported to the 8 April 2025 Finance and Facilities Committee meeting that one viable way to create a surplus in the General Fund is to apply to IPART for an SRV.

The Chair reported this would provide an immediate and sustained increase in income and prevent Council's rate revenue from falling further behind other councils each year.

Options

There are four options in respect to the contents of this report, as follows:

Option 1 – Council does not proceed with a SRV process and exhibit the draft Delivery Program and Operational Plan, as presented to the 8 April 2025 Finance and Facilities Committee meeting.

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This will continue to place significant financial pressure on Council, with the figures in Table 1 highlighting the recurrent operating deficits for the General Fund.

The figures in Table 1 do not include the increased management contract for the Ballina War Memorial Pool, as outlined in the earlier report in this agenda.

Also, a recommendation from the Finance and Facilities Committee meeting is to include the position of Economic Development Officer in the draft Workforce Management Plan, which will again increase the operating deficit for Council.

Option 2 – Council commence a consultation process to seek an additional 11% rate increase on top of an estimated 3.25% rate peg increase, over a four-year period from 2026/27 to 2029/30.

This option endorses the long-term financial plan as per Model 2 within this report.

Option 3 – Council commence a consultation process with the community to seek an additional 23% rate increase on top of an estimated 3.25% rate peg increase, over the six-year period from 2026/27 to 2031/32.

This option endorses the long-term financial plan as per Model 3 within this report.

Option 4 – That Council determine an alternative % rate increase on top of an estimated 3.25% rate peg increase, commencing 2026/27, and/or an alternative application of the additional revenue funds, and commence a consultation process with the community.

If Options 2, 3 or 4 are selected, the Delivery Program and Operational Plan 2025/26 – 2028/29 and Long-Term Financial Plan documents that are to be placed on exhibition in May and June 2025 would be updated to include information on the SRV.

The recurrent capital works program would be brought forward in many cases to offset the increased revenue.

In conclusion, an SRV is a difficult process to undertake, as there are very few residents who will write in support of the proposal, resulting in most submissions being in opposition.

The council must then make the decision based on the objections received.

Cost of living is also a major concern within the entire community, now, and any increase in Council rates and charges only exacerbates those concerns.

Options 2, 3 and 4, will deliver a higher level of service, and increased asset renewal, subject to IPART approval, however the consultation process will create angst in the community, particularly from residents and ratepayers who already struggle to pay Council's current level of rates and charges.

Based on the information outlined in this report, Council can justify pursuing an SRV process, however the consultation and implementation does create

9.7 General Fund - Long Term Financial Plan Sustainability

increased dissatisfaction with Council, from people who feel Council is being unreasonable in pursuing increases above the rate peg.

If Council does wish to pursue the SRV it would be beneficial if there was unanimous support for the proposed percentage increase, and proposed works program, as this will assist in helping the community engagement in explaining the benefits to be derived from the SRV.

Ultimately it is a matter for Council to determine the level of service to be delivered to the community and to determine what is a reasonable level of rates and charges.

The recommendation to this report is for noting only, with Council having the option to pursue an SRV for 2026/27 onwards, as per Options 2, 3 and 4.

RECOMMENDATION

That Council notes the contents of this report in respect to:

- the Special Rate Variation (SRV) process
- the need for any proposed SRV, for 2026/27 onwards, to be exhibited in the draft 2025/26 to 2029/30 Delivery Program and Operational Plan for public exhibition and
- the recurrent financial pressures on the General Fund.

Attachment(s)

Nil

9.8 Delivery Program and Operational Plan - 31 March 2025 Review

Section Governance

Objective To provide the quarterly review on the implementation of the 2024/25 to 2028/29 Delivery Program and Operational Plan

Background

Section 406 (1) of the Local Government Act states as follows:

406 Integrated planning and reporting guidelines

*The regulations may make provision for or with respect to integrated planning and reporting guidelines (referred to in this Chapter as **the guidelines**) to be complied with by councils.*

The Office of Local Government issues “guidelines” in respect to how councils must comply with the integrated planning and reporting framework. The guidelines have evolved over the years, with the last publication, dated September 2021, available as per the following link:

[IPR - Guidelines \(nsw.gov.au\)](https://www.nsw.gov.au/ipr-guidelines)

Clause 4.9 (page 20) of the guidelines states as follows:

Monitoring the Delivery Program

4.9 The general manager must ensure that progress reports are provided to the council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.

Even though six-monthly reports are required, the preferred approach is to provide quarterly reports to ensure the information is timely.

This report represents the third quarterly review of the implementation of the 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan, with the information based on the nine-month period from 1 July to 31 March 2025. The review is included as Attachment 1 to this report.

The attachment provides an overview of all the actions and indicators included in the Delivery Program and Operational Plan (DPOP), with comments provided by the Director.

The DPOP is available on Council’s website and is also accessible on the Councillor hub. The actions and indicators in the DPOP reflect the adopted priorities for Council. A new DPOP is prepared, publicly exhibited, and adopted each year, between March and June, for the following financial year.

Key Issues

- Outcomes and trends.

Discussion

The DPOP is the corporate document that outlines Council's goals and priorities, with a four-year forecast for the Delivery Program and a one-year action list for the Operational Plan.

Attachment 1 provides an update on all the adopted actions and indicators in the DPOP. The attachment has two main sections:

- Program Actions – Outlines the status of all the adopted actions in the Operational Plan.

The actions represent tasks and projects identified as priorities by Council.

- Service Delivery Indicators – Measures actual results as compared to the adopted indicators in the Operational Plan.

The indicators represent a level of activity, or performance, across a wide range of service areas, some of which are under Council's control and others that reflect economic or industry trends.

All items are marked with a green (on track for this financial year) amber (behind schedule or trending below target / benchmark) or red (off track or well below target / benchmark) traffic light.

There are 99 Program Actions listed in the Attachment 1 and the following two tables provide an overview of the status of the actions on a number and percentage basis.

Program Actions Summary - By Division and Number (#)

Division / Status	C&C	Civil	PEH	Total
Green	18	24	44	86
Amber	1	3	7	11
Red	1	0	1	2
Total	20	27	52	99

Program Actions Summary - By Division and Percentage (%)

Division / Status	C&C	Civil	PEH	Total
Green	90	89	85	87
Amber	5	11	13	11
Red	5	0	2	2
Total	100	100	100	100

Items of note in the attachment include:

- Progress availability of land at the Southern Cross Industrial Estate (page 2) – Auction to be held on 30 April 2025.
- Progress development of Wollongbar Residential Land Holding (page 2) – Auction date for the lots to be sold is still to be confirmed following deferral of the original date.

9.8 Delivery Program and Operational Plan - 31 March 2025 Review

- Progress development of Lennox Head Residential Land Holding (page 2) – Consultant engaged to undertake this analysis for Council.
- Complete review of Community Strategic Plan (page 2) – Following an extensive consultation process, Council has approved exhibition of the draft Community Strategic Plan.
- Advocate for the Ballina Marina Master Plan and Martin Street Regatta Ave Boat Harbour Master Plan (page 9) – There has been ongoing discussion with Homes NSW about possible redevelopment of the West Ballina Trawler Harbour precinct for housing.
- Minimise the volume of unaccounted water (page 13) – The latest percentage loss figure is 9.9%, which represents an ongoing decrease, supporting Council's water loss management program.
- Undertake review of the Development Assessment Service (page 14) – Review completed with outcomes still to be reported to Council.
- Implement Healthy Waterways Strategy (page 18) – Large number of projects completed, or underway, with recent fish kill highlighting the need to maximise resources allocated to this program, not only in Ballina Shire, but across the entire Richmond River catchment.
- Develop an Aboriginal Partnership Agreement (page 20) – Briefing held with Councillors in February 2025 and the aim is to finalise the agreements by 30 June.
- Prepare Management Plans (pages 20 - 21) – Hampton Park Management Plan exhibition now closed, with submissions being reviewed for reporting to Council. Bicentennial Park Management Plan adopted at the February 2025 Ordinary meeting.
- Implement Housing Strategy including local affordable housing framework (page 22) - SGS Economics and Planning has produced preliminary feasibility findings for high density housing in Ballina CBD. Homes NSW is in the very preliminary stages of master planning the Treelands Crescent precinct. Initial discussions between Homes NSW and Council staff have occurred around the interface of the precinct and Council's Treelands Reserve.

In respect to Service Delivery, there are a total of 92 indicators identified in the Operational Plan.

The following two tables provide an overview of how the indicators are tracking against the benchmark, again on a number and percentage basis.

Service Indicators Summary - By Division and Number (#)

Division / Status	C&C	Civil	PEH	Total
Green	32	17	16	65
Amber	12	5	9	26
Red	0	0	1	1
Total	44	22	26	92

Service Delivery Indicators Summary - By Percentage (%)

Division / Status	C&C	Civil	PEH	Total
Green	73	77	62	71
Amber	27	23	35	28
Red	0	0	3	1
Total	100	100	100	100

The primary purpose of each indicator is to provide a guide, as to how a service may be tracking compared to previous years, or against a preferred benchmark, with some indicators beyond the control of Council.

Items of note include:

- Airport – (page 24) – Generally tracking in line with recent year's figures with some loss of passenger numbers due to the closure of the Airport during Tropical Cyclone Alfred.
- Community Facilities (pages 25-26) – Usage of the community facilities is trending upwards, particularly the Ballina Indoor Sports Centre. The swimming pools are now requiring a lot more maintenance, resulting in increased operating expenses.

Events such as Tropical Cyclone Alfred and flooding, impact negatively on a range of community facilities, including the libraries and the gallery due to closures, or the poor weather restricting access.

- Number of visits to Council website (page 26) – Conversely to the downturn in visits to Council's community facilities, major weather events result in increased traffic on Council's website, with visits tracking much higher than the standard target.
- Water and Wastewater (WWW) (pages 31 -33) – Small number of incidents from Tropical Cyclone Alfred (overflows), however overall, Council's WWW infrastructure has managed recent weather events reasonably well.
- Development Services (page 34) – These figures are still behind the preferred benchmarks, with one positive trend being the reduction in the number of applications under assessment.
- Number of Events and Filming Approvals (page 35) – The frequency of activities has continued to increase during the past 12 months.
- Number of On-Site Sewage Mgmt (OSSM) Systems inspected per annum (page 36) – An audit of the Teven lower estuary has a resulted in several OSSM failures that are being followed up by Council's Compliance Team.

Delivery Program Strategy / Operational Plan Activity

This report provides a status report on all the adopted activities in the 2024/25 Operational Plan and 2024/25 to 2027/28 Delivery Program.

Community Engagement Strategy

This report provides the community with information on how Council is performing in respect to the Delivery Program and Operational Plan.

Financial / Risk Considerations

The Delivery Program and Operational Plan identify the allocation of Council's resources and finances.

Options

The report is for noting the implementation of the Delivery Program and Operational Plan. with the information highlighting the many activities undertaken by Council.

Considering that Tropical Cyclone Alfred had a major impact on Council's operations during the quarter, particularly diverting staff away from normal operations, there has still been a significant amount of progress in respect to a wide range of projects.

RECOMMENDATION

That Council notes the contents of this quarterly review of the 2024/25 to 2027/28 Delivery Program and 2024/25 Operational Plan.

Attachment(s)

1. Delivery Program and Operational Plan - 31 March 2025 Review [↗](#)

9.9 Capital Expenditure - 31 March 2025 Review

Section Governance

Objective To provide the quarterly review on the implementation of the 2024/25 capital works program.

Background

Council has a significant capital expenditure program included in the annual Operational Plan.

Due to the magnitude of the program, status reports on the capital projects are provided on a quarterly basis.

The status report provides details on key milestones, along with a comparison between budget and actual expenditure.

This is the third report for 2024/25, and outlines work undertaken for the nine-month period from 1 July 2024 to 31 March 2025.

The report provides an opportunity to review the works program and receive an update on the works planned, or underway.

Key Issues

- Status of works

Discussion

To assist in understanding the delivery of the capital expenditure program, the attachments to this report provide information on the following items:

- Total Project Value – As projects can be delivered over more than one year, this column provides the total project value. This may include expenditure from previous years or estimated expenditure for future years
- Original 2024/25 Estimate – Represents the original 2024/25 estimate, as per the adopted Operational Plan
- Carry Forwards – Includes budgets carried forward from the previous financial year, approved at the August 2024 Ordinary meeting
- Approved Variations – Includes variations approved by Council, through a Quarterly Budget Review, or a separate report on a project
- 2024/25 Estimate - Sum of the original estimate plus carry forwards and variations
- Expended This Year – Expenditure to 31 March 2025 on a cash basis. This figure excludes commitments and accruals
- % Expended – Percentage of budget expended to 31 March 2025 based on the cash expended figures
- Milestone Dates – Major dates such as completion of design and / or planning approval, as well as construction commencement and completion dates
- Status – Provides space for any additional comments.

The attachments are split into the areas undertaking the works: i.e., Planning and Environmental Health Division (Open Spaces, Public and Environmental Health, Strategic Planning), Corporate and Community Division (Commercial Services, Facilities Management, Tourism) and the Civil Services Division (Emergency Services, NEWLOG, Resource Recovery, Water, Wastewater and Engineering Works).

Points of interest in the attachments are as follows.

Open Spaces (Attachment 1)

Ocean Breeze Reserve, Lennox Head – After a lengthy delay this park is now operational.

Ballina Pump Track – Works commenced in April 2025.

Meldrum Park, Sharpes Beach, Prospect Lake Park, Campbell Park, Missingham Park and Montwood Park – These playground projects have been deferred to 2025/26 – This reflects consultation timeframes and a focus on several grant funded projects in 2024/25 that have set grant completion dates.

Alstonville Creek Restoration – Council has secured \$1.102m in grant funding from the Federal Government to re-naturalise 650 metres of stormwater drainage channel within the Tanamera Reserve, Alstonville, creating a more natural, meandering waterway.

This project will restore the streambank habitat and create an urban forest to provide a habitat corridor for native species and shaded green space.

The grant is allocated over four years; 2024/25 - \$286,675, 2025/26 - \$341,805, 2026/27 - \$219,900 and 2027/28 - \$254,217.

This funding will allow the Tanamera Reserve project to be completed, which has been a long-standing priority for Council.

Public and Environmental Health (Attachment 1)

Teven Reserve Rehabilitation – This project remains on hold due to the identification of significant Aboriginal Cultural Heritage on site.

Commercial Services (Attachment 2)

Airport – Council reviewed the Airport Long Term Financial Plan, at the December 2024 Commercial Services Committee meeting. Several projects are deferred to 2025/26 to reflect forecast cash flows.

Property – Industrial Land - The Southern Cross Industrial Estate works (12 lots on Boeing Avenue) and the Russellton Industrial Estate works (27 lots at southern end of Northcott Crescent), are complete with public auctions being scheduled.

Facilities Management (Attachment 2)

Alstonville Cultural Centre – Part funding deferred due to construction not scheduled to start until 2025/26

Depot Administration Building - This project on schedule with construction likely to be finished by June 2025. Following fit-out, the building should be fully operational early in the 2025/26 financial year.

Funds are brought forward from 2025/26 for the Water and Wastewater components to allow the building to be completed in the current financial year. Refer to the Water and Wastewater attachments.

Public Amenities – Cawarra Park (demolition) and Freeborn Park are both deferred to 2025/26 based on revised completion dates.

Emergency Services, NEWLOG and Resource Recovery (Attachment 3)

Ballina SES Building – Advice has been sent to the NSW SES confirming acceptance of \$1.7m in grant funding to allow this project to commence in 2025/26. Tenders are to be called before 30 June 2025 to comply with grant conditions.

Resource Recovery – Front of House – Part funding deferred to 2025/26 based on forecast cash flows.

Water and Wastewater Operations (Attachments 4 and 5)

There are several budget changes based on actual, or forecast expenditure, along with works deferred to 2025/26, based on the forecast construction program. The Water and Wastewater Funds have sufficient reserves to bring forward funds or to manage variations in project costs.

Engineering Works (Attachment 6)

Several projects complete, with certain projects also deferred in full, or in part, to 2025/26. The Essential Public Asset Repair (EPAR) Projects, which are funded by flood damage grants, are absorbing a significant amount of time and resources due to the need to have these projects completed by set dates.

Delivery Program Strategy / Operational Plan Activity

The Operational Plan includes the entire capital works program and references infrastructure delivery through Operational Plan Activity:

EL3.3h - Monitor capital works to ensure they are completed on time and within budget

Community Engagement Strategy

This report is presented for public information. Many of the projects reflect feedback from community engagements.

Financial / Risk Considerations

All the projects carry a degree of risk, financial and management, with risk management forming a major component of any construction project.

9.9 Capital Expenditure - 31 March 2025 Review

The following table provides the individual budget adjustments outlined in the attachments to this report.

Table 2 – 31 March 2025 - Capital Expenditure – Budget Variations

Item	Current Budget	Variation	Revised Budget	Comment
Open Spaces – Playground Equipment and Embellishments				
Ocean Breeze Reserve, Lennox	139,000	30,000	169,000	Transfer from Park Shelters
Meldrum Park, Ballina	170,000	(170,000)	0	Defer to 2025/26
Sharpes Beach Master Plan	247,000	(200,000)	47,000	Defer to 2025/26
Park Shelters and Playgrounds	51,000	(30,000)	21,000	Transfer to Ocean Breeze
Prospect Lake Park, Ballina	150,000	(150,000)	0	Defer to 2025/26
Campbell Park, Alstonville	155,000	(155,000)	0	Defer to 2025/26
Missingham Park, Ballina	420,000	(420,000)	0	Defer to 2025/26
Montwood Drive, Lennox	180,000	(180,000)	0	Defer to 2025/26
Alstonville Creek Restoration	0	287,000	287,000	Grant – 4 Yrs - \$1.02m
Sub Total – Open Spaces	1,512,000	(988,000)	524,000	
Commercial Services				
Airport – Air-conditioning	600,000	(600,000)	0	Defer to 2025/26
Airport – Car Park	450,000	(350,000)	100,000	Defer to 2025/26
Airport – Hangar Site	200,000	(90,000)	110,000	Defer to 2025/26
Airport - Terminal	150,000	(110,000)	40,000	Defer to 2025/26
Airport – Checked Baggage	250,000	(250,000)	0	Defer to 2026/27 (2 years)
Sub Total – Commercial Servs	1,650,000	(1,400,000)	250,000	
Facilities Management				
Alstonville Pool – Energy Saver	47,000	(47,000)	0	Defer to 2025/26
Newrybar Hall - Toilet	70,000	(70,000)	0	Transfer to Gallery and Defer to 2025/26
Alstonville Cultural Centre	500,000	(400,000)	100,000	Defer to 2025/26
Ballina Surf Club – Rolla Doors	16,000	(14,000)	2,000	Saving – Trans to Reserve
Community Gallery - Deck	110,000	(110,000)	0	Defer to 2025/26
Public Toilets – Cawarra Park	80,000	(79,000)	1,000	Defer to 2025/26
Public Toilets – Freeborn Park	150,000	(148,000)	2,000	Defer to 2025/26
Sub Total – Facilities Mgmt	973,000	(868,000)	105,000	
Resource Recovery				
Front of House	600,000	(350,000)	250,000	Transfer from LRM Reserve
Sub Total – Res Recovery	600,000	(350,000)	250,000	
Water Operations				
Main Renewals – Nth Ck Road	500,000	350,000	850,000	Transfer from Reserve and Trans from West Ballina
Main Renewals – Rayner Lane	250,000	(235,000)	15,000	Defer to 2025/26
Main Renewals – Norlyn Avenue	98,000	10,000	108,000	Transfer from Reserve
Main Renewals – West Ballina	500,000	(130,000)	370,000	Trans to North Creek Road
Water Loss – Summerhill Estate	25,000	(20,000)	5,000	Saving - Trans to Reserve
Depot – Administration Building	1,312,500	1,000,000	2,312,500	Bring forward from 2025/26
Pine Avenue – Generator	28,000	(6,000)	22,000	Saving – Trans to Reserve
Reservoir – EPIQ Estate	150,000	20,000	170,000	Transfer from Reserve
Reservoir – Lennox Head	16,000	(14,000)	2,000	Defer to 2025/26
Reservoir –Painting	50,000	(40,000)	10,000	Defer to 2025/26
Sub Total – Water Operations	2,929,500	935,000	3,864,500	
Wastewater Operations				

9.9 Capital Expenditure - 31 March 2025 Review

Item	Current Budget	Variation	Revised Budget	Comment
Main Renewals – Relining	430,000	(70,000)	360,000	Saving - Transfer to Reserve
Main Renewals – Alstonville	500,000	650,000	1,150,000	Transfer from Reserve
Main Renewals – Henderson	50,000	(50,000)	0	Transfer to Reserve
Main Renewals – Convair	512,000	(250,000)	262,000	Defer to 2025/26
Main renewals – Prospect Bridge	600,000	(590,000)	10,000	Defer to 2025/26
Pump Station – Wet Well	270,000	(160,000)	110,000	Saving - Transfer to Reserve
Pump Station – Lindsay Avenue	100,000	(80,000)	20,000	Defer to 2025/26
Pump Station – Renewal Works	700,000	(300,000)	400,000	Saving - Transfer to Reserve
Pump Station – Switchboards	750,000	(300,000)	450,000	Saving – Transfer to Reserve
Pump Station – SPS 2102	50,000	(50,000)	0	Defer to 2025/26
Plant Changeover	303,000	50,000	353,000	Transfer from Reserve
Depot – Administration Building	1,312,500	1,000,000	2,312,500	Bring forward from 2025/26
Treatment – Ballina Solar	60,000	(60,000)	0	Defer to 2025/26
Treatment – Lennox Master Plan	50,000	(50,000)	0	Transfer to Reserve
Treatment – Lennox Belt Press	350,000	(190,000)	160,000	Defer to 2025/26
Treatment – Alstonville Inlet	358,000	(200,000)	158,000	Defer to 2025/26
Sub Total – Wastewater Ops	6,395,500	(650,000)	5,745,500	
Engineering Works				
Urban Roads				
Urban Roads – Heavy Patching	666,000	(29,000)	637,000	Transfer to Fig Tree Hill Footpath
Ballina Bypass	130,000	(130,000)	0	Saving – Transfer to Reserve
Wardell Town Centre	1,580,000	96,000	1,676,000	Transfer from Stormwater Wardell
Coast Road, Skennars Head	383,000	80,000	463,000	Transfer from Regional Roads Reseals
Kalinga Street, Ballina	187,000	(40,000)	147,000	Transfer to Hickey Place and Beacon Road
Fox Street, Ballina	465,000	(140,000)	325,000	Transfer to Montwood Dve Footpath
Helen Court, Ballina	145,000	(40,000)	105,000	Transfer to Youngman Creek and Skinner Street
Hickey Place, Ballina	272,000	20,000	292,000	Transfer from Kalinga Street
Skinner Street, Ballina	331,000	30,000	361,000	Transfer from Helen Court
Landslip – The Coast Road	600,000	(530,000)	70,000	EPAR – Defer to 2025/26
EPAR – North Creek Road	0	10,000	10,000	New EPAR – \$120,000
EPAR – Tamar Street, Ballina	0	10,000	10,000	New EPAR - \$30,000
EPAR – Bagot Street, Ballina	0	10,000	10,000	New EPAR - \$287,000
EPAR – Owen Street, Ballina	0	10,000	10,000	New EPAR - \$185,000
Rural Roads				
Reseals Rural	537,000	(25,000)	512,000	Transfer to Heavy Patching
Heavy Patching	415,000	25,000	440,000	Transfer from Rural Reseals
Youngman Creek	38,000	10,000	48,000	Transfer from Helen Court
Beacon Road	285,000	90,000	375,000	Trans from Teven Rd \$70K and Kalinga St \$20K
River Drive	335,000	90,000	425,000	Transfer from Pimlico Road
Pimlico Road	390,000	(90,000)	300,000	Transfer to River Drive
Teven Road	345,000	(70,000)	275,000	Transfer to Beacon Road
EPAR – Sneaths Road	50,000	(25,000)	25,000	EPAR – Defer to 2025/26
EPAR – Marom Creek Road	50,000	(20,000)	30,000	EPAR – Defer to 2025/26
EPAR – Teven Road	250,000	(180,000)	70,000	EPAR – Defer to 2025/26
EPAR – Towalbyn Place	228,000	(200,000)	28,000	EPAR – Defer to 2025/26

9.9 Capital Expenditure - 31 March 2025 Review

Item	Current Budget	Variation	Revised Budget	Comment
EPAR – Uralba Cutting	450,000	(430,000)	20,000	EPAR – Defer to 2025/26
Footpaths and Shared Paths				
Rail Trail Design	4,000	(4,000)	0	Saving – Trans to Reserve
Montwood Drive, Lennox	170,000	140,000	310,000	Transfer from Fox Street Urban Roads
Fig Tree Hill, Ross Lane	0	50,000	50,000	Trans from Urban Road Reseals \$29K and \$21K Grant
Bus Shelters and Car Parks				
Bus Shelter – Tamar Street	1,394,000	30,000	1,424,000	Transfer from Meldrum Park
Car Park – Meldrum Park	100,000	(30,000)	70,000	Transfer to Tamar Street
Car Park – Pop Denison	530,000	(530,000)	0	Defer to 2025/26
Stormwater				
Kerr Street, Ballina	110,000	(110,000)	0	Defer to 2025/26
Martin Street, Ballina	110,000	(108,000)	2,000	Defer to 2025/26
Park Lane / Ballina St, Lennox	130,000	(130,000)	0	Defer to 2025/26
Flood Recovery - Wardell	97,000	(96,000)	1,000	Trans to Wardell Main Street
Flood Recovery – Coral Street	55,000	(40,000)	15,000	Defer to 2025/26
Flood Recovery – Rossmore Pk	88,000	(50,000)	38,000	Defer to 2025/26
Flood Recovery – West Ballina	345,000	(300,000)	45,000	Defer to 2025/26
Flood Recovery – Mellis circuit	270,000	(240,000)	30,000	Defer to 2025/26
Flood Recovery – Kawana Street	120,000	(90,000)	30,000	Defer to 2025/26
Transport for NSW				
Regional Roads Reseals	296,000	(80,000)	216,000	Trans from Skennars Hd Rd
Sub Total – Eng Works	11,951,000	(3,056,000)	8,895,000	

Options

This report provides an overview of the implementation of the 2024/25 capital expenditure program. Cash expenditure to 31 March 2025 is approximately \$40m on a cash basis, out of a budget of \$67m, as per the following summary.

**Table 3 - Capital Works Summary by Section and Division
31 March 2025**

Section Results	Budget (\$)	Expended (\$)	% Expended
Open Spaces	5,750,000	2,880,000	50%
Public and Env Heath	1,255,000	744,000	59%
Strategic Planning	18,000	17,600	98%
Commercial Services	5,833,000	3,372,100	58%
Facilities Management	6,860,000	4,691,200	68%
Tourism	151,000	14,300	9%
Asset Mgmt and Emergency Services	673,000	568,000	84%
Resource Recovery	700,000	340,800	49%
Water Operations	6,895,400	3,349,500	49%
Wastewater Operations	15,450,500	10,247,400	66%
Engineering Works	23,414,000	13,943,500	60%
Total	66,999,900	40,168,400	60%
Division Results			
Planning and Environmental Health	7,023,000	3,641,600	52%
Civil Services	47,132,900	28,449,200	60%
Corporate and Community	12,844,000	8,077,600	63%
Total	66,999,900	40,168,400	60%

The cash figures applied in this report do not reflect the contracts underway, where there is accrued expenditure incurred by the contractor.

Council's capital works program has expanded significantly in recent years, primarily due to increased grant funding, along with projects resulting from the 2022 floods.

The recommendations that follow relate to noting the contents of this report, along with approving the budget changes identified in Table 2 of this report.

RECOMMENDATIONS

1. That Council notes the contents of this quarterly report regarding the implementation of the 2024/25 capital expenditure program.
2. That Council approves the budget variations, as per Table 2 of this report, and as outlined in the attachments to this report.

Attachment(s)

1. Capital Expenditure - Division - Planning and Environmental Health [⇒](#)
2. Capital Expenditure - Division - Corporate and Community [⇒](#)
3. Capital Expenditure - Division - Civil Services - Emergency Services, Infrastructure Planning, NEWLOG and Resource Recovery [⇒](#)
4. Capital Expenditure - Division - Civil Services - Water Operations [⇒](#)
5. Capital Expenditure - Division - Civil Services - Wastewater Operations [⇒](#)
6. Capital Expenditure - Division - Civil Services - Engineering Works [⇒](#)

10.1 Policy (Review) - Liquid Trade Waste

10. Civil Services Division Reports

10.1 Policy (Review) - Liquid Trade Waste

Section	Water and Wastewater
Objective	To review the Liquid Trade Waste Policy

Background

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

Council first adopted this policy in September 2006.

The policy provides guidance regarding the approval, monitoring and enforcement processes for liquid trade waste discharge. It has been developed to ensure public health, safety and the protection of the environment and Council's sewerage system is managed in respect of trade waste.

Further objectives promote waste minimisation, water conservation, water recycling, and bio-solids reuse

Key Issues

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

Discussion

This review of the existing policy identified changes necessary to reflect the most recent Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Model Policy for Discharge of Liquid Trade Waste to the Sewerage System.

In addition to formatting changes, updates to the content are as follows:

- Liquid trade waste exclusions have been updated. Discharge from common use kitchen areas in caravan parks are now considered liquid trade waste as per the *NSW Liquid Trade Waste Management Guidelines 2021*
- The sector responsible for the regulation of liquid trade waste in NSW has changed. References to the 'Department of Planning and Environment (DPE)' have been updated to DCCEEW
- Superseded state legislation and Council policies referenced throughout have been updated to current versions

- Additional terms have been added to the glossary section
- Reference to Council's outdated 'factsheets' has been removed throughout the document

The changes resulted in a lot of reformatting and on that basis, the attachment to this report is the updated policy.

A copy of the current policy is available on Council's website as per the following link:

[Council Policies | Ballina Shire Council](#)

Delivery Program Strategy / Operational Plan Activity

This policy is consistent with Community Strategic Plan outcome HE3: *Our built environment is respectful of the natural environment and the ecosystem* and Delivery Program strategy HE3.2: *Minimise negative impacts on the natural environment*.

Community Engagement Strategy

As the changes do not substantially change the operation of the policy, 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

These changes do not modify financial impacts or funding sources within the policy.

Options

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

As the changes do not substantially change the operation of the policy, it is recommended the policy be adopted as presented.

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

RECOMMENDATIONS

1. That Council adopts the amended Liquid Trade Waste Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any significant submissions received to be resubmitted back to Council.

10.1 Policy (Review) - Liquid Trade Waste

Attachment(s)

1. Policy (Review) - Trade Waste [🔗](#)

11. Notices of Motion

11.1 Rescission Motion - DA 2023/504 - 22-40 Commercial Road, Alstonville

Councillor Cr Chate
 Cr Crollick
 Cr Dicker

We move that Resolution 270325/6, as follows, be rescinded:

DA 2023/504 - 22-40 Commercial Road. Alstonville

*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 4.75 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.*

Furthermore that the conditions of consent specifically include the removal of 10 as built stockholding pens to allow for the planting of vegetation of the northern boundary buffer.

That the conditions of consent specifically prohibit the use of the remaining as-built pens for the holding of livestock other than horses, e.g. cattle, prior to rodeo events being held by the applicant.

In the event that the above rescission motion is carried, we intend to move the following alternative motion:

*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 **REFUSED** based on:*

- Adverse impacts that the development will have on surrounding residents, including in relation to noise, odour and dust, stormwater and amenity.
- Non-conformances with relevant planning provisions, and
- That the development is not in the public interest.

Staff Comments

The resolution, subject to this rescission motion, was adopted at the 27 March 2025 Ordinary Council meeting.

If the rescission motion is supported, Council will need to adopt another resolution refusing the application, or approving the application, with different conditions to the current conditions as per resolution 270325/6.

COUNCILLOR RECOMMENDATION

That Resolution 270325/6, as follows, be rescinded:

DA 2023/504 - 22-40 Commercial Road. Alstonville

*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 4.75 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.*

Furthermore that the conditions of consent specifically include the removal of 10 as built stockholding pens to allow for the planting of vegetation of the northern boundary buffer.

That the conditions of consent specifically prohibit the use of the remaining as-built pens for the holding of livestock other than horses, e.g. cattle, prior to rodeo events being held by the applicant.

Attachment(s)

Nil

11.2 Notice of Motion - Local Government NSW 2025 Conference

Councillor

Cr Kinny

I move:

That Council submit the following motion to Local Government NSW (LGNSW) for inclusion in the 2025 LGNSW Annual Conference agenda:

- That LGNSW calls upon the State Government to amend the relevant legislation to make it illegal for any property developer to sell lots off a proposed subdivision plan, prior to the finalisation of the relevant Development Application for said plan.

Councillor Comments

Developers must not be allowed to sell lots when the DA process is incomplete and may require significant amendment of the final number and layout of lots before approval is granted.

To do so may significantly disrupt and financially harm potential purchasers.

COUNCILLOR RECOMMENDATION

That Council submit the following motion to Local Government NSW (LGNSW) for inclusion in the 2025 LGNSW Annual Conference agenda:

- That LGNSW calls upon the State Government to amend the relevant legislation to make it illegal for any property developer to sell lots off a proposed subdivision plan, prior to the finalisation of the relevant Development Application for said plan.

Attachment(s)

Nil

11.3 Notice of Motion - Tuckean Swamp

Councillor

Cr Dicker

I move that Council:

- Acknowledges the immense cultural, environmental, social and economic value that Maamang (the Richmond River) provides to the people of the Ballina Shire.
- Notes that one of the major contributors to mass fish kills in the river is blackwater run off, most of which originates from low-lying flood prone land surrounding the Tuckean Swamp.
- Supports the work being led by OzFish and other stakeholders in their efforts to restore the Tuckean Swamp.
- Receives a report on options to facilitate, and expedite, the acquisition of privately owned land surrounding the Tuckean Swamp under the NSW Coastal Lands Protection Scheme, including priority sites for acquisition.

Councillor Comments

For the community, mass fish kills like those which occurred in March 2025 and February 2022 which are the most visible reminder of the poor health of the Richmond River.

It has been known for decades that the artificially enhanced drainage of the Richmond River floodplain (and associated floodgates) is a significant contributor to the water quality issues affecting the lower Richmond River, in particular, blackwater events and acidic discharges containing metal contaminants (Rous County Council, 2023). Recent water quality studies have concluded that the mid to lower River appears to experience general routine hypoxia (low to zero oxygen) with dissolved oxygen and pH levels lower than ANZECC guidelines 100% of the time in some locations (Rous County Council, 2023).

Reducing blackwater runoff into the Richmond River will require the return of low-lying agricultural land (<1m AHD) back to wetlands in the top three sources of blackwater - Tuckean Swamp, Rocky Mouth Creek and Bungawalbin/Sandy Creek (Harrison et. al., 2023). This involves an estimated 34 properties currently used for agriculture, with 12 of those used for intensive high value cropping (i.e. sugar cane and tea tree) and the remainder used for grazing. This conversion would impact only 4.5% of the entire floodplain but would prevent an estimated 35% of blackwater from entering the estuary and causing major fish kills. Expanding land acquisition and restoration to land <1.5m AHD would include an additional 48 properties, comprising 10.5% of the entire floodplain and prevent an estimated 55% blackwater from entering the estuary.

Resources exist under the NSW Coastal Lands Protection Scheme for the State Government to acquire land and transfer to the ownership of NPWS or Local Councils. However, to date, NPWS has shown no interest in acquiring land

11.3 Notice of Motion - Tuckean Swamp

under this scheme. Acquiring land suitable for remediation may be in Council's interests as it may enable Council to generate carbon credits (aka Blue Carbon) to offset its own corporate emissions and reduce the amount of carbon credits it must buy by 2030 to reach its target of Net Zero. This opportunity will become clearer as biodiversity markets mature, which is occurring rapidly.

References

Harrison, A. J., Rayner, D.S., Tucker, T.A., Lumiatti, G., Rahman, P.F., Gilbert, D.M and Glamore, W.C. (2023) Richmond River Floodplain Prioritisation Study. UNSW Water Research Laboratory for DPI Fisheries.

Rous County Council (2023). Water Quality Report. Mid Richmond Annual Progress Report, January 2023. Prepared by Southern Cross University.

COUNCILLOR RECOMMENDATIONS

That Council:

- Acknowledges the immense cultural, environmental, social and economic value that Maamang (the Richmond River) provides to the people of the Ballina Shire.
- Notes that one of the major contributors to mass fish kills in the river is blackwater run off, most of which originates from low-lying flood prone land surrounding the Tuckean Swamp.
- Supports the work being led by OzFish and other stakeholders in their efforts to restore the Tuckean Swamp.
- Receives a report on options to facilitate, and expedite, the acquisition of privately owned land surrounding the Tuckean Swamp under the NSW Coastal Lands Protection Scheme, including priority sites for acquisition.

Attachment(s)

Nil

12. Advisory Committee Minutes

12.1 Finance and Facilities Committee Minutes - 8 April 2025

Attendance

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

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

There were four 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 Erin Karsten.

RECOMMENDATION

(Cr Eva Ramsey/Cr Simon Chate)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

3. Declarations of Interest

- **Cr Michelle Bailey** – declared an interest in Item 5.2 – Rating Structure 2025/26 (Nature of Interest: significant, non-pecuniary). Cr Bailey is President of Business Lennox Head. Cr Bailey will leave the meeting while the Item is discussed.
- **Cr Simon Chate** – declared an interest in Item 5.5 – Community Infrastructure – Recurrent Capital Works (Nature of Interest: non-significant, non-pecuniary). Cr Chate's residential address is in close proximity to works listed in this report. Cr Chate will remain in the meeting while the Item is discussed.

4. Deputations

Nil

5. Committee Reports

5.1 North East Weight of Loads Group (NEWLOG)

RECOMMENDATION

(Cr Eva Ramsey/Cr Damian Loone)

That Council endorses the draft NEWLOG budget for 2025/26 and Long-Term Financial Plan, as per Attachment 1 to this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

Cr Michelle Bailey left the meeting at 04:07 pm.

5.2 Rating Structure - 2025/26

RECOMMENDATION

(Cr Phil Meehan/Cr Damian Loone)

1. That for the draft 2025/26 Operational Plan, Council approves the application of a base rating structure, which applies the following principles:
 - a) Marginally less than 50% of the rate income for the residential category of properties being generated from the base amount
 - b) Business, farmland and mining categories to have the same base amount as the residential base amount
 - c) A total of 18.65% income from the rate yield to be sourced from the business category properties
 - d) Farmland rate in the dollar is approximately 88% of the residential rate in the dollar
 - e) The mining category rate in the dollar to be set as the same rate as the business category (currently no mining category properties in the shire).
2. That Council notes the indicative figures for this rating structure for the 2025/26 rating year, are as per Tables 1 and 2 of this report, based on the 3.8% IPART approved rate peg.

FOR VOTE - Cr Sharon Cadwallader, Cr Simon Kinny, Cr Damian Loone, Cr Eva Ramsey and Cr Phil Meehan
AGAINST VOTE - Cr Therese Crollick, Cr Simon Chate and Cr Kiri Dicker
ABSENT. DID NOT VOTE - Cr Michelle Bailey and Cr Erin Karsten

- Cr Michelle Bailey returned to the meeting at 04:15 pm.
- 5.3 Fees and Charges - 2025/26**

RECOMMENDATION

(Cr Phil Meehan/Cr Eva Ramsey)

That Council approves the exhibition of the draft Fees and Charges for 2025/26, as per Attachment 1 to this report, subject to any further recommendations.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

RECOMMENDATION

(Cr Simon Chate/Cr Therese Crollick)

That Council add to the draft Fees and Charges for 2025/26

- a single visit family pass for access to Ballina Shire pools at a price of \$21 (including 2 adults and 2 children) plus \$4.70 for each additional child.
- a single visit single parent family pass for access to Ballina Shire pools at a price of \$15 (including 1 adult and 2 children) plus \$4.70 for each additional child.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

A **Motion** was moved by Cr Kiri Dicker and seconded by Cr Therese Crollick

That Council phase in the increased Commercial Use of Footpath fees over a four year period.

An **Amendment** was moved by Cr Phil Meehan and seconded by Cr Kiri Dicker

That the Commercial Use of Footpath fees are put on exhibition, as per the draft Fees and Charges for 2025/26, with the exception of Lennox Head which are to be set at \$150.

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

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

RECOMMENDATION

(Cr Phil Meehan/Cr Kiri Dicker)

That the Commercial Use of Footpath fees are put on exhibition, as per the draft Fees and Charges for 2025/26, with the exception of Lennox Head which are to be set at \$150.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

Cr Kiri Dicker left the meeting at 04:38 pm.

A **Motion** was moved by Cr Therese Crollick

That Council amend the monthly pool passes to be charged in proportion to the full season pass rate.

The **Motion LAPSED** as there was no seconder.

Cr Kiri Dicker returned to the meeting at 04:40 pm.

5.4 Commercial Property Projects and Cash Reserves

RECOMMENDATION

(Cr Phil Meehan/Cr Damian Loone)

1. That Council notes the contents of this report on the Commercial Property Development Projects and Cash Reserves.
2. That Council adopts the financial information, as outlined in Tables 1, 2, 3, 4 and 5 of this report, for inclusion in Council's Long Term Financial Plan.
3. That Council authorises the General Manager to extend or renew, part, or all the outstanding loan principal owing on the Airport Boulevard and Southern Cross Industrial Land – Boeing Avenue projects, for up to one year, to allow sufficient land sales revenue to be generated to allow the loan debt to be repaid in full.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

5.5 Community Infrastructure - Recurrent Capital Works

RECOMMENDATION

(Cr Simon Kinny/Cr Damian Loone)

1. That Council approves the inclusion of the recurrent capital expenditure priorities, as outlined in this report, in the draft 2025/26 to 2028/29 Delivery Program and Operational Plan, for public exhibition, subject to any further recommendations.
2. That Council receive a report back on options to rectify the water damage at Crawford House.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

RECOMMENDATION

(Cr Kiri Dicker/Cr Phil Meehan)

That in the Community Infrastructure – Recurrent Capital Works Footpath and Shared Path improvement program, bring forward Teven Road, Alstonville to 2025/26 and defer Bonview Street, East Ballina to 2027/28.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Simon Kinny)

That Council receive a report on funding options to include the Pat Morton car park master plan in the 2025/26 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Phil Meehan)

That Council receive a report on stormwater and roadworks for Park Avenue, Alstonville, for inclusion in the 2025/26 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

A **Motion** was moved by Cr Therese Crollick

That Council receive a report on funding the Geoff Watt Oval precinct for inclusion in year four of the 2025/26 Delivery Program and Operational Plan.

The **Motion LAPSED** as there was no seconder.

RECOMMENDATION

(Cr Phil Meehan/Cr Eva Ramsey)

That Council remove the car park lighting listed for the parking area outside of the Gallery located on The Coast Road / Bayview Drive, in 2026/27, from the car park lighting program.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

RECOMMENDATION

(Cr Phil Meehan/Cr Therese Crollick)

That Council take no further action to provide car port shelters on the two disabled carparks at the Ballina Lighthouse & Lismore Surf Life Saving Club.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

RECOMMENDATION

(Cr Simon Kinny/Cr Therese Crollick)

That Council receive a report on deferring the Kalinga Street, Ballina road reconstruction in 2025/26, for one year, to fund the Deegan Drive, Geoff Watt Oval, Alstonville car park upgrade.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Erin Karsten

RECOMMENDATION

(Cr Phil Meehan/Cr Michelle Bailey)

That Council defer the 2025/26 Footpath and Shared Path improvement program excluding Teven Road, Alstonville for one year, to allow essential renewal works to be completed on the existing network.

FOR VOTE - Cr Sharon Cadwallader, Cr Michelle Bailey, Cr Simon Kinny, Cr Damian Loone, Cr Simon Chate, Cr Eva Ramsey and Cr Phil Meehan
AGAINST VOTE - Cr Therese Crollick
ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Kiri Dicker

Cr Kiri Dicker left the meeting at 05:56 pm.

Cr Therese Crollick left the meeting at 06:11 pm.

Cr Simon Chate left the meeting at 06:20 pm.

5.6 Community Infrastructure - Non-recurrent Capital Works

RECOMMENDATION

(Cr Phil Meehan/Cr Damian Loone)

1. That Council notes the contents of this update on non-recurrent community infrastructure works and projects.
2. That Council confirms Option 2, as detailed in this report, as the preferred approach to help address parking on the Coast Road at Skennars Head,

being the provision of 13 parking spaces on the eastern side of the road, at an estimated cost of \$5,000, funded from existing operating budgets.

3. That Council defer any further investigation into Council's previously resolved preference for the Byron Street to Cooper Close segment of the shared path network, until the need for that option is reassessed, following the completion of the State Government funded segment along Byron Street and Byron Bay Road.
4. That Council receive a further update, to the June 2025 Ordinary meeting, or an earlier meeting, on the scope, estimated costs and options for funding the projects that form part the Northern Rivers Recovery and Resilience (NRRR) Program (Tranche 2) based on the significant cost increases, as per the contents of this report.
5. That Council confirms acceptance of the \$1.7m funding for the SES Building project and authorises the project to proceed.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

5.7 General Fund - Long Term Financial Plan

Colin Wight, Chair of Council's Audit, Risk and Improvement Committee commented on the draft Plan.

RECOMMENDATION

(Cr Phil Meehan/Cr Damian Loone)

1. That Council approves the exhibition of the draft Long Term Financial Plan, as per Attachments 1 and 2 to this report.
2. That Council receive a report on the implementation of a special rate variation in 2026/27.
3. That Council receive a report on options to source an increased dividend from the operations of the Ballina – Byron Gateway Airport.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

5.8 Community Strategic Plan 2025 – 2035

RECOMMENDATION

(Cr Michelle Bailey/Cr Eva Ramsey)

That Council approves the exhibition of the draft Community Strategic Plan 2035, as per Attachment 2 to this report.

FOR VOTE - All Councillors voted unanimously.

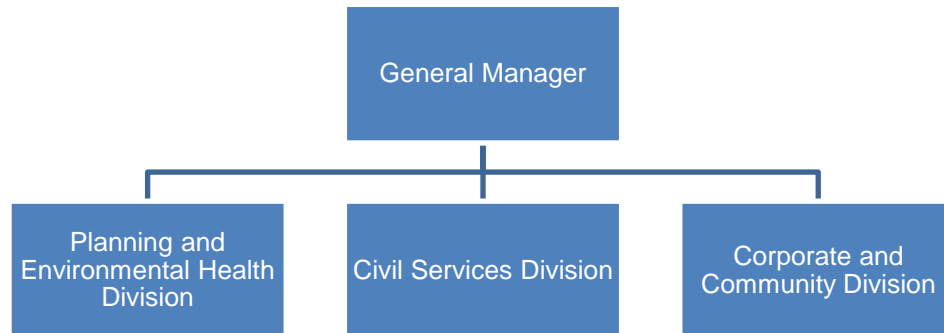
ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

5.9 Workforce Management Plan - 2025 to 2029 and Organisation Structure

RECOMMENDATION

(Cr Michelle Bailey/Cr Simon Kinny)

1. That Council approves the exhibition of the draft Workforce Management Plan 2025 to 2029, as per Attachment 1 to this report.
2. That Council notes the contents of the confidential information on the Supported Employment Program, as per Attachment 2 to this report, and adopts option one as outlined in that memorandum as the preferred approach.
3. That Council re-determines the existing organisation structure, as the preferred structure, as follows:



4. That Council include the Economic Development Officer position in the draft Workforce Management Plan 2025 to 2029.

FOR VOTE - Cr Sharon Cadwallader, Cr Michelle Bailey, Cr Simon Kinny and Cr Damian Loone

AGAINST VOTE - Cr Eva Ramsey and Cr Phil Meehan

ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

5.10 Strategic Asset Management Plan - 2025/26

RECOMMENDATION

(Cr Damian Loone/Cr Simon Kinny)

That Council approves the exhibition of the draft Strategic Asset Management Plan, as per Attachment 1 to this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

5.11 Delivery Program and Operational Plan - 2025/26 to 2028/29

RECOMMENDATION

(Cr Damian Loone/Cr Simon Kinny)

That Council approves the exhibition of the draft Delivery Program and Operational Plan for 2025/26 to 2028/29, as per Attachment 1 to this report, inclusive of any changes arising from this meeting.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

5.12 Wigmore Arcade Complex - Leasing Proposal

RECOMMENDATION

(Cr Eva Ramsey/Cr Michelle Bailey)

That Council note the contents of this report that provides an overview of the confidential Wigmore Arcade Complex – Leasing Proposal report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

6. Confidential Session

RECOMMENDATION

(Cr Eva Ramsey/Cr Michelle Bailey)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

(The Council moved into Confidential Session at 07:15pm).

Open Council

RECOMMENDATION

(Cr Eva Ramsey/Cr Michelle Bailey)

That Council move into Open Council and out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

(The Council moved into Open Council at 07:18pm).

The Mayor reported to the Open Meeting the recommendations made while in Confidential Session:

6.1 Leasing Proposal - Wigmore Arcade Complex

RECOMMENDATION

(Cr Damian Loone/Cr Eva Ramsey)

1. That Council adopts option one, as detailed in this report, and agrees to a surrender of leases over two shops in favour of a one new lease over those two shops based upon the terms and conditions noted in this report.
2. That Council authorises the General Manager to finalise negotiations and affix the Council seal to all lease documentation.
3. That Council provide landowner's consent for lodgement of a development application for building and fit out works based on the contents of this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Michelle Bailey/Cr Eva Ramsey)

That the recommendations made whilst in Confidential Session, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

MEETING CLOSURE

The meeting was closed at 07:20pm.

RECOMMENDATION

That Council confirms the minutes of the Finance and Facilities Committee meeting held 08 April 2025 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

13.1 Mayoral Meetings

13. Reports from Councillors on Attendance on Council's behalf

13.1 Mayoral Meetings

Councillor Sharon Cadwallader

Activities I have attended, or propose to attend, as at the time of writing this report, since the March 2025 Ordinary meeting are as follows:

<u>Date</u>	<u>Meeting</u>
27 March	LGNSW Board Meeting
27 March	Country Mayors Association event
28 March	Country Mayors Association meeting – Financial Sustainability
28 March	Ballina Players Opening Night – Beyond Reasonable Doubt
30 March	Normie Rowe and Digger Revell show Thank you to community
31 March	Governor of NSW Her Excellency the Honourable Margaret Beazley AC KC visit to Ballina Shire to observe coastal erosion and environmental impacts resulting from Ex-Cyclone Alfred
31 March	NSW Reconstruction Authority Ex-Cyclone Alfred recovery update
31 March	Governor of NSW Her Excellency the Honourable Margaret Beazley AC KC visit to Ballina SES
31 March	Meeting with Dugald Saunders MP, Shadow Minister for Regional NSW, and Shadow Minister for Agriculture, Trade and Natural Resources, Leader of The Nationals and Gurmeh Singh MP, Shadow Minister for Regional Health, Shadow Minister for Emergency Services, and Shadow Minister for the North Coast Deputy Leader of The Nationals
1 April	Meeting with Dugald Saunders MP, Shadow Minister for Regional NSW, and Shadow Minister for Agriculture, Trade and Natural Resources, Leader of The Nationals and Gurmeh Singh MP, Shadow Minister for Regional Health, Shadow Minister for Emergency Services, and Shadow Minister for the North Coast Deputy Leader of The Nationals, Fishermen and Ballina Co-op Chairman regarding the state of the river
1 April	Meeting with Jackie Hinrichsen, Paradise FM
1 April	Face to Face – Bi-monthly NSW Reconstruction Authority and Ballina Shire Council meeting
1 April	Cr Briefing – Conservation Zones – Background and Way Forward Suggestions
2 April	Ballina Seniors Concert
7 April	Lennox Head Residents Association meeting
8 April	Meeting with nbn Local General Manager Chris Cusack and Chris Simon
8 April	Finance and Facilities Committee meeting
9 April	Local Traffic Committee meeting
9 April	Public Art Advisory Panel (PAAP) meeting
10 April	ProspER Northern Rivers – Initial Engagement and Forum

13.1 Mayoral Meetings

11 April	Press Conference Byron Bay NSW Reconstruction Authority Cyclone Alfred Recovery Coordinator Scott Tanner, Byron Shire Mayor Cr Sarah Ndiaye and & NSW Surf Life Saving Association
14 April	Australian Coastal Councils Association (ACCA) meeting
15 April	Country Mayors Association (CMA) and Transport for NSW Community Improvement Districts meeting
16 April	Rous County Council Meeting
22 April	Public Citizenship Ceremony
22 April	Ordinary Meeting Business paper review
24 April	Ordinary Meeting

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

Nil Items