

# Agenda

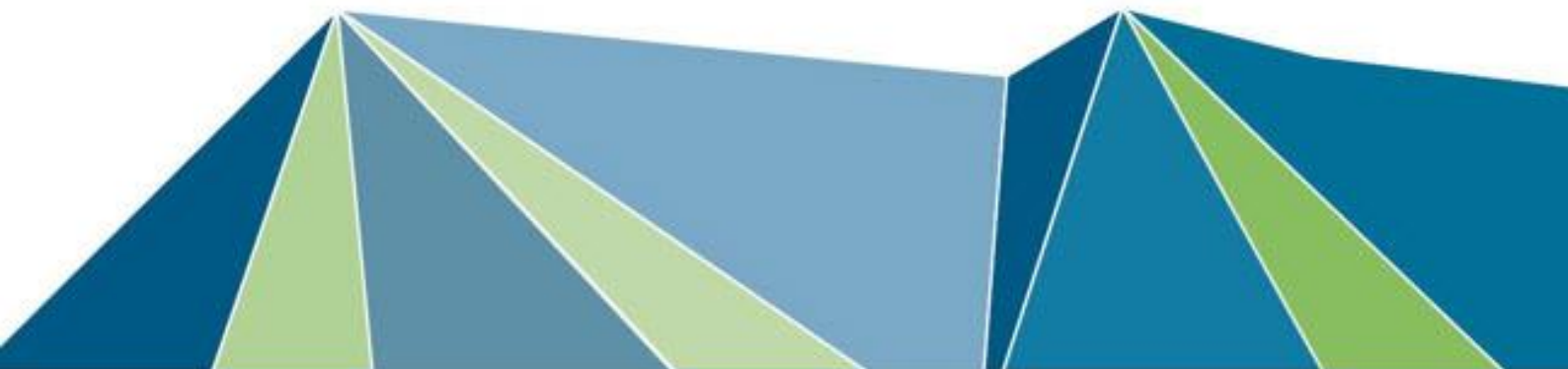
## ***Ordinary Meeting*** **22 August 2024**

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **22 August 2024 commencing at 9am.**

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

Paul Hickey  
**General Manager**

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



## Ethical Decision Making and Conflicts of Interest

### A guide for Councillors, Council employees and community representatives

Ethical decision making

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

### Conflict of Interest

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

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

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

### The test for a conflict of interest

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

### Identifying problems

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

### Disclosure and participation in meetings

#### Pecuniary Interests

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

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

#### Non-pecuniary Interests

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

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

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

### **Deputations to Council – Guidelines**

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

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

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

### **Recording and Livestreaming of Council Meetings**

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

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1. Australian National Anthem
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**1. Australian National Anthem**

The National Anthem will be played.

**2. Acknowledgement of Country**

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

**3. Apologies**

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 July 2024 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 July 2024.

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

**6. Deputations**

**7. Mayoral Minutes**

Nil Items

## **8.1 DA 2024/37 - Community Facility - 3 Sinclair Street, Wardell**

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

#### **8.1 DA 2024/37 - Community Facility - 3 Sinclair Street, Wardell**

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<b>Applicant</b>	Mr J Orchard
<b>Property</b>	Lot 1 DP309610, 3 Sinclair Street, Wardell
<b>Proposal</b>	Continued use of the former National Bank building and ancillary outbuildings as a Community Facility, associated alterations and additions to the existing buildings and structures, retention of an existing storage container, and construction of a new colourbond shade structure.
<b>Effect of Planning Instrument</b>	The land is zoned R2 Low Density Residential under the provisions of the Ballina LEP 2012
<b>Locality Plan</b>	The subject land is depicted on the locality plan in Attachment 1 and Figure 1.

#### **Introduction**

Council is in receipt of a development application DA 2024/37 (PAN-410760) for the continued use of the former National Bank building and ancillary outbuildings as a community facility.

The application includes proposed alterations and additions to the existing detached amenities building and construction of a new metal framed and colourbond roofed shade structure and covered walkway.

The development is proposed on Lot 1 DP309610, 3 Sinclair Street, Wardell.

Following the February and March 2022 flood events, the Ballina Local Environmental Plan 2012 was amended to permit the temporary use of the subject site for community facilities and local distribution premises without the need for development consent.

The objective of this clause (clause 7.16) was to facilitate the provision of temporary support services to flood-affected communities in Wardell.

The provisions of this clause cease on 1 September 2024 requiring any further use of the site as a community facility beyond this date to obtain development consent.

The location of the site is shown in Figure 1



**Figure 1: Aerial Photo – site of proposed community facility shaded yellow and marked by red flag. Source. NSW Six Maps.**

The purpose of this report is to seek Council's determination of the subject application, given the high level of public interest for the proposed development through the public exhibition period, with a total of 95 submissions being received.

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

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

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

### **Details of Proposal.**

The application seeks consent for the continued use of the subject site as a community facility.

The development as proposed is for the continued use of the site as a *community facility* and includes the following key components:

- Change in building use of the former bank building (part) from Class 4 residence to Class 5 office.
- Change in building use of the existing detached storage/amenity building from Class 10a storage to Class 5 office (proposed counselling room and associated amenities).
- Approval of the existing shipping container and roof structure for storage purposes.
- Proposed new unenclosed undercover area.
- Proposed ramp and modifications to the entry door of the detached storage building (proposed counselling room).



## **8.1 DA 2024/37 - Community Facility - 3 Sinclair Street, Wardell**

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- Additions to the existing detached Class 10a WC to create a designated unisex accessible WC.
- A covered walkway to connect the old bank building, undercover area, and enclosed carport building (recommended in the NCC and fire safety upgrade report to enable assessment of all buildings as one single building to avoid fire separation requirements of the NCC).

According to the SEE submitted with the application the community facility has:

- four permanent part time staff providing social services and mental health services and
- 16 permanent part time hub operations volunteer staff

A typical day may involve three staff and three volunteers and 50-60 visitors / clients on-site at any one time.

Approximately 300 visitors attend the site per week spread across six days of operation.

The current opening days and hours are:

- Tuesday to Friday - 9am to 4pm and Saturdays - 9am to 2pm
- After hours activities, Mondays (Tai Chi), Wednesdays (after school activities), Friday (pizza / social night).

Evening social events usually take place between the hours of 5.30pm to 9.00pm.

### **Reportable Political Donations**

Details of known reportable political donations are as follows:

- Nil

### **Public Exhibition**

The application was placed on public exhibition in accordance with the *Environmental Planning and Assessment Regulation 2021* and Council's Community Participation Plan.

The exhibition period was from 17 April 2024 to 3 May 2024. During that time a total of 95 submissions were received including 17 confidential submissions. 74 submissions were in support of the services offered by the WardellCORE noting the benefits the programs and services offer to the community. 21 individual submissions raised concerns or objected to the development application.

Matters raised in the objections and staff comments are outlined in the submissions section of this report. Matters raised and staff comments are detailed within the body of the Section 4.15 assessment report.

Copies of the public submissions received are contained in Attachment 4. Confidential submissions are contained in Attachment 5.

### **Applicable Planning Instruments**

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

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

A full assessment of the proposal against statutory provisions applying to the proposal is set out in the Section 4.15 assessment in Attachment 2.

In summary with respect to the LEP, the proposed community facility is permissible with consent in the R2 Low Density Residential zone and is generally consistent with the LEP and DCP subject to the recommendations contained within the Section 4.15 assessment.

### **Report**

#### **Matters for Consideration**

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

The assessment has identified the following key issues in relation to this development application which are elaborated upon for the consideration of Council.

- Traffic and Parking
- Amenity
- Heritage conservation and management
- Proposed outdoor covered area and walkway
- Shipping container and temporary storage areas
- Temporary Outdoor Food preparation area
- Fencing and streetscape

This report should be read in conjunction with the attached Section 4.15 assessment report in Attachment 2. The Section 4.15 assessment report addresses the statutory planning provisions applying to the development and foreshadows several conditions of consent to be applied (in the event consent is granted). Plans of the proposed development are included as Attachment 3.

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

#### State Environmental Planning Policies

The proposed development is compliant with the provisions of applicable State Environmental Planning Policies and/or conditions of consent can be applied to suitably manage matters arising in relation to the requirements of the SEPPs.

Ballina Local Environmental Plan 2012

The proposed development is generally consistent with the relevant objectives of the LEP and the R2 Low Density Residential zone and applicable provisions of the LEP other than in relation to:

Clause 2.3 - Zone Objectives and Land Use Table

- To provide for development that is compatible with the character and amenity of the surrounding neighbourhood,

Clause 5.10 - Heritage Conservation

Clause 7.7 - Essential services

(e) suitable vehicular access

The subject site is zoned R2 Low Density Residential under the BLEP2012.

*Community facilities* are permissible with consent in the R2 zone.

**The objectives of the R2 zone are as follows:**

- a) To provide for the housing needs of the community within a low-density residential environment.

Not applicable to the DA.

- b) To enable other land uses that provide facilities or services to meet the day to day needs of residents.

**Comment:** The WardellCORE proposes to provide community facilities and social services for the Wardell and wider community on a permanent basis. The subject site is currently operating as a temporary community facility under the provisions of clause 7.16 of the BLEP 2012.

This objective is achieved.

- c) To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.

**Proponent response:**

The use of the buildings makes no substantial physical changes to them and are compatible with the character and amenity of the surrounding neighbourhood.

**Comment:** Council's technical officers involved with the assessment of the proposal raise concerns regarding the compatibility of the proposed development with the character and amenity of the surrounding neighbourhood.

The key matters assessed to be incompatible with the character and amenity of the surrounding neighbourhood are:

- a) insufficient onsite parking to service the group activities and events associated with the development,
- b) limited internal floor space within the existing buildings, and resulting use of the outdoor area for group activities and events,

- c) noise generated from group activities and events especially those that occur at night and during weekends.
- d) the impacts of the proposed additional metal framed building elements on the heritage values of the site and the increased patron capacity on the site from the proposed outdoor covered area.

The building elements assessed to have a negative impact on the heritage significance are:

- i. the shipping container (and roof over) used for storage of equipment,
- ii. the proposed addition of a large metal outdoor covered area and walkway at the rear of the main bank building, and
- iii. the existing lapped timber front boundary fencing that is needed to provide a secure space for children.

Due to the above matters above not being able to satisfy the objectives of this clause, Council's technical officers recommend certain elements of the proposed development are not approved as part of any consent issued.

These elements are:

- 1. the existing shipping container and roof over,
- 2. the existing timber front boundary fencing that was unlawfully erected,
- 3. the proposed metal outdoor covered area and walkway, and
- 4. the group activities that are conducted outdoors.

The services that are compatible with the character and amenity objective are:

- 1. professional counselling,
- 2. administration functions of the Wardell CORE, and
- 3. food pantry.

According to the submissions received, the location of the outdoor area adjoining residential development has resulted in negative impacts to the neighbouring properties from increased noise and traffic generation due to there being no internal spaces on the site that can accommodate large groups of people and no onsite parking available, meaning the local street network is relied upon to service the parking demand for these events.

There are alternative venues available within the Wardell community that may be more suitable to the assembly of groups of people such as the Wardell Community Hall and the Catholic Church Hall.

It is recommended conditions be included in any approval issued to exclude group activities and events being held on the site to maintain the amenity of the surrounding neighbourhood and to remove the outdoor covered area and walkway from the proposed development to maintain the heritage values of the site discussed in detail within this report under clause 5.10 of the BLEP 2012.

The services currently offered from the site that are recommended to be excluded from any consent issued are:

- All group gatherings that are held outside of the footprint of the existing buildings on the site. These include music groups such as ukulele lessons health and wellbeing classes such as yoga, pilates, martial arts, mothers

## 8.1 DA 2024/37 - Community Facility - 3 Sinclair Street, Wardell

support /playgroup and youth group, community social nights and skills classes/ workshops.

In a letter to Council prepared by the applicant's planning consultant Malcolm Scott dated 30 May 2024 in response to the submissions the application received, the following commentary was provided in relation to traffic and parking:

*In order to balance the continual growth and popularity of a wide number of our successful programs WardellCORE Inc. has also investigated opportunities to utilise other community buildings in the Wardell village including: 1. Arrangements for use of the Wardell Catholic Church Hall for general activities, group programs, workshops and other support programs are currently being negotiated. 2. Opportunities to relocate additional social events and other gatherings to the Wardell Hall are being explored for feasibility. 3. Based on estimations these changes could reduce general pedestrian and car traffic at Wardell CORE by approximately 50%.*

*The following image shows approximate movements of both human and vehicle traffic that could be distributed to secondary venues.*



At the time of writing this report, it is understood that some of the group activities that have previously been held at the subject site such as the playgroup and exercise classes have been relocated to the Wardell Community Hall and the Catholic Church Hall (former preschool).

These venues provide unencumbered internal spaces and improved parking provisions both on and off street. Images provided below show the internal areas of the Wardell Community Hall and Catholic Church Hall being used for various community activities.

From the information available, the weekly social nights and skills classes are still being conducted at the subject site.

Conditions of consent can be applied to address these potential impacts associated with the development.

No variations are sought to the relevant clauses within the BLEP 2012. Refer to the attached Section 4.15 assessment for more detailed commentary.

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

No draft instruments apply to the proposed development.

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

Chapters 2, 2b, and 8 of the DCP apply to the proposed development.

The development has been assessed as generally consistent with the provisions of the DCP, other than in relation to controls relating to:

Chapter 2

Part 3.12 – Heritage

Part 3.19 - Car parking and Access, and

Chapter 8

Part 4 – Local Amenity and Character

Conditions of consent can be applied to address the potential impacts associated with the development.

Refer to the Section 4.15 assessment attached for more detailed commentary.

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

No planning agreements apply to the development.

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

No matters of significance identified.

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

The continued operation of the community facility as proposed is likely to result in adverse impacts to the built environment, heritage values and the amenity of the surrounding neighbourhood unless the approval is subject to compliance with recommended conditions.

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

Whilst the site has been assessed as generally suitable for a community facility, the scale of the development as proposed has been assessed as unsuitable for the subject site.

The proposed development is inconsistent with one of four applicable objectives of the R2 Low Density Residential zone being *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood,*

and specific LEP and DCP provisions relating to heritage, access and parking and amenity listed above.

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

During the public exhibition period 95 submissions from members of the public were received.

74 were in support of the services offered by the WardellCORE noting the benefits the programs and services offer to the community.

21 individual submissions raised concerns or objected to the development application.

The key issues raised were in relation to traffic and parking, visual amenity, site suitability, flooding, heritage impacts and noise impacts.

Concerns raised were predominately in relation to group activities/events that have been occurring at the subject premises particularly on weekends and at night.

The key issues and Council’s response to this matter are as follows:

Issue Raised	Comment
<i>Traffic Impacts</i>	
Parking and road safety	<p>The proposal provides only one car parking space on the site which is significantly less than the parking demand of the development. On a merit assessment basis, the proposal therefore can’t be considered to comply with Council’s DCP as it has insufficient on-site car parking spaces to service the demand associated with the development.</p> <p>The applicant proposes the use of on street parking to accommodate the lack of onsite parking provided by the development. This is inconsistent with the requirements of Council’s DCP and therefore not supported by Civil Services.</p> <p>The number of car parking spaces in Richmond Street adjacent to the site will be reduced under the Wardell Village Centre Revitalisation Master Plan. Whilst the number of on street spaces will reduce under the revitalisation works, the formalisation of road verges, kerb, and on street parking in the locality should reduce the occurrence of the illegal parking currently occurring in the unformed road verges. This will address some of the traffic safety concerns raised in several of the submissions objecting to the application.</p> <p>Conditions will be imposed to exclude group activities and events from the subject site which will reduce the demand for parking and therefore the extent of non-compliance with Council’s car parking standards.</p>
<i>Heritage Impacts</i>	
<i>Proposed development has a negative impact on the heritage listed building.</i>	<p>The proposed use of the former National Bank building as a community facility is largely acceptable from a heritage perspective and is an ‘adaptive reuse’.</p> <p>Conditions will be imposed to remove the unsympathetic and unauthorised structures from the development.</p>

**8.1 DA 2024/37 - Community Facility - 3 Sinclair Street, Wardell**

Issue Raised	Comment
	A condition will be imposed to require preparation of a Heritage Asset Action Plan to ensure ongoing maintenance of the building.
<i>Amenity</i>	
Current outdoor gatherings result in noise impacts.	Conditions will be imposed to remove the existing and proposed outdoor covered areas from the subject site. Conditions will be imposed to limit the number of persons permitted on the site.
Visual impacts of the shipping container and visual impacts to streetscape from hoardings placed on public land such as clothing racks, pot plants, garbage bins etc	Conditions will be imposed to remove the shipping container from the subject site. Conditions will be imposed to remove items kept on public land.
<i>Use and operations</i>	
Structure of the organisation.  Political interests.	WardellCORE is a non-profit community organisation which is a requirement for the use as a community facility under the LEP.  Councillors are required to declare any interests on matters reported to Council in accordance with the Code of Conduct.
Local distribution premises	Temporary Local distribution centers are permitted on the site under clause 7.16 of the LEP until September 2024. Outside of the provisions under clause 7.16 they are prohibited in the R2 zone. This application does not propose to use the site for this purpose. Conditions are recommended to limit the types of services and activities that are permitted as part of the proposed use.
Child safety - Unsupervised minors around the subject site and inadequate certification to run programs for children/youth.	This is not a matter for consideration under the subject application.
Social disconnect/divide/facility not available to the whole community.	This is not a matter for consideration under the subject application.
Fire safety	A Fire Safety Upgrade report has been provided which includes recommendations to achieve compliance with NCC 2022 for all new building work, and upgrade recommendations to achieve an acceptable level of fire safety and amenity for occupants given the constraints of an existing heritage listed buildings.
Flooding	The building does not comply with the current 2024 minimum floor level. Given the development is for a community facility, consideration should however be given to the suitability of the building given it will be subject to inundation during regional flood events.



## 8.1 DA 2024/37 - Community Facility - 3 Sinclair Street, Wardell

Issue Raised	Comment
	The flood risk associated with the proposed community facility use is however no greater than the flood risk associated with the previous approved residential and commercial uses of the building.
Accessibility	An accessibility report was prepared and submitted with the application. The report provides comment on upgrade works required to achieve a reasonable level of access for people with disabilities having regard to the site constraints including the heritage listed National Bank Building. Council's heritage assessment and the Access Reference Group have reviewed the report and are supportive of the access consultant's recommendations.
Unsuitable location	Community facilities are permitted with consent in the R2 Low Density residential zone. Conditions are recommended to limit the types of services and activities that are proposed to ensure the continued use as a community facility is compatible with the locality.

Copies of submissions are contained in Attachment 4 and Attachment 5.

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

The proposed development is within the Federal, State and Local Government interests as well as the interest of the community.

Whilst the provision of a community facility in Wardell is in the public interest, there are issues associated with local amenity, heritage conservation and access and parking.

Although 21 submissions were raised against the proposed development, assessment of the concerns has been provided and the impacts and risks associated with the proposed development can be managed with suitable conditions imposed on the consent to protect the heritage values and local amenity.

### **Options**

#### Option1 – Approval with a reduced scale of operation.

Approve the use of the site for a community facility as recommended by Council's technical officers with conditions that restrict the scale of operation to respond appropriately to the heritage values of the building and amenity of the locality.

Approval would be subject to the recommendations and conditions foreshadowed in this report and the Section 4.15 assessment attached as well as standard planning, environmental health, civil and building conditions for this type of development.

The conditions include:

1. Deletion of the proposed covered outdoor area and walkway from the approved plans

## 8.1 DA 2024/37 - Community Facility - 3 Sinclair Street, Wardell

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2. Removal of existing shipping container and all other unauthorised structures on the site including the front boundary fence
3. Standard operating hours
4. Submission of a Heritage Asset Action Plan (HAAP)
5. Provision of 1 car space onsite
6. Removal of unauthorised signage and hoardings on Council land

This option is recommended.

### Option 2 - Approve the Application as proposed

Approve the development application for the use of the site for a community facility as proposed by the applicant, subject to the application of standard planning, environmental health, civil and building conditions for this type of development excluding the conditions that restrict the scale of the development as outlined in option 1.

### Option 3 - Refuse consent

Refuse the development application.

The application is generally compliant with the BLEP 2012 and BDCP 2012, subject to conditions.

If Council were to pursue this option, it could be on the basis that despite the suggested conditions of consent to restrict the scale of the operation, the proposed development is determined to be inconsistent with the following clauses of the of the BLEP 2012:

- Clause 2.3 – Objectives of the R2 Low Density zone
- Clause 5.10 – Heritage Conservation
- Clause 7.7 – Essential Services

and the following provisions of the of the BDCP2012:

- Chapter 2, Part 3.12 – Heritage and Part 3.19 - Car parking and Access, and
- Chapter 8, Part 4 – Local Amenity and Character

Options 2 and 3 are not recommended.

The final option could be to defer this matter to the October 2024 Ordinary meeting, noting that Council is in the caretaker period (16 August 2024 to 14 September 2024)

Even though this application does not meet the definition of an application that should not be determined during the caretaker period (*i.e.* “*Controversial development application*” means a development application for designated development under section 4.10 of the Environmental Planning and Assessment Act 1979 for which at least 25 persons have made submissions during community consultation), the large number of submissions means there is significant public interest in the application.

This option is also not recommended as a comprehensive assessment of the application has been completed.

### **Conclusion**

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

The use of the site as a community facility is suitable within the locality but the scale of the design and operations as proposed result in unacceptable impacts to the heritage values and local amenity.

It has not been adequately demonstrated that the objectives of Clause 2.3, Clause 5.10, and Clause 7.7 the BLEP 2012 can be achieved.

The applicant has not satisfactorily demonstrated that the development as proposed is compliant with the Ballina DCP 2012, Chapter 2, Part 3.12 – Heritage and Part 3.19 - Car parking and Access, and Chapter 8, Part 4 – Local Amenity and Character and where it is not compliant justified the variations are acceptable.

Key concerns raised by Council's technical officers and in the submissions have not been adequately addressed by the applicant.

Nevertheless, it has been assessed that these issues can be reasonably addressed through compliance with the recommended conditions of consent which will reduce the scale of the proposal to be responsive to the heritage values of the building and local amenity.

Having regard to the outcomes of the assessment undertaken approval with conditions to limit the scale of the development is recommended.

Essentially a partial approval of the proposed development is recommended.

### **RECOMMENDATION**

That Development Application 2024/37 for the continued use of the former National Bank building and ancillary outbuildings as a Community Facility be **APPROVED** subject to the application of conditions as referenced in this report and the s4.15 assessment (including conditions that reduce the extent and scale of the proposed building works and use), and other applicable planning, civil engineering, environmental health and building conditions.

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

1. DA 2024/37 - Locality Plan [⇒](#)
2. DA 2024/37 - Section 4.15 Assessment - 3 Sinclair Street, Wardell [⇒](#)
3. DA 2024/37 - Architectural Plans [⇒](#)
4. DA 2024/37 - Public Submissions [⇒](#)
5. DA 2024/37 - Confidential Submissions (Under separate cover) [⇒](#)

## **8.2 DA 2023/343 - Public Administration Building - Gallans Road, Ballina**

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### **8.2 DA 2023/343 - Public Administration Building - Gallans Road, Ballina**

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<b>Applicant</b>	Newton Denny Chapelle
<b>Property</b>	Lot 41 DP 1045745 57 Gallans Road, Ballina
<b>Proposal</b>	Change of use from Rural Industry to Public Administration Building and Depot with associated demolition, building & civil works and earthworks and retaining walls, fencing, car parking, and vegetation management works.
<b>Effect of Planning Instrument</b>	The land is zoned RU2 Rural Landscape under the provisions of the Ballina LEP 2012
<b>Locality Plan</b>	The subject land is depicted on the locality plan in Attachment 1.

#### **Introduction**

Council is in receipt of Development Application DA 2023/343 (PAN-356449) for a change of use from Rural Industry to Public Administration Building and Depot with associated demolition, building & civil works and earthworks at No. 57 Gallans Road, Ballina, formally described as Lot 41 DP 1045745.

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

The proposed development seeks a variation to a development standard (BLEP 2012 Clause 4.3 Height of buildings and Clause 4.3A Exceptions to height of buildings).

The variation is greater than ten percent. This means the application is required to be determined by the elected Council.

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

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

The key matters have been elaborated on in this report for Council's consideration.

The assessment is based on the plan set for the proposed development contained in Attachment 3.

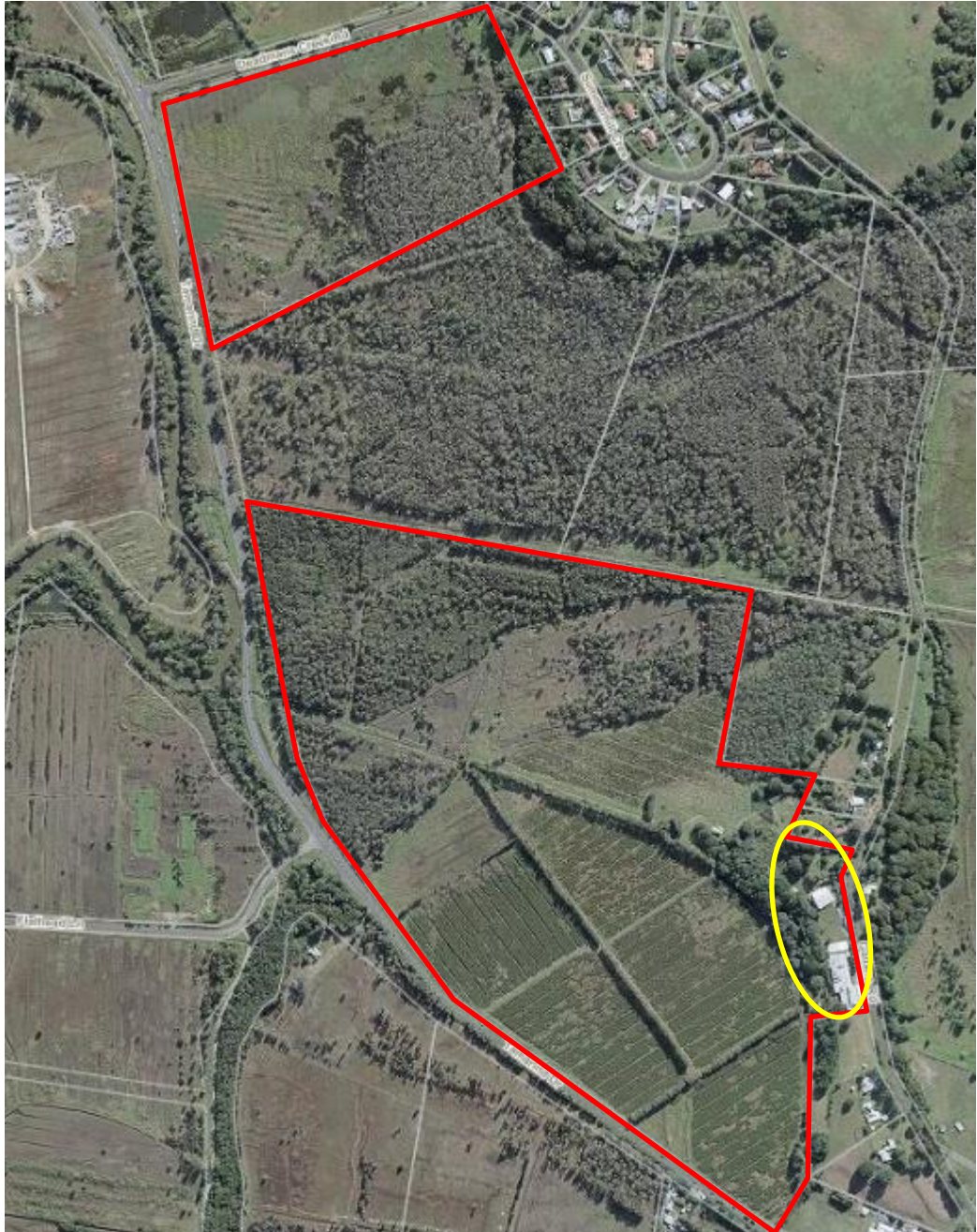


Figure 1: Site Aerial Image (subject lot outlined in red, proposed development approximately within area circled yellow).

### Proposal

The development application seeks consent for the change of use of an existing rural industry to a public administration building and depot at 57 Gallans Road, Ballina.

The proposed development includes demolition, building works, civil works, and vegetation management works.

Specifically, the proposed development involves the following components which have been described by the applicant:

1. Change of use from current use to a public administration building

## **8.2 DA 2023/343 - Public Administration Building - Gallans Road, Ballina**

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2. Change of current factory/warehouse to administration
3. Change of current tourist centre to Council Chambers and Community Engagement space
4. Demolition and building works to facilitate the proposed change of use
5. Provision of additional car parking
6. Provision of hardstand pipe storage areas, fuel storage associated with the site generator

The key elements of the proposal are separated into three distinct areas throughout the site along with parking. These areas are summarised below.

### Building A

- Change of use of existing industrial factory building to a public administration building for the Rous County Council.
- Fit-out of existing single storey factory building into new workplace for Rous County Council consisting of reception entrance area, staff kitchen/breakout area, workstation areas, training facilities, meeting rooms, quiet rooms, storage areas, amenities, multi-faith room and outdoor breakout area.
- Fit out of existing building for operations uses, including storage areas, vehicle access, mechanical and electrical workshops, overhead gantry system to service the workshop area and mechanical extraction system.
- Upgrade to external envelope and façade of building including new roof.
- External site works around building footprint.
- Alterations to the pedestrian pathway, internal road network and vehicle parking.

### Building B

- Change of use of existing visitor information centre into a Public Administration building for Rous County Council Chambers and Community Engagement space.
- Fit-out to include reception and lobby, board room, committee lounge, event/multipurpose space, kitchen, Council chambers and amenities
- External site works around the building footprint.
- Alterations to the existing pedestrian pathway, internal road networks and vehicle parking as required to service the building and other site users.

### Area C

- Construction of a 30m x 10m shed with an associated building height of 4.5m and associated bulk earthworks.
- Construction of a heavy vehicle hardstand area.
- Vehicle storage area within proposed shed for 15 vehicles.
- Large equipment and inventory secure storage.
- Covered wash bay for fleet vehicles.

## **8.2 DA 2023/343 - Public Administration Building - Gallans Road, Ballina**

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- Aboveground tank to service emergency generator.
- Bays for sand, gravel and VENM.
- Access driveway and turning area for deliveries.
- Vegetation removal.

### Car Parking

- New and upgraded hardstand staff and visitor car parking areas with capacity for 78 vehicles and 1 heavy vehicle. Upgrade to entry and exit points off Gallans Road. Improved pedestrian pathways between buildings and landscaping to improve visual amenity and delineate various areas.

Further details can be found in Attachments 2 and 3.

### **Reportable Political Donations**

Details of known reportable political donations are as follows:

- Nil

### **Public Exhibition**

The application was placed on public exhibition from 20 September 2023 to 5 October 2023 in accordance with Council's Community Participation Plan.

One confidential submission was received during the exhibition period.

Key matters raised within the submission are addressed in the section 4.15 assessment report in Attachment 2 and the confidential submission has been provided under separate cover (Attachment 4).

### **Applicable Planning Instruments**

The proposed development is subject to the Ballina Local Environmental Plan 2012 and Ballina Local Environmental Plan 1987, as well as the Ballina Shire Development Control Plan 2012 and a number of State Environmental Planning Policies.

A full assessment of the proposal against statutory provisions applying to the proposal is set out in the section 4.15 assessment in Attachment 2.

In summary with respect to the LEP and DCP, the proposed development is permissible in the RU2 Rural Landscape zone and aligns with the provisions of the DCP.

### **Matters for Consideration**

The proposed development has been assessed under the heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979. The assessment has identified the following key issues in relation to the development application.

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



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

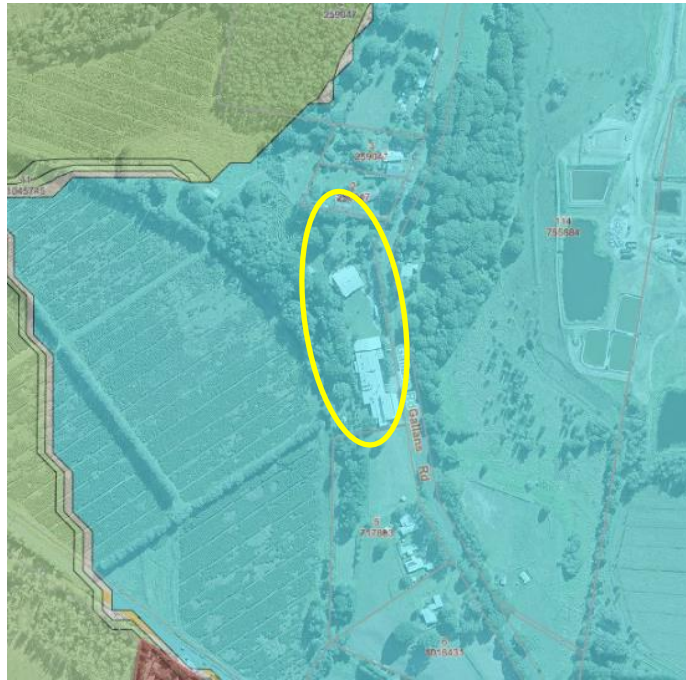
<b>Relevant State Environmental Planning Policies (SEPP)</b>	
<ul style="list-style-type: none"> <li>• SEPP (Biodiversity and Conservation) 2021</li> <li>• SEPP (Resilience and Hazards) 2021</li> <li>• SEPP (Transport and Infrastructure) 2021</li> </ul>	No issues are raised in relation to any applicable SEPP. Refer to Attachment 2 for further comment.
<b>Local Environmental Plans (LEPs)</b>	
<ul style="list-style-type: none"> <li>• Ballina LEP 2012 (BLEP 2012)</li> <li>• Ballina LEP 1987 (BLEP 1987)</li> </ul>	<p>The proposed development is located entirely in the portion of the site zoned as RU2 Rural Landscape under the BLEP 2012. Public administration buildings and depots are permitted with consent in the RU2 zone.</p> <p>The proposal is consistent with the aims and objectives of the zone and has made regard for the relevant additional provisions of the BLEP 2012.</p> <p>Refer to Attachment 2 for further comment and assessment of the relevant provisions.</p> <p>The development achieves compliance with the relevant development standards, apart from Clause 4.3 Height of buildings and Clause 4.3A Exceptions to Building Height for which a written request has been lodged to justify the contravention.</p> <p>An assessment of the proposed development standard variation under Clause 4.6 of the BLEP 2012 is set out below</p>

**Building Height**

Clause 4.3 (Height of Buildings) of the BLEP 2012 prescribes a maximum building height requirement of 8.5 metres for the subject site.

The provisions of Clause 4.3A (Exceptions to Height of Buildings) are also applicable to the proposed development and require the maximum building height to be measured from RL 2.0m AHD in the areas mapped on the 'building height allowance map' as seen in Figure 2 below.





**Figure 2: Building height allowance over the subject land. An allowance of 2.0m indicated in blue**

In this regard, the maximum building height allowable in the area mapped on the building height allowance map is 10.5m AHD (8.5m + 2.0m AHD).

The objective of Clause 4.3A is to align building height and flood planning provisions and provide for a consistent point of reference for the measurement of building heights in flood prone areas.

Generally, this clause assists development in flood prone areas as it accounts for the need to fill the land and locate buildings above flood planning levels.

In the circumstances of this proposal, Clause 4.3A results in a non-compliance of the maximum building height for this development given the development has been sited on an elevated portion of the land which has an existing ground level (between 14.5m – 15.7m AHD) which significantly exceeds RL 2.0m AHD.

Given both Buildings A and B are existing, and the proposal does not seek to increase the maximum building heights, the following Clause 4.6 assessment is focused on the proposed shed within Area C. Although it should be noted that due to Building A and Building B being situated at elevated levels, both buildings have maximum heights above RL 10.5m AHD.

The existing ground level is between RL 14.4m-15.7m AHD within the area of the site to be developed and therefore a development compliant with the maximum building height when measured from RL 2.0m AHD is unachievable in this location.

Therefore, in accordance with Clause 4.6 of the BLEP 2012, the applicant has sought to vary the maximum building height development standard prescribed under Clause 4.3 and Clause 4.3A of the BLEP 2012.

Assessment of requested variations requires consideration of the following matters:

- ***Has the applicant submitted a written request to vary a development standard as part of the development application?***

**Comment:** Yes.

- ***Identify when the written request was lodged (as part of lodgement of DA or during assessment process). Provide details of circumstance if written request was not submitted as part of the lodgement of the development application.***

**Comment:** A written request was not provided with the development application at the time of lodgement although Council staff identified the non-compliance shortly after the application was accepted. A written request was provided on 26 February 2024.

- ***Have all the required matters listed as part of Clause 4.6 and as outlined within Council's written request form been satisfactorily answered by the applicant?***

**Comment:** Yes.

*Assessment of requested variation*

**a) *What is the development standard being varied?***

**Comment:**

**4.3 *Height of buildings***

*(1) The objectives of this clause are as follows—*

- (a) to ensure that the height of buildings is compatible with the bulk, scale and character of the locality,*
- (b) to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality,*
- (c) to protect significant views from public places.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The maximum building height required is 8.5m for the subject site. While the proposed development does not exceed 8.5m in height when measured from existing ground level, the development exceeds the maximum building height when measured in accordance with Clause 4.3A (Exceptions to height of buildings).

As indicated in Figure 3, the proposed shed within Area C has a height of 3.4m when measured from existing ground level.

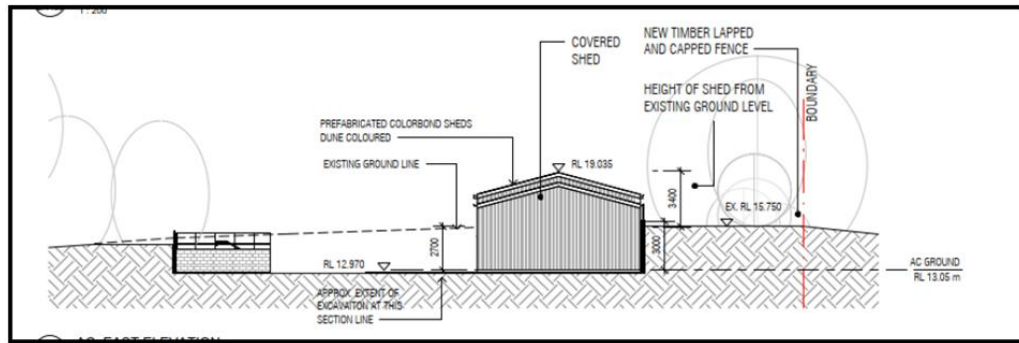


Figure 3 – Building Height above Existing Ground (Source: Proposal Plans by C2 Architecture)

4.3A Exceptions to height of buildings

- (1) The objective of this clause is to align building height and flood planning provisions and provide for a consistent point of reference for the measurement of building heights in flood prone areas.
- (2) This clause applies to land identified as “Minimum Level Australian Height Datum (AHD)” on the Building Height Allowance Map.
- (3) The maximum height of a building on land to which this clause applies is to be measured from the minimum level AHD permitted for that land on the Building Height Allowance Map.

As per Clause 4.3A, the maximum height of buildings under Clause 4.3 is to be measured from RL 2.0m (AHD). Therefore, the maximum height is 10.5m AHD (being 2.0m AHD + 8.5m). The proposed development therefore has a maximum height of 19.035m, resulting in a variation of up to 8.535m or 81.2%.

**b) What is the underlying objective of this development standard?**

**Comment:** The objectives of the standard are expressed in each clause as outlined above.

**c) In accordance with Clause 4.6 of BLEP 2012:**

- **Has the applicant’s written request adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6 (i.e. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard)?**

**Comment:** Yes. Comments from the applicant’s justification for the proposed variation to the development standards is provided as follows:

*Strict compliance with the maximum height of building standard is unreasonable and unnecessary in the circumstances of the application based on the following:*

- *The proposal meets the objectives of the development standard as provided in CI4.3 of the BLEP 2012.*
- *The extent of non-compliance (i.e. additional 9.95m) is extenuated through the site being mapped under CI4.3A “Exceptions to height of buildings’ under the Ballina LEP 2012’. The Clause does not recognise the circumstance where sites have elevated sections and as such in this instance, the existing ridge is some 12.48m above the prescribed flood planning level of RL2.0m AHD. To this end, the building height exceedance*

*is due to the portion of the site being mapped under C14.3A significantly exceeds the flood planning height which is to be applied to the flood prone portions of the land.*

- *The development does not result in irreversible environmental impacts. The height difference has an inconsequential shadowing impact at mid-winter to any adjoining buildings and no impact upon the public domain.*
- *No other amenity impacts (privacy, views or outlook) will arise from the additional height proposed.*
- *When measured from the natural surface level or alternatively the excavated pad level, the built form is fully compliant with the prescribed building height, being below 8.5m. Accordingly, the building mass and scale is not considered to be excessive as a result of the building height exceedance.*

*Considering the above, in the circumstances of this application, it is neither reasonable nor necessary to require compliance with the height of building standard under the BLEP.*

There is a discrepancy in the numerical value of the variation provided above, with the correct value assessed by Council being 8.535m.

Apart from this, the justification provided is considered to adequately address the matters required to be demonstrated by subclause (3).

- ***Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,***

**Comment:** Yes. The objectives of the building height development standard are met, as detailed in 'a)' above and the proposal is consistent with the RU2 zone objectives. Strict maintenance of the development standard in the context of this development application would not be in the public interest as requiring compliance with the building height standard under Clause 4.3A would result in a restriction of any development on the subject land.

- d) ***Will the cumulative effect of similar approvals undermine the objective of the development standard or the objectives of the zone?***

**Comment:** No. The variation is the result of an anomaly in the Building Height Allowance mapping as the existing ground levels on the site significantly exceed RL 2.0m AHD within the area proposed for development. The proposed development, when measured from existing ground level, does not result in a maximum building height exceeding 8.5m.

The proposal does not undermine the objectives of the development standard as the subject land is elevated above the relevant flood planning levels. As stated above in 'a)' and 'c)', the proposal achieves the objectives of the building height development standard and the RU2 zone.

The proposed design is considered to achieve an outcome which is more consistent with the objectives as the proposed development has been sited well above flood planning levels without requiring filling of the land.

**e) *The Five Part Test (Note: only one of these tests needs to be satisfied)***

- *Are the objectives of the standard achieved notwithstanding non-compliance with the development standard?*
- *Is the underlying objective or purpose of the development standard not relevant to the development and therefore compliance is unnecessary?*
- *Will the underlying object of the purpose be defeated or thwarted if compliance was required and therefore is compliance unreasonable?*
- *Has the development standard been virtually abandoned or destroyed by Council's actions in granting consents departing from the development standard and therefore is compliance with the development standard unnecessary and unreasonable?*
- *Is compliance with the development standard unreasonable or inappropriate due to the existing use of the land and current environmental character of the subject property (should this property have been included in the current zone)?*

**Comment:** The purpose of the development standard in Clause 4.3A is not relevant to the proposed development given the development has been sited on an elevated area of the site, well above the flood planning level, and therefore compliance is unnecessary and unreasonable in this instance.

Accordingly, it is reasonable to consider the application against Clause 4.3 which requires a maximum building height of 8.5m.

When measured from existing ground level, the maximum building height proposed on the shed within Area C is 3.4m and therefore complies with the 8.5m requirement.

The non-compliance is directly resultant from the requirement under Clause 4.3A to measure the building height from RL 2.0m AHD.

The height of the proposed development is therefore considered appropriate for the site and compatible with the desired bulk, scale, and character of the locality.

The proposed new shed within Area C is also compatible with the height of existing Building A and Building B. The development will therefore maintain a building height consistent with existing development on the site and is considered to have a negligible visual or amenity impact.

The non-compliance will not significantly impede on views from any public areas.

It is considered that compliance with the development standard is unreasonable and unnecessary in the circumstances of this application, and that there are sufficient environmental planning grounds to justify contravening the development standard in Clause 4.3 and 4.3A of the BLEP 2012.

Approval of the proposed variation does not raise any matter of significance for state or regional environmental planning and strict compliance with the standards will not have a material public benefit.

**8.2 DA 2023/343 - Public Administration Building - Gallans Road, Ballina**

Pursuant to Planning Circular PS 20-002, Council may assume the concurrence of the secretary of the Department of Planning, Infrastructure and Environment to rely on clause 4.6 of the BLEP 2012 to vary the maximum building height under Clause 4.3 and Clause 4.3A.

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

<b>Ballina Shire Development Control Plan 2012</b>	
<p>Chapter 2 – General and Environmental Considerations</p> <p>3.1 Land Use Conflict            3.2 Ridgelines and Scenic Areas            3.3 Natural Areas and Habitat            3.4 Potentially Contaminated Land            3.6 Mosquito Management            3.7 Waste Management            3.8 On-site Sewage Management Systems            3.9 Stormwater Management            3.11 Provision of Services            3.15 Crime Prevention through Environmental Design            3.19 Car Parking and Access            3.20 Vibration            3.21 Bushfire Management</p>	<p>The proposed development is acceptable when assessed against the relevant provisions of Chapter 2 of the Ballina DCP 2012.</p> <p>There are no issues raised in this section that would specifically preclude the development from being granted development consent, subject to the imposition of conditions where relevant.</p> <p>Refer to Attachment 2 for further comment and assessment of the relevant provisions.</p>
<p>Chapter 2B – Floodplain Management</p>	<p>The proposed development is acceptable when assessed against Chapter 2B of the Ballina DCP 2012.</p> <p>The area of the site proposed for development is elevated well above the relevant flood levels relevant for the site.</p> <p>Refer to Attachment 2 for further assessment.</p>
<p>Chapter 7 – Rural Living and Activity</p> <p>3.8 Building Lines and Setbacks            3.9 Roads, Vehicular Access, and Parking</p>	<p>The proposed development is acceptable when assessed against the relevant provisions of Chapter 7 of the Ballina DCP 2012.</p> <p>A variation to the building lines and setbacks control is proposed. A detailed assessment has been provided within Attachment 2 of the proposed variation and reproduced below.</p> <p>Further assessment of roads, vehicular access and parking is provided below with detail of the proposed intersection upgrades.</p>

### **Building Setbacks**

The setback requirements subject to the site are as follows:

Building line setback – 20m from Gallans Road (sealed road)  
Side and rear setbacks – 10m

Building A and Building B are proposed to maintain the existing setbacks previously approved. While these buildings do not achieve the 20m building line setback requirement, with a minimum 6.75m setback proposed, they do not result in reduced setbacks to the front boundary when compared to the existing setbacks approved on the site.

Additional awnings and screened areas are proposed within the 20m setback, including the roofed forecourt area provided to Building B (setback 13.59m) and the attenuation screening provided around the generator, fuel tank and existing switchboard (setback 4.96m).

Existing Building A is also within the 10m side setback, with a minimum setback of approximately 3.5m from the southern side boundary.

Given this setback is consistent with and maintains the previously approved side setback for this building, it is considered that the reduced setback is suitable, and no known issues have arisen from this setback variation to date.

The proposed new shed in Area C1 achieves a 10m setback from the northern side boundary adjoining 71 Gallans Road and therefore complies with the side setback controls. This shed is also setback more than 20m from the road frontage.

A 2.5m covered structure is proposed within Area C2 for the storage of two pipe racks and six dry bulk bays. The structure is within 10m of the eastern side boundary adjoining 71 Gallans Road, Ballina.

Given this structure is for storage only and is not an area of the site that staff will frequent, it is not considered that the proximity of this structure to the adjoining property will cause unreasonable amenity impacts, such as noise impacts.

As the structure is only 2.5m in height and the proposal includes an adjoining boundary fence of 2.2m high, the structure will not extend far above the proposed fence and therefore the setback reduction is not considered to result in an unreasonable visual impact.

These structures do not result in any additional land use conflict concerns and no further concerns are raised in relation to this variation.

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

None applicable.

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

No issues raised, refer to Attachment 2 for further assessment.

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

**Vegetation Removal**

The proposal involves the removal of native vegetation to accommodate the development on the subject site. An Arboricultural Impact Assessment & Tree Constraints Management Plan, prepared by Treescience and dated July 2023, and a Biodiversity Assessment Report, prepared by AWC and dated 25/01/24, were provided to address the vegetation removal proposed.

The removal of 37 native trees is proposed and a total of 0.23 hectares of mixed native and exotic gardens. 15 of the trees proposed for removal are classified as Lowland Rainforest in the NSW North Coast.

Council’s Environmental Scientist confirmed that the mitigation hierarchy of avoid, minimise, and offset were adhered to in the proposal.

Offset planting is required in accordance with Council’s Biodiversity Compensatory Habitat and Offsets Policy. The total number of offset plantings required is provided in the below table.

Offset Type	Ratio	Tree loss	Total offsets
Very high Biodiversity Value Vegetation	10:1	15	150
High Biodiversity Value Vegetation	5:1	22	110

A Test of Significance (ToS) was also required to be provided given that 15 Lowland Rainforest trees (comprising part of a Threatened Ecological Community (TEC)) were proposed for removal. Council’s Environmental Scientist provided the following comments in this regard:

*The revised ToS identified that 15 remanent trees aligning to this TEC would be removed. Due to the isolated nature of these trees it was deemed that this will not significantly reduce the quality and integrity of the remaining TEC on site.*

Council’s Environmental Scientist also confirmed that they were satisfied that the ToS demonstrated that no serious or irreversible impacts would result from the development to fauna species protect under the Biodiversity Conservation Act.

Further comments relating to flora and fauna are provided in Attachment 2.

**Intersection Upgrades**

The proposal was supported with a Traffic Impact Assessment which assessed the existing traffic and road network and any impacts from the proposed development.

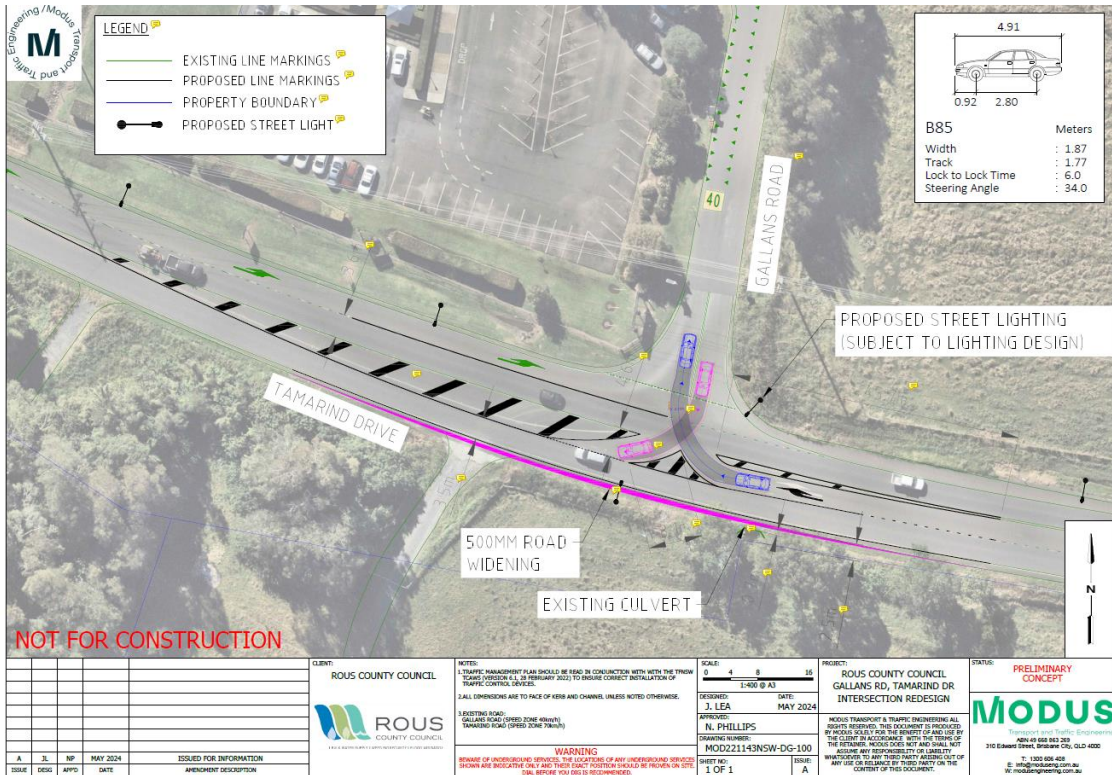
For the Tamarind Drive/ Gallans Road intersection it was shown in the modelling that the existing intersection lacked capacity for the proposal. To



**8.2 DA 2023/343 - Public Administration Building - Gallans Road, Ballina**

address this matter, an intersection upgrade is proposed via a 'seagull' intersection treatment (Figure 4).

This concept 'seagull' design has been the subject of a Road Safety Audit (RSA). The RSA has identified some high risks in the concept design which appear to be matters that can be addressed at the detailed design phase.



**Figure 4 – Proposed Intersection Design (Source: Road Safety Audit by MODUS)**

The RSA identified the current speed limit at the intersection as a high-risk factor in the concept design and recommended the speed zone be reduced from 80km/h to 60km/h as part of the seagull intersection treatment.

Speed zones are determined by Transport for NSW and not Council.

Therefore, dealing with this risk factor is beyond the immediate control of Council and any amended RSA would need to have consideration for this.

In response to the concerns raised regarding the high-risk factors it is recommended that a detailed design for the intersection be required along with a new RSA on that design is provided with the section 138 application that is required for the development to undertake works within the road reserve.

If the RSA on the detailed design identifies any high-risk features in the design, these must be redesigned to ensure all items in the RSA area reduced to have a low-risk rating.

Appropriate conditions will be imposed on the consent addressing the requirement for upgrade of the intersection and associated design outcomes (in the event the development is approved).

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

The site has been assessed as suitable for the proposed development. The proposal is compliant with the relevant provisions of the LEP and DCP that apply to the land.

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

A single confidential submission was received, and it is considered that the matters raised have been addressed within the section 4.15 assessment provided under Attachment 2.

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

The proposal provides a development which is consistent with the objectives if the RU2 Rural Landscape zone and land uses which are permissible within the zone.

The proposed public administration buildings and depot will provide for ongoing operations of the public authority to service the community.

The development is consistent with the built form of existing development on the site and majority of the site will remain undeveloped. The variation to the maximum building height is appropriate in this instance due to the site characteristics.

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

**Conclusion**

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

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

*Option 1 – Grant consent to the application*

Council can approve the development application for the change of the use of the rural industry to a public administration and depot and associated works, subject to application of conditions foreshadowed in the section 4.15 assessment as well as standard planning, environmental health, environmental science, civil, and building conditions for this type of development.

This would be on the basis that the Council is satisfied that the proposal has demonstrated that the objectives of the zone and objectives of the building height standard will be achieved despite the variation to the maximum building height.

*Option 2 – Refuse the application*

Council could determine the application by way of refusal for specified reasons.

Reasons for refusal could relate to the departure from the maximum building height being considered excessive and/or the proposal being deemed inconsistent with aspects of the planning framework and inconsistent with the objectives of applicable standards or the objectives of the zone.

Option 1 is recommended based on the contents of this report.

**RECOMMENDATIONS**

1. That Council assumes the concurrence of the secretary of the Department of Planning, Infrastructure and Environment and endorses the proposed variation to Clauses 4.3 – Height of Buildings and 4.3A – Exceptions to Building Heights under Clause 4.6 of the Ballina Local Environmental Plan 2012 to enable a maximum building height of RL 19.035m AHD being 8.535m or 81.2% above the maximum building height for the reasons outlined in this report.
2. That Development Application 2023/343 for the change of use from Rural Industry to Public Administration Building and Depot with associated demolition, building and civil works and earthworks at 57 Gallans Road, Ballina be **APPROVED** subject to application of conditions foreshadowed in this report and the section 4.15 assessment report in Attachment 2 as well as standard planning, engineering, environmental health, environmental science, trade waste and building conditions for this type of development.

**Attachment(s)**

1. DA 2023/343 - Locality Plan [⇨](#)
2. DA 2023/343 - s4.15 Assessment Report [⇨](#)
3. DA 2023/343 - Proposal Plans [⇨](#)
4. DA 2023/343 - Confidential Submission (Under separate cover) [⇨](#)

### **8.3 Ballina Shire DCP 2012 - Cumbalum Precinct B - Amendments**

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### **8.3 Ballina Shire DCP 2012 - Cumbalum Precinct B - Amendments**

<b>Section</b>	Strategic Planning
<b>Objective</b>	To report on the submissions to the public exhibition of amendments to Chapter 3 of the Ballina DCP - Cumbalum Precinct B and recommend adoption of an amended DCP.

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#### **Background**

At the 24 April 2024 Ordinary meeting, Council considered a report on proposed amendments to section 5.5 of chapter 3 of the Ballina Development Control Plan (DCP) relevant to Cumbalum Precinct B (CURA B) at Kinvara.

Council resolved to endorse the draft amendments for public exhibition.

Section 5.5 of chapter 3 of the DCP contains CURA B area specific objectives, development controls and several plans including a structure plan, mobility plan and staging plan.

That is, there are existing DCP provisions in place that relate to the existing residential zoning of the CURA B release area.

The amendments to section 5.5 were proposed in response to a request submitted by the development proponents on 2 February 2024 and followed several meetings with Council staff during 2023 to review key technical issues and the overall master planning of CURA B.

Ongoing technical investigations by the proponents and review of overall master planning for the urban release area supported changes to key aspects of the subdivision layout that should be reflected in the Structure Plan and other DCP provisions before or in conjunction with lodgement of the first development application for a future proposal.

A DA pre-lodgement meeting occurred in mid-February to review a proposal for the stage 1 development application of around 300 lots.

Four main changes were proposed to the CURA B DCP focused on the north-eastern precinct, where stage 1 of the development is planned.

The four key changes were:

- Relocation of the commercial centre to a more central location in the north-east precinct,
- Reconfiguration of the road network and associated earthworks,
- Relocation of stormwater detention basins,
- Significant earthworks.

These changes were shown on the plans that form part of the current CURA B DCP, including the Structure Plan and Staging Plan in Figures 1 and 2, as follows.



## 8.3 Ballina Shire DCP 2012 - Cumbalum Precinct B - Amendments

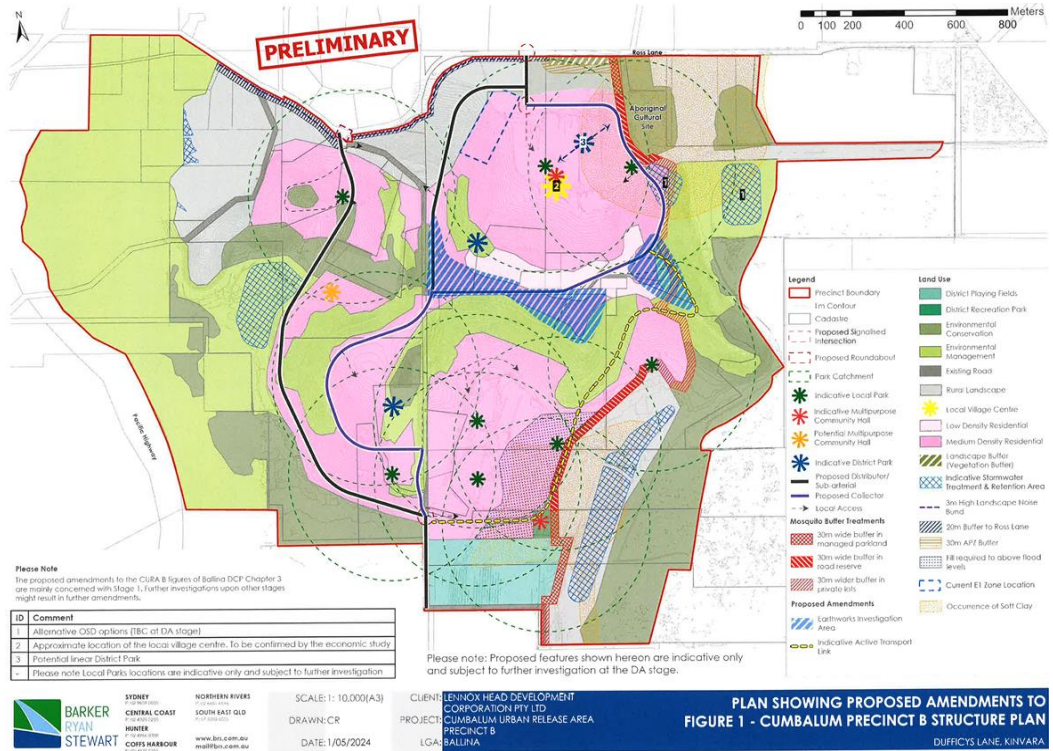


Figure 1: Draft Changes to CURA B Structure Plan

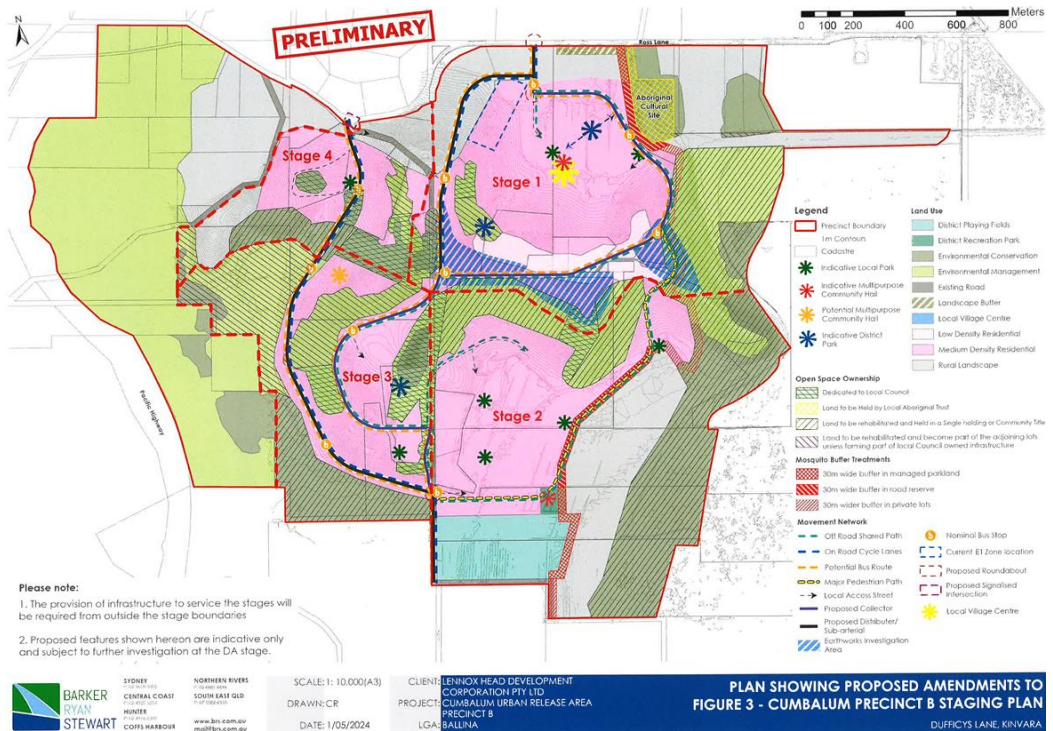


Figure 2: Draft CURA B Staging Plan

### **8.3 Ballina Shire DCP 2012 - Cumbalum Precinct B - Amendments**

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Staff also took the opportunity to fine tune and update some of the provisions in the DCP to reflect contemporary practice.

The draft amendments to chapter 3 were placed on public exhibition initially for a period of 28 days from 6 May to 3 June 2024, with an extension to 17 June 2024 after requests from submitters.

In response, 23 submissions were received from the community and two from State agencies.

A summary of the issues raised in submissions is provided in this report with staff responses and recommendations for change where required.

A copy of all submissions is included as Attachment 3.

The report recommends that the draft DCP contained in Attachment 1 is adopted for implementation.

#### **Key Issues**

- Drainage, relocation of stormwater detention basins and flooding
- Road network changes
- Bulk earthworks
- Role of the DCP

#### **Discussion**

##### Community and State agency feedback

During the public exhibition period from 6 May to 17 June 2024, 23 written submissions from the community, two State agency submissions and 13 online feedback forms were received.

One of the State agency submissions was received outside the public exhibition period.

The approach to inviting community feedback is set out in the community engagement section of this report.

Attachment 2 to this report contains a summary of results obtained from the online feedback forms.

Attachment 3 contains a copy of all submissions received.

Tables 1 and 2 provide a summary of the issues raised by community members and State agencies along with staff responses and recommendations.

**Table 1: Summary of public submissions with staff response**

Summary of feedback	Staff Responses
<p><b>Feedback form questions</b></p> <ul style="list-style-type: none"> <li>• In response to the question, ‘<i>was the document easy to read and understand</i>’, 11 respondents said yes and 2 said no.</li> <li>• In response the question, ‘<i>do you support the overall objectives and content of the document</i>’, 9 respondents said no, 3 said yes and 1 was neutral.</li> <li>• The remainder of responses on the feedback form are summarised in the rest of this table.</li> </ul>	<p>Responses to the feedback form questions are noted.</p>
<p><b>Stormwater, flooding, and groundwater impacts</b></p> <ul style="list-style-type: none"> <li>• Decisions in 2024 should consider recent weather events. The March 2022 event exceeded previous flood levels and had significant impacts. Stormwater management, groundwater protection, and use of flood plains should be reconsidered.</li> <li>• Concerns about the density and large scale of the development and increased run off/ drainage on wetlands on North Creek and Deadman Creek Roads. Buffers suggested for water absorption.</li> <li>• Currently, water soaks into the land and disperses slowly. The creation of hard surfaces (roads, roundabouts, buildings, etc.) will concentrate water runoff, preventing natural absorption.</li> <li>• Further study should occur to develop a canal or drain to direct water southeast into North Creek, allowing it to flow directly to the ocean.</li> <li>• Discharging stormwater through sensitive areas like the Ballina Nature Reserve could negatively impact the environment and nearby properties. A comprehensive stormwater management plan should be developed.</li> <li>• There are existing water backup problems on Ross Lane and inadequate drainage on Newrybar Swamp Road, which affects properties on its western side.</li> <li>• All runoff from the development should be contained within the site and then directed away from Ross Lane.</li> <li>• The staff report suggests that stormwater should not be directed to Ross Lane due to its current flooding issues. However, the relocation of OSD basins would direct all stormwater to Drain Line C.</li> <li>• Concern about the relocation of storm water retention ponds related to property south and east of Ross Lane. They may not function as intended due to the area's proneness to flooding. Provide alternative basin locations and discharge options in the revised Structure Plan.</li> <li>• There is no evidence the proposed retention ponds will positively affect Ross Lane, preserve agricultural land, or mitigate losses to livelihood. The proposed area for the basins is inadequate for the current catchment area, which is consistently inundated with water.</li> <li>• The drainage system cannot manage increase in flow, and there is no consideration for the impact on downstream residents and primary producers.</li> </ul>	<ul style="list-style-type: none"> <li>• An updated Ballina flood study will be finalised this year. Flood events such as occurred in 2022 are used to calibrate and validate the flood model that informs flood planning levels. BMT has had data loggers in this area for some time including the 2022 event. This can be considered as part of any future development application.</li> <li>• Flooding, stormwater conveyance, ecological flows and drainage constraints on the site and surrounding areas are well established and have been a major discussion point during the master planning process with the proponents. These known challenges will have to be addressed to the consent authority's satisfaction before development proceeds.</li> <li>• Natural flow paths have been heavily modified onsite by previous landowners, sometimes without approval and with impacts on neighbouring properties, public infrastructure, or ecological flows.</li> <li>• The development cannot mitigate flooding in the area in general. It can only mitigate its own impact.</li> <li>• Development can increase runoff hence detention is required to mitigate the impacts.</li> <li>• The legal points of discharge from the site are Deadmans Creek and NR1. Existing discharge locations other than Deadmans Creek cannot be used.</li> <li>• Full hydrological and flood modelling will be required to demonstrate no adverse impacts to downstream properties and ecology. Modelling results and stormwater management plans submitted with the development application will be reviewed by Council for compliance with the relevant planning provisions. It is understood the proponent is currently undertaking these assessments. As this outcome is not yet finalised it is recommended that the Structure Plan is amended to remove the stormwater retention areas.</li> <li>• It is appropriate that the detailed modelling and further analysis occurs at the DA stage.</li> <li>• Additional hard stand areas created by the roundabout are minimal compared to the development footprint, which will be accounted</li> </ul>

Summary of feedback	Staff Responses
<ul style="list-style-type: none"> <li>• Potential increase in hard surface water runoff from the proposed roundabout along Ross Lane, especially at the foot of the hill, which is not accounted for in the hydrologist's report.</li> <li>• The drainage system is already inadequate, leading to backups during rain events. Problem is exacerbated by the council's raising of Newrybar Swamp Road, which aligns with nearby resident's house floor height.</li> <li>• The current proposal to collect stormwater after it leaves the property is seen as problematic due to tide influence. Existing spring soaks or wet areas at the bottom of the hill should be utilised to manage stormwater on-site.</li> <li>• How can the developer demonstrate no adverse impact on adjacent properties from increased stormwater for a 2,500 lot subdivision over 10+ years.</li> <li>• The current drain, NR1, is inadequate. The retention ponds are designed to hold water for three days before releasing it into NR1, but heavy rain can cause NR1 to flood for up to 2 weeks. This could push water back upstream into Deadmans Creek and private land.</li> <li>• NR1 has only one flood gate (Gate ID 5800) that opens during low tide. How will this system be maintained to prevent flooding of adjacent properties.</li> <li>• Richmond River Floodplain Prioritisation Study (2023) identifies NR1 as a vulnerable risk. BMT reports highlight several challenges including the inadequate capacity of NR1.</li> <li>• The plan for managing water flow away from Ross Lane and into the North Creek system, with only one existing drain line (C (NR1)), is unclear.</li> <li>• There are no modifications to drain lines through NPWS areas. The identified groundwater impacts affect both drain line C (NR1), which impacts biodiversity values, and the greater Newrybar Swamp system, both upstream and downstream.</li> <li>• Drain line C (NR1) should be preserved in the DCP as an agricultural drainage channel, including removal of illegal drains.</li> <li>• Subject development to staged verification of stormwater, flooding, and drainage impacts, with post-development monitoring funded by the developer.</li> <li>• Concerns about the significant long-term impact on groundwater. There should be specific provisions addressing this issue.</li> </ul>	<p>for in the stormwater modelling and management reports.</p> <ul style="list-style-type: none"> <li>• Flood and stormwater modelling is conducted on the fully developed state of the site and flow control devices sized accordingly.</li> <li>• Newrybar Swamp Road was raised some years ago just north of 23 Newrybar Swamp Road due to constant inundation and to assist with quarry vehicle movements. The road culvert arrangement has 3 large pipes and the road level is approximately the same as the floor level for no. 23. The property has been inundated multiple times. Further modelling was undertaken to explore options to address the issue. Council resolved not to undertake any works due to downstream impacts and cost. However, the issue will be considered again in future modelling connected to the raising of Ross Lane.</li> <li>• Tidal influence will be included in the modelling. Infiltration areas will need to be provided in areas away from low- lying, high-groundwater areas.</li> <li>• Rous County Council currently maintains NR1. A complete maintenance regime agreed to by NPWS including NR1's maintainable profile will be required and NR1 will require maintenance preservation in accordance with this agreed regime.</li> <li>• A note in the DCP requires proposals to assess the feasibility of restoring natural flow regimes associated with Deadmans Creek. This may result in removal of blockages, which will aid in stormwater conveyance.</li> <li>• Clauses under Element B of the DCP require pre and post development monitoring of downstream stormwater and groundwater impacts.</li> </ul> <p><u>Recommendations</u></p> <p>The following changes to the DCP are recommended:</p> <ul style="list-style-type: none"> <li>• Amend the Structure Plan to remove all stormwater and retention areas. This makes it clear that the mitigation measures are yet to be confirmed. The community will have the chance to review these proposals when the DA is on public exhibition.</li> <li>• Amend provisions to expand on and make explicit the criteria that must be met by the proposed development, including no significant adverse impact on flooding and ecology and downstream land and land use, including agriculture.</li> </ul>
<p><b>Filling on the floodplain</b></p> <ul style="list-style-type: none"> <li>• Opposition to filling flood plains with soil 4-6m deep, given existing water problems in Ross Lane and Deadman's Creek. Filling flood plains is inappropriate and poses a risk of displacing water to new locations. Filling the foot of the hill by 6 meters will concentrate water flow to a single point,</li> </ul>	<ul style="list-style-type: none"> <li>• The land is zoned for residential development. Fill is required to ensure floor levels are above flood planning level. Filling and any associated flood displacement will be addressed in the flood modelling required to demonstrate no adverse impacts to downstream properties.</li> </ul>



### 8.3 Ballina Shire DCP 2012 - Cumbalum Precinct B - Amendments

Summary of feedback	Staff Responses
<p>increasing flood risks and diminishing drainage capacity elsewhere along Ross Ln.</p> <ul style="list-style-type: none"> <li>• Alternative methods that prioritise floodplain preservation and resilience, comprehensive hydrological assessments, and sustainable development practices are advocated.</li> <li>• Using fill poses unacceptable risks to the floodplain and its associated ecosystems. Sustainable land-use practices that protect natural landscapes and ensure long-term resilience against flooding events are urged.</li> <li>• Ross Lane already struggles with frequent flooding. The surrounding paddocks are swampy due to a high-water table and consistent rain. The area is not suitable for extra development without a proper plan to manage water.</li> <li>• Development on flood-prone areas is opposed. It may make existing flooding worse. While housing is needed, increased flood risks to farms cannot be supported.</li> <li>• Section 5.5 could better address flooding risks associated with the CURA B development.</li> <li>• The NSW Government's updated flood risk planning guidelines stress the need for a risk-based approach to flood-affected proposals.</li> </ul>	<ul style="list-style-type: none"> <li>• Flooding impacts are to be assessed as part of the flood model and independently verified. The development cannot prevent flooding of low-lying areas it can only mitigate the additional impacts the development has on flooding.</li> <li>• Refer to the discussion above for recommended change to the DCP that provides additional criteria to be addressed to address and respond to adverse impacts.</li> <li>• Council's LEP and Floodplain Management DCP (chapter 2B) address flood risks for any flood prone land and are based on risk-based approach. Both documents will be considered in the assessment of future development applications.</li> </ul>
<p><b>Traffic management and impact</b></p> <ul style="list-style-type: none"> <li>• Respondent supports the design but opposes traffic management plan. Proposes construction of a new road parallel to the Pacific Highway and then from Dufficys Lane to Sandy Creek Road and then to Ross Lane. Suggests channelling traffic from the residential development to the new road instead of Ross Lane. If traffic must use Ross Lane, proposes a noise barrier wall along its North side.</li> <li>• Object to: <ul style="list-style-type: none"> <li>➢ signalisation of Ross Lane and Dufficys Lane intersection due to light pollution.</li> <li>➢ two-lane arterial roundabout due to lack of detailed design and significant earthworks.</li> <li>➢ split zoning of 21 McLeish Road as it does not relate to the 20m buffer to Ross Lane.</li> <li>➢ 3m high Landscape Noise Bund due to lack of design details and unclear noise attenuation benefits.</li> <li>➢ alignment of Central Proposed Distributor/ Sub-Arterial Road due to significant earthworks impacting visual amenity.</li> </ul> </li> <li>• Concerns about impact on maintaining farming practices, operating machinery, crossing cattle, and allowing semi-trailer access via Ross Lane. Safe property access and accommodating heavy vehicle traffic must be ensured. Traffic volume projections for 10,514 vehicles per day by 2036, significantly underestimate the figure by the time the development is completed.</li> <li>• Amendments are suggested including:</li> </ul>	<ul style="list-style-type: none"> <li>• The site is heavily constrained by grade and topography. The proposed amended road network responds to these constraints to comply with grade requirements including for safe bus routes.</li> <li>• The DCP does not specify signalisation. However, the legend on the Structure Plan indicates there is a proposed signalised intersection. This should be deleted. It is also unlikely signalisation would be supported by Transport for NSW.</li> <li>• Detailed design of roads will be required as part of the development application. Topography, grade constraints and anticipated traffic dictate the need for significant earthworks and the roundabout in the absence of signalisation.</li> <li>• The Structure Plan nominates a 20m buffer to Ross Lane. It is not clear how this affects the split zoning of 21 McLeish Road, which has been in place for some years.</li> <li>• Council staff consider there is utility in the western distributor road as it will provide access to the north-western residential zoned parts of the precinct and a link around the edge of the future developed area.</li> <li>• Upgrade of Sandy Flat Road is included in Council's roads developer contributions plan.</li> <li>• There may be merit in a local access road to McLeish Road in stage 4 of the development. This detail has not been resolved at this stage but can be addressed as the staged development of the land occurs.</li> </ul>

### 8.3 Ballina Shire DCP 2012 - Cumbalum Precinct B - Amendments

Summary of feedback	Staff Responses
<ul style="list-style-type: none"> <li>➤ A single eastern distributor/sub-arterial road connecting Ross Lane to Cumbalum B.</li> <li>➤ Removal of western distributor/sub-arterial road as it bisects an environmental conservation area and offers little benefit.</li> <li>➤ Upgrading Sandy Flat Road to connect Tamarind Drive to Cumbalum B.</li> <li>➤ Realignment of Ross Lane to improve safety and reduce accidents.</li> <li>➤ Connect stage 4 Local Access Road to McLeish Road for better local traffic management.</li> <li>➤ Ensure streetlight designs minimise light pollution.</li> </ul>	<ul style="list-style-type: none"> <li>• Lighting will be considered as part of any future development application, but it is important to recognize that CURA B is a planned urban area and as such there will be a change in the landscape in this area should the development proceed.</li> </ul>
<p><b>Pedestrian Safety</b></p> <p>Concerns about accidents on Ross Lane. Proposal to straighten Ross Lane to improve safety. Critical of the current focus on vehicular traffic without considering pedestrian, cycle, or bus safety.</p>	<ul style="list-style-type: none"> <li>• Figure 2 in the DCP provides the proposed Mobility Plan that nominates bus routes, pedestrian, and cycle paths. External to the site, a shared path for pedestrians and cyclists from Ross Lane to Lennox Head has been partly constructed. The development of CURA B will be required to connect to this path.</li> <li>• Bus safety has been considered in the location of the arterial route through grade compliance.</li> </ul>
<p><b>Significant earthworks</b></p> <ul style="list-style-type: none"> <li>• Proposed significant earthworks adjoining Scanlan Lane would lower the ridge line, thereby lowering the road reserve by approximately 3 metres in one location. This will impact privacy and overall amenity of some properties on Scanlan Lane.</li> <li>• Earthworks will cause significant dust, potential runoff, machinery noise and traffic making living conditions intolerable.</li> <li>• Changes will negatively affect the appearance of the ridge line landscape. The ridge is part of the natural landscape, providing beauty and property value. Its destruction benefits developers at the expense of residents. Council should push for alternatives that respect natural topography and neighbouring properties.</li> <li>• Material removed from the ridge intended to fill a wetland area adjacent to Ross Lane may have significant environmental impacts and exacerbate existing drainage problems, making Ross Lane inaccessible during wet periods.</li> <li>• Potential impacts on stormwater drainage and retaining structures could affect properties in Scanlan Lane.</li> <li>• More detailed reports needed to understand the full extent of the works, their impact &amp; mitigation measures.</li> <li>• Lowering the road height on Scanlan Lane would make access to properties impossible due to steepness and destroy gardens.</li> <li>• Some homes would no longer get protection from southerly and westerly storms if the ridge or Scanlan Lane were altered.</li> </ul>	<ul style="list-style-type: none"> <li>• The Structure Plan shows indicative earthworks investigation areas along Scanlan Lane. Preliminary earthworks plans showing the potential extent of cut and fill were also provided. These indicate potential cut along parts of the northern side of Scanlan Lane of between 2-6 metres and between 2 to 18 metres on part of the southern side of Scanlan Lane.</li> <li>• If the earthworks indicated proceed, it is agreed they will affect the ridge line landscape as well as nearby properties, especially during construction. Impacts during construction can be managed through conditions on any DA approval.</li> <li>• It is also acknowledged that lowering the hill on the southern side may affect the amenity and weather protection for some properties immediately north of Scanlan Lane.</li> <li>• The potential flood and drainage impacts of filling the land are discussed in the first section of this table.</li> <li>• The earthworks are proposed to allow roads to achieve acceptable grades and address topography constraints as well as to provide fill on the flood prone parts of the land. The alternative is for fill to be obtained external to the site which will result in significant impacts on the wider road network. Additionally, there are no known existing quarries with the capacity to meet the fill requirements.</li> <li>• More detailed reports will be required with the development application.</li> <li>• Fill material will be required to be a suitable soil type to maintain hydrological regimes.</li> </ul>

### 8.3 Ballina Shire DCP 2012 - Cumbalum Precinct B - Amendments

Summary of feedback	Staff Responses
<ul style="list-style-type: none"> <li>Should require fill material to be consistent with the underlying material and have no visual impact on the escarpment.</li> </ul>	<p><u>Recommendation</u></p> <p>It is recommended that earthworks investigation areas are removed from the Structure Plan as it implies certainty of outcomes that need further detailed investigation.</p>
<p><b>Flora and fauna impact</b></p> <p>Need to recognise the site as habitat for Brolga and koalas and require comprehensive conservation strategies for these species.</p>	<p>The DCP does recognise the presence of Brolgas with a requirement for stormwater management design to <i>consider opportunities</i> to protect and enhance the foraging habitat of Brolgas. This could be strengthened / clarified.</p> <p>There is some secondary koala habitat within the CURA B footprint. However, there is no need for separate provisions in this chapter of the DCP as chapter 2, section 3.3A contains appropriate controls.</p> <p><u>Recommendation</u></p> <p>It is recommended that Element C clause xxiv is amended so that stormwater management design <i>ensures</i> foraging habitat of Brolgas is protected and enhanced.</p>
<p><b>Other Issues</b></p> <ul style="list-style-type: none"> <li>Concerns about excessive development and growth in the area.</li> <li>Critical of planning process and infrastructure in Lennox Head.</li> <li>Request for 70 Scanlan to be rezoned to medium density, consistent with adjoining properties, instead of partial low-density.</li> <li>The plan places residential areas close to commercial farming operations, leading to potential land use conflicts.</li> <li>Several cultural heritage sites, including old dairy bales and historical drainage infrastructure, are not addressed in the DCP.</li> <li>Potential contamination from a historic cattle dip site, known to contain arsenic, has not been assessed.</li> <li>Reference to a recent aerial photo describing a new road passing directly through the middle of the submitter's residence in Sandy Flat Road.</li> <li>Propose relocating district playing fields to minimise drainage issues and traffic impacts.</li> <li>Propose expanding Cumbalum Precinct B north of Ross Lane.</li> <li>Propose co-locating community facilities with a primary school for better community engagement and infrastructure investment.</li> </ul>	<ul style="list-style-type: none"> <li>Concerns about development and planning process are noted. The land is a planned urban area that is zoned for residential and employment uses. The rezoning of the land was subject to rigorous technical assessment.</li> <li>Chapter 2 of the DCP (Part 3 section 3.1) requires land use conflict risk assessments to assess and address potential conflicts. It is not necessary to replicate these controls in the site-specific provisions for CURA B.</li> <li>Heritage assessments of urban release lands are generally undertaken when the land is rezoned. These sites are not included in the Ballina LEP as items of heritage significance.</li> <li>A contamination assessment of the entire site occurred prior to the land being rezoned. The dip site was decommissioned in 1997.</li> <li>The road does not pass through the residence. Submitter contacted to confirm.</li> <li>District playing fields are indicative on the Structure Plan. Drainage and traffic impacts will be managed through the development application process.</li> <li>Expanding CURA B would first require a Planning Proposal to rezone the land.</li> <li>Location of a primary school is not part of the DCP consideration.</li> </ul>

#### *State agency submissions*

Submissions from two State agencies are summarised in Table 2.

In addition, following referral by a local resident, Transport for NSW advised Council that there was no trigger for the agency to respond to the proposed amendments to the DCP.

**Table 2: Summary of State agency submissions with staff response**

Summary of feedback	Staff response
<b>Richmond River Area, NSW National Parks and Wildlife</b>	
<ol style="list-style-type: none"> <li>1. Relocating the stormwater retention basins away from Ross Lane to direct stormwater into Ballina Nature Reserve raises concerns about potential negative impacts on biodiversity in the reserve and the broader Newrybar Swamp system, both upstream and downstream.</li> <li>2. One site under consideration appears to encroach into the wetland proximity zone, contradicting the DCP Amendment Report and suggesting a need to modify the relevant planning documents.</li> <li>3. NPWS expects the DA for Stage 1 residential subdivision to include a comprehensive environmental assessment, particularly focusing on impacts to the reserve.</li> <li>4. While Council will be the consent authority, the DA will also be assessed by the Department of Climate Change, Energy, Environment, and Water (DCCEEW), especially regarding groundwater-dependent ecosystems and other wetland communities.</li> <li>5. NPWS requests to be notified and given the opportunity to comment on the DA.</li> </ol>	<ol style="list-style-type: none"> <li>1. Stormwater flows down NR1 and through the BNR regardless of where the basins are located. Discharge to Ross Lane still ends up in NR1. If NPWS understood this and agreed to works along NR1 by improving conveyance capacity it would greatly assist in preventing those “potential negative impacts”.</li> <li>2. Preliminary earthworks plans showing the potential extent of cut and fill were provided by the proponents. One of the plans indicates a retention basin option 1 (also shown on the Structure Plan) that may encroach on the coastal wetland proximity area. Staff share concerns about this option and recommend that it is removed from the Structure Plan.</li> <li>3. This is also Council’s expectation reflected in the DCP.</li> <li>4. The consent authority is likely to be the Regional Planning Panel. However, it is agreed that future relevant DA’s should be referred to the DCCEEW.</li> <li>5. Notification of the DA to adjoining landowners, including NPWS will occur as part of the DA process for residential subdivision proposals.</li> </ol>
<b>NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)</b>	
<ol style="list-style-type: none"> <li>1. The proposed eastern realignment of the north-south sub-arterial road may create a narrow residential strip between the road and conservation areas, leading to land use conflicts. Recommend retaining road easement in its current location or extend conservation areas to the western edge of the realigned road.</li> <li>2. Proposed changes will encroach on areas for environmental conservation and management. Recommend ensuring changes to infrastructure avoid these areas or provide alternative conservation areas of equivalent size.</li> <li>3. Significant earthworks could adversely affect flooding and water-dependent ecological communities. Recommend requiring cut and fill proposals to demonstrate a neutral or beneficial impact on flooding and drainage.</li> <li>4. The site may be exposed to future tidal inundation due to sea level rise. Recommend including requirements to prevent increased risk of coastal hazards and implement advanced stormwater retention and treatment measures to avoid impacts on water quality and ecosystem health.</li> </ol>	<ol style="list-style-type: none"> <li>1. The arterial / sub-arterial road realignment is proposed to respond to topography constraints and achieve compliant grades for buses. Potential impacts on conservation areas will be managed to minimise adverse outcomes.</li> <li>2. It is intended that development and associated infrastructure / elements do not encroach on environmental management areas. It is proposed to remove stormwater retention areas from the Structure Plan to avoid any implication that these areas are endorsed.</li> <li>3. Clauses xix and xxv address these issues. Also refer to the discussion in Table 1 about these issues and recommendations.</li> <li>4. Consideration of potential future impacts of sea level rise / climate change on receiving environments is included in clause xvii.</li> </ol>

Role of the DCP

Feedback from the community show the main concerns about the potential impacts of the future development on an environmentally and hydrologically sensitive and complex area.

For this reason, submitters are understandably seeking greater certainty and more detailed information.

However, this detail is generally not provided in a development control plan.

The role of DCPs is to set out the requirements that development must address. The DCP identifies and highlights key issues and how these need to be addressed.

In the case of CURA B, the site is subject to the typical DCP provisions for the shire (including those for stormwater and flooding) as well as specific provisions for the urban release area that are applied to provide further direction for future development on the land.

Detailed on-site investigations, results and proposed mitigation measures are provided with development applications to demonstrate how those requirements are to be met. Development applications will be publicly exhibited, and the community will have further opportunity to comment on the detail.

Summary of recommended amendments to the draft DCP

For ease of reference recommended post exhibition changes to section 5.5 of chapter 3 of the DCP are outlined in Table 3.

These changes are largely in response to the concerns raised by submitters and State agencies summarised in Tables 1 and 2.

Other minor changes are proposed to provide greater clarity or improved document structure.

**Table 3: Summary of changes recommended to the draft DCP**

Recommended Changes	Rationale
<p>Amend the Structure Plan and, where relevant, all other DCP plans to:</p> <ul style="list-style-type: none"> <li>• Delete the earthworks investigation areas.</li> <li>• Remove all stormwater and retention areas.</li> <li>• Delete proposed Signalised Intersection from the legend.</li> <li>• Remove the mapped mosquito buffer treatment areas.</li> </ul>	<p>Retaining the earthworks investigation areas, stormwater and retention areas and mosquito buffer treatment areas on the Plan implies certainty of outcomes about important issues that are subject to further detailed investigation before locations are confirmed.</p> <p>Removal of the mosquito buffer treatment areas was endorsed by Council at its April 2024 meeting but was overlooked prior to exhibition. Location of buffers along the edge of the development footprint is supported in the provisions in the DCP.</p> <p>The community will have opportunity to review subdivision proposals when future DAs are on public exhibition.</p>
<p>Amend the groundwater clause (now Element B clause xvii) to state:</p> <p><i>Development proposals are to incorporate environmental monitoring measures, to enable</i></p>	<p>The amendments clarify the purpose of environmental monitoring measures, which is to inform subdivision design to ensure that post development mimics pre-development characteristics and establish the measures that</p>

### 8.3 Ballina Shire DCP 2012 - Cumbalum Precinct B - Amendments

Recommended Changes	Rationale
<p><i>staged pre- and post-development monitoring of downstream stormwater impacts at key stages in the development process. This is to include pre-development groundwater and surface water monitoring to allow benchmarking of the pre-development hydrological regimes and associated downstream groundwater dependent ecosystems / species. The monitoring program will be used to inform subdivision design to ensure post development mimics pre-development characteristics and to establish whether subsurface infiltration devices will be required to ensure groundwater dependent ecosystems / species are not impacted by the development. The location of pre and post water quality, surface and groundwater monitoring points are to be determined in consultation with the Council, prior to the placement of monitoring equipment.</i></p>	<p>will be required to ensure groundwater dependent ecosystems / species are not impacted by the development.</p>
<p>Amend Element C clause xxiv to read: <i>Stormwater management design is to ensure the foraging habitat of the Brolga (Grus rubicunda) is protected and, if appropriate, enhanced.</i></p>	<p>The revised wording reflects the intention of the DCP to protect Brolga habitat.</p>
<p>Amend Element B clause xviii to read: <i>Development is to address the development standards relating to stormwater management set out in Chapter 2 of the Ballina DCP. Additionally, it shall be demonstrated that changes to the natural or pre-development runoff volume, peak discharge rate, frequency, duration, and velocity of stormwater by development and associated stormwater systems will be managed to ensure no significant adverse flooding or ecological impacts (both surface water and groundwater) on downstream land, land use and receiving systems. Stormwater runoff shall not be concentrated or diverted in a manner that causes any significant adverse flooding impacts, damages or nuisance to any downstream persons, public property, or private property. The assessment shall include consideration of potential changes in stormwater flows due to sea level rise and/or climate change on the receiving environment.</i></p>	<p>The clause currently references the controls for stormwater management in chapter 2, which are general for all developments. The change recognises the unique characteristics of the site and surrounding environment by expanding on and making explicit the criteria that must be met by the proposed development, including no significant adverse impact on flooding and ecology and downstream land and land use, including agriculture.</p> <p>Consideration of potential future impacts of sea level rise / climate change on receiving environments is also included in response to a recommendation made by the DCCEEW.</p>
<p>Text editing</p>	<p>Minor editing to renumber clauses, delete duplication, provide greater clarity and reflect updated legislation.</p>

#### Delivery Program Strategy / Operational Plan Activity

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

#### Community Engagement Strategy

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

- Correspondence to adjoining landowners and residents
- Media release
- YourSay newsletter to users in the surrounding areas
- Project on Council's Your Say webpage with an online feedback form

The online feedback form was hosted on the webpage from 6 May to 17 June 2024.

During public exhibition the draft Chapter 3 DCP amendments webpage had 50 visits with 13 responses via the feedback form. Discussion on submissions received is detailed in previous sections of this report.

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

The processing of this DCP amendment request has been met within existing resources, including through the receipt of the DCP amendment fees from the proponent.

#### **Options**

The following options are presented for Council's consideration:

##### *Option 1 – Finalise the DCP amendment*

Adopting the proposed amendments to chapter 3 of the Ballina DCP as described in this report is the recommended option for the following reasons:

- Draft changes have been publicly exhibited and submissions from adjoining residents, the broader community and State agencies considered,
- Changes have been recommended to the draft amendments in response to submissions as detailed in this report,
- The proposed changes provide for an improved assessment framework for future development applications based on contemporary information relating to the site and extensive master planning undertaken by the proponent.
- If the changes are not adopted, the proponents can submit a development application that will be assessed under the existing DCP, which doesn't reflect amendments supported on technical and planning grounds.

Importantly, adoption of the revised DCP is not approving or pre approving a development application.

The purpose of the DCP is to set out the development objectives and outcomes to be achieved by a development proposal.

##### *Option 2 – Do not adopt the proposed DCP amendments*

This option is not recommended as a DCP that more accurately reflects current intentions for the site and updated technical investigations is expected to achieve better outcomes and provide greater transparency for the community.

### **8.3 Ballina Shire DCP 2012 - Cumbalum Precinct B - Amendments**

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#### *Option 3 – Defer the matter to seek further information*

This option is not recommended as the DCP has been publicly exhibited and feedback received has been addressed.

It is important to recognise that a development application for subdivision of the land and residential development can be lodged any time regardless of Council's decision on this DCP amendment.

The implementation of the DCP amendment is recommended as the technical assessment is that it provides for a better framework for assessment of a future DA than the current DCP provisions.

#### **RECOMMENDATIONS**

1. That Council endorses the changes recommended to the publicly exhibited Chapter 3 Section 5.5 of the Ballina Shire Development Control Plan, as detailed in this report.
2. That Council adopts Chapter 3 Section 5.5 of the Ballina Shire Development Control Plan as per Attachment 1 to this report (inclusive of the recommended changes identified in point 1).

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

1. CURA B DCP Chapter 3 - As Amended [⇒](#)
2. Submissions (Community and Agency) [⇒](#)
3. Online Feedback [⇒](#)
4. Confidential Submissions (Under separate cover) [⇒](#)



## **8.4 Ballina Development Control Plan 2012 - Chapter 4 Review**

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### **8.4 Ballina Development Control Plan 2012 - Chapter 4 Review**

<b>Section</b>	Strategic Planning
<b>Objective</b>	To outline proposed amendments to Chapter 4 of the Ballina Development Control Plan 2012 and seek direction on the public exhibition of the suggested updates.

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#### **Background**

This report outlines suggested amendments to Chapter 4 Residential and Tourist Development of the Ballina Development Control Plan (DCP) 2012, which arise from a review of the operation of that Chapter.

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

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

A key focus of the review has been making the requirements and process for preparing and assessing a development application for dwelling houses, secondary dwellings, and dual occupancies easier and simpler.

This is being balanced with neighbourhood amenity, impacts on adjoining properties and liveability and functionality of homes.

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

The review also responds to a Council resolution from the 25 July 2024 Ordinary meeting, to examine lot sizes for dual occupancy development as part of the current review of residential development controls in the DCP, having regard for State Government housing policy (250724/11).

A significant proportion of development applications relate to single dwellings.

Given recent State Government amendments that make dual occupancy development permissible in the R2 Low Density Zone, it is expected that there might be an increase in the number of applications seeking consent for that type of residential development.

The review has, therefore, concentrated on controls applicable to these types of development.

The review has involved internal workshops with Council's development assessment planners, development engineers and strategic planning staff.

Engagement has also been undertaken with industry representatives, including building designers, planners, architects, and project home builders.

From a structural perspective, it is proposed to separate controls for smaller scale housing proposals from those applicable to multiple housing, medium density proposals.

The controls for medium density residential development remain largely unchanged, whereas the controls applicable to single dwellings, secondary dwellings and dual occupancy are reduced, concentrating on key criteria associated with establishing a building envelope that will protect neighbours' amenity and privacy and provide for built form design that is appropriate to the local area and the local climate.

This report describes the suggested amendments to Chapter 4 and recommends that public exhibition to seek wider input into the Chapter review.

### **Key Issues**

- Setbacks, including building height plane
- Solar access and climate appropriate building design
- Landscaping and open space
- Lot sizes for dual occupancy

### **Discussion**

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

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

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

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

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

The recommended revision of Chapter 4 is included as Attachment 1 to this report.

The development controls in section 3 of the updated Chapter are divided into:

- 3.1 Dwelling Houses and Dual Occupancies – key controls that specifically relate to these development proposals;
- 3.2 Secondary Dwellings – controls that are specific to secondary dwellings;

## 8.4 Ballina Development Control Plan 2012 - Chapter 4 Review

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- 3.3 Multi-Dwelling Housing, Residential Flat Buildings – controls specific to these forms of development;
- 3.4 Small Lot Integrated Housing – controls relating to concurrent subdivision of land and erection of dwellings; and
- 3.5 Elements Associated with Residential and Tourist Development – provisions that can apply to all forms of residential and tourist development (e.g. in relation to fencing, earthworks, privacy).

An existing section relating to attached dual occupancy incorporating retention of an existing dwelling (currently Section 3.5) has been simplified and added as an Element into Section 3.1, so that controls relating to dwellings and dual occupancy are consolidated into one section of the Chapter.

The section relating to small lot integrated housing (Section 3.4) is retained unchanged.

The controls relevant to medium density development are largely unchanged from the current version of the DCP, other than a review of minimum lot sizes as per a recent resolution of Council to examine lot sizes for dual occupancy development as part of the current review of residential development controls in the DCP, having regard for State Government housing policy (see discussion below).

### Section 3.1 Dwelling Houses and Dual Occupancy

This section contains the key development controls relating to development applications proposing single dwellings and dual occupancies.

The controls are grouped under the following key design elements:

- Minimum Lot Area
- Setbacks
- Articulation Zone
- Landscaping and Open Space
- Solar Access and Designing for Climate.

As indicated above, existing controls relating to dual occupancy development that retains an existing dwelling are also consolidated into this section.

Key recommendations in the reviewed Chapter are summarised and discussed below:

#### ***Minimum Lot Area for dual occupancy***

At the 25 July 2024 Ordinary meeting, Council resolved to examine the lot size requirements for dual occupancy development.

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

Previously, dual occupancy was permitted in the Ballina LEP 2012 in the R3 Medium Density zone, but prohibited in the R2 Low Density Residential Zone,

## 8.4 Ballina Development Control Plan 2012 - Chapter 4 Review

other than attached dual occupancy in specified properties in Alstonville Wollongbar and Wardell.

In the case of Alstonville and Wollongbar, attached dual occupancies were permitted on lots with an area of 900m<sup>2</sup> or greater, with slopes less than 20%. In Wardell they were permitted on lots 450m<sup>2</sup> or greater.

The recent amendment to the Housing SEPP now means that dual occupancy development, attached or detached, are permitted with development consent in the R2 Low Density Residential zone, over-riding the prohibition in the Ballina LEP.

The SEPP amendments do not specify minimum lot area requirements.

It is appropriate, therefore, that the current Chapter 4 review should include a review of these requirements.

Currently, Table 4.6 of the Chapter sets out the minimum lot area requirements as follows:

Dwelling House	Zones R2 & R3	450m <sup>2</sup> 550m <sup>2</sup> – corner lots
Dual Occupancy	Zone R3	450m <sup>2</sup> – attached 600m <sup>2</sup> – detached
Dual Occupancy (Attached) (Alstonville & Wollongbar)	Zone R2	900m <sup>2</sup> and width of 12 metres at the building line
Dual Occupancy (Attached) (Wardell)	Zone R2	450m <sup>2</sup> and width of 12 metres at the building line

It is recommended that the Table be amended as follows:

Dwelling House	Zones R2 & R3	450m <sup>2</sup> 550m <sup>2</sup> – corner lots
Dual Occupancy	Zones R2 & R3	450m <sup>2</sup> – attached 600m <sup>2</sup> – detached

The intent of the amendments to the Housing SEPP is to encourage greater housing supply and diversity in existing urban areas.

Given the current housing needs, this policy is suitable in the context of Ballina Shire.

It is therefore recommended that these amendments be endorsed for exhibition to facilitate an increase in dual occupancy development in existing urban areas.

### **Setbacks**

#### **Front Setback:**

- It is recommended that front setbacks are reduced from 6m to 4.5m, with a provision allowing for a setback equal to the average setback of dwellings on immediately adjoining properties.

## 8.4 Ballina Development Control Plan 2012 - Chapter 4 Review

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- This will result in new dwellings somewhat closer to the street than currently required, slightly reducing front yard areas which are unused spaces in most circumstances.
- This does not mean dwellings in established areas can move forward to 4.5m from the street in existing areas when sites are redeveloped as existing streetscapes are taken into account by the average setback provision and retention of existing special site-specific setback requirements that are already mapped and applied.
- The 4.5m provision will have most effect in new subdivision areas.
- The front setback change is also balanced by a recommended increase in rear setback (see below).
- Garages and/or carports must be setback 5.5m (allows parking within driveways).
- Corner lots – 3m setback from secondary road (currently 4m)

### Side Setbacks:

- Single-storey dwelling (or ground floor of a two-storey dwelling – 900mm to wall (same as existing)
- Second storey component (building elements above 4.5m in height) – 1.5m from side boundary on northern and eastern elevations and 2.5m on southern and western elevations (currently building envelopes are managed via by a building height plane).
- The difference in setbacks above ground floor on different elevations takes into account an objective to provide for reasonable solar access to adjoining residences (i.e. the 2.5m setback supports solar access to properties on the southern and eastern side of proposed development)

### Rear Setback:

- Dwellings & dual occupancy buildings – 4m to rear boundary for part of the width of a lot (currently can be 900mm for full lot width, plus building height plane)
- Sheds, pools etc – 900mm

The requirement for a 4m rear setback is designed to achieve yard space, some green areas, and a better separation of buildings.

Lot sizes have generally become smaller in new residential subdivisions in the Shire, with lots sizes in the 450m<sup>2</sup>-500m<sup>2</sup> range common.

This is an appropriate response to achieve greater density in existing urban areas. In many of these areas, however, large footprint dwellings have still been constructed, resulting in very little separation between buildings, virtually no rear yards, and a lack of green spaces.

The example illustrated as follows shows the nature of residential development achieved under the current DCP controls within a new residential subdivision with smaller lot sizes.

The proposed combination of rear and side setback recommendations aims to result in outcomes that provide more space between dwellings, particularly at the rear, which would be available for landscaping or play.

## 8.4 Ballina Development Control Plan 2012 - Chapter 4 Review

It is also recommended that the Building Height Plane (BHP) be removed for single dwellings and dual occupancy. This is a plane measured over the site at 45° from a point 1.8m above the side and rear boundaries.

Together with a 900mm side setback, the BHP provided an element of separation between buildings and results in built form that 'steps back' from boundaries with increased height. However, it has proved to be difficult to comply with on sloping sites and there is a high percentage of applications approved with a variation to compliance with the plane.

The approach recommended, with a 900mm setback for ground floor elements increasing to a 1.5m and 2.5m setback for higher elements, is a simpler approach to the stepping back of built form and is more consistent with the setback requirements within the Housing Code for Complying Development (*State Environmental Planning Policy (Exempt and Complying Codes) 2008*).



*Single dwelling development in Skennars Head (source: Google Earth)*

### ***Landscaping and Open Space***

#### Landscaped Area:

- Area required dependent on lot size:

Less than 600m <sup>2</sup>	20% of lot area
600m <sup>2</sup> – 900m <sup>2</sup>	30% of site area
900m <sup>2</sup> +	40% of site area
- Currently 25% of site, regardless of lot area
- At least 50% of the landscaped area must be provided to side or rear of dwelling.

#### Private Open Space:

- No change – minimum of 24m<sup>2</sup> for each dwelling.

### ***Solar Access / Designing for Climate***

- Addition of new objective:

*Ensure dwellings are designed and sited to encourage a balance of solar access (during winter months) and shading (during summer)*

*months) to primary windows and doors of living spaces and external living areas.*

Changes to provisions to simplify and reduce compliance requirements including:

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

Currently, the requirement is for windows of living areas to receive a minimum of three hours direct mid-winter sun.

The current provisions also require a design to ensure three hours of sunlight is retained for the living areas and private open space of adjoining dwellings.

Compliance with the existing provisions has been a key issue in a significant number of dwelling house and dual occupancy proposals over the last few years, with many proposals needing design changes to achieve compliance.

Natural light and mid-winter sun is an important consideration.

The recommended controls attempt to strike an appropriate balance between housing delivery, design flexibility, climate characteristics in the shire, reduced complexity in demonstrating compliance with controls and practical and comfortable living spaces for both new dwellings and adjoining properties.

With respect to adjoining properties, changes in setback requirements for second storeys are intended to provide for reasonable solar access for dwellings to the south and west.

This will be a key aspect of the changes for consideration post any feedback from industry and the community.

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

The proposed amendment to DCP 2012 aligns broadly with the 2024 – 2028 Delivery Program and Operational Plan Outcome HE3.1f – Maintain Local Environmental Plan in that the DCP is a delivery mechanism for the provisions of the LEP.

### **Community Engagement Strategy**

Should Council be supportive of the draft DCP 2012 amendments, they will be publicly exhibited for at least 28 days in accordance with Council's Community Participation Plan and the requirements of the *Environmental Planning and Assessment Act 1979* and associated Regulation.

### Financial / Risk Considerations

The processing of the DCP amendments can be accommodated within existing resources.

### Options

The following options are presented for the Council's consideration.

*Option 1 – Endorse the draft amendments to DCP 2012 for public exhibition.*

This is the recommended option as the proposed amendments will ensure that Chapter 4 of DCP 2012 remains contemporary and reflects recent Council decisions and approaches taken as part of the development assessment process.

Under this option staff will proceed to publicly exhibit the proposed amendments and then a further report will be provided to Council in relation to the adoption of the amendments.

*Option 2 – Decline to progress DCP 2012 amendments.*

This option is not recommended as it will mean that DCP 2012 will not remain contemporary and over time will be less effective as a development assessment tool.

### RECOMMENDATION

That Council undertake the public exhibition of the draft amendments to the Chapter 4 of the Ballina Shire Development Control Plan 2012 as contained in Attachment 1 to this report, in accordance with the *Environmental Planning and Assessment Act 1979* and the associated Regulation.

### Attachment(s)

1. BSDCP 2012 Chapter 4 - Residential and Tourist Development - Draft Revision - Dwelling Houses, Dual Occupancies and Secondary Dwellings  
[⇒](#)



## 8.5 Policy (Review) - Public Art

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### 8.5 Policy (Review) - Public Art

<b>Section</b>	Strategic Planning
<b>Objective</b>	To provide an overview of the outcomes of the public exhibition of Council's revised Public Art Policy and seek direction on finalisation of the policy.

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#### **Background**

Council reviewed the Public Art policy at the June 2024 Ordinary meeting.

The resolution from that meeting was as follows:

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

The policy was placed on public exhibition with a closing date of 31 July 2024. Four submissions were received.

A summary of the matters raised in the submissions is contained in Attachment 1.

The key items raised in the submissions are addressed below and one change is recommended to the policy in response to the matters raised.

#### **Key Issues**

- Whether the policy meets the requirements of Council and current legislation
- Address submissions.

#### **Discussion**

The revised policy document was exhibited for 28 days to allow for public comment.

The exhibition was notified via Council's website and by way of community notices.

Copies of the document were made available at Council's Community Access Points.

Four submissions were received with the following matters raised:

- Include more art industry community representatives on the Public Art Advisory Panel (PAAP)
- Broaden the policy to include ceramics and textiles

## 8.5 Policy (Review) - Public Art

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- General support for public art enhancing community connectivity and need for more public art in Ballina
- Include public art from a diversity of local artists (indigenous / nonindigenous etc.)
- The policy to be more action orientated.

The following considerations or amendments to the policy are recommended in response to the issues raised above.

The Public Art Advisory Panel (PAAP) membership is established in its Terms of Reference (TOR) and reflected in the public art policy.

It currently states that membership include, *“one suitably qualified arts industry representative (locally based with expertise in the arts and available to attend meetings) who is a voting member”*.

It is recommended that the first part of this be changed to read *“at least one suitably qualified arts industry representative....”*.

This gives scope for more than one arts industry representative to be a member.

Comments on the quantity, form and themes of public art in the shire are noted.

It is considered that the policy facilitates increased public art provision and diversity in works.

As the number of public artworks in the shire increases, so too will the variety of art forms and connections to different aspects of our local heritage and culture.

The Public Art policy is not an action plan, but rather outlines the mechanisms for how Council will encourage public art in the shire.

The PAAP provides strategic direction on public art initiatives, oversees the commissioning of public artworks in public areas and provides comments on public art proposals.

More specific actions or priorities for public art could be provided through public art guidelines, which will be considered in the preparation of a Public Realm Strategy for the Shire.

Preparation of the Public Realm Strategy is an action in Council’s Delivery and Operational Plan 2024-28.

Other comments from the submissions are noted. However, they do not warrant changes to the policy.

### Text edit

An additional text edit of the policy was identified by staff post exhibition.

The policy placed on public exhibition correctly stated that the provision of public art by private developments is governed by the section on Public Art in Chapter 2 of the Ballina Shire Development Control Plan (DCP).

## **8.5 Policy (Review) - Public Art**

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However, it also included reference to Council's Fees and Charges regarding public art on private land.

This reference was in error and is recommended for removal.

A copy of the amended policy is included as Attachment 2.

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

The Public Art Policy relates to CSP outcome CC2.1 that aims to create events and activities that promote interaction and education as well as a sense of place.

### **Community Engagement Strategy**

The policy was placed on public exhibition with the closing date of 31 July 2024.

### **Financial / Risk Considerations**

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

Changes to monetary values relating to public art were considered in a separate report to the July 2024 Ordinary meeting regarding the Development Control Plan (DCP) amendments.

Those DCP amendments relevant to public art were endorsed for public exhibition.

### **Options**

Option 1 - Council can adopt the policy as exhibited. This is not the recommended option.

Option 2 - Council can make the amendments as suggested in this report and adopt the revised policy (Attachment 2). This option is recommended as the amendments respond to the submissions received and correct an administrative error.

## **RECOMMENDATIONS**

That based on the contents of the submissions received, as per the contents of this report, that Council adopts the revised Public Art Policy, as per Attachment 2 to this report.

### **Attachment(s)**

1. Policy (Review) - Public - Submissions Summary [⇒](#)
2. Policy (Review) - Public Art - As Amended [⇒](#)

## 9.1 Use of Council Seal

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## 9. Corporate and Community Division Reports

### 9.1 Use of Council Seal

#### RECOMMENDATION

That Council affix the Common Seal to the following document.

US2024/13	<p>12 month licence agreement between Council (in its own capacity and as Crown Land Manager of Reserve 1010068) and Northern Rivers Hang Gliding and Paragliding Club Incorporated, at a statutory minimum rental of \$601.00, over part of Lot 7035 DP1063864 (Crown Land at Pat Morton Lookout, Lennox Head), part of Lot 1 DP1228200 (Crown Land at Pat Morton Lookout, Lennox Head), part of Lot 3 DP573196 (Council Land at Pat Morton Lookout, Lennox Head) and part of Lot 43 DP805356 (Council Land at Headlands Drive, Skennars Head).</p> <p><b>Explanation</b></p> <p>This proposed licence is over both Council owned land and Crown Land managed by Council as Crown Land Manager.</p> <p>The land includes land at Pat Morton Lookout, which is used for recreational hang gliding and paragliding flying activities, and part of the grassed reserve at Headlands Drive Skennars Head (near the Sharpes Beach overflow carpark), used for ground training only.</p> <p>These areas have been used by the Club for many years and is a continuation of the Club's existing recreational sport activities in these locations.</p>
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#### Attachment(s)

Nil

## 9.2 Investment Summary - July 2024

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### 9.2 Investment Summary - July 2024

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

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#### **Background**

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

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

This report has been prepared to confirm the cash and investments held as at 31 July 2024.

This report provides details of the total funds invested, where the investments are held and other related matters, to confirm that Council is complying with Council's Investment Policy and to ensure transparency.

The Responsible Accounting Officer certifies that the investments made during July 2024, have been made in accordance with the Act, the Regulations and Council's Investment Policy.

#### **Key Issues**

- Compliance with Investment Policy
- Return on investments

#### **Discussion**

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

A copy of the Investment Policy, adopted 27 June 2024, is available on Council's website.

The total balance of investments, as at 31 July 2024, was \$93.9m, compared to a balance of \$94.9m as at 30 June 2024.

Council's investments, as at 31 July 2024, were invested at a weighted average interest rate of 5.271%, which was 0.799% higher than the July average 90 Day Bank Bill Index (BBSW) of 4.472%.

The balance of Council's Commonwealth Bank business account, as at 31 July 2024 was \$13,773,590, which compares to a balance of \$18,713,649 as at 30 June 2024.

## 9.2 Investment Summary - July 2024

Total combined cash and investments, as at 31 July 2024 was \$107,673,590 compared to \$113,613,649 as at 30 June 2024.

The net decrease of \$5.94m in cash and investments from June to July is the result of creditor payments inflated at the end of the financial year offset by the receipt of grant funds from the NSW Reconstruction Authority of \$1.2m.

TCorp's monthly Economic Commentary report for July 2024 can be viewed using the following link: [tcorp.nsw.gov.au/download/monthly-economic-report-july-2024/?wpdmdl=5259&refresh=66af5e321eb031722768946](https://tcorp.nsw.gov.au/download/monthly-economic-report-july-2024/?wpdmdl=5259&refresh=66af5e321eb031722768946)

### *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	18.18%
Water (incl developer contributions)	External	15.32%
Section 7.11 Developer Contributions	External	13.40%
Domestic Waste Management	External	1.49%
Bonds and Deposits	External	3.88%
Specific Purpose Unexpended Grants	External	8.74%
Commercial Properties	External	0.81%
Carry Forward Works	Internal	2.43%
Bypass Maintenance	Internal	2.72%
Management Plans / Studies	Internal	1.15%
Airport	Internal	7.48%
Landfill and Resource Management	Internal	1.60%
Employee Leave Entitlements	Internal	2.22%
Quarries	Internal	0.49%
Property	Internal	5.85%
Plant and Vehicle Replacement	Internal	1.14%
Road Works	Internal	2.00%
Open Spaces	Internal	1.61%
Miscellaneous Internal Reserves	Internal	2.45%
Community Facilities	Internal	0.62%
Financial Assistance Grant in Advance	Internal	4.21%
Unrestricted		2.21%
<b>Total</b>		<b>100.00%</b>

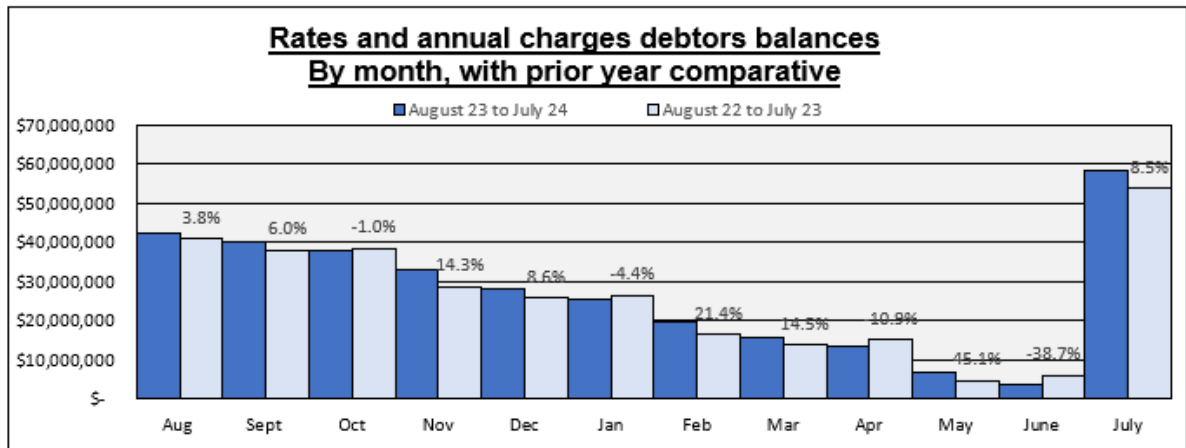
\* Reflects reserves held as at 30 June 2023. This table will be updated for 30 June 2024 as part of the financial statements completion process.

### *Debtors*

As per the following chart, the current balance, as at 31 July 2024, was 8.5% higher than 31 July 2023. This increase is partly due to the rate pegging increase for 2024/25 of 4.6% 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 - July 2024



### A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	30 June \$'000	31 July \$'000	Quota %	% of Total
AMP Bank	No	BBB+	6,000	6,000	20%	6.39%
Australian Unity	Yes	BBB+	3,000	3,000	20%	3.20%
Auswide Bank	Yes	BBB	3,000	3,000	20%	3.20%
Bank of Queensland	Yes	A-	6,000	6,000	20%	6.39%
BankVic	n/a	BBB+	5,000	5,000	20%	5.32%
Bendigo & Adelaide Bank	Yes	A-	1,000	1,000	20%	1.06%
Beyond Bank	Yes	BBB+	2,000	2,000	20%	2.13%
Commonwealth Bank	No	AA-	7,000	7,000	20%	7.45%
Defence Bank Ltd	n/a	BBB+	3,000	3,000	20%	3.20%
IMB Bank	Yes	BBB	4,000	4,000	20%	4.26%
ING Bank (Australia) Ltd	No	A	17,000	17,000	20%	18.11%
Macquarie Bank	No	A+	1,600	1,600	20%	1.70%
MyState Bank Ltd	Yes	BBB+	4,000	4,000	20%	4.26%
National Australia Bank	No	AA-	16,000	16,000	20%	17.04%
Newcastle Perm Build Society	Yes	BBB+	1,000	1,000	20%	1.06%
Rabobank Australia Ltd	No	A+	-	3,000	20%	3.20%
Suncorp Limited	Yes	A+	13,300	9,300	20%	9.90%
Westpac Bank Corp	No	AA-	2,000	2,000	20%	2.13%
<b>Total</b>			<b>94,900</b>	<b>93,900</b>		<b>100.0%</b>

Credit Rating Summary	Maximum Allowed		Value 30 June \$'000	Value 31 July \$'000	% 30 June	% 31 July
	%	Value				
as per the Investment Policy						
A- or Higher	100%	93,900	63,900	62,900	67.3%	67.0%
BBB	60%	56,340	31,000	31,000	32.7%	33.0%
<b>Total</b>			<b>94,900</b>	<b>93,900</b>	<b>100.0%</b>	<b>100.0%</b>

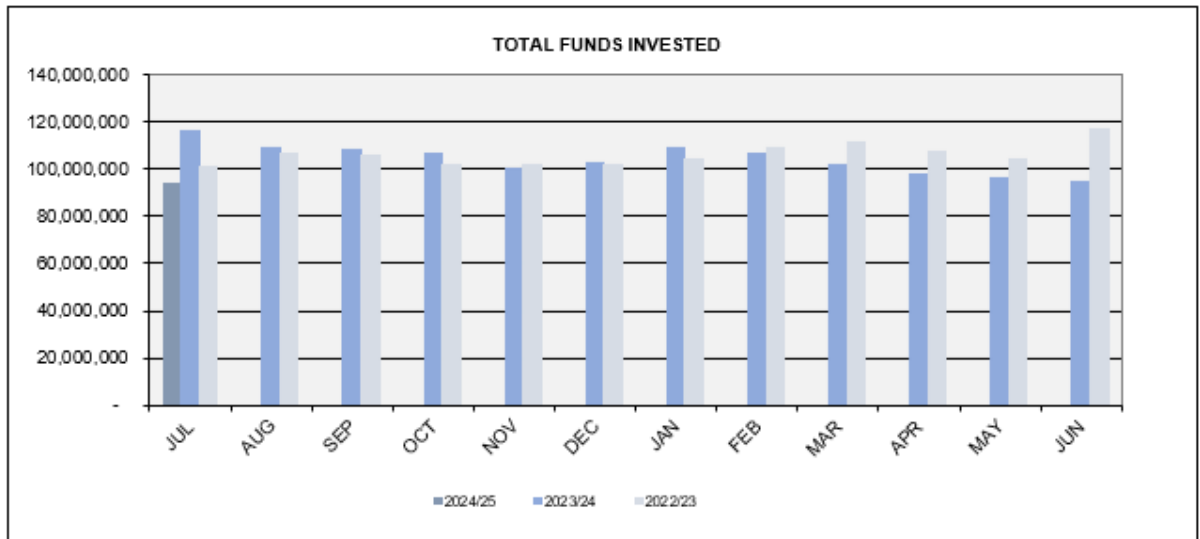
Liquidity Risk Parameters	Maximum Allowed		Value 30 June \$'000	Value 31 July \$'000	% 30 June	% 31 July
	%	Value				
as per the Investment Policy						
Term equal to 1 year or less	100%	93,900	86,000	85,000	90.6%	90.5%
Term > 1 year and < 3 years	40%	37,560	-	-	-	-
Term > 3 years	20%	18,780	8,900	8,900	9.4%	9.5%
<b>Total</b>			<b>94,900</b>	<b>93,900</b>	<b>100.0%</b>	<b>100.0%</b>

**B. Fossil Fuel Free and Green Investments**

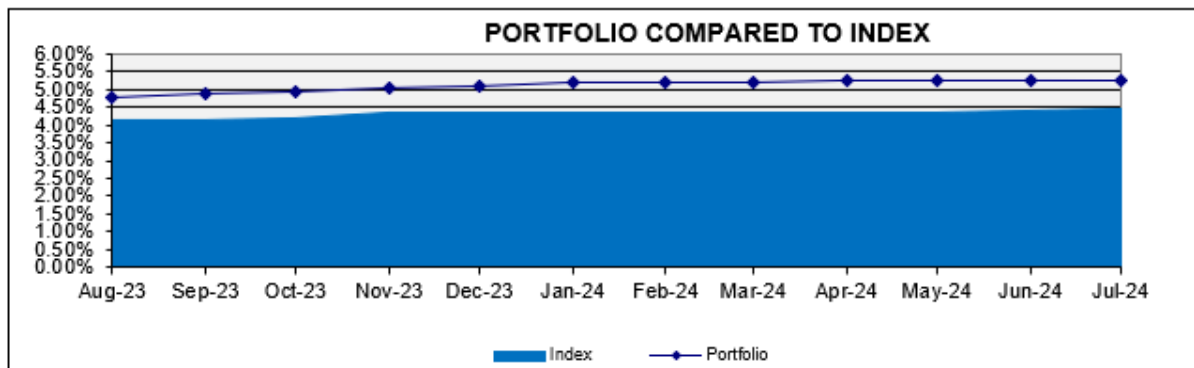
Environmental Classification	30 June		31 July	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned and Non-Green Investments	49,600	52.3	52,600	56.0
Fossil Fuel Free Investments	37,300	39.3	33,300	35.5
Green Investments	0	0.0	0	0.0
Not Classified	8,000	8.4	8,000	8.5
<b>Total</b>	<b>94,900</b>	<b>100.0</b>	<b>93,900</b>	<b>100.0</b>

In July 2024, one investment matured totalling \$7m held with a non-fossil fuel aligned institution. Two new investments totalling \$6m were placed. Based on the available returns offered on the days that the investments were taken, one of the investments was with a non-fossil fuel aligned institution with a value of \$3m.

**Monthly Comparison of Total Funds Invested**



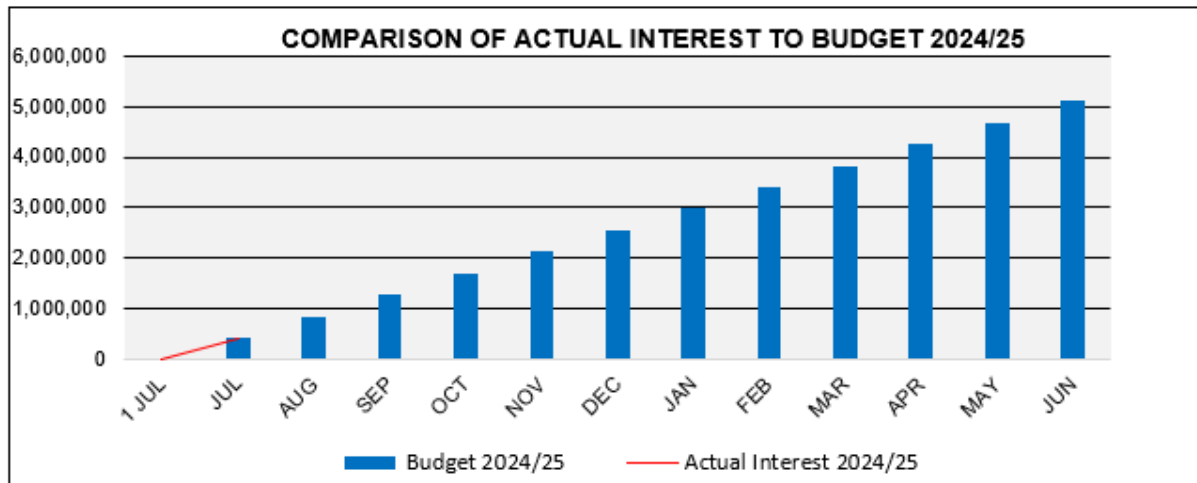
**C. Comparison of Portfolio Investment Rate to 90 Day BBSW**





## 9.2 Investment Summary - July 2024

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



### E. Investments held as of 30 June 2024 and 31 July 2024

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	30 June \$'000	31 July \$'000
24/02/21	Suncorp-Metway Limited	FRN	4.79%	24/02/26	1,300	1,300
04/03/21	Newcastle Permanent Bld Society	FRN	4.98%	04/03/26	1,000	1,000
18/06/21	Bendigo & Adelaide Bank	FRN	5.02%	18/06/26	1,000	1,000
29/06/23	AMP Bank	FRN	6.11%	29/06/26	1,000	1,000
14/09/23	Macquarie Bank Limited	FRN	5.22%	14/09/26	1,600	1,600
20/02/24	Westpac Banking Corporation	FRN	5.21%	20/02/29	2,000	2,000
19/03/24	Suncorp-Metway Limited	FRN	5.36%	19/03/29	1,000	1,000
28/08/23	Commonwealth Bank of Australia	TD	5.41%	26/08/24	3,000	3,000
29/08/23	Commonwealth Bank of Australia	TD	5.41%	27/08/24	4,000	4,000
27/09/23	National Australia Bank	TD	5.32%	23/09/24	2,000	2,000
05/10/23	ING Bank (Australia) Ltd	TD	5.27%	01/10/24	4,000	4,000
17/10/23	ING Bank (Australia) Ltd	TD	5.20%	15/10/24	2,000	2,000
01/11/23	ING Bank (Australia) Ltd	TD	5.47%	29/10/24	3,000	3,000
08/11/23	ING Bank (Australia) Ltd	TD	5.48%	06/11/24	2,000	2,000
08/11/23	Australian Unity Bank	TD	5.48%	12/11/24	1,000	1,000
29/11/23	Auswide Bank	TD	5.50%	26/11/24	1,000	1,000
05/12/23	BankVic	TD	5.47%	03/12/24	2,000	2,000
06/12/23	BankVic	TD	5.47%	03/12/24	2,000	2,000
12/12/23	Beyond Bank	TD	5.40%	10/12/24	2,000	2,000
19/12/23	AMP Bank	TD	5.25%	17/12/24	4,000	4,000
22/12/23	AMP Bank	TD	5.35%	19/12/24	1,000	1,000
02/01/24	ING Bank (Australia) Ltd	TD	5.32%	02/01/25	4,000	4,000
09/01/24	BankVic	TD	5.25%	07/01/25	1,000	1,000
09/01/24	Defence Bank Ltd	TD	5.23%	07/01/25	3,000	3,000
10/01/24	ING Bank (Australia) Ltd	TD	5.22%	08/01/25	2,000	2,000
18/01/24	Auswide Bank	TD	5.25%	15/01/25	2,000	2,000
23/01/24	National Australia Bank	TD	5.15%	23/01/25	7,000	7,000
29/01/24	Suncorp-Metway Limited	TD	5.20%	27/01/25	4,000	4,000
13/02/24	IMB Bank	TD	5.05%	13/08/24	4,000	4,000

## 9.2 Investment Summary - July 2024

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	30 June \$'000	31 July \$'000
14/02/24	Suncorp-Metway Limited	TD	5.08%	10/07/24	7,000	-
23/02/24	Bank of Queensland	TD	5.05%	04/09/24	4,000	4,000
23/02/24	National Australia Bank	TD	5.10%	19/11/24	3,000	3,000
28/02/24	Australian Unity Bank	TD	5.10%	27/02/25	2,000	2,000
13/03/24	Bank of Queensland	TD	5.17%	11/09/24	2,000	2,000
28/05/24	MyState Bank Ltd	TD	5.25%	27/08/25	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
31/07/24	Rabobank Australia Ltd	TD	5.35%	31/07/25	-	3,000
	<b>Total</b>				<b>94,900</b>	<b>93,900</b>
	TD=Term Deposit; FRN=Floating Rate Note					

### RECOMMENDATION

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

### Attachment(s)

Nil

### 9.3 Rates and Charges Write Offs - 2023/24

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### 9.3 Rates and Charges Write Offs - 2023/24

#### Delivery Program

Financial Services

#### Objective

To provide Council with details of the rates and charges written off during the 2023/24 rating year.

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#### Background

Clause 131 of the Local Government (General) Regulation 2021 (LGGR) and section 607 of the Local Government Act 1993 (LGA), outline procedures that councils must follow to write off certain rates, charges, and interest.

Write offs not covered by specific sections of the LGA must be approved by Council resolution unless the General Manager has been provided with delegated authority by the Council.

The Council's delegated authority to the General Manager provides authority to write off general debts to a maximum of \$1,000 per debt.

The General Manager has provided the Coordinator Rating with delegated authority to write off interest amounts, pursuant to section 567 of the LGA, up to the value of \$100 per assessment.

Clause 131 (6) of the LGGR requires the General Manager to inform the Council of any amounts written off under delegated authority.

This report complies with that clause for the 2023/24 financial year.

#### Key Issues

- Compliance with clause 131 (6) of the LGGR

#### Discussion

Table 1 details write offs approved by Council resolution.

Table 2 details 2023/24 rates, charges and interest written off under delegated authority, in accordance with clause 131 of the LGGR.

Detailed information regarding individual assessments is contained in Council's rating files.

Tables 3 and 4, although not required under clause 131 of the LGGR, details other debts (besides rates, charges and interest) written off during 2023/24.

In respect to the postponed rates, Council is required to write rates off where the property meets certain criteria (refer to notes in Table 3).

### 9.3 Rates and Charges Write Offs - 2023/24

In accordance with Clause 132 LGGR all rates, charges and interest written off during the period 1 July 2023 to 30 June 2024, totalling \$158,207.39, will be included in Council's Annual Report.

**Table 1 - Write-offs – Approved by Council**

Assessment	Amount (\$)	Resolution
DR 10487.11	151,157.66	Ordinary meeting – 22 February 2024 (Airport sundry debtor - administration) A provision for doubtful debt had been provided in the 2022/23 financial statements.
DR 12690.12	2,043.01	Ordinary Meeting – 22 February 2024 (Commercial services sundry debtor – liquidation) A provision for doubtful debt had been provided in the 2022/23 financial statements.
<b>Total:</b>	<b>153,200.67</b>	

**Table 2 - Write-offs – Under General Manager's Delegated Authority**

Assessment	Amount (\$)	Description
15 rate assessments	441.91	Write off interest charges raised (over \$5.00).
Three commercial services debtors	700.00	Write off damages caused by Surf Club room hire. Assessed as not viable to pursue debt recovery as individual debtor amount too small to warrant further legal costs to recover.
	680.00	Write off Northlakes Community Centre hire. Assessed as not viable to pursue debt recovery as individual debtor amount too small to warrant further legal costs to recover.
	950.00	Write off Airport parking charges - financial hardship.
<b>Total:</b>	<b>2,771.91</b>	

**Table 3 - Write-offs – Postponed Rates - Required by LGA Legislation**

Assessment	Amount (\$)	Description
Three assessments	2,023.34	Year 5 write off postponed ordinary rate and interest charges - Section 595 LGA - Postponements typically relate to a single dwelling house that is zoned for multiple occupancy - The Valuer General supplies a land value for the highest potential use of the land. Upon application for postponement the Valuer General supplies an attributable value (i.e. extra value due to subdivision or higher use potential) and Council levies but postpones the attributable component. Interest is also charged.  After five years the postponed amount and interest is written off. If the entitlement to postponement ceases at any time, any amounts not written off become due.
<b>Total:</b>	<b>2,023.34</b>	

**Table 4 - Write-offs – Small Balances**

<b>Assessment</b>	<b>Amount (\$)</b>	<b>Description</b>
295 rate assessments	210.85	Write off small balances (less than \$5.00) for 2023/24 – processed 30 June 2024. This process is applied when there are identified small arrears balance brought forward on the rates notice.
Two debtor accounts	0.62	Write off small balances remaining following underpayment of invoice.
<b>Total:</b>	<b>211.47</b>	

**Delivery Program Strategy / Operational Plan Activity**

The provision of rates and charges write offs contributes to our Operational Plan and aligns with the Delivery Program Strategy EL2.1 Proactively pursue revenue opportunities, cost savings and/or efficiencies and EL3.3 Deliver responsive and efficient services.

**Community Engagement Strategy**

The write-off information is included in Council’s Annual Report.

**Financial / Risk Considerations**

Revenue to the value of \$158,207.39 has been foregone.

The overall percentage of rates and charges outstanding has increased from 3.66% to 3.93% based on a total collection figure of approximately \$61m.

The debt recovery results for the last ten years are as follows.

<b>30 June</b>	<b>% Outstanding</b>
2014/15	3.99
2015/16	3.74
2016/17	2.96
2017/18	2.88
2018/19	2.67
2019/20	4.67
2020/21	3.73
2021/22	3.77
2022/23	3.66
2023/24	3.93

These figures compare very favourably with Office of Local Government benchmarks, which focus on a figure of less than 10%.

**Options**

This report is for information purposes based on the provisions of the Local Government (General) Regulation 2021.

**RECOMMENDATION**

That Council notes that rates, charges, and interest totalling \$5,006.72 (as per Tables 2, 3 and 4 of this report) were written off under delegation of the General Manager for the 2023/24 rating year pursuant to clause 131 of the Local Government (General) Regulation 2021.

**Attachment(s)**

Nil

## **9.4 Audit Risk and Improvement Committee (ARIC) - Membership**

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### **9.4 Audit Risk and Improvement Committee (ARIC) - Membership**

**Section** Governance

**Objective** Appointment of the independent members of the Audit Risk and Improvement Committee (ARIC)

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#### **Background**

Each NSW council is required to have an Audit Risk and Improvement Committee (ARIC) that is appropriate to the council size, complexity, risk profile and available resources.

The Office of Local Government's (OLG) *Risk Management and Internal Audit Guidelines* require the governing body (Council) to oversee the reappointment of independent members of ARIC.

This matter was reported to the July Ordinary Council meeting, with Council resolving to receive a further report to assess the options in respect to managing a conflict of interest raised.

This report responds to the resolution.

#### **Key Issues**

- Compliance with the Office of Local Government's Guidelines Risk Management and Internal Audit for Local Government in NSW
- Compliance with Section 428A of the Local Government Act
- Compliance with Local Government (General) Amendment (ARIC) Regulation 2023

#### **Discussion**

The term of the ARIC independent representatives will end in September 2024, coinciding with the end of the Council term.

The OLG provides guidance on the appointment and reappointment of ARIC members. The maximum term a representative can serve is eight years in any ten-year period.

The independent ARIC representatives, and their appointment year is as follows:

- Colin Wight (Chair) – appointed 2022
- Joanne McIntosh – appointed 2018
- Matt Licheri – appointed 2022.

Prior to approving the reappointment or extension of ARIC members, the Council must undertake an assessment of the performance of ARIC and the independent members.

A performance assessment questionnaire was sent to ARIC attendees including internal auditors Grant Thornton, NSW Audit Office, Thomas Noble

## 9.4 Audit Risk and Improvement Committee (ARIC) - Membership

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and Russell, General Manager, Executive Team, Risk Coordinator, Councillor delegates and ARIC independent members. Those details were attached to the business paper of the July Ordinary meeting. In summary, the performance of ARIC and the independent members is considered satisfactory.

In respect to managing the conflict of interest, Council's General Manager declared an interest in item 9.7 of the July Ordinary meeting. The declaration was as follows:

- **Paul Hickey, General Manager** – declared an interest in Item 9.7 - Audit Risk and Improvement Committee (ARIC) – Annual Assessment. (Nature of Interest: non-significant, non-pecuniary – the report includes membership, he is friends with the partner of one of the members. There is no close relationship with the member. This declaration is based on the Council confirming the membership, the General Manager not being a member of ARIC, ARIC has no delegated authority, ARIC reports to the ARIC Chair, with the Chair approving the ARIC agendas, as per the Office of Local Government Guidelines. The Member and Chair have confirmed that this relationship does not impact the effective operation of the ARIC). Mr Hickey left the room while the matter was discussed.

On receipt of the declaration, ARIC chairperson, Colin Wight, was contacted and confirmed no concerns with the declaration.

Following the July Ordinary meeting, advice was sought from Lindsay Taylor Lawyers in relation to the resolution. The advice is as follows:

1. *Council resolution 250724/23, point 5, is clear that the Council deferred consideration of the reappointment of existing independent members of the ARIC. Accordingly, the reappointment of those members is yet to be determined by Council.*
2. *Council resolution 250724/23, point 5, deferred consideration of the reappointment of existing independent members of the ARIC subject to a further report to assess the options in respect to managing the conflict of interest declared by Paul Hickey. In the circumstances, I agree with you that a further report to the Council is required in connection with the reappointment of existing independent members of the ARIC.*
3. *Council resolution 250724/23 did not require that Council seek fresh expressions of interest for an independent member of the Audit Risk and Improvement Committee (ARIC) to replace Joanne McIntosh. Accordingly there is no requirement by Council that this be done in connection with the preparation of the further report nor that the further report canvass the possibility or desirability of that occurring.*
4. *As I advised in our telephone discussion, in order to properly manage the declared conflict of interest by Paul Hickey and ensure the independence of your authorship of the further report to Council, Paul Hickey should give you, pursuant to section 378(1) of the Local Government Act 1993, a written delegation of his function of preparing and submitting the further report to Council and dealing with matters the subject of the report. I recommend that you advise Council of your delegation and the terms of the delegation in the further report to the Council.*
5. *As I advised in our telephone discussion, it does not follow from Paul Hickey's declared conflict of interest that the recommendation to Council to reappoint Joanne McIntosh to the ARIC is tainted or needs to be changed. If you, as the delegate and the officer responsible for preparing and submitting the further*



#### **9.4 Audit Risk and Improvement Committee (ARIC) - Membership**

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*report to Council are free of any influence by Paul Hickey and satisfied that the recommendation to Council to reappoint Joanne McIntosh is sound, you may continue with the recommendation to reappoint her.*

In response to this advice, a delegation was provided by the General Manager to the Director Corporate and Community on 30 July 2024 and is as follows:

*This is a confirmation email that you have full delegated authority to write and authorise the ARIC report to the August 2024 Ordinary meeting.*

In respect to the independence criteria for the ARIC chairperson and independent members, the OLG Guidelines state committee members must not:

1. Currently be a councillor of any NSW Council
2. Be a non-voting representative of the board of the joint organisation
3. Be a candidate in the last election of the council
4. Be a person who has held office in the council during its previous term
5. Currently employed by the council or joint organisation, or been employed in the last 12 months
6. Conduct audits of the council on behalf of the Audit Office of NSW
7. Have a close personal or business relationship with a councillor or a person who has a senior role in the council that may lead to a real or perceived conflict of interest
8. Currently, or in the last three years, provided any material goods or services to the council which directly affect subjects or issues considered by the ARIC (i.e. consultancy, legal, internal audit services)
9. Be (or have a close family member who is) a substantial shareholder, owner, officer or employee of a company that has a material business, contractual relationship, direct financial interest or material indirect financial interest with the council or a related entity which could be considered a real or perceived conflict of interest
10. Currently or have previously acted as an advocate of a material interest on behalf of council or a related entity which could be considered a real or perceived conflict of interest

The ARIC independent member Joanne McIntosh has confirmed her independence as per the OLG Guidelines.

In relation to the declaration provided by the General Manager, there is no close personal relationship with the independent member, Council has confirmation of this by the independent member and has received expert advice from Lindsay Taylor Lawyers on the matter.

On that basis, the recommendation is to reappoint Joanne McIntosh, Matt Licheri and Colin Wight to Ballina Shire Council's Audit Risk and Improvement Committee.

Should Council resolve to reappoint all existing independent members of the ARIC, the term end date will be in accordance with their commencement date.

In the case of Joanne McIntosh, that term will expire February 2026 and for Matt Licheri and Colin Wight expiry will be in September 2028.

## **9.4 Audit Risk and Improvement Committee (ARIC) - Membership**

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

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

### **Community Engagement Strategy**

There is no requirement to engage with the community on audit, risk and improvement related matters.

### **Financial / Risk Considerations**

This report is to ensure Council is compliant with the *Risk Management and Internal Audit for Local Government in NSW* as well as the Local Government (General) Amendment (ARIC) Regulation 2023 that came into effect on 1 July 2024.

Compliance with the guidelines strengthens Council's risk management and internal audit practices.

### **Options**

The options available to Council are to reappoint the existing independent members of ARIC or seek fresh expressions of interest for the independent member Joanne McIntosh.

Should Council proceed to seek fresh expressions of interest for one or more independent members, this would result in Ballina Shire Council being in breach of the Local Government (General) Amendment (ARIC) Regulation 2023.

The breach relates to the composition of the Audit Risk and Improvement Committee, where 216C of the Regulation states that the ARIC must comprise of a chairperson and at least two independent members.

An ARIC meeting is scheduled for 24 September 2024 (as per 216J of the Regulation, where the ARIC must meet at least once per quarter), should Council choose not to reappoint the existing independent members, Council would not be compliant with this section of the Regulation, due to the time required to call for and administer an expression of interest process.

The September 2024 meeting cannot be rescheduled due to the regulatory obligations to meet at least once per quarter.

This matter was referred to the Office of Local Government who provided verbal advice that Council would be in breach of the Regulation should the above circumstances apply.

On balance and considering all information, in particular that both parties state there is no close personal relationship, the recommendation is to reappoint Joanne McIntosh to February 2026, and Chair Colin Wight to be reappointed to September 2028, and Matt Licheri to be reappointed to September 2028.

The September 2028 end date will coincide with the end of the term of the Council.

#### **9.4 Audit Risk and Improvement Committee (ARIC) - Membership**

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##### **RECOMMENDATIONS**

That Council reappoint existing independent members of the Audit Risk and Improvement Committee (ARIC) with Joanne McIntosh appointed to February 2026, Matt Licheri appointed to September 2028 and Colin Wight appointed to September 2028.

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

Nil

## 9.5 Councillor Induction Program - 2024/25

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### 9.5 Councillor Induction Program - 2024/25

**Section** Governance

**Objective** To seek Councillor feedback on the draft induction program proposed for the Council elected following the 2024 Local Government Election.

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#### **Background**

The induction program for any newly elected council is a key factor in ensuring that the council will operate cohesively and effectively during its term. The more informed councillors are of their roles and responsibilities the more likely good governance will follow.

The Office of Local Government (OLG) has developed *Councillor Induction and Professional Development Guidelines* to assist councils to develop and deliver induction training and ongoing professional development activities for the mayor and councillors.

A copy the Guidelines is available at the following link on the OLG website:

<https://www.olg.nsw.gov.au/councils/councillors/councillor-induction-and-professional-development-guidelines/>

The Guidelines highlight the two key components of councillor development, being the initial induction process and the on-going professional development program.

This report focuses on the induction program and allows current Councillors to provide feedback based on their experiences.

As part of this report, a presentation will be delivered on screen in recognition of the Council term. It will run for approximately five minutes.

#### **Key Issues**

- Key items for inclusion in the induction program
- Feedback from Councillors
- Compliance with the Local Government Act and Regulation

#### **Discussion**

##### *Caretaker Period*

Under the local government regulation (section 393B), the 'caretaker' period is the four weeks preceding the election day.

This period is to prevent outgoing councils from making major decisions that may bind the new council or limit its actions.

## 9.5 Councillor Induction Program - 2024/25

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This means that a council must not:

- enter a contract value of \$150,000 or more than 1% of council's revenue from rates, whichever is larger
- determine a controversial development application (controversial development application means a development application for designated development for which at least 25 persons have made submissions during community consultation)
- appoint or reappoint a General Manager

The caretaker period for the 2024 election commences Friday 16 August 2024 and ends on Saturday 14 September 2024.

### Councillor Induction

It is essential that all councillors are adequately trained in their roles and responsibilities.

This is especially important for newly elected officials, who may not be fully informed on the multitude of responsibilities and services conducted by a local authority.

In 2021, the OLG issued a Councillor Handbook which will be provided to new Councillors, a link to this resource is here: [Councillor-Handbook-2021.pdf \(nsw.gov.au\)](#)

Following the last three elections the OLG has conducted Councillor information seminars, and it is assumed that similar seminars will be provided after the election.

Typically, those seminars focus on key areas such as:

- Civic leadership
- Roles, responsibilities, and relationships
- Code of conduct and ethical decision making
- Long term strategic and financial planning and
- Making the most of meetings.

### Internal Induction

In addition to the OLG seminars it is planned to hold several internal induction sessions / workshops / briefings. Attachment 1 is a copy of the draft Induction Schedule which includes:

1. Welcome and Meet and Greet with the General Manager and Executive Team, including a short organisation structure overview. Tour of Council Chambers and facilities.
2. Roles and responsibilities of the governing body, Mayor, Councillors and General Manager. Basic information about Ballina Shire Council including communication channels, Disclosure of Interest Returns, and livestream/recording of meetings.

## 9.5 Councillor Induction Program - 2024/25

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3. Information Technology equipment roll out, including allocation of email address, onboarding log-in and information and training in use of the equipment.
4. Organisation Briefings. This will consist of sessions of two hours in October / November. At these sessions, the relevant Director and Section Managers will present an overview of their section's operations. These sessions are designed to provide an overview of each of the sections operating within Council, including key major projects.
5. Business paper review/question sessions. This session is designed to provide new Councillors with an understanding of the structure of the business paper prior to the October, November, and December Ordinary Council meeting.
6. Sessions delivered by Lindsay Taylor Lawyers Pty Ltd., this firm being a member of Council's legal panel, on Model Code of Conduct and Complaints Handling, Model Code of Meeting Practice and Pecuniary and Non-Pecuniary Conflicts of Interests and Bias.
7. Sessions delivered by Locale Learning on the NSW planning system, working together to deliver outcomes for the community and ethical and effective use of social media.
8. Sessions on Council's Corporate Documents such as the Community Strategic Plan, Delivery Program and Operational Plan, State of our Shire Report, Annual Report, Long Term Financial Plan and Capital Expenditure Program.
9. Session on risk management delivered by Statewide Mutual, Council's insurer.
10. Session on cultural awareness
11. Tour of the Shire over two days. This will include visits to Council properties, assets, and other major infrastructure areas.

In addition to the induction program, Council has in place a Councillor Training and Development Policy.

The policy classifies training offered to Councillors in the following categories:

- Imperative
- Desirable
- Developmental

The policy identifies that Councillors should attend training that is identified as imperative and desirable at least once every term.

To ensure that each Councillor is provided with the right level of support to perform their roles, senior management will consult with the new councillors to develop a training plan that will be delivered over the term of the next council to build the skills, knowledge and personal attributes necessary to be an effective mayor or councillor.

**Delivery Program Strategy / Operational Plan Activity**

The development of a Councillor Induction program is a requirement under the Local Government Act.

**Community Engagement Strategy**

The purpose of this report is to obtain feedback on options available from incumbent Councillors.

**Financial / Risk Considerations**

Under section 232 of the Local Government Act Councillors are required to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

In support of this, Council is required to provide induction training and ongoing professional development for the mayor and councillors.

There is an established budget allocation for Councillors allowances and expenses which includes training and development costs to support the Councillor Training and Development Policy.

**Options**

This report has been prepared for Councillors to provide feedback on options they would like to see considered as part of the induction program for the new Council.

Feedback from Councillors was sought as part of the 2021/22 induction program. This feedback was then used to assist with on-going training during the Council term.

At this point in time, it is recommended that Council only notes the contents of this report as it will be a matter for the newly elected Council to determine the induction program they wish to see implemented.

However, any suggestions to improve or enhance the program, as outlined in this report, which builds on the program implemented in 2021/22, would be appreciated.

**RECOMMENDATIONS**

1. That Council notes the contents of this report regarding the draft Council Induction Program for 2024.
2. That Council thanks Councillors Jeff Johnson (elected 2008), Eoin Johnston (elected 2016), Nigel Buchanan (elected 2021) and Rod Bruem (elected 2021) for their service to the community, along with acknowledging the contribution from all Councillors during this term of Council (2021 to 2024).

**Attachment(s)**

1. Councillor Induction Schedule - 2024 [⇒](#)

## 9.6 Legal Matters - Update

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### 9.6 Legal Matters - Update

**Section** Governance

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

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#### Background

This is a quarterly report that provides an update on legal matters to ensure that the community is informed on Council litigation. The report focuses on Council's planning, building and compliance activities.

#### Key Issues

- Type, outcomes and cost of litigation

#### Discussion

A summary of current and recent legal cases follows.

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Parker and Kissane Solicitors	Ooh! Media Assets Pty Ltd v Ballina Shire Council	Land and Environment Court - Class 1 Appeal Proceedings – Deemed refusal of development application 2022/33	50,000	144,000

#### Comment

DA 2022/33 involves the erection of a large advertising structure for the purposes of a third-party digital advertising on land at 44 Bangalow Road, Ballina (Ballina Central). The matter was heard on 11 and 12 March 2024. The appeal was upheld, and consent orders issued. This matter is now finalised.

Lindsay Taylor Lawyers	Impact Property Consultancy Pty Ltd v Ballina Shire Council	Land and Environment Court - Class 1 and 2 Appeal Proceedings – Deemed refusal of development application 2021/420 and section 68 applications relating to DA 2018/51 and 2022/284.	75,000	107,000
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#### Comment

DA 2020/284 and DA 2018/51 relate to approved subdivisions and DA 2021/420 to a proposed subdivision at 20 North Creek Road, Lennox Head (The Crest). The appeals related to a deemed refusal of section 68 applications associated with subdivision works certificates for DA 2020/284 and DA 2018/51 and a development application for additional lots and lots redesign under DA 2021/420. The matter was heard from 4 to 11 December 2023. The commissioner delivered the following judgment on 26 April 2024 - both appeals dismissed, both section 68 applications refused, and the section 138 application refused. On day one of the hearing, the applicant discontinued its appeal against the deemed refusal of DA 2021/420. Costs ordered against the applicant of \$16,000 have been paid. This matter is now finalised.



## 9.6 Legal Matters - Update

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Lindsay Taylor Lawyers	GTH Resorts v Ballina Shire Council	Land and Environment Court - Class 1 Proceedings – Deemed refusal of development application 2022/721.	500,000	237,000
<p><b>Comment</b></p> <p>DA 2022/721 for the development of 148 independent living units for a seniors housing community with associated manager's residence, community facilities, infrastructure and services at 550-578 River Street, Ballina. At the first directions hearing on 21 August 2023 a section 34 conciliation conference was scheduled for 8 March 2024.</p> <p>The DA was reported to the Northern Regional Planning Panel for determination on 30 November 2023. The Panel determined to refuse the DA. The section 34 conciliation conference was held on 8 March 2024 and was subsequently terminated. The court has set the matter down for hearing from 16 – 20 and 23 September 2024. On 10 April 2024 the Court granted the applicant leave to amend the DA to rely on amended plans and materials. The DA has been amended to 146 independent living units. Joint expert reporting is currently being undertaken.</p>				
Lindsay Taylor Lawyers	Alstonville Agricultural Society Inc. v Ballina Shire Council	Land and Environment Court - Class 1 Proceedings – Order Issued for Unauthorised Works	35,000	8,000
<p><b>Comment</b></p> <p>Council issued an Order under Schedule 5 of the Environmental Planning and Assessment Act 1979 on 21 September 2023 to the Alstonville Agricultural Society Inc. regarding the unlawful erection of stock holding yards at the Alstonville Showground. The applicant lodged a Class 1 appeal against the Order.</p> <p>At the first directions hearing on 6 November 2023, a section 34 conciliation conference was scheduled for 30 April 2024. A DA was lodged in January 2024. At the Section 34 conciliation conference held on 30 April 2024, agreement was reached to modify the terms of the Order. Having now received a DA, the modified Order alters the time for the demolition work specified in the Order to align with the withdrawal or final determination of the DA. The court has disposed of the proceedings. This legal matter is finalized.</p> <p>The DA remains under assessment. Key issues under consideration in the assessment of the DA include noise impacts, stormwater and waste management and odour and dust impacts. A request for additional information has been issued to the applicant in relation to these matters. The applicant has indicated an intention to respond to the information request and amend the proposal. Council is awaiting this response and amendment.</p>				
Lindsay Taylor Lawyers	Trevor Brand	Land and Environment Court – Class 1 Proceedings – Refusal of development application 2022/333 – 43 Ballina Street, Lennox Head	50,000	20,000
<p><b>Comment</b></p> <p>This relates to a Class 1 Appeal against Council's refusal of DA 2022/333 for alterations and additions to an existing dwelling house, two lot strata subdivision and construction of a new dwelling at 43 Ballina Street, Lennox Head. The matter was heard on 29-31 July 2024. The commissioner has reserved judgement.</p>				

### Delivery Program Strategy / Operational Plan Activity

Legal cases are linked to Delivery Program strategies such as:

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

### Community Consultation Policy

This report is in open Council to ensure the community is informed on legal matters. If Council wishes to discuss any details, it may be necessary to resolve into confidential session to ensure any legal advice is not discussed in open session.

### Financial / Risk Considerations

The following table provides a summary of planning related legal costs for recent years including final costs for 2023/24, subject to any late accruals.

**Table 1 – Legal Expenditure 2021/22 to 2023/24**

Description	2021/22	2022/23	2023/24
DA 2017/244 - Skennars Head – Aureus – Intrapac	32,000	0	0
The Beach House	4,000	14,400	3,100
DA 2020/49 – 38 Newrybar Swamp Road (Anderson)	13,700	0	0
DA 2020/192 – GTH Resorts (GemLife)	307,300	0	4,900
DA 2021/137 – 10 Old Pacific Highway (Newrybar Pty. Ltd)	0	26,100	0
DA 2021/605 – 38 Dress Circle Drive (Snashall)	0	114,000	0
DA 2022/33 – Bangalow Road (Advertising Sign)	0	18,000	125,800
DA 2022/284 – The Crest (DA 2018/51 and 2021/420)	0	16,100	91,000
DA 2022/333 – 43 Ballina Street, Lennox Head	0	0	20,500
DA 2022/469 – 404 Old Byron Bay Road (New DA)	0	11,800	0
DA 2022/721 – GTH Resorts (GemLife)	0	7,600	230,000
DA2023/504 – Alstonville Showground	0	0	8,400
Compliance – 19 Old Pacific Highway, Newrybar	22,800	3,800	2,600
Compliance – Coolgardie Road	0	10,800	0
Compliance – Swimming Pools	37,100	26,300	0
Compliance – 254 Hutley Drive, Lennox Head	0	17,800	3,300
Other Compliance, Insurance and Planning Agreements	54,100	30,600	29,400
<b>Total Expenditure</b>	<b>471,000</b>	<b>297,300</b>	<b>519,000</b>
Legal Expenditure Budgets	465,000	315,000	510,000
<b>Expenditure Budget Result – Surplus / (Shortfall)</b>	<b>(6,000)</b>	<b>17,700</b>	<b>(9,000)</b>
Legal Income from Costs Recovered	364,000	8,000	17,400
Legal Income Budget	160,000	120,000	80,000
<b>Income Budget Result – Surplus / (Shortfall)</b>	<b>204,000</b>	<b>(112,000)</b>	<b>(62,600)</b>
<b>Net Budget Result – Surplus / (Shortfall)</b>	<b>198,000</b>	<b>(94,300)</b>	<b>(71,600)</b>

Final legal expenditure was close to budget, at \$9,000 over, although the budget was adjusted significantly upwards during the year.

Costs recovered were under budget by \$62,600, resulting in a net budget deterioration of \$71,600 once income and expenses are combined.

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

## 9.6 Legal Matters - Update

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

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

### **Options**

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

### **RECOMMENDATION**

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

### **Attachment(s)**

Nil

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

### 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

#### Delivery Program

Financial Services

#### Objective

To provide a review of the 2023/24 financial year results and to advise of budgets carried forward to 2024/25, and transfers to reserves for 2023/24.

#### Background

The purpose of this report is to provide a preliminary overview of the 2023/24 financial results. The report also seeks approval to carry funds forward from 2023/24 to 2024/25 for ongoing, or incomplete, projects and to advise on transfers to reserve for the end of 2023/24.

#### Key Issues

- Financial performance

#### Discussion

This section of the report provides an overview of the financial results. The results are still subject to change due to end year accounting adjustments however they provide a reasonable summary of 2023/24.

#### General Fund

Table 1 outlines the draft General Fund Operating Result, with the draft result a deficit of \$7.638m, which is \$3.762m more unfavourable than the forecast deficit of \$3.876m, largely due to increases in the non-cash items of depreciation and loss on disposal (\$5.027m higher than forecast).

**Table 1: General Fund – Draft Operating Result by Section (\$'000)**

Description	Revenue Actual	Revenue Budget	Expense Actual	Expense Budget	Operating Surplus / (Deficit) Actual	Operating Surplus / (Deficit) Budget
<b>Planning and Environmental Health Division</b>						
Strategic Planning	261	1,163	385	855	(124)	308
Development Services	2,050	2,262	3,991	3,978	(1,941)	(1,716)
Public and Environmental Health	1,010	830	3,194	3,269	(2,184)	(2,439)
Community Gallery	110	125	421	512	(311)	(387)
Open Spaces	1,546	1,489	7,387	6,890	(5,841)	(5,401)
<b>Sub Total</b>	<b>4,977</b>	<b>5,869</b>	<b>15,378</b>	<b>15,504</b>	<b>(10,401)</b>	<b>(9,635)</b>
<b>Civil Services Division</b>						
Infrastructure Planning	88	175	1,239	1,483	(1,151)	(1,308)

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

Description	Revenue Actual	Revenue Budget	Expense Actual	Expense Budget	Operating Surplus / (Deficit) Actual	Operating Surplus / (Deficit) Budget
Roads and Bridges	5,205	5,598	7,834	8,235	(2,629)	(2,637)
Emergency Services	404	417	888	971	(484)	(554)
Landfill and Resource Mgmt	11,890	11,714	11,981	11,889	(91)	(175)
Domestic Waste Management	8,740	8,793	8,806	8,634	(66)	159
<b>Sub Total</b>	<b>26,327</b>	<b>26,697</b>	<b>30,748</b>	<b>31,212</b>	<b>(4,421)</b>	<b>(4,515)</b>
<b>Corporate and Community Division</b>						
Governance	19	19	1,332	1,252	(1,313)	(1,233)
Communications	62	92	529	707	(467)	(615)
Financial Services	37,445	36,861	683	726	36,762	36,135
Information Services	184	233	3,384	3,429	(3,200)	(3,196)
People and Culture	237	205	613	431	(376)	(226)
Property Management	4,220	3,338	1,978	2,145	2,242	1,193
Ballina Byron Gateway Airport	9,474	8,880	6,861	6,387	2,613	2,493
Community Facilities	849	796	1,119	1,162	(270)	(366)
Facilities Management	916	387	732	751	184	(364)
Library Services	193	193	1,868	1,889	(1,675)	(1,696)
Swimming Pools	1,278	1,299	1,988	1,932	(710)	(633)
Tourism	210	214	521	578	(311)	(364)
Plant Operations	5,308	5,424	3,786	3,488	1,522	1,936
<b>Sub Total</b>	<b>60,395</b>	<b>57,941</b>	<b>25,394</b>	<b>24,877</b>	<b>35,001</b>	<b>33,064</b>
<b>Operating Result (excl depreciation)</b>	<b>91,699</b>	<b>90,507</b>	<b>71,520</b>	<b>71,593</b>	<b>20,179</b>	<b>18,914</b>
Depreciation and Loss on Disposal	0	0	27,817	22,790	27,817	22,790
<b>Operating Result (incl depreciation)</b>	<b>91,699</b>	<b>90,507</b>	<b>43,703</b>	<b>48,803</b>	<b>(7,638)</b>	<b>(3,876)</b>

The results presented in Table 1 are prior to the re-allocation of interest earnings between the General, Water and Wastewater Funds, and between the various sections, and prior to year-end accounting journals, for items such as employee entitlements.

### *Operating Revenue*

Operating revenue was \$1.192m above budget, with larger contributors to this result as follows:

The revaluation of investment properties, as at 30 June 2024, resulted in a non-cash revenue of \$990,000, within the Property Management Section. This non-cash revaluation adjustment had not been included in the budget as this figure can vary up or down each year based on commercial property market movements.

Unbudgeted insurance proceeds of \$500,000 were received as a payment towards costs incurred by Council following the 2022 floods.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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Airport operating income was \$594,000 above budget.

There was a change in the timing of the receipt of the Financial Assistance Grant in the 2023/24 year, which resulted in approximately \$550,000 less income compared to budget.

The General Fund budget included \$540,000 as a planned (non-compulsory) dividend from the Wastewater Fund. This dividend is unable to be taken for 2023/24 and is discussed later in this report.

Further discussion on the operating revenue, by section, is outlined later in this report.

### *Operating expenditure*

Operating expenditure, excluding depreciation/loss on sale, was marginally below the total General Fund budget of \$71.593m.

Unspent expenditure budgets totalling \$810,000 are carried forward to 2024/25. All carry forwards are detailed in Table 4 of this report.

Large savings in salaries costs were seen across some sections, including Strategic Planning.

Further discussion on the operating expenditure, by section, is outlined later in this report.

### *Depreciation and Loss on Disposal*

The actual depreciation and loss on disposal expense in Table 1 is significantly higher than budget.

The forecasts for depreciation and loss on disposal are difficult to estimate, and the actuals can vary significantly each year.

Some of the contributing factors are timing of asset revaluations, capitalisation of works and the complexity of calculating future partial replacements.

The 2023/24 estimate for General Fund depreciation was \$20.99m.

Actual depreciation for General Fund was \$22.08m, 5.2% higher than budgeted.

The \$1.09m variance is made of \$965,000 accelerated depreciation for the upcoming Alstonville Cultural Centre refurbishment, and accelerated depreciation on the full replacement of roads, included in the 2024 to 2028 Delivery Program and Operational Plan.

Accelerated depreciation means that the depreciation expense is increased to ensure an asset has a minimum value when it is reconstructed or rebuilt.

The 2023/24 budget estimate for the General Fund loss on disposal was \$1.8m.

Actual net loss on disposal for General Fund is \$5.737m.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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The variance consists of \$3.41m loss on disposal of road infrastructure assets and \$527,000 loss on disposal of open spaces assets, due to the capitalisation of reconstructed roads, Airport Car Park and the Pop Denison and Ross Park open space projects.

### *Reclassification of Capital Expenditure*

Year-end adjustments include a review of capital expenditure incurred during the year, as well as amounts that have been held on the Balance Sheet as capital works in progress (WIP).

A preliminary review of capital expenditure for the 2023/24 year indicates that almost \$2.5m of expenditure incurred as capital, within the General Fund, will have to be reclassified to operating expenditure.

The largest item in this review is the Pearces Creek Bridge renewal.

This bridge is a shared asset between Ballina and Lismore City councils.

The total expenditure undertaken by Ballina Shire in 2023/24 was \$4.2m, funded by Federal Government (\$2m) and State Government (\$2.2m) grants.

Expenditure of \$2.2m (approximately half) is to be treated as a contribution to Lismore City Council.

The expenditure of \$2.2m, along with the corresponding grant will be reclassified to operating income and expenditure.

This will have no net impact on the operating result as both income and expenditure offset each other.

The second individually large item in this review relates to expenditure incurred for traffic lights (River Street Pedestrian Lights, River Street traffic lights and Kerr St/Bentinck Street traffic lights). This expenditure amounts to almost \$200,000.

Under Australian Accounting Standards, these assets are controlled by Transport for NSW. As they cannot be accounted for as Council assets, this expenditure must be treated as operating expenditure.

This expenditure was partially grant funded, approximately \$72,000, so this reclassification will result in a deterioration of \$128,000 to the operating result, due to the next increase in operating expenses.

A review of amounts that had been held on the Balance Sheet as WIP, from previous years, has also identified approximately \$200,000 relating to the General Fund requiring write off, as an expenses, and this will result in a further deterioration of \$200,000 to the operating result.

### *Non-compulsory Dividend*

As noted within the "Delivery Program and Operational Plan – 30 June 2024 Review" report to the July 2024 Ordinary meeting, Council has been trying to secure a non-compulsory dividend from the Wastewater Fund.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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The adopted budgets for 2023/24 included \$540,000 as a non-compulsory dividend to the General Fund. This dividend was to be transferred to reserves to fund General Fund stormwater works in 2024/25.

The ability to take a non-compulsory dividend is reliant on approval from the Department of Climate Change, Energy, Environment and Water (DCCEEW).

To obtain approval, Council is required to meet the DCCEEW's benchmarks for a Strategic Planning Assurance Framework.

This framework is extensive and requires Council to provide evidence-based responses for several areas, including how Council understands service needs, system capacity, resourcing needs, and how Council promotes integrated water cycle management.

Following initial consultation with DCCEEW in December 2023, Council applied, including detailed supporting evidence, for the dividend approval in mid-March 2024.

The assessment process was extensive, including further requests for information and a two-day workshop with Council to interrogate the submission.

Council staff were verbally advised in late July 2024 that the application was unsuccessful. Although the Wastewater Fund is in a financially viable position and can support the proposed dividends, without detriment to the Fund, or the end consumers, several areas within the Strategic Planning Assurance Framework were deemed by DCCEEW's assessment, as not to the required level of maturity.

Formal notification of the assessment outcome has not yet been provided and this is anticipated later this month.

Table 5 of this report, which shows additional reserve transfers for 2023/24, includes the removal of this transfer to reserve.

Table 6 of this report, which shows revisions to 2024/25 budgets, shows the removal of the capital expenditure budgets that would have been funded.

Following the receipt of the assessment outcome, staff will work through all the items to secure approval for a non-compulsory dividend to be taken in 2024/25 (to be used for capital works in 2025/26).

### *Commentary on Operating Result per Section*

Brief comments for each section on the major items of interest for the year (i.e. comparisons to budget) are as follows:

#### ***Planning and Environmental Health Division***

##### *Strategic Planning*

Operating income is \$902,000 below budget in Table 1 however the budgeted income includes \$930,000 as interest earnings on Section 7.11 developer contribution reserve balances.



## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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The allocation of interest to the various sections and reserve balances is yet to occur, as part of the year end finalisation.

Excluding the interest budget, the variance in operating income is \$28,000 above budget.

Operating expenditure is \$470,000 below budget.

Savings in the vicinity of \$112,000 were achieved in salaries.

Table 4 identifies net expenditure budgets of \$170,000 to be carried forward to the next financial year.

Other projects, with unspent expenditure totalling \$200,000 are to be transferred back to reserve to accumulate funds for future actions.

### *Development Services*

Total income of \$2,050,000 was \$212,000 below the budget of \$2,262,000, a variation to budget of 9%.

Actual revenues were down across most income lines, with the larger variations being Plumbing / Drainage Application fees \$68,000 below budget and Legal Fees Recouped \$57,000 lower than budget.

Total expenses were \$13,000 above the budget of \$3.978m.

The use of consultants and temporary staff offset below budgeted salaries resulting from staff vacancies.

Legal expenses totalled \$518,000, which ended up \$18,000 above budgeted amounts.

Table 4 identifies an expenditure budget of \$21,000 to be carried forward to the next financial year.

### *Public and Environmental Health*

Actual operating result was a favourable \$255,000 in comparison to budget.

This section includes Animal Control, Public Order, Public Health, and Environmental Health budgets.

Animal Control income was \$62,000 above budget, with higher than anticipated revenue for companion animal registration fees and dog fines.

This was offset by Animal Control expenditure \$57,000 above budget, with the larger individual variations for dog poo bags, cleaning, and education.

Public order and parking fines were above budget, offset by an equivalent above budget expenditure for salaries and parking fine expenses.

Within Public Health, expenditure was \$86,000 below budget.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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There were savings recognised within salaries, approximately \$29,000, in addition to other small savings across various line items.

Table 4 also identifies a Public Health expenditure budget of \$11,000 to be carried forward.

For Environmental Health budgets, Table 4 identifies an expenditure budget of \$50,000 to be carried forward for the Maguires Creek Rehabilitation project, which is 50% grant funded.

Other net expenditure on Healthy Waterways and related projects was around \$117,000 below forecasts, and unspent budgets are held in reserve for future project spend.

### *Community Gallery*

Operating income was \$15,000 below budget in total.

Operating expenditure was \$91,000 below budget.

An annual lease payment to the Department of Planning, of approximately \$18,000, has not been invoiced by the Department for 2023/24, and this budget has been carried forward.

Savings of \$50,000 were realised in employee costs for the year.

### *Open Spaces*

This section encompasses parks and reserves, sporting fields, open spaces buildings and public amenities, cemeteries, and vegetation management.

Operating income for the section was \$57,000 more than forecast.

Unbudgeted income for vegetation management was \$52,000.

Total reimbursement of \$86,000 was received in relation to the 2022 flood expenditure, against budget of \$59,000.

Cemetery fees were \$50,000 below forecast.

Operating expenditure for the section was \$497,000 more than forecast.

General parks and reserves operation expenses were \$293,000 more than forecast, in comparison to the budgeted expenditure of \$3.402m.

Council has incurred increased operating costs in mowing and maintenance of roadside vegetation, additional open spaces areas under Council management and tree maintenance.

Public amenities expenditure was \$92,000 above budget, with higher than forecast costs for public toilet operations and maintenance.

Vegetation management expenditure was \$82,000 above budget.

Beach expenditure was \$28,000 above budget.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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Nursery expenditure was \$28,000 above budget.

Buildings, incorporating open space buildings and sports field building expenses were \$28,000 above forecast.

Sporting Fields expenditure was \$30,000 below forecast.

Cemetery expenditure was \$26,000 below forecast.

The Open Spaces Section is facing significant pressure on its operating budget, as the areas under Council's control continue to grow, and items such as plant costs continue to increase well above CPI.

### ***Civil Services Division***

#### *Infrastructure Planning*

Operating income was under budget by \$87,000.

The larger contributors were section 7.11 Plan Administration Fees, under budget by \$49,000 and Development Engineer Inspection Fees, under budget by \$43,000.

Operating expenditure was under budget by \$244,000.

This section included salaries budgets of \$2.671m, for which actual expenditure was \$250,000 below budget.

#### *Roads and Bridges*

This section also encompasses stormwater, street lighting, street cleaning, wharves, jetties, and pontoons.

The net variance for the operating result was \$8,000 over budget.

Operating income was under budget by \$393,000.

The budgeted income includes \$140,000 for interest earnings on bypass reserve balances, with the allocation of interest yet to occur as part of the year end finalisation.

Budgeted income included \$280,000 grant income under the Preparing Australian Communities Flood Protection, within the Stormwater Section.

Actual income recognised was \$50,000, with the balance of the grant income budget carried forward to 2024/25.

Operating expenditure for this section was under budget by \$401,000.

Stormwater expenditure was \$390,000 under budget, of which \$212,000 is carried forward, including \$132,000 for the Preparing Australian Communities Flood Protection.

Savings were realised in foreshore protection, stormwater maintenance and salaries budgets.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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Street lighting had net savings of \$138,000.

Of this, there were savings of \$68,000 in the roll out of the LED Bulk Replacement Program and new street lighting budgets of \$55,000 are carried forward.

Street lighting expenses (electricity and maintenance) were \$39,000 higher than budget.

An internal expense, of \$51,000, relating to the internal loan, from the Water Fund for the LED street lighting project, is yet to be processed.

Street cleaning was \$72,000 under budget.

Wharves, jetties, and pontoons expenditure was \$46,000 below budget.

Other roads expenditure was over budget by approximately \$250,000.

Of this, expense budgets of \$38,000 are carried forward.

The large overs reflect large expenditure on urban road maintenance.

This is reflected by a large increase in the adopted budgets for 2024/25.

### *Emergency Services*

Operating income was below budget by \$13,000 and operating expenditure was below budget by \$83,000.

Income of \$110,000 was recognised in advance from the Premier's Department under the NSW Social Cohesion Grants for Local Government.

This income was included within the 2024/25 adopted budgets and is shown in Table 4, as a reduction to the 2024/25 income budget.

Budgets included \$295,000 grant income from Resilience NSW under the NSW 2022 Storm and Flood Recovery Package: Community Recovery Officers, with a corresponding expenditure budget.

Actual expenditure of \$194,000 and grant income of \$176,000 was recognised for the year.

### *Landfill and Resource Management (LRM)*

A preliminary net deficit of \$91,000 was achieved, compared to the March forecast deficit of \$175,000, an improvement of \$84,000.

Operating income was above forecast by \$176,000, with the larger contributors being Gate Fees for Self-Haul, above forecast by \$171,000 and income from Council mixed waste, above forecast by \$64,000.

Operating expenditure was \$92,000 above forecast.

The most significant variation was within Management Operations, which was \$249,000 over the budget.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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The largest individual components were for the transport and disposal of residual waste, which was \$73,000 over, and garden waste operations, which were \$50,000 over.

The increase in expenditure is directly related to larger than anticipated volumes of material received at the resource recovery centre.

Table 4r identifies unspent expenditure budgets of \$113,000 to be carried forward to the next financial year, for the Wardell Landfill Management Plan and the Waste Management Centre Masterplan.

### *Domestic Waste Management (DWM)*

DWM operations produced a preliminary net deficit of \$66,000, compared to a budgeted surplus of \$159,000, a deterioration of \$225,000.

Operating income was \$53,000 below budget.

Budgeted income includes \$82,000 as interest earnings on anticipated reserve balances, with the actual allocation yet to occur as part of the year end finalisation.

Operating expenditure was \$172,000 above budget.

The most significant variation was within Domestic Waste Management Operations, which was \$160,000 over budget.

The largest individual components were for waste gate fees (paid to the LRM budget), which were \$63,000 over, a result of higher than anticipated volumes of waste collected, and waste and recycling collection costs were approximately \$80,000 over budget.

This was due to increased internal operational costs, realised prior to contracting out the collection service, coupled with an increase in contract expenditure associated with increases in service numbers and the application of contract rise and fall provisions, which are influenced by high fuel prices, CPI and industrial relation award indexes.

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

#### *Governance*

Operating expenditures were over budget by \$80,000 in total. Protective clothing expenditure was \$41,000 higher than the budgeted \$131,000.

Legal costs of \$25,000 were also incurred for reviewing purchasing agreements.

#### *Communications*

Operating income was \$30,000 below budget.

Income budgets included \$73,000 funding from the NSW Department of Regional NSW under the Reconnecting Regional NSW-Community Events Program. Of this, \$43,000 has been recognised as income.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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This program is completed, with a few of the planned events not going ahead.

Operating expenditure was \$178,000 below budget.

Expenditure budgets included \$105,000 for the Reconnecting Regional NSW-Community Events program, of which \$55,000 was not expended.

Expenditure for the Festival Events Program was \$28,000 under the budget of \$124,000, inclusive of the Fair Go event, providing savings to the bottom line.

Actual expenditure for software related expenditure was \$67,000 below the 2023/24 budget.

The budget for 2023/24 included \$75,000 for web site migration, with a further budget of \$50,000 for 2024/25.

An amount of \$30,000 is placed into reserves for the completion of this project.

Donations to Sporting Groups and Donations to Community Groups were \$20,000 and \$18,000 under budget, respectively.

Amounts totalling \$32,000 are to be carried forward to 2024/25 to finalise the donations for the 2023/24 year.

### *Financial Services*

Operating revenue was \$584,000 above budget.

The Financial Services Section currently includes actual interest income of \$3.127m compared to budgeted interest income of \$1.39m, a variance of \$1.737m.

This result is prior to the adjustment between Funds and the allocation of interest to other sections within the General Fund.

This section also includes income from the Federal Government's Financial Assistance Grant, with actual income of \$5.4m compared to the budgeted income of \$6.0m.

In 2022/23, the Commonwealth Government made an advance payment of 100% of the 2023/24 grant.

The budget for 2023/24 was formulated on the assumption that a similar advance would be made in 2023/24 (i.e. that the advance would again be 100%).

In 2023/24, the advance was only 85% of the 2024/25 grant. This means that the Financial Assistance Grant income recognised in 2023/24, is lower than budget.

Budgeted dividend income from the Water and Wastewater Funds, totalled \$621,000.

This budget included \$81,000 for compulsory dividends, which is yet to be determined on finalisation of year end.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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This budget also included \$540,000, a planned (non-compulsory) dividend from the Wastewater Fund which, as discussed earlier in this report, cannot be taken for 2023/24.

Operating expenses were \$43,000 below forecast, with the main contributor being salaries, \$51,000 below budget.

### *Information Services*

Operating income was \$49,000 below a budget of \$232,000.

Operating expenditure was \$45,000 below budget.

Unspent budget of \$47,000 is carried forward to 2024/25. This relates to grant funded expenditure for the NSW Planning Portal.

### *People and Culture*

Operating income was \$32,000 above budget.

Operating income in this section includes contributions to employees received from the Federal Department of Education, Training and Youth Affairs (DETYA).

Contributions received were \$72,000, compared to the adopted budget of \$50,000.

Operating expenditure was \$182,000 above budget.

The expenditure section of the budget manages, amongst other things, staff leave, superannuation, recoupment of on-costs (a negative expense) and workers compensation for the entire organisation with a gross total expenditure budget of approximately \$9.5m (excluding the recoupment of on-costs).

Overall, the expenditure variance was an unfavourable \$182,000, which includes an unfavourable variance of \$133,000 for leave expenditure.

To note, year-end journals for employee entitlements are still to be completed.

Actual recoupment of on-costs (an income item matched to the expense) was a favourable \$84,000 above budget.

This represents 1.0% of the gross expenditure budget.

### *Property Management*

Preliminary operating income was \$882,000 above budget.

A revaluation of investment properties completed, as at 30 June 2024, contributes non-cash income of \$990,000.

Revaluation adjustments had not been included within the adopted budgets.

Budgeted income includes \$345,000, as interest earnings on anticipated reserve balances, with the actual allocation yet to occur, as part of the year end finalisation.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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Rental income exceeded budget by \$180,000, with the largest favourable variance of \$101,000 being for the Wigmore Arcade.

Income for the Flat Rock Tent Park of \$573,000 was achieved, \$59,000 above budget.

Across the Property Management Section, operating expenses of \$1.978m were below budget by \$167,000.

Salaries costs were below budget by \$30,000, maintenance expenses for Council's investment properties were \$40,000 below budget, total expenses for the Flat Rock Tent Park were \$24,000 below budget, and small savings were realised across several other expenditure items.

### *Ballina Byron Gateway Airport*

The Airport achieved an operating surplus of \$2.613m, excluding depreciation. This was \$120,000 above the forecast surplus of \$2.493m.

Operating income was \$594,000 above forecast.

Passenger charges exceeded budget by \$90,000, with actual income of \$3.79m compared to the \$.37m budget.

Security Charges received from the airlines exceeded budget by \$259,000, with actual income of \$1.709m compared to the budget of \$1.45m.

Income also includes \$234,000 Regional Airport Screening Infrastructure (RASI) funding used to offset credits given to airlines.

Car rental income was below budget by \$15,000, with actual income of \$1.815m compared to the budget of \$1.8m.

Operating expenditure was \$474,000 above forecast.

Security expenses exceeded budget by \$295,000, with actual expense of \$1.673m compared to the budget of \$1.378m.

These charges vary according to Airport operating hours and are recovered in security fees levied to the airlines.

Consultant expenditure of \$244,000 was incurred, compared to a budget of \$150,000.

This was due to the runway upgrade works supervision and project planning for upcoming capital works.

Maintenance expenditure was \$78,000 over combined maintenance budget of \$490,000, with plant and equipment being the largest component.

### *Community Facilities*

The operating result for this section was \$96,000 more favourable than budget.

Operating income was \$53,000 above budget.



## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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Ballina Indoor Sports Centre income was \$5,000 over budget, at \$233,000.

Lennox Head Cultural Centre income was \$12,000 over budget, at \$212,000.

Ballina Surf Life Saving Club income was \$13,000 over budget, at \$155,000.

Kentwell Community Centre income was \$9,000 over budget, at \$180,000.

Richmond Room income was \$15,000 over budget, at \$50,000.

Total expenditure was \$43,000 below budget.

Employee costs charged to this section were \$60,000 below budget.

Other operating costs across all facilities were marginally above budget.

A transfer to reserves of \$50,000 is included within Table 7 of this report, to provide for future improvements to Council's facilities.

### *Facilities Management*

Actual income exceeded budget by \$529,000.

Council received reimbursement of \$500,000 under a property insurance claim in relation to costs incurred following the February / March 2022 flood event.

The amount of \$500,000 is transferred to Marine Infrastructure reserves, within the Civil Division (Table 7) to fund additional capital expenditure for the Wardell Wharf Boardwalk and Riverbank Repairs in 2024/25 (Table 6).

Operating expenditure was \$19,000 below budget of \$751,000.

### *Library Services*

Operating income of \$193,000 equalled budget.

Operating expenditure was \$21,000 under budget.

Unspent funds of \$30,000 from the NSW Library Special Projects funding is placed into reserves.

### *Swimming Pools*

Ballina pool income for the year of \$780,000 was \$29,000 less than the forecast.

Alstonville pool income for the year of \$496,000 was \$6,000 more than the forecast.

Overall expenditure for Ballina pool was \$872,000, which was \$66,000 over forecast, with maintenance, management contract and life-saving expenses exceeding their forecast.

Overall expenditure for Alstonville pool was \$703,000, which was \$4,000 lower than forecast.

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

### *Tourism*

Operating income was \$4,000 below budget of \$214,000.

Operating expense was \$57,000 below budget of \$578,000.

This saving was realised within salaries and wages.

### *Plant Operations*

The preliminary net operating result was \$414,000 below forecast.

Total income was \$116,000 below forecast of \$5,424,000.

Plant charged to works was \$20,000 less than forecast \$4,664,000.

Budgeted income includes \$61,000, as interest earnings on anticipated reserve balances, with the actual allocation yet to occur as part of the year end finalisation.

Vehicle contributions were \$35,000 less than budgeted \$626,000.

Total expenditure was \$298,000 above forecast \$3.312m.

Expenditure for fleet and plant operations were \$270,000 above forecast, with repairs and fuel expenditure being the most significant variations.

### **Water Operations**

The preliminary result for Water Operations is shown in Table 2, with a comparison to the March forecast.

The actual results do not include the fourth quarter water billing instalment, as the billing is yet to occur, at the time of writing this report.

That billing income, which relates to the April to June 2024 period, will be included within the final results for 2023/24.

**Table 2 - Water Operations – Draft Financial Results (\$'000)**

<b>Item</b>	<b>Actual</b>	<b>Budget</b>
Operating Revenues	13,861	15,829
Operating Expenses	13,126	13,569
<b>Operating Result (excluding depreciation)</b>	<b>735</b>	<b>2,260</b>
Depreciation and Loss on Disposal	1,918	2,268
<b>Operating Result (including depreciation)</b>	<b>(1,183)</b>	<b>(8)</b>

### *Commentary on Operating Result*

The draft operating result, inclusive of depreciation is a deficit of \$1.183m.

Operating income is currently showing as \$1.968m less than forecast.

Water consumption is the most significant income source, with a total annual budget for water consumption for 2023/24 of \$8.68m.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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Water consumption is charged in arrears and the income recognised thus far, for the first three quarters only, is \$6.773m, a variance of \$1.907m.

This shortfall should be recovered in full when the fourth quarter figures are included.

Water access charges are a smaller income source for this Fund, with a total budget for 2023/24 of \$5.15m, which consists of \$4.23m for residential and \$920,000 for non-residential properties.

Non-residential access charges are charged in arrears and the fourth quarter income for these will also be part of the fourth quarter instalment.

The income recognised thus far, for non-residential access charges is \$670,000, a variance of \$250,000.

Budgeted income includes interest from investments of \$950,000.

Actual income currently includes \$1.222m, however a reallocation between Funds is yet to occur as part of the year end finalisation.

Tapping fees actual income of \$258,000 is \$92,000 less than the budgeted income of \$350,000.

Budgeted Interest on internal loans to the General Fund, of \$90,000, on internal has yet to be allocated.

Operating expenditure is showing as \$443,000 less than forecast.

Water Fund operating budgets include an internal contribution of \$198,000 to the General Fund Depot Programs, and the internal transfers have not yet been completed.

A compulsory dividend payable to the General Fund, budgeted for \$36,000, is also still to be finalised.

The larger operational expenditure variations include mains expenditure, below budget by \$312,000.

Administration expenses were above budget by \$69,000, with the largest factor being legal expenses of \$46,000.

### *Depreciation and Loss on Disposal*

The actual depreciation and loss on disposal expense in Table 2 is below budget.

Actual depreciation, of \$1.857m, was close to budget.

Actual losses from the disposals, of \$60,000 were below the budget figure of \$450,000.

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

### *Reclassification of Capital Expenditure*

Year-end adjustments include a review of capital expenditure incurred during the year as well as amounts that have been held on the balance sheet as capital works in progress.

These adjustments are not reflected in Table 2.

The review identified amounts totalling \$266,000 that had been held as capital WIP, requiring write-off.

The largest item identified was expenditure of \$257,000 for the Marom Creek treatment plant, which will now longer be Council's asset.

These adjustments, when completed, will result in a deterioration in the operating result.

### **Wastewater Operations**

The preliminary result for Wastewater Operations is shown in Table 3, with a comparison to the March forecast.

**Table 3 - Wastewater Operations – Draft Financial Results (\$'000)**

<b>Item</b>	<b>Actual</b>	<b>Budget</b>
Operating Revenues	23,701	24,254
Operating Expenses	12,732	14,616
<b>Operating Result (excluding depreciation)</b>	<b>10,969</b>	<b>9,638</b>
Depreciation and Loss on Disposal Expense	5,290	5,190
<b>Operating Result (including depreciation)</b>	<b>5,953</b>	<b>4,448</b>

### *Commentary on Operating Result*

The draft operating result, inclusive of depreciation, is a surplus of \$5.953m compared to a forecast surplus of \$4.448m.

Operating income is currently showing as \$553,000 less than forecast.

Access charges are the most significant income source for this Fund, with a total annual budget for access charges for 2023/24 of \$20.628m, which consists of \$18.345m for residential and \$2.283m for non-residential properties.

Non-residential access charges are charged in arrears and the fourth quarter income will also be part of the fourth quarter instalment.

The income recognised thus far, for non-residential access, charges is \$1.722m, a variance of \$561,000.

Wastewater volumetric charges are a smaller income source for the Fund, with a total annual budget for 2023/24 of \$1.385m.

These are charged in arrears and the fourth quarter income for these will be part of the fourth quarter instalment.

## **9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements**

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The income recognised thus far, for the first three quarters only, is \$1.057m, a variance of \$328,000.

Recycled water consumption charges are a smaller income source for this Fund, with a total annual budget of \$370,000 for 2023/24.

Even with only three quarters of income currently raised, actual income recognised to date is \$464,000, with a current favourable variance of \$94,000.

Budgeted interest on internal loans to the General Fund, of \$132,000, is yet to be allocated.

Budgeted income includes interest from investments of \$1.116m.

Actual income currently includes \$1.339m, however a reallocation between Funds is yet to occur as part of the year end finalisation.

Operating expenditure is showing as \$1,884,000 less than forecast.

Wastewater Fund expenditure budget included a non-compulsory dividend of \$540,000 payable to the General Fund.

As this dividend has not been approved, this dividend will not be taken for 2023/24.

The operating budgets include an internal contribution of \$230,000 to the General Fund Depot programs, and the internal transfers have not yet been completed.

A compulsory dividend payable to the General Fund, budgeted for \$45,000, is also yet to be finalised.

The larger operational expenditure variations include mains expenditure, below budget by \$457,000, and treatment plants expenditure, below budget by \$435,000.

Administration expenses were above budget by \$8,000, with the largest factor being legal expenses of \$55,000.

### *Depreciation and Loss on Disposal*

The actual depreciation and loss on disposal expense in Table 3 is above budget by \$100,000.

Actual depreciation, of \$4.623m, was \$63,000 above the budget.

Actual losses from disposals, of \$667,000, was \$37,000 above the budget.

### **Works Carried Forward and Reserve Transfers**

It is important for budgeting purposes that any incomplete projects / tasks / actions, which are still on-going, are carried forward to the next financial year (2024/25).

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

This ensures that the 2024/25 budget reflects the totality of the works and services program.

Tables 4 and 5 show works to be commenced, or completed, in 2024/25.

Items in Tables 4 and 5 have previously been approved by Council, unless noted in this report, and the designated funding source is also carried forward.

Table 4 represents operating expenses forecast for 2023/24, that did not occur, which then improves the operating result for that year.

Once these budgets are carried forward the forecast operating result for 2024/25 is adversely impacted.

Table 5 represents capital projects planned for 2023/24, not yet completed, and now proposed for commencement, or completion, in 2024/25.

Table 6 shows further revisions to the adopted 2024/25 budgets based on current information.

Table 7 shows transfers to or from reserves for 2023/24 that are in addition to previously approved budget transfers.

**Table 4 - Operating Expense and Income Carried Forward to 2024/25 (\$)**

Description	Expenditure	Income	Net	Comment
<b><i>Planning and Environmental Health Division</i></b>				
<i>Strategic Planning</i>				
Wonderful Wardell	50,000	12,000	38,000	Carry forward grant funded unspent expenditure budget.
Economic Activation Group	10,000		10,000	Carry forward grant funded unspent expenditure budget, to be utilised for Newrybar Village Centre Masterplan.
Koala Habitat Restoration Small Grants	100,000		100,000	Carry forward grant funded unspent expenditure budget.
Ballina Shire CCTV Scoping Study	30,000		30,000	Study commenced, not yet paid for.
<i>Development Services</i>				
Strong Start Cadetship Program	21,000		21,000	Grant funded program in progress.
<i>Environmental and Public Health</i>				
Maguires Creek Rehabilitation Project	50,000	25,000	25,000	Carry forward 50% grant funded unspent expenditure budget.
Rutherford St Parking Design Works	11,000		11,000	Project in progress.
Environmental Health Education Projects	23,000		23,000	Carry forward of unspent expenditure budget.

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

Description	Expenditure	Income	Net	Comment
<i>Gallery</i>				
Crown Lease	18,000		18,000	Lease payment outstanding.
<b>Division Total</b>	<b>313,000</b>	<b>37,000</b>	<b>276,000</b>	
<b>Civil Services Division</b>				
<i>Roads and Bridges</i>				
Project Management for EPAR preparation	15,000	15,000	0	Grant funded project in progress.
Develop agricultural levee guidance	23,000	(45,000)	68,000	Grant funded works in progress. Carry forward of unspent expenditure budget. Reduction of adopted 2024/25 income budget by income received and recognised in advance.
<i>Ancillary Transport</i>				
Street Lighting Hackett Lane, Ballina	14,000		14,000	Not commenced.
Street Lighting Hill Street/Pine Avenue, Ballina	25,500		25,500	Not commenced.
Street Lighting Brunswick Street/Winton Lane (cnr, Ballina	3,000		3,000	Not commenced.
Street Lighting Byron Street, Lennox Head	3,000		3,000	Not commenced.
Street Lighting Sharpes Beach (underpass)	9,500		9,500	Not commenced.
<i>Stormwater</i>				
Overland Flood Studies for Alstonville, Lennox Head and Wardell	80,000	53,000	27,000	Carry forward of unspent 2023/24 expenditure budget and related grant funding.
Preparing Australian Communities Flood Protection Planning	132,000	230,000	(98,000)	Carry forward of unspent 2023/24 expenditure budget and related grant funding, with timing of grant income differing due to accounting requirements.
<i>Emergency Services</i>				
Emergency Management and Social Cohesion	0	(110,000)	110,000	Reduction of 2024/25 income budget by income received and recognised in advance.
<i>Landfill and Resource Management</i>				
Waste Management Centre Masterplan	13,000		13,000	Project in progress
Wardell Landfill Management Plan	100,000		100,000	Not commenced.
<b>Division Total</b>	<b>418,000</b>	<b>143,000</b>	<b>275,000</b>	

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

<b>Corporate and Community Division</b>				
<i>Communications</i>				
Donations Sporting Groups	20,000		20,000	Donations outstanding from 2023/24.
Donations Community Groups	12,000		12,000	Donations outstanding from 2023/24.
<i>Information Services</i>				
NSW Planning Portal	47,000		47,000	Carry forward of grant funded unspent expenditure budget.
<b>Division Total</b>	<b>79,000</b>	<b>0</b>	<b>79,000</b>	
<b>GENERAL FUND TOTAL</b>				
	<b>810,000</b>	<b>180,000</b>	<b>630,000</b>	
<b>Water Operations</b>				
Nil	0		0	
<b>WATER FUND TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Wastewater Operations</b>				
Nil	0		0	
<b>WASTEWATER FUND TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**Table 5 - Capital Carried Forward to 2024/25 (\$)**

Description	Expenditure	Income	Net	Comment
<b>Planning and Environmental Health Division</b>				
<i>Public and Environmental Health</i>				
Development of Teven Reserve	(44,000)	(258,000)	214,000	Works in progress. Reduction of 2024/25 expenditure budget by amount expended in advance and reduction of 2024/25 grant income budget by amount received and recognised in advance.
<i>Open Spaces</i>				
Commemoration Park Improvements	(52,000)	(52,000)	0	Works in progress. Reduction of 2024/25 expenditure budget, and associated grant income, by works completed in advance.
Coastal Recreation Path	(75,000)	(75,000)	0	Works in progress. Reduction of 2024/25 expenditure budget, and associated grant income, as works completed in advance.
Kingsford Smith Crown Reserve Restoration	463,000	463,000	0	Works in progress. Carry forward of unspent expenditure budget and associated grant income.



## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

Description	Expenditure	Income	Net	Comment
Regatta Park Crown Reserve Restoration	139,000	139,000	0	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
John Kearney Park Ballina	155,000	0	155,000	Works not commenced. Carry forward of unspent expenditure budget.
Park Shelter and P.U.M.P actions	51,000	0	51,000	Works in progress. Carry forward of unspent expenditure budget.
Chickiba Park Ballina	190,000	0	190,000	Works not commenced. Carry forward of unspent expenditure budget.
Angels Beach Access Ramp	22,000	0	22,000	Works in progress. Carry forward of unspent expenditure budget.
Sharpes Beach Masterplan Implementation	47,000	47,000	0	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
Ocean Breeze Reserve	139,000		139,000	Works in progress.
<i>Sporting Fields</i>				
Ballina Pump Track Kingsford Smith Reserve	29,000	29,000	0	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
Williams Reserve Irrigation	10,000		10,000	Works not commenced. Carry forward of unspent expenditure budget.
Fripp Oval Flood Repairs and Improvements	57,000	57,000	0	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
Various other expenditure under Sport Priority Needs Program	14,000	10,000	4,000	Carry forward of available budgets and associated grant income.
Kingsford Smith Master Plan Access Works	220,000	132,000	88,000	Works not commenced. Carry forward of unspent expenditure budget and associated grant income, with the balance of grant income received in advance and recognised in 2023/24.
<i>Cemetery Operations</i>				
Cemetery Master Plan	184,000		184,000	Project in progress.
<b>Division Total</b>	<b>1,549,000</b>	<b>492,000</b>	<b>1,057,000</b>	
<b>Civil Services Division</b>				
<i>Stormwater and Environmental Protection</i>				
Anderson Street, East Ballina	29,000		29,000	Works not commenced. Carry forward of unspent expenditure budget.
John Sharpe Steet, East Ballina	(95,000)		(95,000)	Reduction to 2024/25 expenditure budget by amounts expended in advance.

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

Description	Expenditure	Income	Net	Comment
River Street/Brunswick Street, Ballina	69,000		69,000	Works not commenced. Carry forward of unspent expenditure budget.
Kawana Street Basin, Alstonville (LG Recovery Grant funded)	20,000		20,000	Works not commenced. Carry forward of unspent expenditure budget.
Mellis Circuit drainage, Alstonville (LG Recovery Grant funded)	30,000		30,000	Works not commenced. Carry forward of unspent expenditure budget.
Rossmore Park diversion works Alstonville. (LG Recovery Grant funded)	88,000		88,000	Works not commenced. Carry forward of unspent expenditure budget.
Coral Street, Alstonville (LG Recovery Grant funded)	55,000		55,000	Works in progress. Carry forward of unspent expenditure budget.
Lindsay Crescent, Wardell (LG Recovery Grant funded)	59,000		59,000	Works in progress. Carry forward of unspent expenditure budget.
Wardell stormwater works. (LG Recovery Grant funded)	17,000		17,000	Works not commenced. Carry forward of unspent expenditure budget.
Williams Reserve, Lennox Head	19,000		19,000	Works not commenced. Carry forward of unspent expenditure budget.
Park Lane and Ballina Street, Lennox Head	30,000		30,000	Works not commenced. Carry forward of unspent expenditure budget.
Lems Lane and Cliff Murray Lane, Lennox Head	80,000		80,000	Works not commenced. Carry forward of unspent expenditure budget.
Ballina Fair, Ballina	(8,000)		(8,000)	Works in progress. Reduction to 2024/25 expenditure budget by amounts expended in advance.
Martin Street, Ballina	110,000		110,000	Works not commenced. Carry forward of unspent expenditure budget
Moon Street, (Tamar to Holden Lane) Ballina	48,000		48,000	Works in progress. Carry forward of unspent expenditure budget.
Tide Gates to Urban Streets	28,000		28,000	Works in progress. Carry forward of unspent expenditure budget.
Asset Data Collection	22,000		22,000	Works in progress. Carry forward of unspent expenditure budget.
<i>Roads and Bridges</i>				
Evacuation Route Raising	695,000	695,000	0	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
Byron Street, Byron Bay roundabout	50,000	50,000	0	Works in progress. Carry forward of unspent

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

Description	Expenditure	Income	Net	Comment
				expenditure budget and associated grant income.
Russell Street seg 10, East Ballina	(12,000)		(12,000)	Reduction to 2024/25 expenditure budget by amounts expended in advance.
Coast Road, Lennox Head	3,000	(110,000)	113,000	Works in progress. Carry forward of unspent expenditure budget. Reduction to 2024/25 income budget for amounts received in advance and recognised in 2023/24.
Kerr Street, Ballina	107,000	107,000	0	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
Pacific Parade seg 20-40	82,000	80,000	2,000	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
Henry Phillip Avenue seg 10-20-30	43,000		43,000	Works in progress. Carry forward of unspent expenditure budget.
Wardell Town Centre Master Plan and Improvements (LG Recovery grant)	136,000		136,000	Works in progress. Carry forward of unspent expenditure budget.
Tamarind Drive (North Creek Road to Kerr Street) 4 Lanes	(265,000)	(265,000)	0	Reduction to 2024/25 expenditure budget, and associated grant income, by amounts expended in advance.
River Street Stage 3, Fishery Creek Bridge	(450,000)	(450,000)	0	Reduction to 2024/25 expenditure budget, and associated grant income, by amounts expended in advance.
Regional Emergency Road Repair Fund (RERRF)	(182,000)	1,646,000	(1,828,000)	Reduction to 2024/25 expenditure budgets by amounts expended in advance. Carry forward of grant income that had been included in 2023/24 budgets.
Betterment – Ross Lane	9,000	9,000	0	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
Youngman Creek	38,000		38,000	Works in progress. Carry forward of unspent expenditure budget.
Roads capital works (LG Recovery Grant funded)	193,000		193,000	Works in progress. Carry forward of unspent expenditure budget.
Cooks Lane Dust Seal	14,000		14,000	Works not commenced. Carry forward of unspent expenditure budget.

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

Description	Expenditure	Income	Net	Comment
Phillips Lane	7,000		7,000	Works in progress. Carry forward of unspent expenditure budget.
Converys Lane Wollonbar Dust Seal (MEMS funded)	6,000		6,000	Works in progress. Carry forward of unspent expenditure budget, for which grant funding already received and recognised.
Dust Seal projects to be determined (MEMS funded)	80,000		80,000	Works in progress. Carry forward of unspent expenditure budget, for which grant funding already received and recognised.
<i>Bridges</i>				
Bridges-Other	100,000		100,000	Carry forward of unspent expenditure budget.
<i>Footpaths</i>				
Cawley Close to Main Street, Alstonville	177,000	177,000	0	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
Rail Trail Design	4,000		4,000	Works in progress.
Skennars Head Road, Skennars Head	15,000		15,000	Works not commenced. Carry forward of unspent expenditure budget.
Camoola Avenue, Ballina	12,000		12,000	Works in progress. Carry forward of unspent expenditure budget.
Compton Drive, East Ballina – bike plan	10,000		10,000	Works in progress. Carry forward of unspent expenditure budget.
Ross Lane/Byron Road, Lennox Head – bike plan	45,000	10,000	35,000	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
William Street, Lennox Head	50,000		50,000	Works in progress. Carry forward of unspent expenditure budget.
<i>Ancillary</i>				
Country Passenger Transport Infrastructure	178,000	178,000	0	Works not commenced. Carry forward of unspent expenditure budget and associated grant income.
Bus Shelter Tamar Street	14,000		14,000	Works in progress. Carry forward of unspent expenditure budget.
Capital Income Local Roads Community Infrastructure grant		(244,000)	244,000	Reduction of 2024/25 grant income budget for amount received and recognised in advance.
Capital income Stronger Country Communities Fund		(10,000)	10,000	Reduction of 2024/25 grant income budget for amount received and recognised in advance.

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

<i>Wharves, Jetties and Pontoons</i>				
Wardell Wharf Boardwalk & Riverfront Repairs	44,000	44,000)	0	Works in progress. Carry forward of unspent expenditure budget and associated grant income.
<i>Emergency Services</i>				
Lennox Head Rural Fire Shed	280,000		280,000	Works in progress. Carry forward of unspent expenditure budget.
Ballina SES Building	(70,000)	(70,000)	0	Reduction to 2024/25 expenditure budget, and associated grant income, by amounts expended in advance.
<i>Landfill and Resource Recovery</i>				
Installation of Second Weighbridge Facility	289,000		289,000	Works in progress.
<b>Division Total</b>	<b>2,303,000</b>	<b>1,847,000</b>	<b>456,000</b>	
<b>Corporate and Community Division</b>				
<i>Property Management</i>				
Russellton Industrial Estate	(255,000)		(255,000)	Reduction to 2024/25 expenditure budget by amounts expended in advance.
Boeing Ave Lots Two and Three	220,000		220,000	Works in progress. Note additional budget also in Table 6 below.
WUEA Stage Three	356,000		356,000	Works in progress.
<i>Ballina Byron Gateway Airport</i>				
Runway	250,000		250,000	Works in progress. Noting that the available carry forward (ie the amount of unspent 2023/24 budget) was \$839,000.
Car Park	65,000		65,000	Works in progress.
<i>Facilities Management</i>				
Public Amenities Lennox Head Surf Club	165,000		165,000	Works in progress.
Wigmore Hall Bitupave Car Park	76,000		76,000	Works in progress.
Depot Above Ground Diesel Fuel System	80,000		80,000	Works in progress.
Ballina Surf Club Concertina Wall	40,000		40,000	Works not commenced.
Ballina Surf Club Balustrades	50,000		50,000	Works not commenced.
<i>Swimming Pools</i>				
Ballina Pool Solar	28,000		28,000	Works in progress
Alstonville Pool 25m Pool Glazing	15,000		15,000	Works in progress

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

<i>Tourism</i>				
Historic Ballina Riverfront Walk and Aboriginal Cultural Ways	79,000	79,000	0	Works in progress. Carry forward of expenditure budget and associated grant income.
<b>Division Total</b>	<b>1,169,000</b>	<b>79,000</b>	<b>1,090,000</b>	
<b>GENERAL FUND TOTAL</b>				
	<b>5,021,000</b>	<b>2,418,000</b>	<b>2,603,000</b>	
<b>Water Services</b>				
Drinking Water North Creek Road Pressure Zone Extension	185,000		185,000	Works in progress.
Reservoirs Level Control Study	18,000		18,000	Works in progress.
Reservoirs Lennox Head	16,000		16,000	Works in progress.
Reservoirs Lennox Head	90,000		90,000	Works in progress.
<b>WATER FUND TOTAL</b>	<b>309,000</b>	<b>0</b>	<b>309,000</b>	
<b>Wastewater Services</b>				
Trans Mains Alstonville Wollongbar	22,000		22,000	Works in progress.
Mains Relining Works	102,000		102,000	Works in progress.
Seamist Pumpstation Sewer Rising Main	200,000		200,000	Works in progress.
Pumpstation Catherine Crescent	42,000		42,000	Works in progress.
Pumpstation Burnett Street (Ballina Island)	111,000		111,000	Works in progress.
Pumpstation Regatta Avenue Public Art	5,000		5,000	Works not commenced.
Pumpstation Norlyn Avenue (Ballina Island)	113,000		113,000	Works in progress.
Pumpstation Wet Well Relining	120,000		120,000	Works in progress.
Lennox Wastewater Treatment Plant Sludge Return	50,000		50,000	Works not commenced.
Alstonville Wastewater Treatment Plant Inlet Works	358,000		358,000	Works in progress.
Lennox Wastewater Treatment Chlorination Renewal	17,000		17,000	Works in progress.
Ballina Wastewater Treatment Floating Solar	100,000		100,000	Works not commenced.
Ballina Wastewater Treatment Septic Receival	52,000		52,000	Works in progress.
Recycled Water Mains - Ferngrove to Ballina	140,000		140,000	Works in progress.
Recycled Water Mains - Connection Convair and Airport	12,000		12,000	Works in progress.

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

Recycled Water Pumpstations – Booster Pump Kellianne Crescent	52,000		52,000	Works in progress.
<b>WASTEWATER TOTAL</b>	<b>1,491,000</b>	<b>0</b>	<b>1,491,000</b>	

**Table 6 - Revisions to 2024/25 Budgets (\$)**

Description	Expenditure Increase / (Decrease)	Income (Increase) / Decrease	Reserve Balance Increase / (Decrease)	Comment
<b>GENERAL FUND</b>				
<b>Planning and Environmental Health Division</b>				
<i>Strategic Planning</i>				
Biodiversity Strategy	20,000	(20,000)		ADDITIONAL operating budget, grant funded from Department of Climate Change. Total grant of \$50,000, of which \$30,000 was received and recognised in 2023/24.
Newrybar Village Centre Masterplan	40,000		(40,000)	ADDITIONAL operating budget, to bring 2024/25 budget to \$50,000.
Public Art	14,000		(14,000)	NEW operating budget for mural work at Wardell, grant funded from TfNSW, with total grant funds of \$14,000 received and recognised in 2023/24.
<b>Civil Services Division</b>				
<i>Stormwater and Environmental Protection</i>				
Stormwater Works funded by Wastewater Dividend	(540,000)		540,000	Removal of stormwater capital works funded from the proposed 2023/24 Wastewater Dividend which was to have been placed into reserves at the end of 2023/24.
Floodplain Management Plan (Ballina Island and West Ballina)	80,000	(80,000)		NEW operating budget, grant funded by DPI, which had been missed in adopting of 2024/25 budgets.
<i>Water Transport</i>				
Wardell Wharf Boardwalk & Riverbank Repairs	500,000		(500,000)	ADDITIONAL capital budget, funded from Insurance proceeds received in 2023/24 which had been placed into reserves.
<i>Roads and Bridges</i>				
Troughtons Lane, Fernleigh, Dust Seal (MEMS funded)	88,000		88,000	NEW capital expenditure budget. Funded by MEMS, with the grant income received in

## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

Description	Expenditure Increase / (Decrease)	Income (Increase) / Decrease	Reserve Balance Increase / (Decrease)	Comment
				advance and recognised in 2023/24.
<i>Footpaths</i>				
Alstonville to West Ballina Shared Pathway	311,000	(311,000)		NEW capital expenditure budget for route assessment, concept plan and strategic assessment, funded by TfNSW Get NSW Active Program.
<i>Landfill and Resource Management</i>				
Local Government Waste Solutions	193,000	(193,000)		NEW capital expenditure budget, funded by NSW EPA.
<b>Corporate and Community Division</b>				
<i>Property Management</i>				
Boeing Avenue Lots Two and Three	230,000		(230,000)	ADDITIONAL capital expenditure required.
<i>Facilities Management</i>				
Ballina Library	198,000	(198,000)		NEW capital expenditure budget for internal shelving, counter redesign and general refurbishments, funded by Public Library Infrastructure Grant.
<b>WATER FUND</b>				
Plant & Equipment- Cable Locator	9,000		9,000	NEW capital expenditure budget.
Plant Program	266,000		266,000	Revised Plant Program.
<b>WASTEWATER FUND</b>				
Plant Program	103,000		103,000	Revised Plant Program.

**Table 7 - Additional Reserve Transfers for 2023/24 (\$)**

Reserve Description	Amount	Comment
<b>Planning and Environmental Health Division</b>		
<i>Strategic Planning</i>		
Strategic Planning Proposals	6,000	Unspent funds placed back into reserve until required.
Planning Proposal Southern Cross	78,000	Unspent funds placed back into reserve until required.
Plans of Management	5,000	Unspent funds placed back into reserve until required.
Biodiversity Strategy	65,000	Unspent funds of \$35,000 and unbudgeted grant income of \$30,000 received placed back into reserve until required, to use adopted 2024/25 budgets first.
Koala Vehicle Strike Mitigation	14,000	Unspent funds placed back into reserve until required.
Section 7.11 Plan Reviews	7,000	Unspent fund placed back into reserve until required.



## 9.7 Financial Review - 2023/24 - Carry Forwards and Reserve Movements

Reserve Description	Amount	Comment
Tuckombil Quarry Planning and Rezoning	25,000	Unspent funds placed back into reserve until required.
<i>Environmental and Public Health</i>		
Lake Ainsworth Coastal Management Plan	14,000	Net unspent budget
Healthy Waterways and Environment Health Projects	99,000	Unspent budget placed back into reserve until required.
Shaws Bay Coastal Management Plan	(12,000)	Unbudgeted expenditure taken from available reserves.
Ballina Shire Coastline Coastal Management Plan	16,000	Unspent fund placed back into reserve until required.
<b>Civil Services Division</b>		
<i>Marine Infrastructure</i>		
Boat ramps and wharves	500,000	Insurance proceeds received in 2023/24, to fund additional capital expenditure in 2024/25.
<i>Stormwater</i>		
Stormwater Renewal Program	(540,000)	Budgeted transfers to reserve included the proposed non-compulsory dividend from the Wastewater Fund. This transfer to reserve will not occur for 2023/24 as not approved by the Department Climate Change, Environment, Energy and Water.
<b>Corporate and Community Division</b>		
<i>Communications</i>		
Software budgets	30,000	The adopted budgets for 203/24 included \$75,000 for web site migration. The amount is not fully expended, so placed into reserves to be available for the completion of the project.
<i>Financial Services</i>		
Financial Assistance Grant-Advance Payment	(552,600)	The reserve balance as at 30 June 2024 has been reduced to a balance of \$5.1m to reflect the change in amount of advance payment, with the advance reduced from 100% to 85%.
<i>Facilities Management</i>		
71 Tamar Street Building Demolition	38,000	Savings to be placed into Administration/Depot Reserves.
Building Asset Renewal Program	50,000	Transfer to Reserves for additional works for Community Facilities.
<i>Library Services</i>		
NSW Library Special Projects Funding	30,000	Grant funded unspent expenditure from 2023/24 budgets placed into reserve.
<b>Water Supply</b>		
Nil	0	
<b>Wastewater Services</b>		
Nil	0	

**Delivery Program Strategy / Operational Plan Activity**

The content of this report relates to the financial sustainability of Council.

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

**Community Engagement Strategy**

The required carry forward budgets and reserve transfers involved consultation across the organisation.

**Financial / Risk Considerations**

There are no significant financial implications from this report as the report details movements between years and identified transfers into reserves.

**Options**

This report is designed to provide an overview of the preliminary results for 2023/24 and to ensure Councillors are informed on the works and services carried forward and the transfers to reserves.

The options are to approve or not approve the adjustments outlined in the report, with the recommendation for approval.

**RECOMMENDATIONS**

1. That Council notes the contents of this report in respect to the preliminary forecast operating results for 2023/24.
2. That Council approves the works and services carried forward, other additional changes to budget and reserve movements, as outlined in Tables 4, 5, 6 and 7 of this report, for inclusion in the Long-Term Financial Plan.

**Attachment(s)**

Nil

## **9.8 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges**

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### **9.8 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges**

<b>Section</b>	Financial Services
<b>Objective</b>	To report on the outcomes of the public exhibition of the Financial Assistance (Hardship) - Rates and Charges Policy

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#### **Background**

Council reviewed the Financial Assistance (Hardship) – Rates and Charges policy at the June 2024 Ordinary meeting.

The resolution from that meeting was as follows:

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

A copy of the exhibited Financial Assistance (Hardship) – Rates and Charges policy is included as Attachment 1.

The policy was exhibited from 5 July 2024 to 31 July 2024, with Council receiving one submission.

A copy of the submission is included as Attachment 2.

This report details the outcome of the exhibition process and seeks Council's direction on the policy.

The current policy does not have any specific provisions that allows rate relief for businesses.

#### **Key Issues**

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

#### **Discussion**

Council first adopted this policy on 26 August 2004, and it has undergone several relatively minor reviews.

Under the current policy, applicants are requested to complete a Hardship Rate Relief Application Form, detailing income, expenses, assets, and liabilities, as well as other information/affirmations.

## 9.8 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges

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

The financial assistance typically provided under the policy is periodic payment arrangements, and an interest free period.

The policy has always been for the provision of assistance to residential or farmland ratepayers only.

The submission identifies the policy does not make provision for businesses, who may be experiencing financial difficulties in paying their rates and charges.

Furthermore, the submission claims that the exclusion of business ratepayers from the policy does not provide a framework that is equitable for all.

### *Discussion of Ballina Shire Council's Adopted Rating Structure*

Considering the submission comments that business rates are higher than the other ratepayer groups, it is relevant to comment on Ballina Shire Council's Rating Structure and the history of the setting of the business rate.

In respect to rating structures, the onus is on Council to adopt a fair and equitable structure that complies with criteria outlined within the Local Government Act 1993. It is the elected Council that determines the fairest and most equitable rating structure.

The rating structure was most recently considered at the Finance and Facilities Committee held on 13 March 2024, with a report "Rating Structure-2024/25" report that was presented to that meeting.

That report considered the fairness and equity of the rating structure, which was adopted by Council, providing history in relation to the rating structure, and specifically the business rate.

That report also provided comparative information of Council's rates compared to six surrounding councils, using information publicly available from the State Government Your Council website [yourcouncil.nsw.gov.au](http://yourcouncil.nsw.gov.au), which is managed by the Office of Local Government.

An extract of the data presented in Table 14 of that report is shown below and references 2021/22 data.

<b>Council</b>	<b>Business Rate</b>	<b>Residential</b>	<b>Farm and</b>
Ballina	3,567	1,137	1,784
Byron	3,529	1,415	2,547
Clarence Valley	3,042	1,235	1,669
Coffs Harbour (1)	4,192	1,295	2,234
Lismore	4,572	1,361	2,560
Richmond Valley (2)	3,002	1,116	1,822
Tweed (1)(3)	2,929	1,528	2,231
<b>Average of Above</b>	<b>3,548</b>	<b>1,298</b>	<b>2,121</b>
<b>Group 4 Average</b>	<b>4,038</b>	<b>1,194</b>	<b>2,452</b>

## **9.8 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges**

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As per these figures, Ballina Shire's average rates compared more than reasonably with neighbouring councils, particularly noting that Richmond Valley had the SRV approval of 5.5% for 2022/23 (compared to a rate peg of 2.0% for Ballina) and Tweed had an SRV approval of 6.35% for 2023/24 (compared to a rate peg of 3.9% for Ballina).

Ballina Shire's average rates for 2021/22 were and continue to remain below the NSW Group 4 average.

This data is still the latest information currently available on that website.

### *Consideration of Statutory Provisions*

The Local Government Act 1993 (the Act) allows Council to provide assistance to ratepayers under certain sections of the Act.

Section 567 of the Act specifies the ability of Council for the writing off accrued interest:

*The council may write off accrued interest on rates or charges payable by a person if, in its opinion –*

- (a) The person was unable to pay the rates or charges when they became due and payable for reasons beyond the person's control, or*
- (b) The person is unable to pay the accrued interest for reasons beyond the person's control, or*
- (c) Payment of the accrued interest would cause the person hardship*

Although the above section of the Act uses the word "person", the interpretation of the above is not that of a natural person and may incorporate business ratepayers.

Under section 560 of the Act:

- (1) The owner... is liable to pay the rate to the council*

In consideration as to whether the Financial Assistance (Hardship) policy should be extended to include business ratepayers, the consideration of who is "liable" for the payment of rates is a key consideration.

The ability for Council to be able to write off accrued interest would be dependent on the applicant being assessed as the party that is liable to pay the rates.

Where a business owns and occupies the property, the business is liable for the rates payable to Council.

However, where a business leases the premises (i.e. the business is the tenant, not the owner), this is not clear.

Some lease agreements, between the property owner and the business lessee (tenant), specifically include provision for the lessee to contribute to outgoings, including rates and charges.

Even when a lease agreement does include outgoings, it may still be unclear.

## **9.8 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges**

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Council's property management staff, who are involved in overseeing several leases, note that there can be complexities and differences between individual lease agreements.

By way of example, there are additional legislative considerations regarding retail leases.

Council has retail lease agreements of which some tenants do pay outgoings, and others do not.

For those retail leases, which do include outgoings, the owner is required to provide a Lessor Disclosure Statement to the lessee, disclosing all charges applicable and can only hold the lessee to be liable if the Disclosure Statement included the full amount of these charges.

Other lease agreements do not refer to outgoings, and in those circumstances, it is the Lessor (property owner) who is liable for the rates.

Should the hardship policy allow inclusion of businesses, the above scenarios have the outcome of providing inequities between businesses.

Verbal advice received from the Office of Local Government confirms that each circumstance would need to be reviewed on a case-by-case basis, to assess who is "liable" for the rates.

The OLG advise Council may need to seek legal advice in individual circumstances to determine.

Should the applicant be a Lessee (tenant), this would involve Council staff reviewing the lease agreement to understand who is 'liable' for the rates and charges.

An additional challenge is in relation to what information a business provides as evidence of "hardship" under Section 567(c), and how that information would be assessed by staff.

Inclusion of business ratepayers within the policy may require the setting of arbitrary benchmarks for staff to be able to determine whether the business was in hardship.

For example, if a business's Profit and Loss Statement showed an operating loss for one year, would that be defined as financial hardship or would Council staff need to see historical information to provide a determination.

It would be a matter of establishing what documentation would need to be provided by the business to be assessed to make such determination. The ability of staff to make an assessment is limited by a lack of specialist expertise.

### *Information on Policies of other Councils*

Amongst Council's surrounding LGA's, Richmond Valley Council's (RVC) is the only council identified as having hardship provisions relating to businesses within a hardship policy.

## **9.8 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges**

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RVC's "Financial Hardship" policy does include provision for applications to be received from business owners or lessees. These provisions, which were added in May 2020, were noted in the report to the May 2020 RVC Council ordinary meeting to extend the policy provisions:

*"to include business ratepayers that have pre-determined financial hardship status under the State or Federal Governments' COVID-19 assistance packages. Under the proposed arrangement, the business ratepayer would supply Council with copies of correspondence confirming that the business has met the relevant government requirements to be eligible for financial hardship support. The ratepayer would then be entitled to a payment plan for their business rates without interest being charged on the outstanding balances."*

RVC has a separate application form for Commercial/Business applications under their policy.

On this form, the applicant must identify whether they are the owner or lessee.

Where the applicant is the owner of the property, the applicant must also confirm whether they are liable for the payment of the rates and annual charges.

Where the applicant is the lessee, the applicant must also confirm whether the landlord is aware of the application.

The form requires the applicant to outline incomes, expenses, assets and liabilities, and requests that supporting documents be provided, including bank statements of business accounts and details of any current government grants/assistance.

The RVC Financial Hardship policy has not been reviewed since these amendments in May 2020.

Council staff understand, from enquiry of staff from RVC, that no applications have been received from businesses under this policy since its amendment in May 2020.

### **Community Engagement Strategy**

The policy has been placed on public exhibition enabling the community to provide submissions on the revised policy.

### **Financial / Risk Considerations**

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

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

On balance, there is an administrative cost to Council should business ratepayers be included in the policy. This burden may not outweigh the benefits (interest free period, periodic payments) to the community.

## **9.8 Policy (Review) - Financial Assistance (Hardship) - Rates and Charges**

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### **Options**

There are two options available to Council, with the first option being to adopt the exhibited Financial Assistance (Hardship) – Rates and Charges policy, as per Attachment 1.

This option does not include business ratepayers in the Policy, and this is the recommended option, based on the contents of this report.

A second option is for staff to provide a further report to Council, with proposed amendments to the policy wording to include provisions for applications for hardship by businesses.

The proposition to extend the policy to business ratepayers would present several challenges, including an ability of Council to appropriately and fairly assess a business's capacity to pay, and how Council would apply this to businesses who are tenants and not the property owners.

Should business ratepayers be included in the policy, the Office of Local Government have advised Council that legal advice would need to be sought for each applicant.

This additional cost to Council could outweigh any benefit to the community. For this reason, option two is not recommended.

Council previously resolved to adopt the exhibited Financial Assistance (Hardship) – Rates and Charges policy and the recommendation in this report is consistent with that policy position.

### **RECOMMENDATION**

That Council notes the contents of the submission to the policy review, and based on the contents of this report, confirms the re-adoption of the exhibited Financial Assistance (Hardship) – Rates and Charges Policy, as per Attachment 1 to this report.

### **Attachment(s)**

1. Policy (Review) - Financial Assistance (Hardship) - Rates and Charges - As Exhibited [⇨](#)
2. Policy - Submission [⇨](#)



## **10.1 Martin Street Boat Harbour - Concept Plan**

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### **10. Civil Services Division Reports**

#### **10.1 Martin Street Boat Harbour - Concept Plan**

**Section** Engineering Works

**Objective** To report the outcomes of the public exhibition of the Martin Street Boat Harbour Concept Plan.

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#### **Background**

The Martin Street Boat Harbour is located within the lower Richmond River estuary in Ballina. The harbour is near the Ballina town centre, recreational and open space areas and has a rich maritime history, heritage values and scenic river views. Despite its high value and potential as a community space and functional marina, the site is under utilised in its current form.

The Martin Street Boat Harbour Precinct Master Plan was adopted by Council in 2016. The master plan identified the need for an expanded marina to meet the demand for short term / overnight mooring, as well as the enhancement of the public open space along the waterfront and integration with the surrounding urban environment.

The Martin Street Boat Harbour is a facility located on Crown Land and Transport for NSW – Maritime (TfNSW) is the Crown Land Reserve Manager.

In 2021 Council received a grant under the NSW Boating Now Program to partly fund the investigation of the maritime/marine components of the master plan to the next phase.

This further phase of investigations has been supported with the aim to identify and quantify feasible maritime improvements for the site.

Hydrosphere Consulting was appointed to complete a scope of works that included preliminary engineering investigations, the development of options and a concept design, cost estimate, and planning pathway considerations for potential future upgrading of the boat harbour.

The project was commenced late 2021 and concluded in 2023.

In September 2023 Council resolved to proceed with public exhibition and broader community consultation.

This exhibition period enabled the community to consider the detailed and professional expertise presented in the report.

This report follows a Councillor briefing held 7 August 2024 and assesses the submissions from the public and considers the next steps in the pathway to progress the project.

A copy of the exhibited plan is provided in Attachment One.

## 10.1 Martin Street Boat Harbour - Concept Plan

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### Key Issues

- Response to submissions
- Associated project costs

### Discussion

The Concept Plans were placed on public exhibition from 31 May until 5 July 2024.

During this period a mailout to the\_key stakeholders including Crown Lands, Transport for NSW – Maritime, Boat Harbour User Group, and leaseholders plus immediate neighbours was undertaken.

Submissions have been received in the form of 92 Your Say web responses and three emails. Of the 95 submissions:

- 47 were negative or not supportive of the current concept design, being 51% of the total submissions.
- 39 were in support of the project being 42% of the total submissions.
- 6 were undecided on their level of support of the project.

Eleven submissions were received from existing lease/license holders, nine from the user groups and three from government agencies and local business owners.

Council also received responses from 56 Ballina Shire residents (60.9%) who are not existing users of the site.

This suggests Council received responses from a spread of residents that may be most impacted and benefit most from the works.

Copies of the written submissions are included in Attachment 2 to this report and a summary of the key issues raised from the written submissions and the Your Say feedback is outlined in the following table.

**Table One Submissions Summary**

<b>Issues/Topic</b>	<b>Response</b>	<b>Proposed Action</b>
Commercial Viability	The concept report focused on developing a preliminary cost estimate of the development and didn't include an economic feasibility study.	Prepare an economic feasibility study prior to moving into the detailed design phase.
Ballina Marina a preferred option	It is proposed to redevelop or upgrade both the Ballina Marina and the Martin Street boat harbours based on identified needs and the objectives of both projects are complementary to each other. Both projects have been identified in the	Continue to advance the two boat harbour projects together and search for grant funding opportunities.

## 10.1 Martin Street Boat Harbour - Concept Plan

Issues/Topic	Response	Proposed Action
	<p>Ballina Major Regional Centre Strategy for support. The reasons for this are the two harbour areas allow a mix of commercial, tourism, private and government vessels of varying size to be accommodated with a level of flexibility not necessarily available at a single site.</p> <p>An update for the Ballina Marina Master Plan project was considered at February 2024 Commercial Services meeting. The resolution in response to the report is for further representations to be made to the State Government to progress the Ballina Marina Master Plan, either through State Government agencies or through an equity agreement with Council.</p>	
<p>Removal of Rock Wall and Proposed Protection from wind waves, wind spray, currents, and vessel wake</p>	<p>A large rock wall is acknowledged as a possible option to provide the protection from all the elements, however this infrastructure is not the only opportunity to provided adequate protection.</p> <p>Deflection structures at both ends of harbour will reduce tidal and flood currents. Modelling confirms the intuitive effect of those structures.</p> <p>Floating wave attenuation is an accepted technique used worldwide.</p>	<p>Detailed 3D hydrodynamic modelling of the marina in support of detailed design and environmental assessment is required to determine the final protection system.</p>

## 10.1 Martin Street Boat Harbour - Concept Plan

<p>Protrusion into the channel. Effect on river currents and river morphology</p>	<p>The new concept reduces extent of development out into the river channel compared to Council's Masterplan</p>	<p>Undertake additional hydrographic survey of the existing harbour, marina footprint and adjoining sections of the Richmond River prior to detailed design.</p> <p>Provide up to date bathymetry for modelling, design depths and dredging volumes. Determine the extent of the natural riverbed reef offshore of the marina site with a view to determining the degree to which any sediment scour offshore of the marina may be influenced.</p>
<p>Ballina bar as a constraint</p>	<p>Dredging of the bar is an economic investment decision by the State Government. Developing the harbour will increase its use and this increase in demand will improve the business case for the dredging proposal.</p>	<p>Continue to advocate to the State Government to improve the navigation safety across the bar.</p>
<p>Lack of Facilities</p>	<p>The fuel dock location in the masterplan was not considered suitable due to significant exposure. On-water unleaded fuel is expensive and avoided by trailer boats which have other options. Boats can refuel (diesel) at trawler harbour where the space and more industrial nature of the site is more suited.</p> <p>Sullage pump-out included in revised concept.</p>	<p>Continue to advance the two boat harbour projects together to ensure the adequate facilities are considered.</p>

## 10.1 Martin Street Boat Harbour - Concept Plan

<p>Impact on existing users and berth fees</p>	<p>Concept does allow for staged approach to accommodate existing users.</p> <p>Disruption and at least temporary displacement is inevitable in development of existing sites.</p> <p>Berth fees would increase as the current occupants don't pay high fees but receive low service level.</p>	<p>Staging and construction methodology will continue to be considered during detail design to ensure the best overall balance of trade-offs for these issues is achieved.</p> <p>The consideration of pricing and leasing is a future decision closer to the implementation phase.</p>
<p>Vessel Sizes allocated in Concept Design</p>	<p>In selecting sizes, the consultant analysed pre and post-covid aerial photos and counted, characterised, and measured the sizes of all vessels in a range of east coast marinas/harbours.</p> <p>The investigation of current demand trends and pen sizes along the NSW coast indicate the greatest demand is for 12m and 16m berths and these sizes have been adopted for the design.</p>	<p>Data monitoring can continue during next phase as required.</p>
<p>Maneuvering</p>	<p>Design of all entry channels, fairways and berths is in accordance with the applicable Australian standard.</p> <p>Current deflectors reduce velocity 'shear' across the entries.</p>	<p>Design will comply with relevant standards.</p>
<p>Dredging</p>	<p>Initial dredging and contamination removal detailed in the report.</p> <p>Method of removal of contaminants is most likely to seal off the front of</p>	<p>Further modelling is required as part of detailed design to study sedimentation patterns and ensure design reduces</p>

## 10.1 Martin Street Boat Harbour - Concept Plan

	<p>existing harbour temporarily to full isolate from the river.</p> <p>Maintenance dredging is still likely to be required but infrequently.</p>	<p>maintenance as much as possible.</p>
<p>Susceptibility to Flooding</p>	<p>Western deflection wall is proposed at the flood level experienced in 2022 and hence would provide protection up to that level from the brunt of flood flows and debris.</p> <p>Modelling of currents and circulation patterns included a bank full flood scenario. Experienced yacht owners were part of the design team and reviewed the modelling results.</p>	<p>Detail design will continue assessment.</p>

Many of the concerns raised by the community have been considered in the development of the concept report and it is noted, as per the table above, the report has also identified key components requiring additional work in the next phase, which is the detailed design and/or planning for the project.

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

The project contributes to Council's adopted Delivery Program and Operational Plan Strategy PE1.3c – Enhance the image of the local economy where benefits will be derived from increased resilience for our economy.

### **Community Engagement Strategy**

Engagement activities undertaken by Hydrosphere Pty. Ltd. during the study were varied including phone calls, emails, online meetings, face-to-face meetings, on-site meetings, and workshops.

Engagement activities undertaken as part of the project included:

- Identification of relevant stakeholders
- Initial contact with relevant stakeholders – generally a phone call / email to introduce the project, request information and input and discuss further engagement opportunities throughout the project
- Existing harbour users – on-site meeting March 2022
- Transport for NSW – face-to-face, phone and online meetings held to exchange information and gain feedback.
- DPE-Crown Lands - online meeting to discuss approval pathway options for upgrade concept October 2022

## 10.1 Martin Street Boat Harbour - Concept Plan

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- Workshop One (May 2022) – Provided opportunity for input and feedback from existing harbour users and land managers to the project team in relation to potential redevelopments of the boat harbour. Presented broad concepts for marina layouts and discussed requirements, constraints, and potential development options.
- Workshop Two (November 2022) – to discuss a revised concept, provide results from various technical studies undertaken to date and to discuss potential approvals pathway and development options
- Hydrosphere briefing to Councillors 7 June 2023
- Public exhibition from 31 May to 5 July 2024

### Financial / Risk Considerations

The estimated total cost of the redevelopment is approximately \$25m. Costs have been developed assuming all works are completed in a single stage. Constructing works in separate stages would add to these costs. Costs are subject to significant fluctuation in response to material pricing and industry workload. All costs are estimated in 2023 Australian dollars and subject to inflation.

This project is not funded in Council's Long Term Financial Plan. This means grant funds will need to be secured for the project to proceed. One of the primary reasons for completing the concept plan is to assist Council in applying for future grants.

### Options

The following options are present to Council.

#### Option One Endorse Exhibited Plan

Council can endorse the exhibited concept design for the Martin Street Boat Harbour Upgrade project noting there are a range of proposed actions, as set out in the 'Proposed Action' column in the Table One of this report with these amendments or actions to be considered during the detailed design phase.

#### Option Two Amend the Exhibited Plan and Endorse

Council can provide direction on any amendments that are preferred to the plan and the plan can be updated in response and represented to Council for endorsement.

If there is considerable work in developing any amendments, Council will need to consider allocating a budget for this work.

#### Option Three Take No Further Action

Council can decide that no further action is required. This option recognises that grant funding is required for design and implementation and resources are required to pursue these grants and our focus for economic activation and facility development should be prioritised to other existing projects.

Option One is the recommended option.

## 10.1 Martin Street Boat Harbour - Concept Plan

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Upgrading the Martin Street Boat Harbour has been identified as an important community facility that requires upgrading. Without immediate grant funding, it is likely the project has long time frame ahead before implementation.

Council has a track record of using the early development of concept designs and master plans to eventually achieve the desired outcome.

Option One is also recommended as it allows the technical advice and study undertaken so far, to be combined with the feedback received from the community, to be considered further in the detail design.

### RECOMMENDATIONS

1. That Council endorses the exhibited concept design for the Martin Street Boat Harbour Upgrade, noting there are a range of proposed actions, as set out in the 'Proposed Action' column in Table One of this report, with these amendments and actions to be considered during the detailed design phase.
2. That Council notes the current cost estimate of the Martin Street Boat Harbour Upgrade is approximately \$25m and funding from grant opportunities is required to advance the next phase of work, being the development of the detail design.

### Attachment(s)

1. Martin Street Boat Harbour - Concept Plan [⇨](#)
2. Public Submissions-Martin Street Boat Harbour [⇨](#)



## 11.1 Question with Notice - Planning for Industrial Land, Lennox Head

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### 11. Notices of Motion

## 11.1 Question with Notice - Planning for Industrial Land, Lennox Head

Councillor

Cr Ramsey

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### Councillor Question

Can the General Manager outline the status of any industrial land planned for Lennox Head, along with providing an indication of the likelihood of any industrial land progressing through the planning proposal processes required to become industrial land.

### Staff Response

The 2004 Lennox Head Structure plan identified the below green shaded area as having potential for services and trades area (or light industry). This is also reinforced in the 2012 Growth Management Strategy for the shire by a strategic action (provide for light industrial or employment precinct).

The Lennox Head Strategic Plan 2023-2043 references potential rezoning of the land for future employment/industrial purposes.

Under the North Coast Regional Plan 2041 the land is identified as an investigation area for employment and urban land (so it could be a mixture of employment and residential uses).



## **11.1 Question with Notice - Planning for Industrial Land, Lennox Head**

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Strategically the land has merit for urban uses but to advance this the land will need to be rezoned and so would need to go through the full planning proposal process including technical studies (e.g. flooding, biodiversity, agriculture, cultural heritage etc).

The land is privately owned.

Typically, to advance a rezoning and any subsequent development application, the landowner (or development proponent) is required to undertake the necessary studies and technical document preparation at their cost.

With respect to timing and the potential success of a rezoning proposal, this is dependent on the nature of a proposal put forward and the outcomes of technical studies undertaken.

At this stage, there is no proposal from the landowner or associated site investigations before Council to comment on.

There is a substantial amount of technical study required in relation to this land.

Any development of the land is subject to completion of a rezoning process and then progression through the development application process.

### **EXPLANATORY NOTEI**

Questions With Notice is an agenda item in the Office of Local Government's Model Code of Meeting Practice template.

Council's adopted Code of Meeting Practice states that a Question With Notice must be submitted nine business days before the meeting is held.

The Office of Local Government has also confirmed that the inclusion of a Question With Notice does not authorise debate.

It is a public record of the question and answer recorded in the Council agenda and no resolution is required.

If a Councillor wishes to see a matter debated, it must be submitted as a Notice of Motion.

### **Attachment(s)**

Nil

## 11.2 Notice of Motion - Water Reservoir Murals

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### 11.2 Notice of Motion - Water Reservoir Murals

**Councillor**

Cr Ramsey

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I move:

That during 2024/25 Council proceed to create murals on the East Ballina and Lennox Head water reservoirs, with the funding sourced from the financial reserves held for the Water Fund.

#### **Councillor Comments**

The provision of these murals

- adds visual interest and beauty to otherwise plain structures
- enhances the overall look of the community, making it more attractive
- reflects local culture, history, fostering a scene of pride and identity among residents
- serves as a landmark or symbol for the community
- attracts tourist and visitors, potentially increasing local business revenue
- creates opportunities for guided tours or community events centred around the artwork.
- well maintained and visually appealing structures are less likely to be vandalised.

#### **Staff Comments**

The estimated cost of this work, from the mural viewpoint, is approximately \$50,000 per site, with the Water Fund holding adequate financial reserves to fund the works.

This figure could be lower if the murals were delivered on a voluntary basis, which has occurred before, with Council possibly providing funding for direct material costs such as painting, scaffolding etc.

There also considerations in respect to preparation, as recently completed murals on reservoirs at Ballina Heights / Banyan Hill, funded and provided by the developer, are starting to flake.

As the two reservoirs in this motion are older, it may be necessary to spend \$20,000 to \$30,000 per site to undertake the site preparation and undercoating to ensure a satisfactory surface is provided.

#### **COUNCILLOR RECOMMENDATION**

That during 2024/25 Council proceed to create murals on the East Ballina and Lennox Head water reservoirs, with the funding sourced from the financial reserves held for the Water Fund.

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

Nil

### 11.3 Notice of Motion - Police Station, Lennox Head

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### 11.3 Notice of Motion - Police Station, Lennox Head

Councillor

Cr Ramsey

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I move:

That Council donate the section of Council owned land, no longer required for a preschool, on the corner of Byron Street and Hutley Drive, Lennox Head to the NSW Police on the condition that they provide a Police Station on the land.

#### **Councillor Comments**

- **It would enhance public safety.** A local Police presence deters crime and enhances the overall feeling of safety for residents. Knowing that law enforcement is nearby can help reduce fear and anxiety about criminal activity.
- **Give quick response** times in emergencies, every second counts. Having a Police presence in a small area ensures that officers can respond quickly to incidents, providing timely assistance and potentially saving lives.
- **Encourage community engagement.** Officers in smaller areas can build strong relationships with community members. These connections help Police understand local concerns and needs, fostering cooperation and mutual trust.
- **Police can develop and implement** Strategies specifically tailored to the unique challenges and characteristics of the small area. This targeted approach can be more effective in preventing and addressing crime.
- **Visible deterrence.** The visible presence of police can deter potential criminals from engaging in illegal activities. Knowing that law enforcement is close by can make would-be offenders think twice before committing a crime.
- **Local Knowledge.** Officers stationed in a small area become familiar with the community, its layout, and its residents. This local knowledge can be invaluable in solving crimes and identifying suspicious activities.
- **Improved Public Services.** A local Police presence can provide better public services, such as handling reports of crimes, lost and found services, and offering community programs. These services are more accessible and responsive to local needs.
- **Support for Vulnerable Populations.** Police in small areas can identify and support vulnerable populations, such as the elderly, children, and those with mental health issues. Regular interactions allow officers to offer assistance and connect individuals with necessary resources.
- **Conflict Resolution.** Having Police nearby can help mediate and resolve conflicts quickly, preventing them from escalating into more serious issues.
- **Emergency Preparedness.** Local police presence ensures better preparedness and coordination during emergencies, such as natural disasters or large public events. Police can work closely with other emergency services to manage situations effectively.

### **11.3 Notice of Motion - Police Station, Lennox Head**

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Overall, maintaining a Police presence in a small area contributes to the safety, stability, and well-being of the community, fostering a secure environment where residents can thrive.

#### **COUNCILLOR RECOMMENDATION**

That Council donate the section of Council owned land, no longer required for a preschool, on the corner of Byron Street and Hutley Drive, Lennox Head to the NSW Police on the condition that they provide a Police Station on the land.

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

Nil

## 11.4 Notice of Motion - Telstra Tower, Newrybar

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### 11.4 Notice of Motion - Telstra Tower, Newrybar

**Councillor**

Cr Dicker

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I move:

That Council write to Telstra and Aurecon and urge them to take all reasonable steps to co-locate the proposed mobile phone tower in Newrybar with the existing NBN tower to minimise unnecessary impacts on rural scenic amenity.

#### **Councillor Comments**

Telstra is proposing to construct a 40m monopole and associated infrastructure in Newrybar (at an address which straddles the Ballina and Byron Shires) to improve mobile phone coverage in the surrounding area. This proposal does not require Development Approval as per the Mobile Phone Base Station Deployment Code 2020. The report, pictures and site-specific information is available to the public at [www.rfnsa.com.au/2479006/](http://www.rfnsa.com.au/2479006/).

In light of the fact that there is a similar sized tower located approximately 70 metres to the south of the subject site, it is suggested that Council follow in the footsteps of Byron Shire Council and urge Telstra to explore co-locating this infrastructure to avoid duplication and to reduce impacts on the visual and scenic amenity of Newrybar and surrounds.

#### **Staff Comments**

Following representations from members of the community about the proposed new telecommunications facility, the Mayor issued correspondence to Aurecon (consultants working on the proposal for Telstra) in June 2024 raising concerns about the location of the facility and the need for a development application.

It was suggested that Telstra review the proposed development and potential impacts based on the use of existing infrastructure, and further consult the community and adjacent landholders if a collocation of infrastructure is ultimately proposed.

The correspondence also sought confirmation and explanation of the planning pathway applied to the proposed development.

Aurecon responded by email, at the end of June 2024, advising that the proposal for a new tower complies with the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021.

Aurecon also advised that co-location opportunities were explored during the site selection process.

After numerous assessments and design reviews, it was deemed not feasible to utilise the existing NBN tower for this project.

A detailed explanation of the site selection process and each candidate location considered was made available to the public during the consultation period.

## 11.4 Notice of Motion - Telstra Tower, Newrybar

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Aurecon confirmed that Telstra decided to proceed with the additional tower following a review of the feedback received and having regard for communication needs in the area.



### **COUNCILLOR RECOMMENDATION**

That Council write to Telstra and Aurecon and urge them to take all reasonable steps to co-locate the proposed mobile phone tower in Newrybar with the existing NBN tower to minimise unnecessary impacts on rural scenic amenity.

### **Attachment(s)**

Nil

**12. Advisory Committee Minutes**

**12.1 Commercial Services Committee Minutes - 5 August 2024**

**Attendance**

Crs Sharon Cadwallader (Mayor - in the chair), Kiri Dicker, Simon Chate (online), Eoin Johnston, Stephen McCarthy and Eva Ramsey.

Paul Hickey (General Manager), David Kelly (Acting Director - Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Caroline Klose (Director, Corporate and Community Division), Paul Tsikleas (Manager Commercial Services), Nikki Glassop (Acting PA to General Manager and Mayor) and Janelle Snellgrove (Executive Support Officer) were in attendance.

There was one person in the gallery at this time.

**1. Acknowledgement of Country**

The Mayor opened the meeting at 4.17pm and provided an Acknowledgement of Country.

**2. Apologies**

Apologies were received from Cr Phillip Meehan, Cr Rodney Bruem and Cr Jeff Johnson

**RECOMMENDATION**

(Cr Eoin Johnston/Cr Eva Ramsey)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nigel Buchanan, Cr Phillip Meehan and Cr Rodney Bruem

**3. Declarations of Interest**

Nil

**4. Deputations**

Nil



**5. Committee Reports**

**5.1 Crown Land - Acquisitions**

**RECOMMENDATION**

(Cr Eoin Johnston/Cr Eva Ramsey)

1. That Council notes the contents of this report and supports the rescission of the compulsory acquisitions of part Lighthouse Parade and Regatta Avenue, Ballina based on the Valuer General's valuations not reflecting the actual use of the land subject to the acquisition.
2. That Council approves the entering of deeds of agreement, with the Department of Planning, Housing and Infrastructure, if this is demonstrated to be a more cost-effective way to manage the Council infrastructure located on this Crown Land.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nigel Buchanan, Cr Phillip Meehan and Cr Rodney Bruem

**5.2 Cherry Street Sports Group - Club Lennox Sports Leases - Update**

**RECOMMENDATION**

(Cr Stephen McCarthy/Cr Simon Chate)

1. That Council notes that, as per the contents of this report, the planned capital expenditure program to support the rental rebate for the Ballina Bowling and Recreation Club (BBRC) Limited has not been met, as per the conditions of the leases for 2022/23 and 2023/24.
2. That Council confirms that it will not seek a rental rebate for 2022/23 and 2023/24, based on the expenditure commitment planned by the BBRC Limited for 2024/25, however if by the end of 2024/25, the cumulative expenditure is not above the agreed works program, Council will claim a rental rebate for the percentage under expended.
3. That Council authorises the General Manager to provide landowner's consent for a development application to undertake building works on premises located at 10 Stewart Street and part of King Street, Lennox Head, as detailed in this report.
4. That Council authorises an amendment to include major works to the Plan of Management for 10 Stewart Street, Lennox Head based on the BBRC Limited's proposed works program.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nigel Buchanan, Cr Phillip Meehan and Cr Rodney Bruem

**5.3 Wollongbar Medium Density Housing Project - Community Consultation**

**RECOMMENDATION**

(Cr Eoin Johnston/Cr Kiri Dicker)

That Council receive a further report on the Wollongbar Medium Density Housing Project that provides options to increase car parking numbers and to reduce the concentration of development by considering where proposed dwellings could be better placed on any of the 30 lots held by Council.

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Simon Chate, Cr Eoin Johnston and Cr Stephen McCarthy

AGAINST VOTE - Cr Eva Ramsey

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nigel Buchanan, Cr Phillip Meehan and Cr Rodney Bruem

**MEETING CLOSURE**

The meeting closed at 4.42pm.

**RECOMMENDATION**

That Council confirms the minutes of the Commercial Services Committee meeting held 05 August 2024 and that the recommendations contained within the minutes be adopted.

**Attachment(s)**

Nil

## 13.1 Mayoral Meetings

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### 13. Reports from Councillors on Attendance on Council's behalf

#### 13.1 Mayoral Meetings

**Councillor** Sharon Cadwallader

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Activities I have attended, or propose to attend, as at the time of writing this report, since the July 2024 Ordinary meeting are as follows:

<u>Date</u>	<u>Meeting</u>
27 July	Alstonville RSL Sub-Branch Commemoration of Korean Veteran's Day
27 July	Scope Club of Ballina's Annual Changeover Luncheon
27 July	NSW Northern Division Women's Masters Hockey Championships
29 July	North Coast Community College (NCCC) Foundation Skills program interview
30 July	Biala Social Enterprise meeting
31 July	NSW Reconstruction Authority and Homes NSW meeting
1 August	North Coast Tourism Symposium
1 August	North Coast Tourism Awards Gala Dinner
3 August	Northern Regional Pickleball Doubles Tournament medal presentation
5 August	NSW Reconstruction Authority Regional Visioning Workshop
5 August	20 Year Anniversary of Virgin Australia flying into Ballina event
5 August	Opening of Wollongbar Multi Sports Facility with The Hon. Kevin Hogan MP
5 August	Commercial Services Committee meeting
5 August	Lennox Head Residents Association meeting
6 August	Acknowledgement of Jack Manion artwork gift to Council
6 August	Public Citizenship Ceremony
7 August	20 Year Anniversary of Japan Australia – Fr. Tony Glynn's Memorial Gallery
7 August	Cr Briefing - Martin Street Boat Harbour
8 August	Public Hearing: Senate Select Committee on the Impact of Climate Risk on Insurance Premiums and Availability
8 August	Country Mayors Farewell for Cr Linda Scott
9 August	Country Mayors Association meeting
10 August	Official Opening Gap Road Dog Park, Alstonville
10 August	NSW Golf Open Men's Regional Qualifier tournament
13 August	Ballina Shire Economic Activation Group meeting
14 August	Local Traffic Committee meeting
14 August	Cr Briefing - Community Feedback on the Draft DCP Amendments for Cumbalum Precinct B at Kinvara
16 August	Northern Rivers Joint Organisation (NRJO) Board meeting
17 August	Crawford Park Clubhouse visit with the Hon. Ben Franklin MLC
18 August	Ballina RSL Subbranch Commemoration of Vietnam Veteran's Day
19 August	Northern Rivers Community Leaders Forum – Mayors and MPs
20 August	Ballina Heritage Advisory Group meeting
21 August	Rous County Council meeting
21 August	Wardell Progress Association (WPA) AGM
22 August	Ordinary meeting
22 August	Northern Rivers Community Gallery Exhibition Launch

#### **RECOMMENDATION**

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

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

Nil

14. Confidential Session

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**14. Confidential Session**

Nil Items