

Agenda

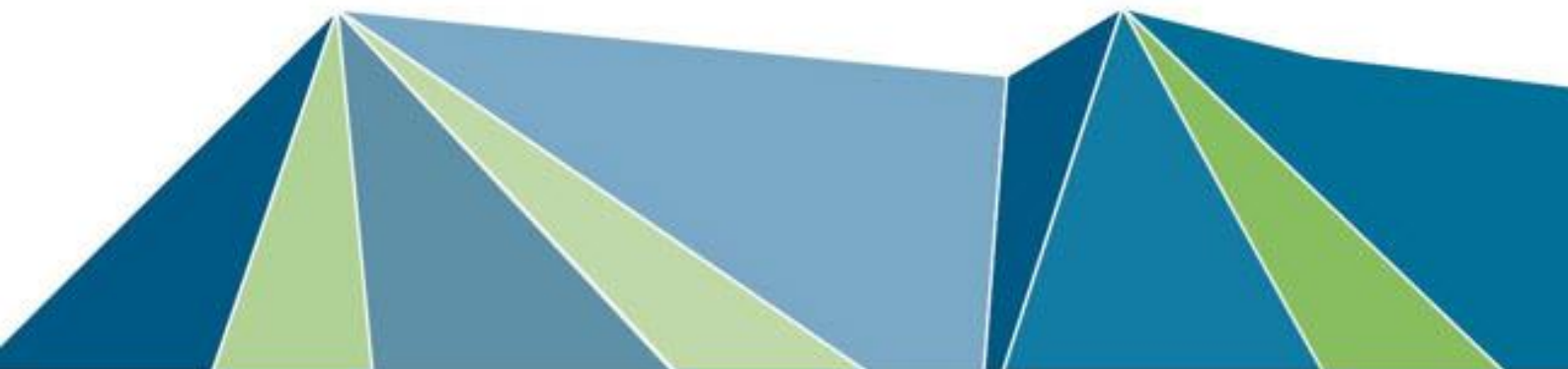
Ordinary Meeting **28 November 2024**

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **28 November 2024 commencing at 9:00 AM.**

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

Paul Hickey
General Manager

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



Ethical Decision Making and Conflicts of Interest

A guide for Councillors, Council employees and community representatives

Ethical decision making

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

Conflict of Interest

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

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

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

The test for a conflict of interest

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

Identifying problems

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

Disclosure and participation in meetings

Pecuniary Interests

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

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

Non-pecuniary Interests

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

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

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

Deputations to Council – Guidelines

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

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

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

Recording and Livestreaming of Council Meetings

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

Table of Contents

1.	Australian National Anthem	6
2.	Acknowledgement of Country	6
3.	Apologies.....	6
4.	Confirmation of Minutes.....	6
5.	Declarations of Interest and Reportable Political Donations.....	6
6.	Deputations	6
7.	Mayoral Minutes	6
8.	Planning and Environmental Health Division Reports	7
8.1	Hampton Park - Master Plan (Draft)	7
8.2	Bicentennial Park - Master Plan (Draft)	23
8.3	Ballina Shire - Public Art Trail	31
8.4	Ballina Shire DCP - Amendment 17 - Finalisation	38
8.5	Policy (Review) - Asbestos Management	48
9.	Corporate and Community Division Reports	51
9.1	Use of Council Seal	51
9.2	Investments Summary - October 2024	53
9.3	Annual Report - 2023/24	59
9.4	State of the Ballina Shire Report - 2022 to 2024	61
9.5	Donation - Australian Representation	67
9.6	Community Engagement Strategy - Review	69
9.7	Tender - High Pressure Cleaning	73
9.8	Policy (New) - Modern Slavery Prevention	75
9.9	Policy (New) - Information Assets	77
9.10	Legal Matters - Update	80
9.11	Financial Statements - 2023/24	84
9.12	Financial Year 2024/25 - 30 September 2024 Review	86
10.	Civil Services Division Reports	108
10.1	Boundary Fence Repairs - Vicinity of Sneaths Road	108
11.	Notices of Motion.....	111
11.1	Notice of Motion - Ballina Surf Club - Disabled Car Park Protection	111
11.2	Notice of Motion - Roundabout - Green Street, Ballina Road - Alstonville	112
11.3	Notice of Motion - Geoff Watt and Crawford Park Ovals - Car Parking	113
11.4	Notice of Motion - Lynwood Stockpile Site	114
11.5	Notice of Motion - Ballina Shire Melanoma Incidence Rates	117
11.6	Notice of Motion - Environment and Sustainability Advisory Committee	118
11.7	Notice of Motion - Support for Music and Arts in the Northern Rivers	120
11.8	Notice of Motion - River Drive, Keith Hall	122

12.	Advisory Committee Minutes	123
13.	Reports from Councillors on Attendance on Council's behalf	124
	13.1 Mayoral Meetings	124
14.	Confidential Session	126

DISCLAIMER ©NSW Spatial Services 2024. Although all care is taken in the preparation of plans within Council's business paper (both agendas and attachments), Ballina Shire Council accepts no responsibility for any misprints, error, omissions or inaccuracies. The information contained within each plan is for pictorial representation only and not to scale. Accurate measurements should be undertaken by survey.

1. Australian National Anthem
 2. Acknowledgement of Country
 3. Apologies
 4. Confirmation of Minutes
 5. Declarations of Interest & Reportable Political Donations
 6. Deputations
 7. Mayoral Minutes
-

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 24 October 2024 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 October 2024.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Hampton Park - Master Plan (Draft)

8. Planning and Environmental Health Division Reports

8.1 Hampton Park - Master Plan (Draft)

Section	Strategic Planning
Objective	To inform Council of community engagement findings and seek endorsement for public exhibition of the draft Master Plan for Hampton Park.

Background

Preparation of a management plan for Hampton Park is an action identified in the Delivery Program and Operational Plan 2024 – 2028 – *EL1.2a Prepare management plan for Hampton Park*.

The Hampton Park site is part of a NSW Crown Land reserve and currently includes eleven tennis courts and associated amenity buildings (as per Figure 1).

The larger reserve area also includes two croquet courts and three bowling greens (part of the Cherry Street Sports Club).

The site has two street frontages, contains five significant fig trees and is low-lying and subject to inundation during rain.

A site-specific Plan of Management (PoM), dated 2005, currently applies to Hampton Park Reserve. Most Council managed Crown land is managed through a PoM for Community Land and it is intended that the Community Land PoM will be amended in the future to include Hampton Park with specific works identified in the final site Master Plan.

In accordance with the *Local Government Act 1993*, the PoM determines the types of uses that can occur on community classified land.

The land purpose for Hampton Park is identified as “Public Recreation” with land management units for “Active Recreation” (study area) and “Lease Investigation Area” (Bowling Club site).

The PoM (2005) also identifies the preferred development strategy for the site.

Since the PoM came into force, two croquet courts have been constructed at the site. The remainder of the land remains relatively unimproved.

Also, in 2022, NSW Crown Lands implemented a subdivision of the land creating a separate lot associated approximately with the existing croquet courts.

More recently, Council’s *Sport and Recreation Facility Plan 2020*, was adopted in consultation with sporting groups to identify needs and guide investment in sports and recreation infrastructure in a co-ordinated way, throughout the Shire.

8.1 Hampton Park - Master Plan (Draft)

This plan, which is available on Council's website, identifies Hampton Park for expansion of tennis facilities and associated improvements and consideration for additional croquet courts.

In early 2024, to assist in the preparation of a master plan, Council consulted widely through a variety of forums to identify key user groups and obtain insights into community use, needs and aspirations.

Each of the key community groups of interest aspire to expand their facilities at or into Hampton Park, including tennis, croquet, pickleball and the Sports Club.

Additionally, the fig trees were considered important to retain and there were concerns about access, safety, drainage, general open space amenity and flooding.

The site observations and community engagement have identified competing interactions and aspirations for the open space at Hampton Park.

In particular, for expansion of existing, and provision of new active recreation facilities and a need to consider existing significant trees, drainage, and overall amenity impacts.

Acknowledging that there is a complex project and site history, and competing community aspirations for the site, the draft master plan in Attachment 5 presents a design which attempts to best balance past strategic decision making with current community aspirations and physical site constraints.

This report recommends that Council place the Hampton Park Draft Master Plan (Attachment 5) on public exhibition to seek further community feedback.

Key Issues

- Community engagement
- Draft Master Plan Options
- Balancing a wide range of community interests

Discussion

Site Location and Facilities

Hampton Park is located on Ballina Island opposite Ballina Coast High School and adjoining the Cherry Street Sports Club as shown in Figure 1.

The land is owned by NSW Crown Lands and managed by Council for the purpose of public recreation.

Hampton Park currently contains formal tennis sporting facilities and unimproved passive open space for the surrounding residential area.

The area shaded blue in Figure 1 is the master plan study area.

8.1 Hampton Park - Master Plan (Draft)

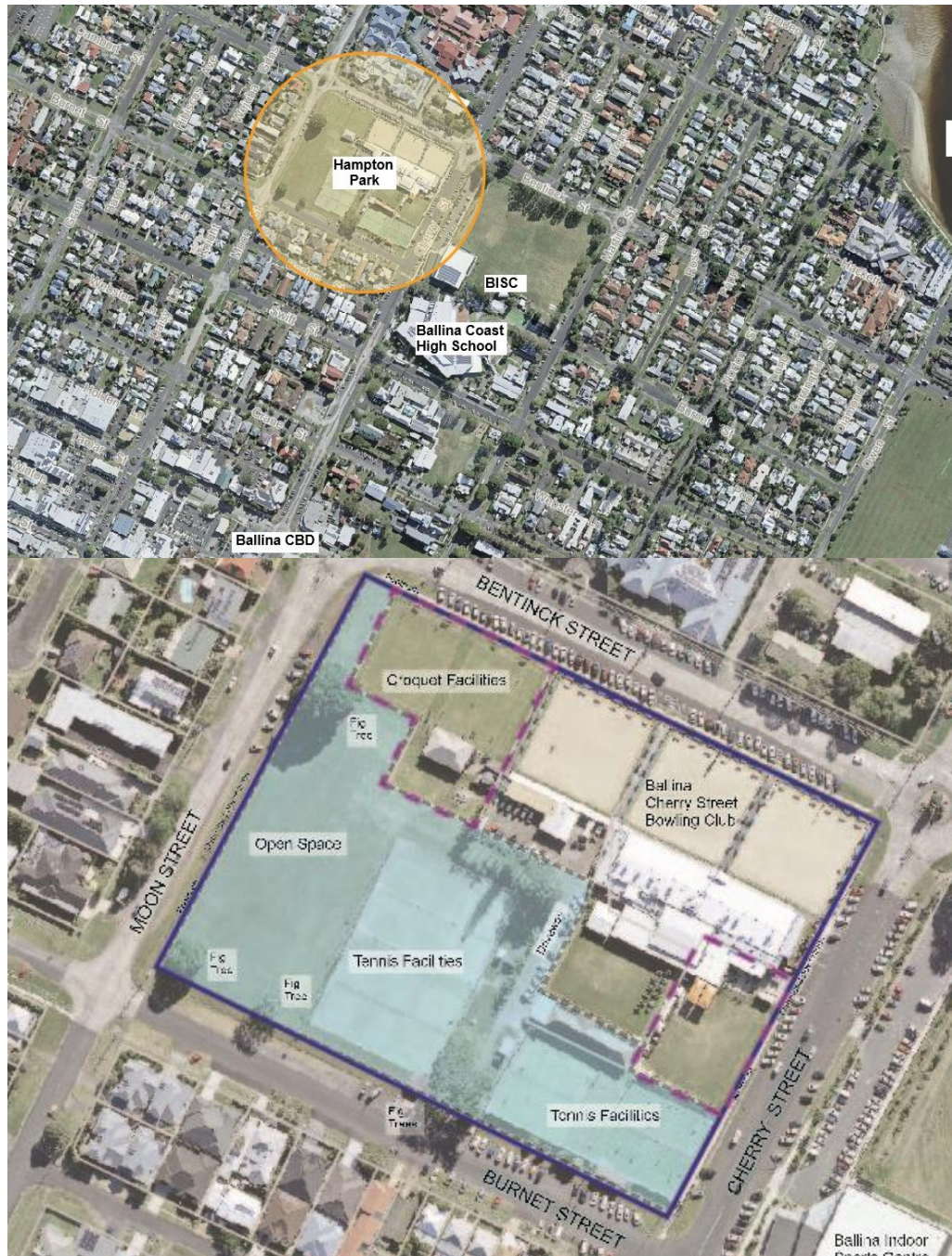


Figure 1: Site Location (Orange) and Master Plan Study Area (Blue)

Current Plan of Management

A site-specific Plan of Management prepared under the *Local Government Act 1993* and adopted in 2005 currently applies to Hampton Park.

The PoM determines the types of uses that can occur on the land and currently identifies the Reserve purpose being for “Public Recreation” with land management units primarily being for “Active Recreation” and “Lease Investigation Area” (Sports Club).

The PoM also identifies the preferred development strategy for the site, which includes provision of two croquet courts, an additional four tennis courts and an alternative vehicle access and parking from Moon Street. Refer to Figure 2.

8.1 Hampton Park - Master Plan (Draft)



Figure 2: Current Plan of Management (2005) Development Strategy

Since the PoM came into force, two croquet courts have been constructed. The remainder of the land remains relatively unimproved.

In 2022, NSW Crown Lands implemented a subdivision of the land that created a separate lot associated approximately with the existing croquet courts. This occurred to support a future planned transfer of management of the land with the croquet courts from Council's management to a direct lease between NSW Crown Lands and the Cherry Street Sports Club.

More information on this can be found in the 27 May 2021 Ordinary meeting Agenda and Minutes (Item 8.5 of that agenda).

Rather than maintain a site-specific PoM for Hampton Park, Council is moving towards a model where all Council managed Crown Lands are managed through Council's PoM for Community Land.

To maintain consistency with Council's other managed Crown Lands, it is intended that the current PoM for Community Land will be amended to include Hampton Park in association with this master planning process.

The master plan will identify the site-specific works for the park.

Recommendations of the Sport and Recreation Facilities Plan

The Ballina Shire Council Sport and Recreation Facilities Plan (SRFP) was prepared in 2020 to provide guidance on the future provision of sport and recreation facilities throughout the Shire.

8.1 Hampton Park - Master Plan (Draft)

This plan looked broadly at the Shire's facilities to assess their suitability and identify where local and regional sporting trends might necessitate additional or improved facilities with the goal of achieving a balance of facilities across the Shire.

The SRFP was informed by a community engagement process and makes recommendations relating to the future provision of sport and recreation facilities at Hampton Park.

The SRFP notes that Hampton Park is at capacity with tennis and croquet the key recreational activities within the broader reserve.

Other relevant identified actions of the SRFP include:

- *16.2 (high priority) - Following the outcomes of the cost-benefit analysis, option to relocate the Ballina Croquet Club from Cherry Street Sports Complex, Hampton Park (to Cawarra Park);*
- *16.3 (on-going) - Ballina Cherry Street Croquet Club to negotiate with the Cherry Street Sports Club to retain use of the two lawns. Alternatively encourage the Club to join the Ballina Croquet Club at Porter Park;*
- *16.4 (medium priority) - New access for Ballina Tennis Club and parking off Moon Street (closure of Burnett Street access);*
- *16.5 (medium priority) - Provision of four new Tennis Courts at the Ballina Tennis Centre.*

Following the recommended procedure in the SRFP, a Cost-Benefit Analysis (CBA) was commissioned by Council and completed by Muller Enterprises.

The findings of this report were presented to Councillors in November 2021.

The CBA explored a variety of options for provision of croquet facilities at both Ballina and Alstonville locations being:

- 6 options in Ballina (Cawarra Park and Hampton Park, near the existing croquet facility), and
- 2 options in Alstonville (Gap Road, near the existing croquet facility).

The CBA found that, from an economic perspective, provision of additional croquet facilities in Ballina had the best cost-benefit outcome as a consolidation of facilities at Hampton Park Reserve (adjoining the existing croquet facility).

This includes provision of an additional 2 croquet lawns (making 4 in total), development of an additional sports amenity building (including toilets to comply with women in sport guidelines) and works to improve accessibility and join the existing lawns to the new lawns.

Providing additional croquet facilities at Hampton Park near the existing croquet facilities was also one of the options least susceptible to cost increases and benefit reductions as noted in the sensitivity analysis.

Relevant extracts of the SRFP and CBA are included in Attachment 1.

8.1 Hampton Park - Master Plan (Draft)

Cost benefit analyses have not been undertaken in relation to other sporting infrastructure at Hampton Park.

In the case of tennis, it is expected that expansion of existing tennis facilities at Hampton Park will be the most cost-effective approach should Council wish to increase the number and / or diversity of tennis courts available in Ballina.

The key challenge for Council is high demand for increased sporting facilities where multiple different sports are seeking access to increasingly limited public land and financial resources.

Additional Matters for the Master Planning Process

Since preparation of the SRFP in 2020, the following additional matters have arisen that impact the project/site:

- In 2022, NSW Crown Lands created a separate lot containing the existing croquet courts and extending southward into open space approximately 17m south of the existing croquet building. This occurred to support a future planned transfer of management of the land from Council's management to a direct lease between NSW Crown Lands and the Cherry Street Sports Club. This transfer is currently being pursued by NSW Crown Lands.

This reduces the available amount of Council managed land, and multiple land managers presents challenges for establishment of a larger consolidated croquet facility.

Further information on the subdivision can be found in the 27 May 2021 Ordinary Meeting Agenda and Minutes (agenda item 8.5).

- Pickleball has emerged as a growing sport in the Shire. Northern Rivers Pickleball have expressed an interest in facilities at the Hampton Park site. In 2024, tennis courts at Alstonville were converted to a purpose built pickleball facility consisting of eight courts.

These courts are managed by the Alstonville Tennis Club and are available for hire.

- Council's current Delivery Program and Operational Plan (Activity CC3.3o) includes an action to *investigate the feasibility of a second croquet court at Gap Road Alstonville*.

The existing Gap Road Croquet facility is located close to Council's nursery, making maintenance by Council easily supported.

There is more land available at this site which may, subject to detailed investigations, fit more additional croquet courts as an alternative to expansion in Ballina.

- In June 2024 Council resolved to *'include in the Delivery Program and Operational Plan an action for 2024/25, to undertake a master planning process for Treelands Reserve and the Kentwell Centre to examine options to provide an expanded mixture of services and facilities to the community, including youth activities, as well as sporting activities where there is an identified shortfall'*. Appropriate active recreation facilities not able to be included in Hampton Park could be considered as part of the Treelands Reserve master planning process.

8.1 Hampton Park - Master Plan (Draft)

- Project specific engagement has identified that the community value the existing fig trees and have concerns about the potential impact of any works on drainage and flooding.

This presents spatial constraints associated with development near the fig tree root zone and detailed design challenges regarding drainage. This is discussed further below.

Land Tenure and Management

Since preparation of the SRFP, the Cherry Street Sports Club has applied to NSW Crown Lands to have two land parcels currently managed by Council (outlined by a purple dashed line in Figure 1), containing the existing croquet courts and bowling club outdoor area (playground), transferred to its management.

NSW Crown Lands advises it is currently processing an application for lease to Ballina Bowling Club Ltd over part of Hampton Park.

If the lease is granted, it is the Department's intention to remove Council as Crown Land Manager from part of the dedication (D540004), being Lot 560 DP119965 and Lot 5611 DP1282979.

NSW Crown Lands advises that this transfer of management is being considered and the Native Title pathway is yet to be determined.

For the draft master planning of Hampton Park, this land has been excluded assuming that the transfer of management will proceed.

Key Environmental and Other Interactions

Access

The Cherry Street Sports Club currently utilises the Council managed part of the public recreation reserve to access the rear of the Sports Club premises. This access is primarily for deliveries and general car parking.

Delivery vehicles currently reverse along the driveway to exit the site as, without removal of existing car parking spaces and trees, there is inadequate space to turn a small truck around.

Removal of car spaces could enable a small truck to turn around and exit in a forward direction, improving safety.

Drainage and Flooding

The site is low lying and falls to the south-west. The community has identified drainage and flooding as an issue. The Ballina Development Control Plan (DCP) identifies the site as a low flood hazard. The flood planning level based upon 100yr / 2050 modelling is 2.1m AHD.

Any buildings or croquet facilities would require the land to be filled to this level (typically 200 – 400mm depth of fill).

Preliminary modelling suggests that any potential increase in flooding from filling the site would occur primarily within the Council managed and Sports Club managed parts of the reserve and adjoining road footpath areas.

8.1 Hampton Park - Master Plan (Draft)

This potential increase in flooding could be addressed through maintenance of overland flow paths, on-site detention, and future detailed stormwater design.

Significant Trees

The site contains five fig trees of various species listed on Council's Significant Tree Register. If these trees are to be retained, a buffer should be incorporated to protect the root zone and tree longevity.

This impacts the amount of land available for formalised facilities.

Utilities and Services

There are several existing utilities and services that influence design options or implementation costs.

This includes a sewer main which runs near to the western side of the tennis courts.

Community Engagement and Insights

The master planning process examines how the part of Hampton Park Reserve subject to the plan can be best utilised to support sport and recreational use into the future.

The process started with community and stakeholder engagement to gather information about how people use the site at present and the way people would like to use it in the future. This information helps to inform the design.

Process

Information about the project was widely published via the following forums:

- Web site content with a link to an online feedback form
- Media release
- Social media posts
- E-News
- Poster in Council's foyer
- Hard copy versions of the online feedback form provided upon request
- Letterbox drop to nearby residents (a walkable catchment)
- Direct contact via letter, email or phone with relevant community groups and stakeholders that have or have had an interest in the site. The following groups were contacted:
 - NSW DPHI - Crown Lands
 - Ballina Croquet Club
 - Cherry Street Croquet Club
 - Ballina Cherry Street Sports Club
 - Ballina Tennis Club
 - Northern Rivers Pickleball Club
 - JALI Local Aboriginal Land Council

8.1 Hampton Park - Master Plan (Draft)

Face to face meetings were held with interested community and stakeholder groups and feedback from the general community was sought via an online feedback form. Not all groups contacted opted to attend a face-to-face meeting.

The online content was adjusted during the engagement period to encourage youth to participate.

An ideas board was added, and additional social media published.

Input from the community was received at individual meetings, via written submissions and via an online feedback form (online submissions and hard copy submissions).

The findings of this engagement are summarised as follows, and the original submission documents are included in the attachments.

Community Groups and Stakeholders

Meetings were held with individual community groups and stakeholders at the site over 3 days (22 January, 23 January and 5 February 2024).

The purpose of the meetings was to engage with community groups that have a current or future interest in the site, to provide insight into existing use and future desired use (issues and opportunities).

The Community Group and Stakeholder Meeting Notes are included in Attachment 2.

Key messages include:

- Clubs associated with croquet and tennis, all aspire to expand their sporting facilities at Hampton Park, citing demand, more court time, and a desire to grow the sport and diversify sporting competition and participation opportunities;
- Northern Rivers Pickleball would like to have dedicated pickleball facilities in Ballina (note this engagement occurred prior to the opening of the pickleball courts at Alstonville);
- Drainage and flooding at the site were a concern and needs to be addressed with any further site development;
- The Cherry Street Sports Club wishes to expand their business uses and seeks additional car parking and better access to the rear of the club where their delivery dock is located;
- There is concern about the safety of the driveway area between the tennis courts;
- Some people expressed concerns about the safety and amenity impacts of vehicles if they were to enter and exit from Moon Street.

Written submissions were also received from the local Squash Club requesting consideration of new court facilities at Hampton Park. This request is based upon the Club's current, privately owned, facility in Ballina, being proposed for closure. Squash facilities are typically privately owned businesses and not built or operated by local government.

8.1 Hampton Park - Master Plan (Draft)

Written Submissions

36 written submissions were received from individuals and sporting groups. Attachment 3 contains a register of submissions and copies of each of the individual submissions.

Key messages, in no order of preference, include:

- Clubs associated with croquet and tennis, all aspire to expand their sporting facilities at Hampton Park, to grow the sport and diversify participation opportunities. The croquet club seeks autonomy and independence from the bowling club.
- The existing fig trees and open space are important;
- More shade trees;
- Improve car parking;
- Provide space that supports the bowling club to expand;
- The squash courts in Ballina are closing. This is an opportunity to build new squash facilities;
- Drainage of the site and flooding is of concern;
- This is an opportunity to provide dedicated pickleball facilities in Ballina.

Survey Submissions

An online survey was used to collect information about the age of the user, their connection to Ballina, how they use the park at present and their preferences for the future of Hampton Park.

The survey was active for six weeks from 15 January until 29 February 2024. 244 responses to the survey were received in digital or hard copy form.

Copies of the survey submissions relating to questions 1 – 6 are contained in Attachment 4.

Comments in response to Question 7 are in Attachment 7 (confidential) due to the number of requests for this information to remain confidential.

A summary of the online feedback response is as follows, with full responses contained in Attachment 4.

There were 651 visitors to the online survey page.

- More than 70% of respondents were aged 50 years or older. Only two responses were received from people under the age of 18 years.
- Most respondents (87.7%) lived in Ballina Shire with 15.2% living near or opposite the park. Others lived outside the shire or were visitors.
- Most people indicated they currently visit Hampton Park for organised sport (47.5%). A large proportion of respondents did not currently use Hampton Park (32.8%).
- Most respondents who use Hampton Park, indicated that they used it more than once per week (49.2%).
- Preferred sport and recreation infrastructure for the Park included:

8.1 Hampton Park - Master Plan (Draft)

- Pickleball courts
- Additional separate clubhouse (sports amenity building)
- Exercise equipment
- Half-court basketball court or informal recreation
- More tennis courts
- Additional croquet lawns
- Other popular preferred features included:
 - Protection of the fig trees and new shade trees
 - Improved pathway connections and accessibility
 - Sheltered picnic facilities and public seating.

Loud Messages from the Survey Forms are summarised below:

- The fig trees should be protected
- Shade trees should be provided
- Drainage and flooding impacts are of high concern
- Pickleball courts in Ballina
- Expansion of tennis and croquet facilities including a new club house/ sports amenity building
- The community value the public greenspace and ability to participate in free, public informal recreation including half-court basketball, shelter and seating and other facilities for youth
- Improved car parking and footpath connections
- Squash should be considered
- Inclusive, accessible, and incorporating spaces free for public use

Draft Master Plan Report

Vision

The draft plan proposes the following vision for Hampton Park:

Hampton Park will be reinvigorated as a consolidated active sporting destination. New sport facilities will be supported by a pleasant landscape which protects significant trees, effectively manages stormwater, is easily accessed and provides shade and amenity - a space for everyone to play and enjoy.

The draft master plan report is Attachment 5.

An extract showing the overall site layout is provided in Figure 3.

Proposed Design

The draft master plan report presents a preferred design to the community for feedback.

The design utilises 7 “key moves” to address the strategic objectives, site constraints and community aspirations and work towards the vision.

1. Retain and protect the existing significant fig trees;
2. Retain the existing tennis facilities;
3. Make provision to grow existing site sports;

8.1 Hampton Park - Master Plan (Draft)

4. Formalise car parking to the perimeter streets;
5. Connect and create permeability from the adjoining street car parking through the site;
6. Allow adequate space for stormwater overland flow and onsite detention;
7. Enhance the recreation and leisure potential of the site.

The community engagement highlighted the popularity of Hampton Park for many future recreation facilities. However, it is not possible to fit all the facilities desired by the community into the available space having consideration to community values.

Therefore, the draft master plan focuses on balancing general open space amenity and functionality with active recreation which builds existing infrastructure capacity for tennis.

This scenario, shown in Figure 3, provides an additional two tennis courts (with space for three if stormwater detention can be managed through detailed design) which enables a higher level of event to be held at the facility into the future.

The draft plan also recommends removal of some off-street parking to enable Sports Club delivery vehicles to exit the site in a forward direction, improving safety.

This scenario achieves the best balance between the strategic objectives of the SRFP, previous Council decision making, site constraints and community aspirations.

Figure 3 is the recommended master plan for the site.

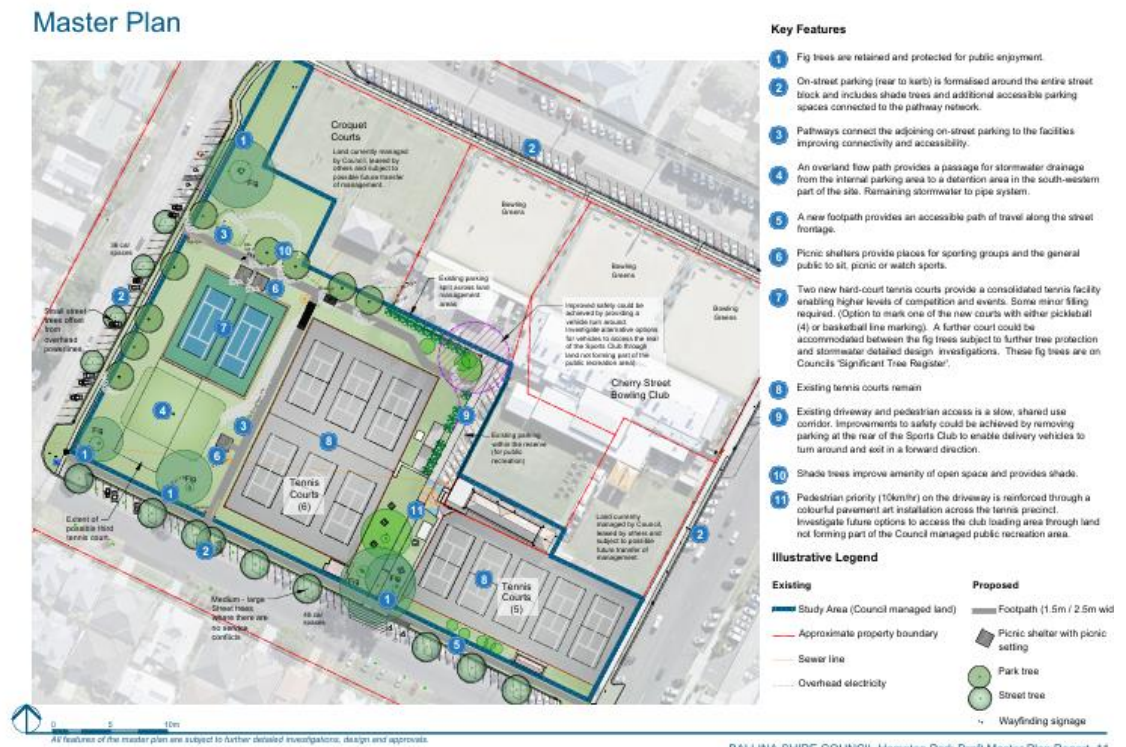


Figure 3: Draft Master Plan Extract – Overall Site Design

Alternative Scenarios

There are different views about the future use of Hampton Park, and some sporting groups will not receive the facilities they are seeking under the plan.

As a guide to different approaches that could be taken aside from that recommended, four alternative scenarios have been explored (as per Attachment 6).

These are:

- Scenario B – Focus on Croquet
- Scenario C – Mixed Active Recreation
- Scenario D – Mixed Active Recreation (alternative vehicle access)
- Scenario E – Focus on Drainage and Public Amenity (minimal filling)

Scenario B (Focus on Croquet) provides a stand-alone croquet facility with two new courts and sports amenity building.

In this scenario, the existing two court croquet facility would remain on land proposed for transfer to the Cherry Street Sports Club and a new two court facility could be built on land managed by Council.

Council does not currently undertake maintenance on any existing croquet facilities in the Ballina township. This would require additional management resources.

Filling of the land to RL 2.1 would be required for the courts and building assets for flood resilience.

Scenario C (Mixed Active Recreation) provides a twelfth court for tennis which could (optional) be dual line marked for four pickleball courts, plus a consolidated croquet facility including two new courts.

In this scenario two of the fig trees would need to be removed which was not seen to be desirable by the general community.

The croquet facilities also occur across multiple land management areas which may present challenges for implementation.

The dual marking may be problematic for tennis depending on the type of competition to be played on the courts and the surface of any new courts that are installed.

Scenario D (Mixed Active Recreation) adapts the concept plan included in the current Plan of Management ([Hampton Park Plan of Management 2005 \(nsw.gov.au\)](https://www.nsw.gov.au)) and seeks to consolidate the tennis facility by addition of a twelfth court and relocating the access to the Sports Club loading dock to Moon Street.

Construction of the new access driveway would require removal of palms and trees central to the park.

This scenario includes a single croquet court and additional amenities building. However, these are separated by the new driveway access and parking, which may present safety issues and land management challenges.

8.1 Hampton Park - Master Plan (Draft)

This scenario also includes two new tennis practice areas adjoining the tennis courts as well as work on Crown land managed by the Sports Club and use of Council managed public recreation area for the driveway and car parking.

Scenario E (Focus on Drainage and Amenity) acknowledges the water storage function the site plays in the urban catchment and provides an option with minimal filling.

This option does not include expansion of any active recreation facilities and the area remains a passive open space with amenity embellishments.

Car parking within the public recreation area is removed and the driveway has controlled / restricted vehicle access.

Amendment to Plan of Management

The *Crown Land Management Act 2016* authorises local councils appointed to manage dedicated or reserved Crown land, as if it were public land under the *Local Government Act 1993*.

A Plan of Management is required for all council-managed Crown Reserves on land classified 'community'.

In 2023 Council adopted a "generic" Plan of Management for community classified land (PoM Community Land). The PoM for Community Land can be viewed at the following link [plan-of-management-for-community-land-v3-web.pdf \(nsw.gov.au\)](https://www.nsw.gov.au/plan-of-management-for-community-land-v3-web.pdf)

There is still some Council managed Crown Land where older site-specific PoMs still apply, such as at Hampton Park.

As part of the delivery of the final master plan and to maintain consistency with Council's other managed Crown Lands, it is intended that the current PoM for Community Land be amended to include Hampton Park with the final adopted master plan being a separate site-specific plan.

The amendment of the Community Land PoM requires public exhibition.

Delivery Program Strategy / Operational Plan Activity

Preparation of a management plan for Hampton Park is identified as an action by the Delivery Program and Operational Plan 2024 – 2028 as follows:

EL1.2a "*Prepare Management Plan for Hampton Park*".

Community Engagement Strategy

Council has undertaken extensive community engagement as outlined in this report. This engagement has been undertaken with stakeholders and the general community in accordance with Part B of Council's Community Engagement Policy – Specific Engagement Strategies.

The engagement methodology was based upon the project having a potentially moderate level impact upon the local government area and used an "Involve" approach.

8.1 Hampton Park - Master Plan (Draft)

Under the policy, this approach seeks to work directly with stakeholders and the public throughout the process to ensure that concerns and aspirations are consistently understood and considered in the master planning process.

This report seeks Council's support to place the draft master planning report on public exhibition to obtain further feedback on the design and preferred scenarios.

As part of the engagement associated with public exhibition a draft master plan, it is intended that specific engagement will be undertaken with the Sports Club and other existing user groups regarding the use, configuration, and management of the vehicular access between Burnett Street and the rear of the Sports Club.

Financial / Risk Considerations

The draft master plan report makes clear that all works remain unfunded at present.

Funding of the master plan will be a consideration following public exhibition having regard for Council's preferred master plan outcome.

The master plan will be a valuable tool to not only guide staged implementation but also to support applications for funding when grants become available. It will also support community groups in their pursuit of funding.

Options

Council has the following options to proceed:

Option 1 – Council may place the Draft Master Plan on public exhibition

Under this option, Council acknowledges the extent of community engagement to date and staff will proceed to place the draft Master Plan Report in Attachment 5 on public exhibition, for at least four weeks.

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

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

Option 1 is the recommended option as the site design achieves the best balance between the strategic objectives of the SRFP, previous Council decision making, site constraints and community aspirations.

Option 2 – Council may choose one (or more) of the alternative scenarios provided in Attachment 6 and revise the Draft Master Plan Report.

This option would involve the design or scope to incorporate one or more alternative scenarios adopted by Council and proceeding to public exhibition with the revised draft Master Plan Report.

8.1 Hampton Park - Master Plan (Draft)

Council could choose to include multiple options in a draft Master Plan Report for public exhibition.

However, exhibiting multiple options is not recommended as Council has already undertaken consultation and received extensive feedback about the community's aspirations for the land, including from sporting organisations.

Exhibiting a variety of options will likely cause confusion and conflict and will not assist in clarifying preferred outcomes for the park.

Option 2 is not recommended as these options will not achieve the best fit with strategic objectives, previous Council decisions, site constraints and community aspirations.

RECOMMENDATIONS

1. That Council place the draft Master Plan Report for Hampton Park, as per Attachment 5 to this report, on public exhibition, for at least four weeks, to invite further community feedback.
2. That the public exhibition phase of the draft master plan include direct engagement with the Cherry Street Sports Club and other existing user groups regarding the use, configuration and management of the vehicular access between Burnett Street and the rear of the Sports Club.

Attachment(s)

1. Extracts from SRFP and CBA [⇒](#)
2. Community Group and Stakeholder Meeting Notes [⇒](#)
3. Written Submissions [⇒](#)
4. Survey Feedback Forms Questions 1 - 6 [⇒](#)
5. Hampton Park Draft Master Plan Report [⇒](#)
6. Hampton Park Alternative Scenarios B - E [⇒](#)
7. Confidential Submissions and Feedback (Under separate cover)

8.2 Bicentennial Park - Master Plan (Draft)

8.2 Bicentennial Park - Master Plan (Draft)

Section	Strategic Planning
Objective	To seek endorsement for public exhibition of the draft Master Plan for Bicentennial Park.

Background

Preparation of a master plan / management is an action identified in the Delivery Program and Operational Plan 2024 – 2028 - *EL1.2b – Prepare management plan for Bicentennial Park (2024/25)*

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

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

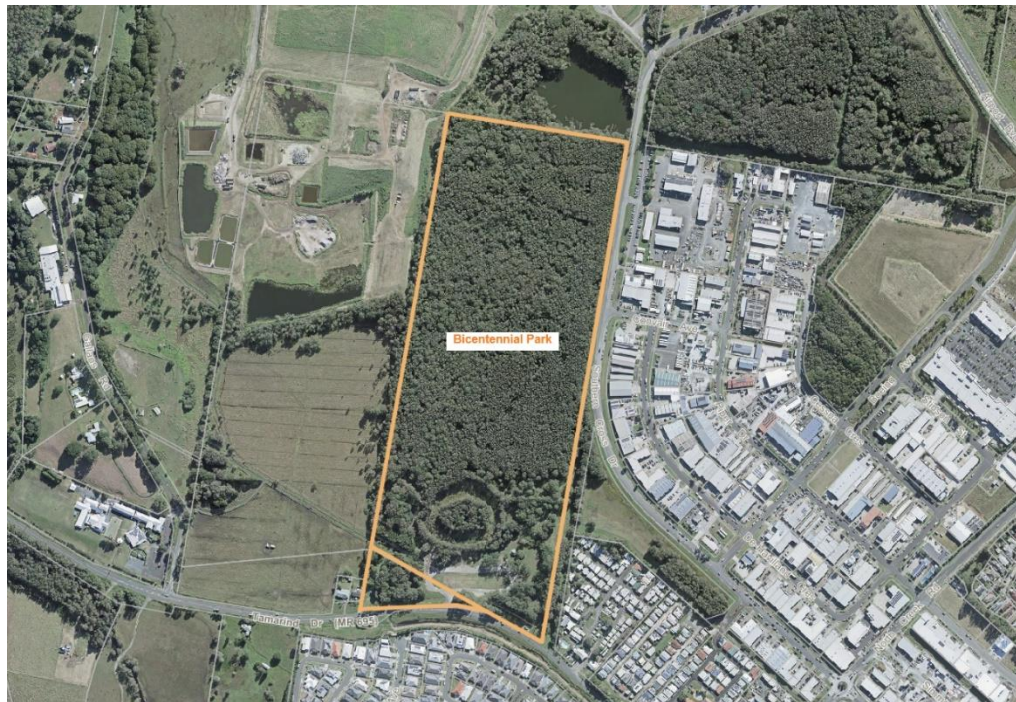


Figure 1: Bicentennial Park (The Reserve)

The reserve was embellished in the late 1980s as a tourist rest area, on the highway, prior to the Ballina bypass being implemented. The Reserve is now used for disc golf, casual parking, including public amenities, with most of the land supporting woodland and wetland vegetation.

The main aim of the master plan is to reinforce the primary purpose of the Reserve for the preservation of native flora and fauna (Category: Natural Area - Bushland), as defined by Council's Plan of Management for Community Land.

8.2 Bicentennial Park - Master Plan (Draft)

A draft master plan (as per Attachment 1) has been prepared.

The master plan contains the following key features in alignment with the Plan of Management objectives and reserve purpose of the site:

- Significant weed management and vegetation restoration
- Retention of the existing shared pathway which is co-located with a sewer main and connects Ballina to Cumbalum
- Removal of the existing toilet block
- Decommissioning of the existing large rest area carpark and construction of a smaller carpark closer to the road and conversion of surplus space to passive open space for community use
- Further social activation of the park through retention of the disc golf course and installation of new tees to enable a dual tee, 18-hole course utilising existing cleared areas
- An observation platform at the pond for environmental education
- Ancillary facilities to support passive community use.

The full features of the plan can be found in Attachment 1.

This report recommends that Council endorse the draft master plan for public exhibition to obtain community feedback.

Key Issues

- Implementing the Plan of Management for Community Land
- Draft Master Plan Features

Discussion

General Background Information

Bicentennial Park is located at 150 Tamarind Drive, Ballina and consists of two land parcels, being Lots 310 and 387 in DP 755684.

It is located west of the Southern Cross industrial estate and adjoins Southern Cross Drive and a manufactured home estate / holiday village.

The site is shown in Figure 1.

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

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

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

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

8.2 Bicentennial Park - Master Plan (Draft)

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

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

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

In 2016, a 9-hole disc golf course was established in the southern part of the Reserve.

This recreational use remains as a free community activity with facilities managed by the Northern Rivers Disc Golf Club.

Key Environmental and Other Interactions

Drainage

The site is low lying with areas that become boggy after heavy rainfall. The disc golf club has advised that the water gets away quickly with the site drainage being quite effective.

Utilities and Services

The southern part of the Reserve contains a significant amount of electrical, sewer and water infrastructure including:

- Substantial overhead powerlines
- A sewer rising main in approximately the same location as the cycleway and pump station near the toilet block
- A Rous Water pump station on a separate operational land lot near the site and water main near the Tamarind Drive frontage.

This infrastructure constrains opportunities for substantial vegetation restoration in these areas.

Vehicle parking

The site was originally developed as a highway rest stop and therefore, includes a large informal parking area. Since construction of the motorway, much of this area is no longer used for parking with Council staff observing no more than eight vehicles at the site at any one time.

The Disc Golf Club has indicated that their events have attracted up to 25 participants. Therefore, there is scope to significantly reduce the capacity of any formalised car parking area.

Vegetation

Council's mapping identifies the Reserve as containing some important environmental values, particularly in the northern parts of the Reserve which are heavily vegetated with forest and woodlands.

8.2 Bicentennial Park - Master Plan (Draft)

These mapped features include:

- High environmental value vegetation
- Natural areas and habitat (as mapped in Council's Development Control Plan)
- Koala conservation protection area (Regional Koala Conservation Strategy)
- Key fauna habitat and wildlife corridor (Biodiversity Strategy)
- State and regionally significant biodiversity conservation lands (Far North Coast Regional Strategy).

Bionet records also identify several threatened fauna sightings throughout the Reserve.

Whilst the northern parts of the Reserve exhibit some high environmental values, some potential environmental weeds are prevalent in southern parts.

In particular, *Corymbia torelliana* (syn *Eucalyptus torelliana* - Cadagi), a medium size tree around the existing car parking and disc golf areas, and aquatic weeds in the pond have been observed on the site.

Users of the Reserve

The Reserve supports the current key users:

- Pedestrians and cyclists using the shared pathway / cycleway from Ballina to Cumbalum that passes through the Reserve
- The Northern Rivers Disc Golf Club and community members playing disc golf
- Day rest area and passive open space users
- Dog owners as an off-leash dog area.

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

Surveillance and Security

Council's records show that there have been complaints relating to anti-social behavior and inadequate surveillance in the Reserve in the past, particularly around the toilet block area.

Some of these complaints include anti-social behaviour, graffiti, vandalism, illegal dumping, and illegal camping.

Memorial Plaques and Trees

The Reserve contains a memorial garden, plaques and memorial trees which may be important to the community.

Proposed Tamarind Drive Duplication

Tamarind Drive carries a large volume of traffic in and out of Ballina. Council is implementing a lane duplication (two lanes each way) along Tamarind Drive.

The first stage of this duplication finishes east of the reserve near Ballina Gardens Caravan Park.

8.2 Bicentennial Park - Master Plan (Draft)

The duplication is proposed to continue past the site in the medium-term and includes resumption of a small portion of land in the south-western corner of the Reserve and construction of a link road between the site and the caravan park.

Draft Master Plan

The draft master plan seeks to reinforce the primary purpose of the Reserve as set out in the Plan of Management for Community Land, being “*preservation of flora and preservation of fauna.*”

The plan also continues to support some existing and new low-impact community uses compatible with a natural area (bushland) such as environmental education and disc golf.

The overall draft site layout plan for Bicentennial Park is provided below as Figure 2.

The complete draft master plan is included as Attachment 1.

Figure 2: Overall Site Master Plan



The key features of the master plan are:

- Significant weed management and vegetation restoration across three management 'zones'. The specific management strategies for each zone would be determined through the development of a Vegetation Management Plan for each zone

8.2 Bicentennial Park - Master Plan (Draft)

- Retention of the existing shared pathway which is co-located with a sewer main and improvements to surveillance around the cycleway
- Removal of the existing toilet block
- Decommissioning of the existing large rest area carpark and construction of a smaller carpark with 22 spaces catering for a variety of vehicle sizes and space for three caravans closer to the road. Surplus space in and around the overhead powerlines will be converted to passive open space for community use.
- A combination of timber post and rail fencing and bollards controls vehicle access to the Reserve to protect the open space from future damage. Removable bollards provide access for maintenance vehicles
- Further social activation of the park through retention of the disc golf course, extension of existing tee pads and installation of new tees to enable a dual tee, 18-hole course utilising existing cleared areas. Council staff met with a representative of the Disc Golf Club to clarify their needs
- An observation platform at the pond for the purpose of environmental education
- Ancillary facilities to support passive community use such as pathway connections between the carpark and cycleway, picnic tables, shelters, seating, wayfinding signage, interpretative signage and drinking fountain
- Vegetation management to create unobstructed sight lines to improve passive surveillance around the southern part of the Reserve
- Relocation of the memorial plaques from the garden area to the picnic shelter.

The removal of the existing toilet facilities is proposed as the building is ageing, it is not a high demand facility, and it has been a place linked with negative social behaviour.

Council could consider a new toilet facility in the park and if this is preferred, a single unisex facility closer to the proposed car parking under the master plan would be the recommended approach.

This would need to be considered relative to other priorities for new and refurbished toilets and associated costs.

Noting the low volume usage planned for under the master plan, and that the Northern Rivers Disc Golf Club did not raise concerns with removal of the toilets during consultation with staff, the preference is for removal.

Delivery Program Strategy / Operational Plan Activity

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

EL1.2b – Prepare management plan for Bicentennial Park (2024/25)

Community Engagement Strategy

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

Given the biodiversity attributes of the site, infrastructure constraints and existing uses, full community engagement was not undertaken as part of preparation of the draft master plan.

However, Council staff met with a representative from the Disc Golf Club to ascertain the Club's current use and identify issues and opportunities to support continuation of the sport.

Broad scale community consultation will occur if Council supports the recommendation to place the draft master planning report on public exhibition to obtain general community feedback on the design.

Financial / Risk Considerations

Cost estimates to implement the works under the plan have not yet been prepared.

There is currently no funding allocated to implement the works.

Funding to implement the draft master plan can be considered following public exhibition and finalisation of an adopted master plan.

The master plan will be a valuable tool to not only guide staged implementation but also to support applications for funding when grants become available.

Options

Council has the following options to proceed:

Option 1 – Council may place the Draft Master Plan on public exhibition

Under this option, Council staff will proceed to place the draft Master Plan in Attachment 1, or as modified, on public exhibition for at least four weeks.

Following the public exhibition, if no significant issues are raised the draft master plan will be taken as adopted without further reporting.

If issues raised in submissions raise matters that present different options or may result in significant changes to the document, then the master plan and analysis of the submissions will be reported back to Council.

This is the recommended option.

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

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

8.2 Bicentennial Park - Master Plan (Draft)

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

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

RECOMMENDATIONS

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

Attachment(s)

1. Bicentennial Park Draft Master Plan [⇒](#)

8.3 Ballina Shire - Public Art Trail

8.3 Ballina Shire - Public Art Trail

Section	Strategic Planning
Objective	To provide information to Council on establishing a public art trail in the Ballina Shire

Background

At the 9 April 2024 Finance and Facilities Committee meeting, the committee recommended that Council investigate the establishment of a 'sculpture trail' in Ballina Shire.

The recommendation was subsequently endorsed by the Council and included in the 2024/25 Delivery Program and Operational Plan (DPOP) as activity CC2.1f. This report addresses the DPOP action and discusses the establishment of a 'sculpture trail'.

Sculptures are three-dimensional art works and one of many different forms of public art that could be included in a Ballina Shire art trail.

There are already more than 40 public art works throughout the Shire that represent the beginnings of an art trail that could be formalised and promoted.

Rather than focus on sculptures, this report has adopted a broader approach to investigate the ongoing implementation of a 'public art trail' that could include multiple forms of art, including sculptures.

This report provides an overview of the current processes and practices relating to public art. It discusses opportunities to promote public art through the establishment of a public art trail and opportunities to increase the shire's public art installations.

The indicative location of existing public art works is shown in Figure 1. Council's public art register contains details of the works (Attachment 1).

This report seeks direction from Council on the preferred approach.

Key Issues

- Establishing a public art trail for Ballina Shire
- Promoting existing and encouraging more public art in the shire
- Public art resources

Discussion

Existing public art in the shire

Outdoor sculptures are one form of Ballina Shire's public art collection. Public art in the shire currently includes murals, sculptures, mosaics, and engravings as well as temporary installations in public spaces such as banners and flags.

8.3 Ballina Shire - Public Art Trail

Public art exists on public land and other Council assets. Public art also includes artwork on private land, where it can be accessed by the public or interfaces with the public domain.

Council's Public Art Policy seeks to encourage public art on public and private land.

Through the Development Control Plan (DCP), Council requires certain developments on private land to include public art as part of their development.

Council's Public Art Advisory Panel (PAAP) provides advice and guidance regarding the implementation of new public art proposals.

Council integrates public art into its master plans for open spaces and public domain areas.

Place plans and strategic plans for the shire's towns and villages also include actions that encourage placemaking and public art to help foster a sense of place or provide unique wayfinding icons.

Council also considers public art in the design of new or refurbished Council managed assets that have an interface with the public domain.

Council maintains a register of public art in the shire that provides information about the artist, the artwork, and its location.

The register is included as Attachment 1.

Sculpture trails

There are several examples of sculpture trails in Australia, such as temporary events like "Sculpture by the Sea" in NSW or "Swell" in QLD or permanent outdoor collections such as the "Snowy Valleys Sculpture Trail" in NSW or "Hills Sculpture Trail" in SA.

Each of these trails or outdoor galleries are funded through private and/or public sponsorship and provide a temporary or permanent collection of outdoor sculptures.

Commissioned public artwork generally seeks to respond to the specific place in which it is situated, rather than being solely an interesting piece of art that is displayed outside. These places may include parks, gardens, road reserves, bridges, walls, laneways, or a path.

Site constraints such as space, surfaces, weather exposure, public safety as well as access to water and power, will also often dictate what sort of the public artwork will suit a particular public space.

Sculptural art works can be expensive. Art sculptures commissioned by this Council are considered modest and have ranged in price from \$35,000 to \$100,000. These costs do not include the additional costs for project management, administration, and approvals (if required).

If Council's current annual allocation to public art of \$13,000 is maintained, the establishment of a sculpture-focused trail for the Ballina Shire would take many years to achieve.

8.3 Ballina Shire - Public Art Trail

Existing public art in the shire

Currently there are over 40 artworks on Council's public art register, with more being added as public domain areas are upgraded or relevant private developments are completed. These include mural, sculptural, mosaic and carved public artworks located throughout the shire.

Figure 1 shows the approximate location of these works.

Figures 2-5 are images of some of the artworks, demonstrating the range of different forms of public art in the shire.

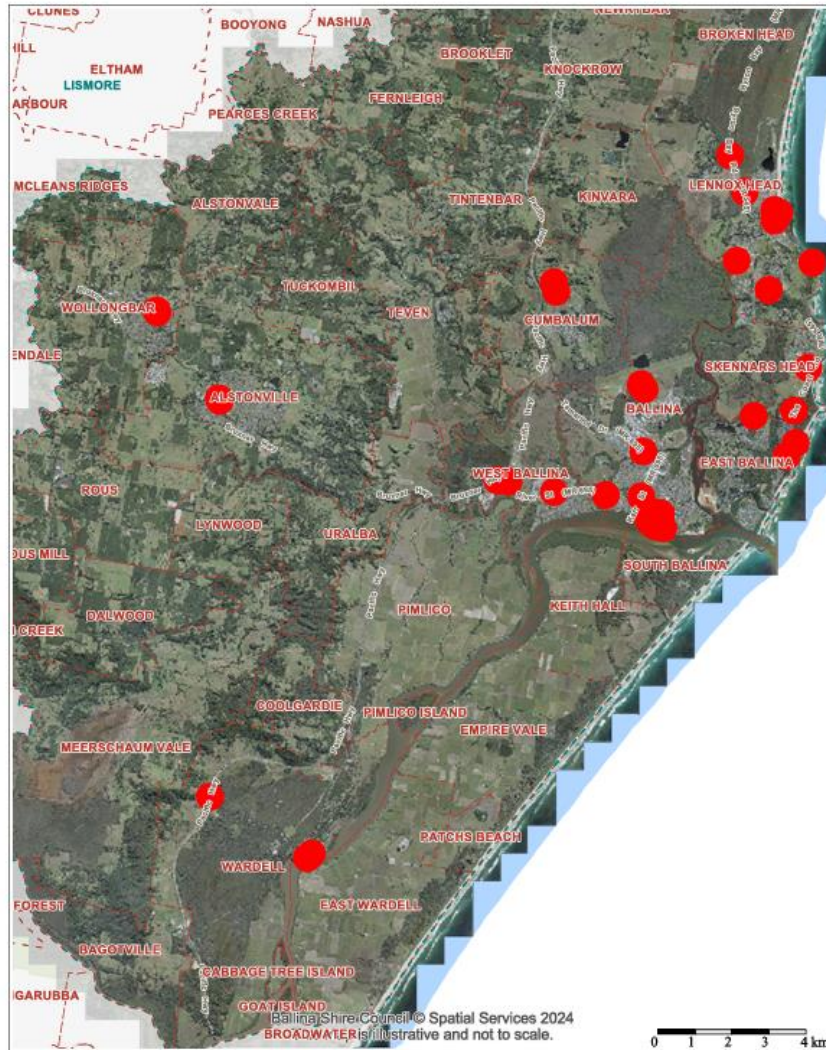


Figure 1: Approximate location of public artworks in Ballina Shire



Figure 2: Swamp Wallabies, Banyan Hill



Figure 3: Mosaic, Freeborne Park



Figure 4: Weavings, Djandamandi Jagun- Garrima Jagun, Ballina Airport



Figure 5: Mural, Wardell

All the existing public art works in Ballina Shire form a solid foundation on which to establish and promote a public art trail and any further investigation and investment into expanding an art trail would be based on the diversity of public art forms that currently exist.

This approach would allow the trail to expand over time to include a range of artworks that respond to a particular place, site constraints, budgets or timeframes that may influence each public art project.

Mapping and promoting public art in the shire

Many councils promote the public art in their areas as a visitor experience via printed brochures or a dedicated webpage.

These can include a map with the location of the artworks together with artwork images and information about the work and the artist.

The establishment of a dedicated webpage would be the first step in formalising a public art trail in Ballina Shire.

The Discover Ballina and Northern Rivers Community Gallery (NRCG) websites are soon to be upgraded and once complete will have the digital capacity to create and support mapping features and points of interest including public art.

The dedicated webpage could provide information on each artwork, its location and the artist who has created the work.

8.3 Ballina Shire - Public Art Trail

A QR code or small branded information sign situated near the artwork would allow passersby to access information as well as highlighting that the artwork is part of a wider public trail experience.

A digital public art trail also allows the trail to be updated easily as future art works are added to the collection.

The first step in developing the trail would be to include the shire's 40 plus existing public artworks on a digital public art trail on Council's website and promoting the trail at relevant locations such as the Visitor Information Centre and The Northern Rivers Community Gallery.

This trail would grow over time as opportunities and resources become available for new public art works. Progress on preparation of a public art trail would be overseen by the PAAP.

Once established this trail could perhaps be expanded to include an Arts and Culture Trail for the shire that includes public art, art galleries, studios, museums, heritage sites and interpretive signage or other arts and culture relevant points of interest.

Expanding the public art trail in the shire

Accurately mapping the shire's public art works for an art trail will also serve to identify those parts of the shire that currently have limited public art and assist in guiding future priority sites for expanding the public art collection.

The PAAP oversees the investigation of public art opportunities for the shire. Projects that have recently been considered by the PAAP include the opportunity to expand the Street Gallery Art Box concept (currently in Lennox Head) and Street Art Project.

Council staff are currently preparing a draft Place and Public Realm Framework that will provide guidance on shire wide design objectives and intended outcomes for improvements to public spaces throughout the shire.

It is envisaged that this document will provide a set of guiding principles that will help inform the extension of a public art trail throughout the shire.

Council is also seeking to improve provision of public art on privately owned properties through proposed changes to the DCP.

These changes aim to achieve better public art outcomes by increasing the value of public art required to 1% of private development costs.

Short and long-term approaches for encouraging art in the Shire's public domain will, over time, lead to an increase in public art works and, where appropriate, sculptural works can be part of the public art trail.

Delivery Program Strategy / Operational Plan Activity

The Delivery Program and Operational Plan include the following actions:

CC2.1f Examine the feasibility of a Sculpture Trail

CC1.1g Prepare a Public Realm Strategy

Community Engagement Strategy

No community consultation has been undertaken in preparing this report. The report is based on internal consultation among staff from Strategic Planning, the Northern Rivers Community Gallery, and Visitor Services.

Financial / Risk Considerations

This report seeks to provide information on formalising and expanding a public art trail in the shire. As such there are no financial or risk considerations at this stage. Council can review funding options for public art as part of the annual budget deliberations.

Options

Option 1 - Council endorses the establishment of a Public Art Trail to be overseen through the Public Art Advisory Panel (PAAP) as outlined in this report.

This option is recommended as it responds to the Council resolution and builds on the existing public art in the shire. The existing PAAP provides a structure for the further consideration of details associated with the implementation of a trail in association with other public art related matters.

Option 2 - Council does not apply further resources into the establishment of a public art trail.

Given the availability of the PAAP to provide a structure for the development of public art trail details, and the existing foundations for public art, this option is not recommended.

RECOMMENDATION

That Council endorses the establishment of a Public Art Trail to be overseen through the Public Art Advisory Panel, as detailed in this report.

Attachment(s)

1. Ballina Shire Public Art Register [⇒](#)

8.4 Ballina Shire DCP - Amendment 17 - Finalisation

8.4 Ballina Shire DCP - Amendment 17 - Finalisation

Section	Strategic Planning
Objective	To outline amendments to the Ballina Shire Development Control Plan 2012 following public exhibition and to seek direction on their finalisation.

Background

At its July 2024 Ordinary meeting, Council considered a range of general amendments to the *Ballina Shire Development Control Plan 2012* (DCP) and resolved to undertake public exhibition.

The draft DCP amendments were publicly exhibited from 9 August 2024 until 9 September 2024.

In response to the public exhibition two submissions were received.

These both relate to proposed amendments to Chapter 2a Vegetation Management (Chapter 2a).

Specifically, they relate to proposed exemptions to development consent requirements for certain vegetation management works in the C2 Environmental Conservation and C3 Environmental Management zones.

This report considers the submissions received and, in response, recommends changes to the exhibited DCP (Chapter 2a).

The report also provides Council with an opportunity to further review all proposed amendments to the DCP.

Key Issues

- Finalisation and implementation of proposed DCP amendments
- Vegetation management

Discussion

The proposed DCP amendments are detailed in the report to Council's Ordinary meeting on 25 July 2024.

See Item 8.4 in the [Council Agenda 25/7/2024](#) .

Attachments 1 to 5 contain copies of the exhibited DCP amendment with changes endorsed by Council for exhibition highlighted in yellow.

Table 1 below provides a summary of the changes proposed to the DCP.

Table 1 Summary of DCP 2012 Amendment 17 Changes

Chapter	Proposed Changes
1. Administration (Attachment 1)	<ul style="list-style-type: none"> - Amend Dictionary - <i>ancillary development</i> definition to incorporate shade structure, - Amend Dictionary - <i>foreshore</i> definition, - Update Schedule of Amendments to reference Amendment.
2. General and Environmental Considerations (Attachment 2)	<ul style="list-style-type: none"> - Amend Clause 3.16 <i>Public Art</i>, - Amend Clause 3.18 <i>Protection of Foreshore and Public Open Space Areas</i>, - Amend Clause 3.19 – <i>Table 2.3 General Car Parking Requirements</i> for pubs, - Update legislation reference to specify s7.11 in Note to Table 2.3, - Add new Clause 3.24 <i>Acid Sulfate Soils</i>.
2a. Vegetation Management (Attachment 3)	<ul style="list-style-type: none"> - Amend Clause 3.2 to specify that consent for vegetation management works required in the C3 Environmental Management zone (C3). - Amend Clause 3.3 <i>Exemptions</i> to add exemptions for rural infrastructure, camphor laurel trees (up to 0.1ha), asset protection zones and firebreaks. - Additional notes specifying permitted clearing distances of 6 metres for rural infrastructure and 20 metres for curtilage of a dwelling.
3. Urban Subdivision (Attachment 4)	<ul style="list-style-type: none"> - Delete Section 5.8 <i>Burns Point Ferry Road Area and Schedule F</i> - Amend <i>Section 5 – Special Area Controls</i> to reference park infrastructure specified in new Schedule F, - Insert new <i>Schedule F – Park Infrastructure Elements</i> and reference to requirements in subdivision design standards table.
4. Residential and Tourist Development (Attachment 5)	<ul style="list-style-type: none"> - Amend <i>Element E – Building Line Controls</i> by inserting a new control <i>ii. Unenclosed ancillary development</i> and amending number references as required.
Special Area Control Map SR_005_020	Amend Special Area Control Map to remove Burns Point site

In response to the exhibition of the proposed DCP amendments two submissions have been received as contained in Attachment 8.

The issues raised in the submissions are summarised in Table 2 below, along with staff comments.

Further discussion of the issues is provided following the table.

Reference to ‘C zones’ is to the C2 Environmental Conservation and C3 Environmental Management zones in the Ballina Local Environmental Plan 2012 (Ballina LEP).

Table 2 – Summary of Submission Issues and Comments

Sub No	Issue Raised	Comments
1	<p>Support changes to DCP chapter 2a and clearing allowance for camphor laurel in C zones. Indicates greater clarity required on area allowed to be cleared on steep slopes. LLS no longer available to provide free advice.</p>	<p>It is agreed that greater clarity is required relating to where, and the circumstances under which the proposed 0.1ha camphor laurel exemption should apply.</p> <p>See discussion in the report below this table.</p>
	<p>Questions if map reviews will be undertaken once camphor laurel is removed, at no cost to landowners.</p>	<p>This concern relates to a view that some mapping undertaken to define C zone boundaries resulted in areas dominated by camphor laurel being erroneously zoned as C2 or C3.</p> <p>In cases where a landowner contends that land has been incorrectly zoned for conservation due to it being camphor dominated this issue should be clarified with council prior to any clearing works taking place. This would then allow consideration of remedy options.</p> <p>If Council is asked to consider zone changes in relation to the presence of camphor laurel, review of this is guided by the <i>Northern Councils E Zone Review</i> document.</p> <p>If it is established that land warrants a zone other than a conservation zone due to a mapping error, its rezoning to a more appropriate zone would normally occur at no cost to the landowner.</p>
	<p>The proposed additional exemptions for certain vegetation management works in the C zones should be broadened to cover all the “allowable activities” permitted without approval under the <i>Local Land Services Act 2013</i> (LLS Act). Notes that most have been included but some such as ability to use timber for fence posts, firewood (on own property) have not.</p>	<p>The provisions of the LLS Act apply to rural zones. Once land is zoned for conservation purposes (as occurred on 12/7/2024 Amd No 55) the provisions of the DCP apply.</p> <p>The exemptions proposed in Chapter 2a have been included following a review of the list of “allowable activities” permitted under the provisions of the LLS Act. Having regard to the location of Ballina Shire within the more sensitive coastal zone, and a significant amount of vegetation in C zones containing rainforest (EEC) species, a more considered and restricted approach was adopted.</p> <p>Incorporating an exemption for the clearing of native vegetation to obtain construction timber and firewood was considered problematic in areas where vegetation has been identified as being of significant biodiversity value. In this context it is considered that the range of exemptions should not be increased at this time.</p>

8.4 Ballina Shire DCP - Amendment 17 - Finalisation

Sub No	Issue Raised	Comments
		<p>It is also noted that the LLS Act contains several restrictions to clearing, such as no clearing of threatened species, which are detailed in the Act.</p> <p>Copies of the Local Land Services fact sheets <i>Allowable activities for landholders</i>, and <i>Allowable activities – Environmental Protection Works</i> are contained in Attachments 6 and 7.</p>
2	<ul style="list-style-type: none"> • Clearing of camphor laurel trees and stands necessarily includes clearing of regenerated rainforest and significant habitat and food sources for unique and threatened fauna species. • DCP requires significant revision as it relates to proposed camphor laurel exemption. • Clearing of camphor laurel without a vegetation management plan (VPM) and without targeted surveys of species that rely on camphor laurels is inconsistent with Council's responsibilities. 	<p>Refer to the discussion in the body of the report below and recommended changes to the publicly exhibited DCP.</p>

Further response to submissions relating to camphor laurel removal

What are the current provisions relating to camphor laurel trees within Chapter 2a and how are they proposed to be changed?

Chapter 2a contains the following note with the exhibited proposed changes highlighted in yellow:



Note:

Camphor Laurel Trees

There are a number of mature Camphor Laurel trees that may be considered significant within the urban environment of the shire. Because this species is a weed, its removal is exempt from any consent requirements of this chapter.

Broadscale clearing of Camphor Laurel trees may be defined as forestry and as such may be subject to a requirement for development consent.

Camphor Laurel can contribute to the establishment of rainforest. Survey should be undertaken to determine whether rainforest species are present before considering broad scale clearing of Camphor Laurel.

Consent is not required to remove individual trees, or clumps of trees not exceeding 0.1ha in area.

8.4 Ballina Shire DCP - Amendment 17 - Finalisation

The exemptions listed in section 3.3 of Chapter 2a are also proposed to be broadened to reference camphor laurel more specifically as follows:

3.3 Exemptions

*The consent requirements described in Section 3 of this chapter do not apply to **vegetation management works** that:*

xvii. in the C2 and C3 zone relates to the clearing of Camphor Laurel trees occupying a maximum area of 0.1ha.

An exemption also exists for the removal and control of vegetation identified as an undesirable tree species in section 3.4 of Chapter 2a, which includes camphor laurel.

No changes to the list of undesirable tree species have been proposed.

What is the history of camphor laurel removal provisions in DCP Chapter 2a?

The original 2013 version of DCP Chapter 2a contained an exemption for camphor laurel removal consent requirements. This was based on a provision of the original Ballina LEP2012 (cl5.9(8) now repealed) which exempted declared noxious weeds under the *Noxious Weeds Act 1993* from removal consent requirements.

The original 2013 DCP Chapter 2a also listed camphor laurel as an undesirable tree species (Table 2.1) and provided an exemption for vegetation management works in relation to such species.

This exemption remains in the current version of Chapter 2a (adopted by the Council in May 2023).

What is now proposed is to nominate a maximum clearing area in response to concerns raised by some landowners during the exhibition process of the C zone planning proposal, that their ability to clear camphor laurel (under Local Land Services rules) may be restricted following any C zone rezoning.

Under the Ballina LEP can camphor laurel be removed in conjunction with some other development that does not require consent?

The C2 zone permits *environmental protection works* without consent.

The C3 zone permits *environmental protection works, extensive agriculture* and *home occupations* without consent.

The Ballina LEP 2012 defines *environmental protection works* and *extensive agriculture* as:

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

extensive agriculture means any of the following—

(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,

(b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,

(c) bee keeping,

(d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

It is considered that the removal of camphor laurel associated with *environmental protection works* is permitted without consent but may still require approval and permits under other legislation.

In the case of *extensive agriculture* there may be some circumstances where camphor laurel removal may be argued to be permitted without consent.

In these circumstances it is beneficial to define in DCP Chapter 2a the extent of camphor laurel removal permitted without consent.

Does camphor laurel have any environmental benefits?

Whilst camphor laurel is problematic in respect to its ability to outcompete other vegetation species, often quickly becoming the dominant species, it does have some environmental and other benefits.

Benefits include:

- i Provision of habitat and a food source for various fauna species including native birds and small mammals.
- ii Supports some rainforest flora species in the understorey.
- iii Provides a corridor to allow movement of native fauna between open grazing areas.
- iv Resource for wood chip, carbon sink and for furniture making timber.

The challenge with removing camphor laurel is that the understorey may often contain plant species which form part of endangered ecological communities (EECs).

Such plant communities are protected by various State and Federal legislation.

The onus is on the landholder, and/or person clearing the camphor areas, to ensure that protected species are not destroyed in the clearing process and that relevant other approvals are obtained.

Is camphor laurel a declared noxious weed?

Camphor laurel is not a current declared noxious weed. It is listed within the Local Land Services *North Coast Regional Strategic Plan 2023 - 2027* as an *Additional species of concern*. The following commentary is provided in respect to *Additional species of concern* within the LLL publication:

These weed species are listed for asset protection. Although these species are not a priority for compliance programs, many of these weeds are actively managed to protect assets of high environmental, economic, or social value.

Regional strategic response:

- *Work within existing widespread weed programs for strategic protection of assets of high economic, environmental and/or social value.*
- *Prioritise the application of the GBD to assist with management of these species.*
- *Work with industry to develop industry standards including restrictions on sale and trade*

Do other Northern Rivers councils have exemptions for camphor laurel removal?

The vegetation management provisions of Lismore City, Tweed Shire and Byron Shire councils were reviewed to determine how they applied to camphor laurel.

While Lismore provides an exemption for a variety of weed species listed in several publications up to the threshold limit for the Biodiversity Offset Scheme, it does not provide one for camphor laurel.

Tweed has an exemption for camphor laurel limited to 20 trees (>3m high) on a single property, over a 12-month period, as well as various other restrictions.

Byron has an exemption for camphor laurel, which is limited to a maximum of eight trees or saplings under 5m tall, or for restoration activities undertaken by landholders applying current 'best practice' camphor conversion techniques (e.g. Subtropical Rainforest Restoration 3rd Edition, Big Scrub Landcare).

Why was the 0.1ha camphor laurel exemption limit proposed for Ballina?

The 0.1ha or 1000m² camphor laurel clearing limit was nominated as the clearing area needed to be large enough to enable effective land rehabilitation and conversion of camphor forest area.

The 0.1ha or 1000m² proposed clearing limit is equivalent to 10% of the area of native vegetation specified under the provisions of the *Biodiversity Conservation Regulation* (s7.2) as the clearing threshold that triggers a requirement for the preparation of a Biodiversity Assessment Report (BDAR) (Applicable to areas with a 40ha minimum lot size).

The proposed limit is significantly below the area threshold (1ha) that would trigger Biodiversity Offset Scheme requirements for native vegetation.

Whilst camphor laurel is not a native plant species, if it is located on *vulnerable land* on the *State Native Vegetation Regulatory Map*, it is treated as though it was native vegetation under the provisions of the LLS Act.

A significant portion of C2 and C3 zoned land is located on *vulnerable land*. In such cases LLS permits the removal of camphor laurel under the *allowable activity of environmental protection works*.

It is also noted that the *Subtropical Rainforest Restoration Manual, 3rd Edition, Big Scrub Landcare*, contains the following statement in respect to the area required to convert camphor laurel forest to rainforest:

8.4 Ballina Shire DCP - Amendment 17 - Finalisation

Select a patch that you can maintain. An area no smaller than 25m x 25m (625m²) within a mature Camphor forest is needed because you need to create a big enough 'canopy gap' to allow direct sun into the area.

Is there benefit in clarifying when the 0.1ha camphor Laurel clearing limit should be applied?

There is merit in the clearing exemption in the DCP proposed for camphor laurel in the C2 and C3 zones being only applied in cases where it is proposed to convert camphor dominated forest areas to rainforest.

This is as opposed to removing camphor laurel to facilitate grazing or for other agricultural purposes.

This approach also aligns with the LLS approach applied in mapped *vulnerable land* areas where *environmental protection works* are permitted as an *allowable activity*.

When considering this issue, it is considered that there is merit in adopting the Byron Shire Council approach, which provides a link between restoration activities and best practice conversion techniques.

Recommended changes to chapter 2a

It is recommended that camphor laurel removal be linked more directly to rainforest restoration projects by amending the camphor laurel note in section 3.2 of chapter 2a by adding the following words, highlighted in green below, with a similar amendment of the proposed exemption in clause 3.3:

1. Consent is not required to remove individual trees, or clumps of trees not exceeding 0.1ha in area, in the C2 and C3 zones subject to:
i Work being undertaken as part of environmental protection work, and
ii Camphor Laurel conversion areas being rehabilitated and restored into endemic rainforest by applying best practice techniques eg Subtropical Rainforest Restoration 3rd Edition, Big Scrub Landcare.

Fact Sheets

There is merit in adapting the Local Land Services information sheets contained in Attachments 6 and 7 so that they incorporate references to the Ballina Shire C zone regulatory environment and the proposed DCP Chapter 2a provisions. Incorporating appropriate references within DCP Chapter 2a should then also occur and has been incorporated within the recommendations to this report.

Other proposed amendments to Ballina Shire DCP 2012

There were no submissions made in respect to the various other amendments proposed to DCP chapters as highlighted in yellow in Attachments 1 to 5.

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.

Community Engagement Strategy

The proposed amendments to DCP 2012 were publicly exhibited in accordance with Council's Community Participation Plan and the requirements of the *Environmental Planning and Assessment Act 1979* and associated Regulation.

Public exhibition of the proposed amendments comprised:

- notification via the Ballina Shire Your Say engagement website,
- notice in the Public Notices section of Council's website,
- hand delivery of approximately 300 letters to properties in the Ballina Quays and Banyanda Lake estates and direct mail of letters to the residential addresses of property owners living in these estates,
- email advice of the proposed DCP amendments to planning consultants (14).

The two submissions received have been addressed in this report.

Financial / Risk Considerations

The finalisation of this DCP amendment can be accommodated within existing resources.

Options

Option 1 – Adopt the amendments to the DCP as exhibited

This option is not recommended as there is merit in refining the exemptions proposed for vegetation management in Chapter 2a of the DCP as discussed in this report.

Option 2 – Adopt the amendments to the DCP as exhibited and incorporating the changes to Chapter 2a as detailed in the Discussion section of this report (green highlighted text)

This option is recommended as it will further refine Council's approach to camphor laurel removal in the C2 and C3 zones and provide a link between removal and the undertaking of *environmental protection works*.

Option 34 – Decline to adopt the DCP amendments

This option is not recommended. The amendments proposed are generally more minor or are supporting or finalising the implementation of adopted policies or development approaches.

The amendments will also ensure that the DCP remains contemporary.

The proposed amendments also did not generate significant community debate or submission.

To that extent they are not considered to be controversial in the community.

The submissions also provide an opportunity for Council to further consider the issue of camphor laurel clearing and related vegetation management approaches, as detailed in this report, before finalising the amendment.

RECOMMENDATIONS

1. That Council adopts the amendments to the *Ballina Shire Development Control Plan 2012* incorporating the changes recommended in this report as highlighted in yellow and green in Attachments 1 to 5.
2. That Fact Sheets be prepared on Allowable Activities for Landholders, and Allowable Activities – Environmental Protection Works, as discussed in this report and when finalised references to their availability be inserted in DCP Chapter 2a Vegetation Management.
3. That Council notify the adoption of the Amendment 17 to *Ballina Shire Development Control Plan 2012*, with the amended provisions to take effect from the date of publication on Council's website.
4. That Council provide a copy of the amended *Ballina Shire Development Control Plan 2012* to the Planning Secretary, as required by the *Environmental Planning and Assessment Regulation 2021*.
5. That persons who made submissions be advised of Council's decision.

Attachment(s)

1. Draft DCP 2012 Chapter 1 - Administration (as exhibited) [⇒](#)
2. Draft DCP 2012 Chapter 2 - General and Environmental Considerations (as exhibited) [⇒](#)
3. Draft DCP Chapter - 2a Vegetation Management (as amended after exhibition) [⇒](#)
4. Draft DCP Chapter 3 - Subdivision (as exhibited) [⇒](#)
5. Draft DCP Chapter 4 - Residential and Tourist Development (as exhibited) [⇒](#)
6. LLS Fact Sheet - Allowable Activities for Landholders [⇒](#)
7. LLS Fact Sheet - Environmental Protection Works [⇒](#)
8. Submissions to exhibition of Ballina Shire DCP Amendment No 17 [⇒](#)

8.5 Policy (Review) - Asbestos Management

8.5 Policy (Review) - Asbestos Management

Delivery Program

Environmental and Public Health

Objective

To review the Asbestos Management Policy.

Background

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

The purpose of this report is to review the Asbestos Management Policy.

This policy was first adopted by Council on 23 June 2016. It was prepared using the Model Asbestos Policy and Guidelines developed by Local Government NSW on behalf of the Heads of Asbestos Coordination Authorities Working Group.

The Model Asbestos Policy was issued under section 23A of the *Local Government Act 1993* as a guideline that must be considered by councils in carrying out their functions.

The policy outlines Council's overall commitment to the safe management of asbestos and asbestos containing material (ACM).

The policy provides guidance on Council's responsibilities/functions for minimising risks from asbestos including:

- The role of Council and other organisations in managing asbestos
- Council's relevant regulatory powers
- Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- General advice for residents on renovating homes that may contain asbestos
- Council's development approval process for developments that may involve asbestos and conditions of consent
- Waste management and regulatory procedures for asbestos waste in the local government area (LGA)
- Council's approach to managing ACM in Council workplaces
- Sources of further information.

The policy recognises the complexity of asbestos management and promotes a coordinated and consistent approach to asbestos management by Council in partnership with other key stakeholders.

Key Issues

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

8.5 Policy (Review) - Asbestos Management

Discussion

Local Government NSW recently advised that a current review of the Model Asbestos Policy has come to a standstill with no known completion date.

Updates made so far were drawn on to guide this policy review.

Noting the unknown timeframe of the Model Asbestos Policy update, it is considered appropriate to continue the review of Council's Asbestos Management Policy.

Internal consultation has taken place with Council Sections responsible for matters associated with asbestos management and the EPA.

Review of this policy identified only minor changes as follows:

- Update legislation references to make current
- Update titles, organisation name changes, catalogue references to codes of practice, factsheets, and other documents
- Update web links
- Update areas of responsibilities between organisations and appropriate regulatory authority
- Changes to fine amounts
- Information included on the EPA's new asbestos waste tracking system Integrated Waste Tracking Solution (IWTS)
- Rewording of information associated with friable asbestos removal and clearance certificates.

The changes have been marked in yellow and red.

A copy of the amended policy is attached to the report as Attachment 1.

Otherwise, the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended.

Delivery Program Strategy/Operational Plan Activity

This policy is consistent with:

HE3.1 – Implement plans that balance the built environment with the natural environment.

HE3.2 – Minimise negative impacts on the natural environment.

Community Engagement Strategy

As the changes are relatively minor, in that they do not substantially change the operation of the policy, it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment.

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

8.5 Policy (Review) - Asbestos Management

Financial/Risk Considerations

The Council has a duty to exercise due diligence to ensure Council complies with the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2017*.

This includes taking reasonable steps to ensure Council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

Options

Council may accept or amend the proposed changes to the policy.

As the changes included are minor and administrative it is recommended the policy be adopted as presented.

It is also recommended that if no significant submissions are received from the exhibition process, then no further action is required.

RECOMMENDATIONS

1. That Council adopts the amended Asbestos Management Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any significant submissions received to be resubmitted back to Council.

Attachment(s)

1. Policy (Review) - Asbestos Management [⇒](#)

9.1 Use of Council Seal

9. Corporate and Community Division Reports

9.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following documents.

US2024/17	<p>1. That Council, in accordance with the relevant provisions of the Local Government Act 1993 and the Crown Land Management Act 2016, enters into the following lease of community land:</p> <table border="1" data-bbox="560 775 1377 1050"><thead><tr><th>Property</th><th>Tenant</th><th>Tenure</th></tr></thead><tbody><tr><td>Part lot 1 DP 1051004 (Council is Crown Land Manager of Reserve R87280)</td><td>Richmond River Sailing and Rowing Club Incorporated</td><td>Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST)</td></tr></tbody></table> <p>2. Council authorises the General Manager to affix the seal to the lease/licence documents in point one and any other documents required to allow tenure to be granted in accordance with point one.</p> <p>3. That prior to points one and two being actioned, statutory public notification relating to the proposed lease of community land be undertaken, with a report to be presented to Council if an objection of a substantive nature is received to the grant of the proposed lease.</p>	Property	Tenant	Tenure	Part lot 1 DP 1051004 (Council is Crown Land Manager of Reserve R87280)	Richmond River Sailing and Rowing Club Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST)
Property	Tenant	Tenure					
Part lot 1 DP 1051004 (Council is Crown Land Manager of Reserve R87280)	Richmond River Sailing and Rowing Club Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST)					
US2024/18	<p>1. That Council, in accordance with the relevant provisions of the Local Government Act 1993 and the Crown Land Management Act 2016, enters into the following lease of community land:</p> <table border="1" data-bbox="560 1657 1377 1933"><thead><tr><th>Property</th><th>Tenant</th><th>Tenure</th></tr></thead><tbody><tr><td>Part lot 502 DP 729388 (Council is Crown Land Manager of Reserve R97786)</td><td>Ballina Naval and Maritime Museum Incorporated</td><td>Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST)</td></tr></tbody></table> <p>2. Council authorises the General Manager to affix the seal to the lease/licence documents in point one and any other</p>	Property	Tenant	Tenure	Part lot 502 DP 729388 (Council is Crown Land Manager of Reserve R97786)	Ballina Naval and Maritime Museum Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST)
Property	Tenant	Tenure					
Part lot 502 DP 729388 (Council is Crown Land Manager of Reserve R97786)	Ballina Naval and Maritime Museum Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$604 per annum plus GST)					

9.1 Use of Council Seal

	<p>documents required to allow tenure to be granted in accordance with point one.</p> <p>3. That prior to points one and two being actioned, statutory public notification relating to the proposed lease of community land be undertaken, with a report to be presented to Council if an objection of a substantive nature is received to the grant of the proposed lease.</p>
US2024/19	<p>Variation to Lease Agreement – P W & R M Stewart Lease with Ballina Shire Council for property at Lots 4 and 5 DP 1184436, known as Sharpes Beach Car Park.</p> <p>Explanation: Council has a 99-year lease with the Stewart's for the area known as Sharpes Beach Car Park. Council resolved at the 25 July 2024 Ordinary meeting to adopt a new Sharpes Beach Master Plan.</p> <p>The variation to lease document is to update the Master Plan that attaches to the lease.</p>
US2024/20	<p>Ballina Shire Council Lease with Commonwealth of Australia as represented by the Bureau of Meteorology for part Lot 1 DP 1277071, 210 Southern Cross Drive, Ballina known as Ballina Byron Gateway Airport. The lease is for five years at a \$1 per year if requested.</p> <p>Explanation: The Bureau of Meteorology has a facility at Ballina Byron Gateway Airport known as an Airport Automatic Weather Station. This station provides essential weather information to pilots using the aerodrome. Council has been approached by the Bureau to formalise their occupation in line with similar installations at other airports.</p>

Attachment(s)

Nil

9.2 Investments Summary - October 2024

9.2 Investments Summary - October 2024

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

Background

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

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

This report has been prepared to confirm the cash and investments held as at 31 October 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 October 2024, have been made in accordance with the Act, the Regulations and Council's Investment Policy.

Key Issues

- Compliance with Investment Policy
- Return on investments

Discussion

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

A copy of the Investment Policy, adopted 27 June 2024, is available on Council's website: <https://ballina.nsw.gov.au/page.asp?f=RES-GFT-21-04-76>

The total balance of investments, as at 31 October 2024, was \$92.9m, compared to a balance of \$96.9m as at 30 September 2024.

Council's investments, as at 31 October 2024, were invested at a weighted average interest rate of 5.246%, which was 0.827% higher than the October average 90 Day Bank Bill Index (BBSW) of 4.419%.

The balance of Council's Commonwealth Bank business account, as at 31 October 2024 was \$9,769,152, which compares to a balance of \$12,414,376 as at 30 September 2024.

9.2 Investments Summary - October 2024

Total combined cash and investments, as at 31 October 2024 was \$102,669,152 compared to a balance of \$109,314,376 as at 30 September 2024.

The net decrease of \$6.6m in cash and investments from September to October is the result of regular creditor payments and loan payments made during the month with no major income received.

NSW TCorp's monthly Economic Commentary report for October 2024 can be viewed using the following link: [Monthly economic report – October 2024](#)

Restricted Reserves

The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for specific purposes.

The following table reflects the portfolio percentages based on balances as at 30 June 2024.

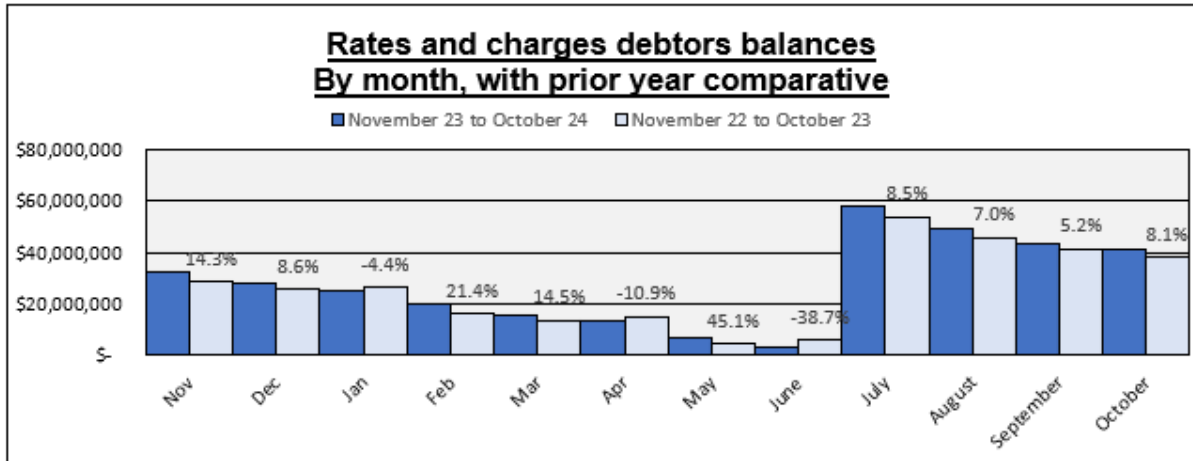
Reserve Name	Restriction	% Portfolio
Wastewater (incl developer contributions)	External	24.18%
Water (incl developer contributions)	External	15.66%
Section 7.11 Developer Contributions	External	18.74%
Domestic Waste Management	External	1.81%
Bonds and Deposits	External	3.07%
Specific Purpose Unexpended Grants	External	8.17%
Commercial Properties	Internal	1.16%
Carry Forward Works	Internal	3.25%
Bypass Maintenance	Internal	3.32%
Management Plans / Studies	Internal	1.03%
Airport	Internal	2.02%
Landfill and Resource Management	Internal	0.09%
Employee Leave Entitlements	Internal	2.65%
Quarries	Internal	0.56%
Property	Internal	1.31%
Plant and Vehicle Replacement	Internal	0.20%
Road Works	Internal	0.94%
Open Spaces	Internal	1.17%
Miscellaneous Internal Reserves	Internal	3.14%
Community Facilities	Internal	0.71%
Financial Assistance Grant in Advance	Internal	4.53%
Unrestricted		2.29%
Total		100.00%

Debtors

As per the following chart, the balance, as at 31 October 2024, was 8.1% higher than 31 October 2023. This increase is predominantly due to the rate pegging increase for 2024/25 of 4.6%, charge increases and growth in the rating base, alongside balances outstanding increasing.

Staff continue to monitor balances and implement timely debt recovery procedures.

9.2 Investments Summary - October 2024



A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	30 September \$'000	31 October \$'000	Quota %	% of Total
AMP Bank	No	BBB+	10,000	10,000	20%	10.76%
Australian Unity	Yes	BBB+	3,000	3,000	20%	3.23%
Auswide Bank	Yes	BBB	3,000	3,000	20%	3.23%
Bank of Queensland	Yes	A-	4,000	9,000	20%	9.69%
BankVic	n/a	BBB+	5,000	5,000	20%	5.38%
Bendigo & Adelaide Bank	Yes	BBB+	1,000	1,000	20%	1.08%
Beyond Bank	Yes	BBB+	2,000	2,000	20%	2.15%
Commonwealth Bank	No	AA-	1,000	1,000	20%	1.08%
Defence Bank Ltd	n/a	BBB+	3,000	3,000	20%	3.23%
ING Bank (Australia) Ltd	No	A	17,000	8,000	20%	8.61%
G & C Mutual	Yes	BBB+	2,000	2,000	20%	2.15%
Macquarie Bank	No	A+	1,600	1,600	20%	1.72%
MyState Bank Ltd	Yes	BBB+	4,000	4,000	20%	4.31%
National Australia Bank	No	AA-	14,000	14,000	20%	15.07%
Newcastle Greater Mutual Group Ltd	Yes	BBB+	1,000	1,000	20%	1.08%
Rabobank Australia Ltd	No	A+	8,000	8,000	20%	8.61%
Suncorp Limited	Yes	A+	15,300	15,300	20%	16.47%
Westpac Bank Corp	No	AA-	2,000	2,000	20%	2.15%
Total			96,900	92,900		100.0%

Credit Rating Summary	Maximum Allowed		Value 30 September \$'000	Value 31 October \$'000	%	%
	%	Value				
as per the Investment Policy						
A- or Higher	100%	92,900	62,900	58,900	64.9%	63.4%
BBB	60%	55,740	34,000	34,000	35.1%	36.6%
Total			96,900	92,900	100.0%	100.0%

Liquidity Risk Parameters	Maximum Allowed		Value (\$'000)	Value (\$'000)	%	%
	%	Value				
as per the Investment Policy						
Term equal to 1 year or less	100%	92,900	87,000	83,000	89.8%	89.3%
Term > 1 year and < 3 years	40%	37,160	-	-	-	-
Term > 3 years	20%	18,580	9,900	9,900	10.2%	10.7%
Total			96,900	92,900	100.0%	100.0%

9.2 Investments Summary - October 2024

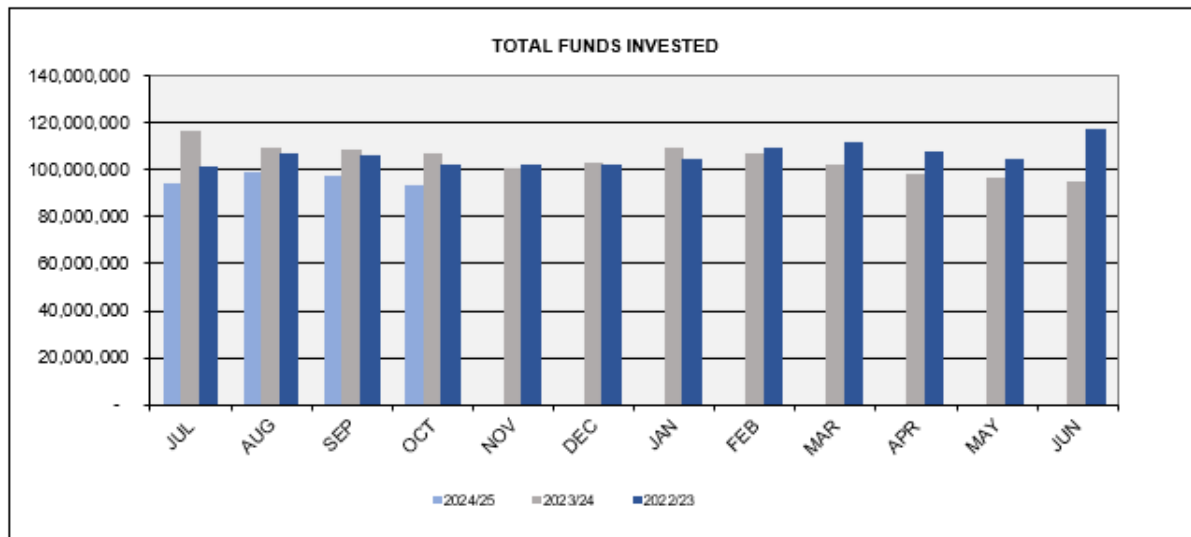
B. Fossil Fuel Free and Green Investments

Environmental Classification	30 September		31 October	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned Investments	43,600	45.0	34,600	37.3
Non-Fossil Fuel Aligned Investments	45,300	46.7	50,300	54.1
Not Classified	8,000	8.3	8,000	8.6
Total	96,900	100.0	92,900	100.0

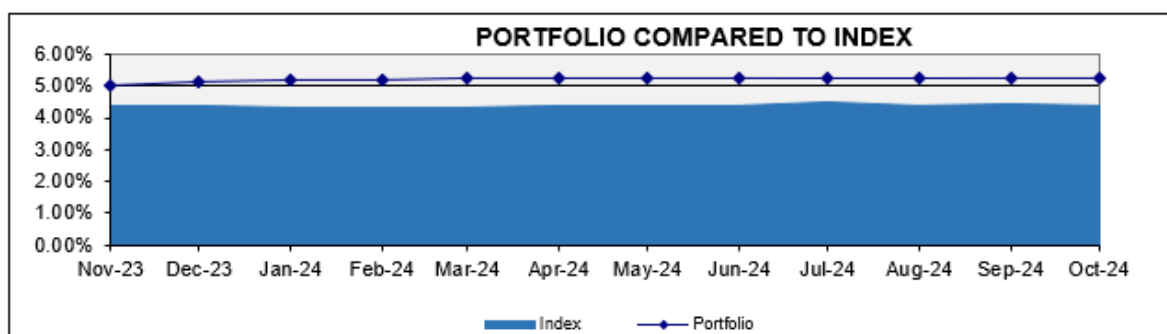
In October 2024, three investment matured totalling \$9m. These were held with fossil fuel aligned institutions.

Three new investments totalling \$5m were placed. All three investments were with a non-fossil fuel aligned institution.

Monthly Comparison of Total Funds Invested

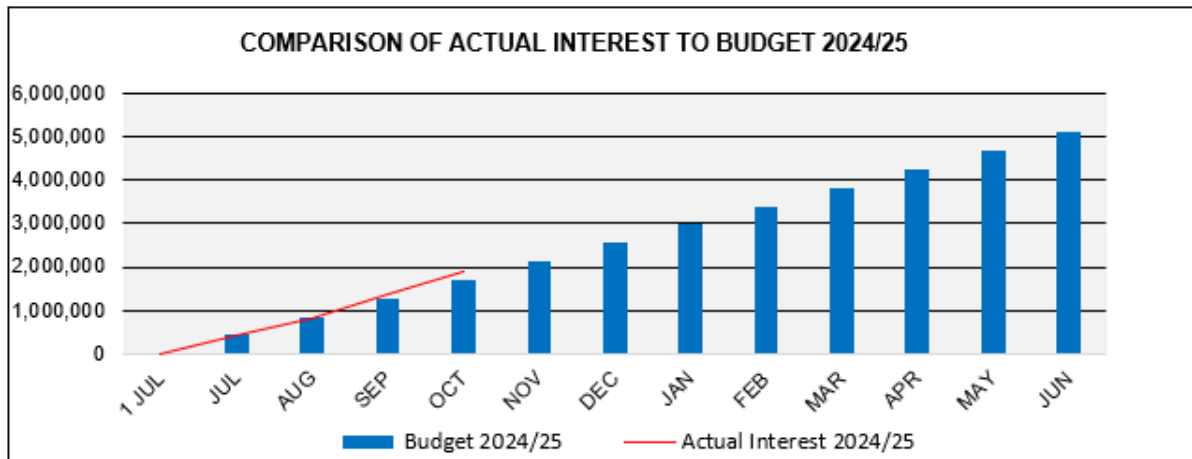


C. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.2 Investments Summary - October 2024

D. Progressive Total of Interest Earned to Budget



E. Investments held as of 30 September 2024 and 31 October 2024

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	30 September \$'000	31 October \$'000
24/02/21	Suncorp-Metway Limited	FRN	4.80%	24/02/26	1,300	1,300
04/03/21	Newcastle Greater Mutual Group Ltd	FRN	5.04%	04/03/26	1,000	1,000
18/06/21	Bendigo & Adelaide Bank	FRN	5.07%	18/06/26	1,000	1,000
29/06/23	AMP Bank	FRN	6.08%	29/06/26	1,000	1,000
14/09/23	Macquarie Bank Limited	FRN	5.22%	14/09/26	1,600	1,600
20/02/24	Westpac Banking Corporation	FRN	5.24%	20/02/29	2,000	2,000
19/03/24	Suncorp-Metway Limited	FRN	5.40%	19/03/29	1,000	1,000
22/08/24	Commonwealth Bank of Australia	FRN	5.24%	22/08/29	1,000	1,000
05/10/23	ING Bank (Australia) Ltd	TD	5.27%	01/10/24	4,000	-
17/10/23	ING Bank (Australia) Ltd	TD	5.20%	15/10/24	2,000	-
01/11/23	ING Bank (Australia) Ltd	TD	5.47%	29/10/24	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
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
28/05/24	MyState Bank Ltd	TD	5.25%	27/08/25	2,000	2,000
04/06/24	MyState Bank Ltd	TD	5.25%	03/06/25	2,000	2,000

9.2 Investments Summary - October 2024

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	30 September \$'000	31 October \$'000
27/06/24	National Australia Bank	TD	5.50%	24/06/25	4,000	4,000
10/07/24	Suncorp-Metway Limited	TD	5.45%	08/07/25	3,000	3,000
31/07/24	Rabobank Australia Ltd.	TD	5.35%	31/07/25	3,000	3,000
13/08/24	AMP Bank	TD	5.20%	13/08/24	4,000	4,000
28/08/24	Suncorp-Metway Limited	TD	5.07%	04/03/25	6,000	6,000
28/08/24	Rabobank Australia Ltd.	TD	5.00%	03/06/25	5,000	5,000
04/09/24	Bank of Queensland	TD	4.85%	04/02/25	4,000	4,000
11/09/24	G&C Mutual Bank	TD	5.00%	03/09/25	2,000	2,000
01/10/24	Bank of Queensland	TD	5.05%	15/04/25	-	1,000
01/10/24	Bank of Queensland	TD	5.05%	04/04/25	-	2,000
01/10/24	Bank of Queensland	TD	5.05%	08/04/25	-	2,000
	Total				96,900	92,900
	TD=Term Deposit; FRN=Floating Rate Note					

RECOMMENDATION

That Council notes the contents of this report on banking and investments for October 2024.

Attachment(s)

Nil

9.3 Annual Report - 2023/24

9.3 Annual Report - 2023/24

Section	Communications
Objective	To endorse Council's Annual Report for 2023/24.

Background

The Local Government Act (section 428) requires council to prepare an annual report within five months of the end of the financial year.

Council's Annual Report for 2023/24 has been prepared in line with the Office of Local Government's (OLG) integrated planning and reporting (IP&R) guidelines, handbook, and checklist.

The Annual Report must be endorsed by Council before 30 November 2024. The purpose of this report is to seek this endorsement.

Key Issues

- Compliance with Local Government Act

Discussion

The Annual Report has been prepared in accordance with the Local Government Act and Office of Local Government's IP&R guidelines, handbook, and checklist (as per Attachment 1). Refer to this link for the Annual Report <https://ballina.nsw.gov.au/page.asp?f=RES-QTQ-34-28-00>.

This report is an important document providing accountability between council and its community.

The Local Government Regulation (cl 217) details the requirements to be included in the Annual Report. Typically, the document reports on the achievements in implementing the Delivery Program and Operational Plan and the effectiveness of the principal activities undertaken in achieving the objectives of the Community Strategic Plan.

In summary, the Annual Report includes:

- organisation structure (page 7)
- community profile (page 11)
- achievements summary (page 13)
- community indicator results adopted in the Community Strategic Plan (pages 15 to 18)
- progress on Delivery Program and Operational Plan (Appendix 1)
- Councillor expenses and facilities (page 21)
- Councillor professional development and training (page 22)
- profile of staff (page 23)
- remuneration packages of senior staff (page 23)
- compliance with equal employment opportunity management plan (page 24)
- activities funded by special rate variations (pages 26 to 29)

- contracts awarded (pages 31)
- legal proceedings and results (pages 32 to 33)
- planning agreements (page 34)
- development contributions and levies (pages 35 to 37)
- council contributions and donations (pages 38 to 42)
- companion animal act information (pages 45 and 46)
- compliance with public interest disclosure (Appendix 3)
- compliance with government information public access (Appendix 4)
- compliance with disability inclusion act (page 49 and Appendix 5)
- capital expenditure (Appendix 6)
- audited financial statements (Appendix 7)

The Annual Report must be endorsed by Council by 30 November 2024.

Delivery Program Strategy / Operational Plan Activity

EL 1.1c – Prepare Council’s Annual Report

Community Engagement Strategy

Many of the items listed in the report reflect the outcomes from community consultation processes.

The report will be published on Council’s website once endorsed.

Financial / Risk Considerations

Council is required to comply with Section 428 of the Local Government Act 1993 and the Annual Report meets this requirement.

Options

Council can choose to endorse or amend the Annual Report. The Annual Report complies with the requirements outlined in the Local Government Act and Office of Local Government’s IP&R Guidelines, and it is recommended that Council endorses the Annual Report as presented.

RECOMMENDATIONS

1. That Council endorses the Annual Report for 2023/24, as per the contents of this report.
2. That Council notify the Office of Local Government of the Annual Report by 30 November 2024 and publish it on Council’s website.

Attachment(s)

1. Annual Report Checklist [↗](#)

9.4 State of the Ballina Shire Report - 2022 to 2024

9.4 State of the Ballina Shire Report - 2022 to 2024

Section	Communications
Objective	To note the State of the Ballina Shire Report 2022 - 2024

Background

The NSW Local Government Act refers to integrated planning and reporting (IP&R) guidelines, provided by the Office of Local Government (OLG), that require councils to prepare a suite of IP&R documents.

As part of the guidelines, councils are required to table a State of the Shire Report at the second meeting of council, following the Local Government Elections.

This report ensures that Council meets this obligation.

A copy of the State of the Shire Report is included as Attachment 1 to this report.

Historically, this report was provided to councils prior to the election, as an end of term report, to outline the outcomes from the council term.

However, this requirement was amended by the OLG, to reporting after the election, to avoid any perception of political benefit / promotion prior to the election.

Key Issues

- Legislative compliance
- Trends compared to original benchmarks / targets
- Projects completed

Discussion

The State of the Ballina Shire Report for 2022 – 2024, as per Attachment 1, highlights Council's achievements, progress, and comparison to indicators, as identified in Council's Community Strategic Plan (CSP), over the previous elected term, which was a shorter term, at just under three years, than the normal four-year term.

It details outcomes related to the CSP, using the adopted community indicators in the CSP, to measure progress across the key themes of Connected Community, Prosperous Economy, Engaged Leadership, and Healthy Environment.

Council has control over some of the indicators, although many reflect the social, economic, and environmental capital of the Ballina Shire, with the indicators dependent on factors that may be beyond Council's control.

9.4 State of the Ballina Shire Report - 2022 to 2024

The indicators do help to provide an overall picture of the “state” of the Ballina Shire.

The current Council will shortly have a chance to review the key themes and community indicators included in the CSP, with the CSP having to be reviewed and adopted by 30 June 2025.

The following are key extracts from the State of the Ballina Shire Report 2022 – 2024 as per the four themes in the Community Strategic Plan:

Items marked in green represent indicators where a target has been met, or maintained, for the period.

Theme 1 - Connected Community

- Completed major projects including the Wollongbar District Park and the Pop Denison Park Senior and Junior playgrounds.
- Completed Stages 1 and 2 of the River Street Duplication.
- Logged approximately 26,000 hours of community facility usage annually and recorded pool attendance averages of approximately 279,000 visits per annum.
- Established and operated the Flood Recovery Centre and Distribution Hub after the 2022 floods.

Community Indicator	CSP Base	Target	Latest
Population aged 35-49	17.8%	>21%	17.6%
Walk score Ballina	49	>50	49
Walk score Alstonville	76	>70	76
Walk score Wardell	19	>20	24
Walk score Lennox Head	71	>70	70
Malicious damage to property	594	<826	529
Theft incidents	2,214	<2,711	2,830
Visitation to Council pools (# per annum)	289,549	>260,000	279,000
Usage of community facilities (hours per annum)	Not available	>25,000	26,035
People who volunteer	22.9%	>25%	17.3%

Information in the above table includes data from the Census, Walk Score (refer to walkscore.com), NSW Bureau of Crime Statistics and Research (BOSCAR) and Council's records.

Also, some of the information in this table, and the later tables, can be sourced from the community profile data on Council's website, as per the following link: [Home | Ballina Shire Council | Community profile](#)

Indicators relating to population represent the actual 2016 and 2021 census figures.

Malicious damage incidents trended down to 529.3 (rate per 100,000 population).

9.4 State of the Ballina Shire Report - 2022 to 2024

The theft incidents indicator includes robbery, break and enter, motor vehicle theft, and stealing from motor vehicle, dwelling and person.

This figure has increased significantly to 2,830 (rate per 100,000 population) from 2,214. This represents an increase of 28%.

For volunteering the 2021 census figure is 17.3%, which is a significant reduction from the 2016 census figure of 22.9%. The Ballina Shire figure of 17.3% is still above the 2021 NSW regional average of 15.5% and well above the State average of 13%. The figures do highlight that volunteering is trending downwards.

Theme 2 - Prosperous Economy

- Increased Ballina Shire's Gross Regional Product to \$3.04 billion.
- Reached 976,000 annual visitor numbers and \$419 million in tourism spending.
- Completed major business-related infrastructure improvements such as the Lennox Head Village upgrade and the Airport Boulevard connection to the Ballina Byron Gateway Airport (BBGA).
- Enhanced the BBGA capacity with new passenger screening, a \$20m runway overlay, expansion of the car park and terminal, to carry passengers now averaging around 620,000 per annum.

Indicator	CSP Base	Target	Latest
Contribution to Northern Rivers Gross Regional Product (GRP)	16.32%	Increase	15.9%
Ballina Shire Gross Regional Product	\$2.18 billion	Increase	\$3.04 billion
Workforce Participation Rates	53.2%	>62%	55.5%
Full time employed	50.6%	>52%	49.2%
Part time employed	38.5%	>41%	40.6%
Unemployed	3.6%	1% less than regional avg	2.7%
Youth undertaking tertiary studies (aged 18 to 24)	18.5%	>28%	Not available
Tourism - total visitors (overnight/day/ international) per annum	845,250	>800,000	976,000 (2023)
Tourism – total spend	\$318M	>\$300M	\$419M (yr end 2023)

The Northern Rivers Gross Regional Product (GRP) figure for 2024 has been revised down marginally to 15.26%. From a monetary perspective, the GRP for the Ballina Shire increased to \$3.04 billion for the year ending June 2024.

Employment figures, including workforce participation, are based on the 2016 and 2021 census figures.

Youth undertaking tertiary studies are based on the ABS Census data and these results have not been released.

The latest unemployment rate for Ballina Shire is 2.7%, which is 0.7% lower than the regional average of 3.4% and 1.2% below the Australian unemployment rate of 3.9% for the June 2024 Quarter.

Our total visitors and tourism spend has also increased significantly.

9.4 State of the Ballina Shire Report - 2022 to 2024

Theme 3 - Engaged Leadership

- Launched the YourSayBallina platform for community participation.
- Recorded an 88% satisfaction rating with Council services in community surveys for 2024.
- Implemented the Community Engagement Strategy
- Maintained zero commercial property vacancies and generated \$2.6m in revenue.

Indicator	CSP Base	Target	Latest
Community Satisfaction	90%	>LGA Coastal Benchmark	88%
Satisfaction with level of communication	79%	>94%	74%
Percentage of customer requests to Council dealt within allocated timeframe	92%	>90%	85%
Increase revenue generated from commercial property	\$2.6M	>\$2M	\$2.6M
Continue to meet "Fit for the Future" Benchmarks	7 out of 7	7 out of 7	6 out of 7 (consolidated)

The most recent Community Satisfaction survey was conducted in October 2024 by Micromex Research Pty. Ltd., who has been undertaking these surveys for Council, every two years, since 2008.

The community satisfaction results of 88%, show a reduction compared to the 90% figure, which was for 2022.

This figure remains above the regional council Micromex benchmark, for similar councils, with Micromex stating as follows:

88% of residents are at least somewhat satisfied with the performance of Council, which has remained stable since 2018 and slightly higher than our Coastal/Regional Benchmark.

Notably, when compared to our most recent Regional Benchmark from 2022 to 2024, Ballina Shire Council's performance is significantly higher, indicating that Council has been doing a better job recently despite a declining trend across regional areas in NSW. Older residents are significantly more likely to be satisfied.

Despite the overall good satisfaction result, satisfaction with Council's communication has trended downwards over the last five surveys: 2016 (84%), 2018 (83%), 2020 (79%), 2022 (83%), and 2024 (74%). Council is now working with Micromex to analyse the communication results further, to identify where Council needs to improve to increase satisfaction levels.

A briefing on the Micromex survey results is scheduled for Councillors during November.

The Micromex survey also includes a quality-of-life indicator, which has dropped from 97% in 2020, to 94% in 2022 and 2024. This is a useful indicator for inclusion in future Community Strategic Plans.

9.4 State of the Ballina Shire Report - 2022 to 2024

Council has achieved six out of the seven Fit for the Future benchmarks for the General Fund. The General Fund is still struggling to achieve a positive operating ratio on a consistent basis.

Theme 4 - Healthy Environment

- Committed to 100% renewable electricity and reduced per capita greenhouse gas emissions to under 10 tonnes.
- Installed 936 smart water meters and reduced household water usage to 141 kilolitres.
- Reduced waste sent to landfill to 168 kilograms per person.
- Adopted the Climate Change Policy and Corporate Emissions Reduction Plan.

Indicator	CSP Base	Target	Latest
Greenhouse Gas Emissions per capita (tonnes)	10	< 14.0	9
Water utilisation per capita (kilolitres)	154	< 165	141
Recycled water use	13.3%	> 20%	7.2%
Total waste to landfill per capita (kilograms)	182	<250	168.2
Habitat restored	20.5%	>25%	Not available
Ecological Carrying Capacity	Low	Improve	Not available
River Health (ecohealth rating for Ballina sub-catchment)	D+	Improve	D (Autumn 2024) C- (Spring 2023)

In respect to greenhouse gas emissions, since 2021, the snapshotclimate.com.au website has been created which provides details on carbon emissions for Australian local government areas, electorates, and states. The back-end tools that create the profiles on the website were developed over a five-year period.

For Ballina Shire, the website provides data for the 2021/22 period, showing total municipal emissions estimated at 465,000 tonnes of CO₂, based on a population of 46,511, resulting in a per capita figure of 10 tonnes. For 2022/23, emissions are estimated at 403,000 tonnes of CO₂ with a population of 47,064, yielding a per capita figure of approximately 9 tonnes.

Between 2021 and 2024, recycled water use dropped from 13.3% to 7.2% of Average Dry Weather Flow (ADWF), primarily due to operational issues and weather impacts. Ongoing treatment process issues reduced water availability at times, and repair works, set to finish in December 2024, will address this.

Additionally, high rainfall has lowered demand for recycled water, especially for irrigation.

Specific events affected individual years, such as the chlorine dosing system issue at Lennox Head Recycled Water Treatment Plant in 2023/24, contributing

to lower-than-target usage.

The total waste to landfill includes the domestic waste kerbside collection and landfill waste delivered to the waste facility via the weighbridge. Waste delivered via the weighbridge also includes waste from residents and sources outside of Ballina Shire. The kerbside domestic collection service generates 168kg/person of waste to landfill from Ballina Shire properties only, which is an improvement on the previous results.

River Health continues to show poor results despite Council's efforts in undertaking Healthy Waterways programs since 2018. There has been a slight improvement during Spring 2023 with a C- grade, however a slight dip to D in Autumn 2024.

Future Community Strategic Plan (CSP) Development

The following insights and strategic observations from the State of the Ballina Shire Report may help shape the next CSP:

- Expanding communication and engagement efforts.
- Continued efforts to improve river health and habitat restoration.
- Continue to progress the major bridge duplication projects.
- Continue our climate action and emissions reduction initiatives to achieve renewable energy and net-zero targets, reinforcing Ballina Shire's commitment to sustainability.
- Promote diversity in housing to address the needs of a diverse community.

Delivery Program Strategy / Operational Plan Activity

The State of the Ballina Shire Report summarises the progress of the Delivery Program and the Community Strategic Plan for the previous term of council.

Community Consultation Policy

This report is provided for the information of the community.

Financial / Risk Considerations

There are no financial or risk considerations in noting the report.

Options

This report is for noting only with the report providing a snapshot for the period from 2022 to 2024.

RECOMMENDATION

That Council notes the contents of the State of the Ballina Shire Report 2022 to 2024.

Attachment(s)

1. State of the Shire Report - 2022-2024 [⇨](#)

9.5 Donation - Australian Representation

9.5 Donation - Australian Representation

Section Communications

Objective To consider an application for funding under the Donations - Australian Representation Policy

Background

Council receives requests to financially support athletes who reside in the Ballina Shire if they are selected to represent Australia in their chosen field of sport.

An application has been received for financial support under the [Donation - Australian Representation Policy](#).

The application seeks support for travel expenses from a Ballina Shire resident invited to represent Australia at the 2024 ISA World Para Surfing Championships held in the USA.

The objective of the policy is to provide financial assistance to residents who represent Australia nationally or internationally.

Key Issues

- Compliance with Council policy

Discussion

Joel Taylor, a resident of the Ballina Shire and 2024 Citizen of the Year, has been identified and selected to represent Australia in the World Para Surfing Championship in November 2024 (refer Attachment 1).

Joel is seeking Council's financial assistance under the Donations – Australian Representation Policy to support travel expenses incurred to participate.

In terms of compliance with the policy, Joel's application complies with all aspects of the selection criteria including:

1. The applicant must be chosen to represent Australia as an individual or as a member of a national team in a sport recognised by the Australian Sports Commission (ASC).
2. The recipient must demonstrate they are a resident of the shire.
3. The recipient is only entitled to one donation each financial year.
4. The assistance must be provided for accommodation, travel and uniform expenses that are to be incurred by the recipient as part of their role in representing Australia.

Surfing Australia, which oversees Para Surfing, is recognised by the ASC as an eligible National Sporting Organisation.

9.5 Donation - Australian Representation

Joel previously competed at the 2023 World Para Surfing Championships, where he won the title and has since continued to compete successfully at both national and international levels.

Delivery Program Strategy / Operational Plan Activity

CC2.3 – Support disadvantaged groups within our community

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

Community Engagement Strategy

The Donations – Australia Representation Policy was last reviewed at the 25 July 2024 Ordinary meeting.

This recent review enhanced the selection process to ensure clarity on what constitutes a recognised and accredited national sporting body, and the level of support provided was increased.

The reviewed policy was subject to a public exhibition process.

Financial / Risk Considerations

There is no specific budget allocation for the Donations – Australian Representation Policy. Any allocation is typically funded from the Community Donations budget.

This is the first eligible application presented to Council this financial year under the new policy.

The strengthened selection criteria will likely result in fewer eligible applications compared to previous years.

As Joel is representing Australia overseas, the eligible financial assistance is \$800.

Options

Council has an option to support the application, or not support the application.

This application for Australian Representation meets all the criteria in the policy and it is recommended this request be approved.

RECOMMENDATION

That Council approves the donation of \$800 for Joel Taylor towards travel expenses to compete at the World Para Surfing Championships held in the USA as per Council's Donations – Australian Representation Policy.

Attachment(s)

1. Australian Representation - Selection Letter - Surfing Australia - Joel Taylor [⇒](#)

9.6 Community Engagement Strategy - Review

9.6 Community Engagement Strategy - Review

Section	Communications
Objective	To complete the review of Council's Community Engagement Strategy.

Background

The Community Engagement Strategy (CES or the Strategy) is a key component in meeting Council's legislative requirements for community participation under the Local Government Act, 1993.

The legislation asks councils to actively engage with their local communities as a principle of good governance and recognises that community participation results in better outcomes.

The Strategy supports the development of all Council's plans, policies and programs, and key activities including those relating to Integrated Planning and Reporting, such as the Community Strategic Plan.

The current Strategy was adopted in December 2022. Councils are required to review their CES within three months of the local government election.

Council also developed a Community Participation Plan in 2019, to comply with the notification and exhibition requirements for land use planning functions under the NSW Environmental Planning and Assessment Act 1979 (EP&A Act).

The CES sits alongside Council's Community Participation Plan, which is still required under the EP&A Act.

Key Issues

- The role of community engagement and consultation
- Compliance with Local Government Act
- Clarity on the levels of community input into Council's decision-making

Discussion

Effective engagement goes beyond informing the community about actions and impacts. It involves listening to and responding to feedback, and genuinely considering that feedback.

By inviting input on projects, plans, and policies, local government gains valuable perspectives that shape sustainable solutions and foster a sense of belonging and involvement. This transparency builds trust and strengthens community support.

Community engagement also plays a vital role in reducing risk for councils, by identifying potential concerns early and allowing for proactive responses.

9.6 Community Engagement Strategy - Review

Open dialogue helps to uncover potential issues, align projects with community expectations, and minimise opposition due to unforeseen impacts.

While community engagement does not replace the decision-making authority of elected officials, it strengthens a council's ability to make well-informed, sustainable decisions that are aligned to the community's aspirations and values.

This engagement approach and activities are incorporated into one overarching strategy, that must be endorsed by council.

Council's 2022 CES was modelled on the requirements of the Office of Local Government (OLG) - Integrated Planning and Reporting (IP&R) Handbook, which is available as per the following link to the OLG website.

[Integrated Planning and Reporting - Office of Local Government NSW](#)

Since adopting the CES in 2022, Council launched the online engagement platform, Your Say Ballina, that has enabled Council to use engagement tools, including interactive mapping, polls, and surveys, as well as provide real time updates and reporting mechanisms.

Over 180 policies, plans and projects have been loaded to the platform since 2022, with the following outcomes:

- 2,315 engaged participants who have interacted with the site, participating in polls and surveys, contributing ideas, and asking questions.
- 20,130 informed participants, who have viewed videos, maps, documents, frequently asked questions (FAQs) and key dates.
- 35,328 participants were made aware, by visiting at least one page.

The highest levels of community participation were recorded on the following:

- Conservation Zone Review
- Lennox Head Strategic Plan
- Ballina Shire Housing Strategy.

Community Engagement Strategy – proposed changes for 2024

The revised draft 2024 CES aligns to the same framework for consistent engagement.

The proposed changes aim to improve transparency and expectations around the level of influence community members have on the decision-making process, while maximising engagement activities for higher impact projects.

This includes proposed amendments to:

- **Who we engage with** (page 14): As a minimum, the CES must identify relevant stakeholder groups within the community and outline methods that should be considered when engaging with each group. The revised strategy includes a more comprehensive list of external and internal stakeholder groups.

9.6 Community Engagement Strategy - Review

- **Levels of community participation** (page 21): To ensure effective community engagement, it is important to provide clarity on the engagement methods used by council for specific programs and projects, and the level of influence community members have in the decision-making process, to ensure their expectations are met.

The amended table on page 21 of the revised CES, provides a more accurate reflection of the level of influence community members have when participating in specific engagement activities and methods.

For example, the only instances in which the community is truly 'empowered' in decision-making are during referendums and council elections.

In all other scenarios, the final authority rests with elected officials, although some decisions may still need to be adopted by the State Government.

When informing the community, Council is required to take appropriate steps to ensure community members are aware of specific programs or low impact projects.

However, there are activities, such as Design Charettes, or a Citizens Panel, where Council will 'collaborate' and partner with the community, invite both innovative and practical ideas and incorporate feedback in decisions as much as possible.

- **Engagement standards matrix** (page 22): It is important to ensure the level of community participation is proportionate to the scale and impact of the project on the community.

Where the impact and scale of a particular engagement project has low to no risk of conflict and low impact; the extent to which Council needs to engage can be reduced.

For low impact projects, it is proposed that where the scale of community members impacted is low to moderate, Council should 'inform', and where the scale is high, Council should 'inform' and 'consult'.

This change aims to reduce the amount of consultation fatigue within the community, to ensure greater engagement on higher impact projects.

- **Engagement methods and resourcing** (pages 23-29): To reflect the changes outlined in point 1, grouping of the various engagement methods has been aligned to the correct level of influence.
- **Action plan** (page 37): There is significant opportunity to continue evolving the application of the CES and use of the Your Say platform, improve reporting, and empower staff to use this framework and tools effectively.

The action plan has been revised to continually improve our community engagement, with a focus on addressing resourcing and skills gaps for Council.

9.6 Community Engagement Strategy - Review

Engagement activities are undertaken by various Sections within Council, particularly Strategic Planning, the Project Management Office and Communications and Customer Service.

Given the increasing importance of community engagement a need for an engagement specialist has been identified, and this will need to be explored through Council's workforce planning process.

Delivery Program Strategy / Operational Plan Activity

This strategy supports Council's commitment to engagement leadership:

EL1.1 - Facilitate and develop strong relationships and partnerships with the community

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

Financial / Risk Considerations

There are minimal financial considerations in adopting the CES, however significant resources are required to implement any community engagement exercise.

The adoption of the CES meets our compliance obligations with respect to the Local Government Act 1993.

Options

Council can choose to adopt the CES with no changes or seek to amend the document.

It is also recommended that Council place the Community Engagement Strategy on public exhibition for public comment, with any submissions received to be reported back to Council. If no submissions are received, then no further action is required.

RECOMMENDATIONS

1. That Council adopts the draft Community Engagement Strategy, as per Attachment 1 to this report.
2. That Council place the Community Engagement Strategy on public exhibition for public comment, with any submissions received to be reported back to Council.

Attachment(s)

1. Community Engagement Strategy - 2024 (Draft) [⇒](#)

9.7 Tender - High Pressure Cleaning

9.7 Tender - High Pressure Cleaning

Section Engineering Works

Objective To report the outcomes of the tender evaluation for the Tender - High Pressure Cleaning

Background

The works undertaken under this contract are high pressure water cleaning of paths, streetscape, and marine infrastructure, for a three-year period, with the option of two 12-month extensions.

This involves regular cleaning of footpaths, streetscapes, and structures to remove debris and stains.

It also involves the removal of marine growth and debris from water access ramps and pontoons to reduce slip hazards and improve the appearance of these facilities.

The contractor will be expected to deliver a customer-focused, consistent service that enhances safety, cleanliness, and overall amenity, while promoting efficiency and value for money.

Council aims to achieve a high level of public satisfaction, foster a strong partnership with the contractor, and ensure the resources and flexibility needed to maintain these vital community spaces.

This report outlines the results of the tender process.

Key Issues

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

Discussion

57 companies downloaded the documentation with tenders received from:

Cody's Pressure Cleaning	Refresh Maintenance
Full Throttle Maintenance	Roof Groomers
S & L Gray Investments Pty Ltd	True Blue Corp Australia Pty Ltd
Seaglow Cleaning Services	Techni-Clean Australia
AQUAJET Pressure Clean	JC Eco Blasting Pty Ltd
Roofing Craftsmen Pty Ltd	Lovell's Landscapes

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

- Insurance
- Work Health and Safety

9.7 Tender - High Pressure Cleaning

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

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

AQUAJET Pressure Clean has been assessed as the preferred tenderer based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Delivery Program Strategy / Operational Plan Activity

This is linked to Delivery Program Strategy – *EL3.3 - Deliver responsive and efficient services.*

Community Engagement Strategy

Council has undertaken a public tender process.

Financial / Risk Considerations

This program is funded from Civil Services operating budgets. The cost of the preferred tender over the three-year contract period is estimated at \$543,000.

Options

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

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

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

Based on the tender evaluation, it is recommended that Council accept the tender from AQUAJET Pressure Clean.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to AQUAJET Pressure Clean for the Tender - High Pressure Cleaning for the total amount of \$543,660 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Memorandum - Tender Report - High Pressure Cleaning (Under separate cover) (Confidential)

9.8 Policy (New) - Modern Slavery Prevention

9.8 Policy (New) - Modern Slavery Prevention

Section Governance

Objective To introduce a new policy to address how Council will manage the risks of modern slavery in our procurement of goods and services.

Background

The Modern Slavery Act 2018 (NSW) created obligations for NSW councils under the Local Government Act (LGA) relating to modern slavery.

The objective of this new policy is to document Council's commitment to ensuring that goods and services are not the product of modern slavery.

This report seeks Council's approval to adopt a Modern Slavery Prevention Policy.

Key Issues

- Council's obligations in relation to modern slavery
- Legislative compliance

Discussion

The Modern Slavery Act encourages collaborative action to combat modern slavery.

The NSW Office of the Anti-Slavery Commissioner has also been established to oversee compliance with modern slavery laws.

Modern slavery is described as situations of coercion, threats or deception used to exploit victims and undermine or deprive them of their freedom.

It can include forms of exploitation such as forced labour, slavery, servitude, debt bondage, human trafficking, deceptive recruiting for labour services, the worst forms of child labour and forced marriage.

After the enactment of the Modern Slavery Act, the LGA was amended to require councils to:

- Section 438ZE – a council must take reasonable steps to ensure that goods and services procured by and for the council are not the product of modern slavery; and
- include in Council's Annual Report a statement of:
 - the reasonable steps taken by Council during the year; and
 - the action taken by Council in relation to any issue raised by the Commissioner during the year concerning operations of the Council and identified by the Commissioner as being a significant issue.

9.8 Policy (New) - Modern Slavery Prevention

Based on these changes in legislation, a new policy has been drafted, as per Attachment 1, to document:

- Council's commitment to addressing the risks of modern slavery in our procurement processes; and
- the steps Council will take to ensure compliance with Council's statutory obligations under the LGA.

Delivery Program Strategy / Operational Plan Activity

The policy is consistent with the Delivery Program Strategies:

CC1.1 Actively promote safety and wellbeing strategies
CC2.3 Assist disadvantaged groups within our community.

Community Engagement Strategy

It is recommended the draft policy be exhibited for community input in accordance with Council's Community Engagement Strategy. If submissions of a significant nature are received, the matter will be reported back to Council.

Financial / Risk Considerations

The policy includes implementing several measures to ensure compliance with the modern slavery requirements of the LGA.

Implementing those measures will have some resource implications as it involves amending contract documents to include modern slavery provisions and additional monitoring of those contracts.

Options

Council can adopt, amend, or not adopt the policy.

To confirm Council's commitment to the Modern Slavery Act, it is recommended that the policy be adopted.

It is also recommended that if no significant submissions are received from the public exhibition period, that no further action is required.

RECOMMENDATIONS

1. That Council adopts the Modern Slavery Prevention Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any significant submissions received to be resubmitted back to Council.

Attachment(s)

1. Policy (Draft) - Modern Slavery Prevention [⇒](#)

9.9 Policy (New) - Information Assets

9.9 Policy (New) - Information Assets

Section Information Services

Objective To establish a policy framework for the management of Council's information assets.

Background

Council has had a Records Management Plan (RMP) in place since 2001. The RMP has been authorised as a corporate document by the Executive Team since its creation and in several reviews and revisions since 2001.

The obligation for recordkeeping extends to all Council officials, including Councillors, Committee Members, employees and others acting on behalf of Council such as contractors and volunteers.

Information and records are Council's organisational memory and a vital asset for ongoing accountability, evidence of decision making and the meeting of community expectations.

Given the importance of information management in the contemporary workplace it is recommended that the RMP be redefined and elevated to become an adopted policy of Council to ensure there is a clearer understanding of Council's responsibilities by Council and the broader community.

The data governance internal audit conducted in June 2024 for Council by Grant Thornton Pty. Ltd. identified the need to develop a data governance framework and strategy. This draft policy will form part of the suite of information being developed to address this requirement.

This report seeks Council's approval to adopt the Information Assets Policy.

Key Issues

- Legislative compliance
- Compliance with Data Governance Internal Audit recommendations

Discussion

The State Records Act 1998 sets out the records management responsibilities of public offices. The Act requires the CEOs of public offices to ensure compliance with the Act and for public offices to:

- make and keep full and accurate records
- institute a records management program in accordance with standards and codes of best practice for records management
- ensure the safe custody and proper preservation of State records
- maintain accessibility to digital and other technology dependent records
- make arrangements with State Records NSW for monitoring and reporting on the implementation of the public office's records management program

9.9 Policy (New) - Information Assets

- assess its recordkeeping processes and records management program, and to report the findings to State Records NSW, when directed to do so.

The review of the RMP has considered contemporary information management practices, and as such has seen a complete rebuild of the plan.

The transformation of the RMP to an Information Assets Policy (IAP) and the development of a suite of documents to support the policy allows Council to meet the obligations of the State Records Act.

The IAP establishes the governance framework for the creation, capture, control, use, maintenance, and disposal of information.

The key objectives of the IAP seek to ensure that:

- all council officials are aware of their obligations for recordkeeping
- records of all activities and decisions are created, managed, and retained for the length of time required
- information is managed efficiently and effectively in support of business objectives
- information is stored appropriately
- when no longer required information is disposed of in a timely and efficient manner using the appropriate disposal authority
- digital and technology dependent records and information are maintained in an authentic and accessible form for as long as they are required
- information and records are easily accessed and used for as long as they are required.

The IAP works in conjunction with Information Assets Protocols (IAPR) and various Information Asset Standards (IAS), which are both operational documents.

The IAPR and IAS relate to specific business systems, information sets and/or management practices. They have been developed to ensure effective records and information management practices and to help to support and facilitate good business.

Delivery Program Strategy / Operational Plan Activity

The IAP is an important component of ensuring accountability and transparency in Council's management of its information assets and resources.

It also aligns with the Delivery Program Strategy to:

EL2.3 Provide effective risk and safety practices.

Community Engagement Strategy

The IAP is based on contemporary practice, and together with the Information Assets Protocols and Information Asset Standards, meets the requirements of the State Records Act.

It is recommended that Council adopt the IAP as presented.

9.9 Policy (New) - Information Assets

The policy will also be exhibited for public comment, and if any submissions are received, they will be reported back to Council.

There will be no need for any further report if there are no submissions received during the exhibition period.

Financial / Risk Considerations

The adoption of the IAP ensures we are compliant with the State Records Act and addresses an audit action from the recent Data Governance Audit.

There are financial and risk impacts when information is not managed appropriately.

Options

Council may choose to adopt, amend, or not adopt the IAP.

Adopting the policy means Council's information resources are recognised as an asset of the Council and for the community.

This is the recommended approach as the policy identifies the key policy steps, that Council will follow and implement to ensure that Council information is managed in accordance with the State Records Act.

RECOMMENDATIONS

1. That Council adopts the Information Assets Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any significant submissions received to be resubmitted back to Council.

Attachment(s)

1. Policy (Draft) - Information Assets [⇒](#)

9.10 Legal Matters - Update

9.10 Legal Matters - Update

Section Governance

Objective To provide an update on legal cases involving Council.

Background

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

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

Key Issues

- Outcomes
- Cost of litigation

Discussion

A summary of current and recent legal cases follows.

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Lindsay Taylor Lawyers	Impact Property Consultancy Pty Ltd v 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
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 during December 2023, with both appeals dismissed, both section 68 applications refused, and the section 138 application refused. Costs ordered against the applicant of \$16,000 have been paid. This matter is now finalised.				
Lindsay Taylor Lawyers	GTH Resorts v Council	Land and Environment Court - Class 1 Proceedings – Deemed refusal of development application 2022/721.	500,000	554,000
Comment 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				

9.10 Legal Matters - Update

services at 550-578 River Street, Ballina. At the first directions hearing on 21 August 2023 a section 34 conciliation conference was scheduled for 8 March 2024.

The DA was reported to the Northern Regional Planning Panel for determination on 30 November 2023. The Panel determined to refuse the DA. The section 34 conciliation conference was held on 8 March 2024 and was subsequently terminated. On 10 April 2024 the Court granted the applicant leave to amend the DA to rely on amended plans and materials and to amend the proposal to 146 independent living units.

This matter was heard on 16-23 September 2024. The Court granted leave to the applicant on several occasions, including just prior to and during the hearing, to amend the proposed development and to provide numerous technical documents and updated plans and reports to accompany the amended proposals and to address outstanding technical deficiencies.

The proposed development before the Court at the hearing was considerably different from the proposal originally appealed against and that refused by the NRPP. The commissioner has reserved judgement.

Lindsay Taylor Lawyers	Alstonville Agricultural Society Inc. v Council	Land and Environment Court - Class 1 Proceedings – Order Issued for Unauthorised Works	35,000	8,000
------------------------	---	--	--------	-------

Comment

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.

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.

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 submitted an amended application on 1 November 2024.

Lindsay Taylor Lawyers	Trevor Brand v Council	Land and Environment Court – Class 1 Proceedings – Refusal of development application 2022/333 – 43 Ballina Street, Lennox Head	50,000	55,000
------------------------	------------------------	---	--------	--------

Comment

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.

9.10 Legal Matters - Update

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 break down planning related legal costs for recent years and up to mid November 2024.

Table 1 – Legal Expenditure 2021/22 to November 2024

Description	2021/22	2022/23	2023/24	2024/25
DA 2017/244 – Aureus Estate – Intrapac	32,000	0	0	0
The Beach House	4,000	14,400	3,100	0
DA 2020/49 – 38 Newrybar Swamp Rd (Anderson)	13,700	0	0	0
DA 2020/192 – GTH Resorts (GemLife)	307,300	0	4,900	0
DA 2021/137 – 10 Old Pacific H'way (Newrybar Pty)	0	26,100	0	0
DA 2021/605 – 38 Dress Circle Drive (Snashall)	0	114,000	0	0
DA 2022/33 – Bangalow Road (Advertising Sign)	0	18,000	125,800	300
DA 2022/284 – The Crest (DAs 2018/51, 2021/420)	0	16,100	91,000	400
DA 2022/333 – 43 Ballina Street, Lennox Head	0	0	20,500	35,100
DA 2022/469 – 404 Old Byron Bay Road (New DA)	0	11,800	0	900
DA 2022/721 – GTH Resorts (GemLife)	0	7,600	230,000	316,200
DA2023/504 – Alstonville Showground	0	0	8,400	0
Compliance – 19 Old Pacific Highway, Newrybar	22,800	3,800	2,600	0
Compliance – Coolgardie Road	0	10,800	0	0
Compliance – Swimming Pools	37,100	26,300	0	0
Other Compliance and Planning Agreements	54,100	49,400	32,700	16,800
Total Expenditure	471,000	297,300	519,000	369,700
Legal Expenditure Budgets	465,000	315,000	510,000	360,000
Expenditure Budget Result – Surplus / (Shortfall)	(6,000)	17,700	(9,000)	(9,700)
Legal Income from Costs Recovered	364,000	8,000	17,400	0
Legal Income Budget	160,000	120,000	80,000	20,000
Income Budget Result – Surplus / (Shortfall)	204,000	(112,000)	(62,600)	(20,000)
Net Budget Result – Surplus / (Shortfall)	198,000	(94,300)	(71,600)	(29,700)

As per this table, the legal expenditure budgets have been fully expended for this financial year. The major reason for this is the GTH Resorts Pty Ltd DA 2022/721 matter, with approximately \$554,000 expended to date.

9.10 Legal Matters - Update

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

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

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

Attachment 1 is a copy of correspondence Council issued to the Minister for Local Government in 2022, in conjunction with Tweed Shire Council, raising concerns in respect to the current legislation for these types of developments.

Attachment 2 is the response provided by the Department of Planning and Environment, which discusses potential changes to the planning legislation, with no material changes made to date.

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

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

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

2024/25 is trending towards another high expenditure year, with the report on the 30 September 2024 Quarterly Financial Review, located later in this agenda, recommending an increase in the legal budget of \$250,000.

This increase is sourced from internal reserves, which would otherwise be used to provide essential services to the community.

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)

1. Minister for Local Government - Council correspondence regarding Caravan Parks, Moveable Dwellings and Manufactured Homes [⇒](#)
2. Department of Planning and Environment - Response [⇒](#)

9.11 Financial Statements - 2023/24

9.11 Financial Statements - 2023/24

Section	Financial Services
Objective	To present the audited financial statements

Background

At the 24 October 2024 Ordinary meeting, Council approved the signing of the Annual Financial Statements for the year ended 30 June 2024 and authorised for the Annual Financial Statements and Auditor's Report to go on exhibition.

Council's Auditor, Mr Adam Bradfield, contracted to the Audit Office of New South Wales along with Quentin Wong, Delegate of the Auditor-General for New South Wales, addressed the Audit Risk and Improvement Committee on the financial statements at a meeting held 15 October 2024.

The audit opinion provided on 24 October 2024 was that Council's accounting records had been kept in accordance with the requirements of the Local Government Act (the Act) and Australian accounting standards.

The records fairly presented the Council's financial position and the results of operations.

The audit was unqualified. Council subsequently endorsed the reports.

In accordance with Section 419 of the Act, Council must formally present the financial reports, inclusive of the Audit Report, to the public.

Under Section 418, this public presentation must be advertised for at least seven days prior to the Council meeting.

This public notice has been provided in accordance with this section.

Under Section 420 of the Act, Council must invite submissions to be received up to seven days after the Council meeting at which the Annual Financial Statements are presented to the public.

Any submissions received are required to be referred to the Auditor.

The presentation of the Financial Statements and Auditors Report to the public does not have any impact on the content of the Financial Statements.

Key Issues

- Compliance with the Local Government Act
- Content of the financial reports
- Submissions to the advertised reports

Discussion

In accordance with the Local Government Act and Council's resolution, the reports have been advertised inviting submissions up to 5 December 2024.

No submissions had been received at the time of writing this report.

Should any submissions be received, they will be forwarded to Council's Auditor.

Delivery Program Strategy / Operational Plan Activity

EL2.1d - Pursue financial sustainability.

Community Engagement Strategy

Council provided public notice of the Financial Statements by way of public exhibition on Council's website.

Financial / Risk Considerations

The Financial Statements summarise the financial position of Council.

Options

Council may approve to present, or not present, the annual financial reports to the public.

The recommendation is to present the reports to the public.

RECOMMENDATION

That the Audited Financial Statements and Auditors Report be presented to the public in accordance with Section 419 of the Local Government Act, 1993.

Attachment(s)

Nil

9.12 Financial Year 2024/25 - 30 September 2024 Review

9.12 Financial Year 2024/25 - 30 September 2024 Review

Section	Financial Services
Objective	To provide a quarterly review of the 2024/25 financial year based on the known results to 30 September 2024.

Background

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

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

Key Issues

- Variations to the budget and financial performance of Council

Discussion

The purpose of this report is to provide information on how the financial forecast is tracking compared to budget and to confirm any known budget variances, as at 30 September 2024.

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

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

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

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

9.12 Financial Year 2024/25 - 30 September 2024 Review

- **Section Five - Key Performance Indicators**

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

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

Details expenses incurred.

- **Section Seven – Certification**

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

Section One – General Fund Long Term Financial Plan

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

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

Year	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
Operating Income	93,875	96,328	100,191	104,212	108,209	111,453	115,447	119,502	123,820	128,335
Operating Exps	75,844	74,854	77,369	79,947	82,741	84,529	87,198	89,590	92,827	94,760
Result before Non-Cash items	18,031	21,473	22,821	24,264	25,466	26,921	28,246	29,912	30,993	33,575
Depreciation/Non Cash Items	22,272	23,014	23,711	23,709	24,497	25,312	26,152	27,016	27,905	28,825
Surplus/(Deficit)	(4,241)	(1,541)	(890)	555	969	1,609	2,094	2,896	3,088	4,750
Work Cap Result	(920)	(133)	(205)	87	463	801	592	720	866	1,022
WC Balance	2,621	2,488	2,283	2,370	2,833	3,634	4,226	4,946	5,812	6,834

This forecast shows the General Fund reaching an operating surplus in 2027/28, following three years of deficits from 2024/25 to 2026/27.

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

The financial performance of the Water and Wastewater Funds is outlined later in this report.

Section Two – Operating Income and Expenditure Budgets 2024/25

The **Forecast Operating Result**, for the General Fund, as at **30 September**, is a loss of \$4.241m.

This compares to a forecast loss of \$3.822m following carry forwards as reported to the August 2024 Ordinary meeting.

The estimated movement in **Unrestricted Working Capital** shows a deterioration also, with a forecast deficit as at September of \$920,000.

This compares to a forecast deficit of \$800,000 following the carry forwards as reported to the August 2024 Ordinary meeting.

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

9.12 Financial Year 2024/25 - 30 September 2024 Review

General Fund – Operating Income (\$'000)

Operating Income	Original Budget	Approved Carry Forwards	Total after Carry Forwards	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Planning and Environmental Health Division								
Strategic Planning	1,198	32	1,230	0	1,230	0	1,230	3
Development Services	2,370	0	2,370	0	2,370	0	2,370	580
Environment / Public Health	895	48	920	0	920	0	920	434
Community Gallery	109	0	109	0	109	0	109	30
Open Spaces	1,408	0	1,408	0	1,408	0	1,408	646
Sub Total	5,980	80	6,037	0	6,037	0	6,037	1,693
Civil Services Division								
Infrastructure Planning	157	0	157	0	157	76	233	2
Roads and Bridges	4,145	21	4,789	0	4,789	50	4,839	1,035
Emergency Services	118	0	118	0	118	0	118	0
Landfill and Resource Mgmt	12,591	0	12,591	0	12,591	0	12,591	3,193
Domestic Waste Mgmt	8,570	0	8,570	0	8,570	118	8,688	8,628
Sub Total	25,581	21	26,225	0	26,225	244	26,469	12,858
Corporate and Community Division								
Governance	0	0	0	0	0	0	0	0
Comms / Customer Service	9	0	9	0	9	0	9	1
Financial Services	38,535	(485)	38,050	0	38,050	0	38,050	29,821
Information Services	211	0	211	0	211	0	211	52
People and Culture	270	0	270	0	270	0	270	27
Property Management	4,239	0	4,239	0	4,239	0	4,239	1,303
Ballina Byron Gateway Airport	10,270	0	10,270	0	10,270	250	10,520	2,801
Community Facilities	830	0	830	0	830	0	830	268
Facilities Management	35	0	35	27	62	0	62	36
Library Services	134	0	134	0	134	0	134	0
Swimming Pools	1,325	0	1,325	0	1,325	0	1,325	252
Tourism	168	0	168	0	168	0	168	62
Plant Operations	5,551	0	5,551	0	5,551	0	5,551	1,532
Sub Total	61,577	(485)	61,092	27	61,119	250	61,369	36,155
Total Operating Income	93,138	(384)	93,354	27	93,381	494	93,875	50,706

General Fund – Operating Expenses (\$'000)

Operating Expenses	Original Budget	Approved Carry Forwards	Total after Carry Forwards	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Planning and Environmental Health Division								
Strategic Planning	774	264	1,038	0	1,038	0	1,038	151
Development Services	3,552	21	3,573	0	3,573	250	3,823	1,241
Environment / Public Health	3,248	203	3,332	0	3,332	5	3,337	997
Community Gallery	457	18	475	0	475	0	475	128
Open Spaces	7,164	542	7,154	0	7,154	13	7,167	2,002
Sub Total	15,195	1,048	15,572	0	15,572	268	15,840	4,519
Civil Services Division								
Infrastructure Planning	2,078	0	2,078	0	2,078	25	2,103	495
Roads and Bridges	8,419	595	9,105	0	9,105	48	9,153	1,965
Emergency Services	660	110	770	0	770	0	770	205
Landfill and Resource Mgmt	12,062	113	12,175	0	12,175	0	12,175	3,192
Domestic Waste Mgmt	8,766	0	8,766	0	8,766	200	8,966	2,070
Sub Total	31,985	818	32,894	0	32,894	273	33,167	7,927
Corporate and Community Division								
Governance	1,505	0	1,505	0	1,505	56	1,561	890
Comms / Customer Service	590	32	622	0	622	30	652	120
Financial Services	721	0	721	0	721	37	758	301
Information Services	3,444	47	3,491	0	3,491	0	3,491	1,760
People and Culture	694	0	694	0	694	0	694	805

9.12 Financial Year 2024/25 - 30 September 2024 Review

Operating Expenses	Original Budget	Approved Carry Forwards	Total after Carry Forwards	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Property Management	2,106	0	2,106	0	2,106	2	2,108	803
Ballina Byron Gateway Airport	6,508	0	6,508	0	6,508	256	6,764	1,861
Community Facilities	1,267	0	1,267	0	1,267	9	1,276	430
Facilities Management	479	0	479	0	479	7	486	196
Library Services	2,074	0	2,074	0	2,074	0	2,074	937
Swimming Pools	1,943	0	1,943	0	1,943	1	1,944	517
Tourism	565	0	565	0	565	1	566	195
Plant Operations	3,503	0	3,503	0	3,503	0	3,503	1,263
Sub Total	25,399	79	25,478	0	25,478	399	25,877	10,078
Total Operating Expense	72,579	1,945	73,944	0	73,944	940	74,884	22,524
Op Result Before Dep	20,559	(2,329)	19,410	27	19,437	(446)	18,991	28,182
Depreciation and Non-Cash	23,232	0	23,232	0	23,232	0	23,232	5,808
Net Operating Result	(2,673)	(2,329)	(3,822)	27	(3,795)	(426)	(4,241)	22,374

As this is the first quarterly review for the 2024/25 financial year, the number of adjustments is minimal.

Given that there is only three months of expenditure and the use of trending at this time is limited, generally only larger known variations are identified for review in this quarter.

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

- Development Services – The budget for legal expenses has been increased by \$250,000, funded from reserves.
- Ballina Byron Gateway Airport - An adjustment of \$250,000 to the security income and security expense budgets. This has a net nil impact on the operating result and working capital.
- Domestic Waste Management (DWM) – Income and expenses have been reviewed, with a net deterioration of \$82,000 on the operating result. Adjustments to this business unit do not impact on working capital, as the movement impacts on the DWM reserve balance.
- Although not individually significant, a review of all insurance budgets across Council has been undertaken, to bring the adopted budgets into line with actual expenditure now that the 2024/25 premiums have been confirmed and paid.
- This review results in a net increase in insurance budgets of \$79,000 across various sections of the General Fund.

General Fund Working Capital Movements (\$'000)

Item	Original Budget	Approved Carry Forwards	Total after Carry Forwards	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Increase / (Decrease)	(444)	(356)	(800)	(5)	(805)	(115)	(920)	NA

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

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

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

Comments on the budget variations are as follows.

General Fund - Operating Income

Civil Services Division

Infrastructure Planning

An internal plant income budget of \$76,000 is raised.

This income represents the internal hire of new equipment being purchased, as noted in Section Three - Capital Budgets, later in this report.

Roads and Bridges

Grant income budget of \$50,000 is raised for Pearces Creek Bridge compensatory works.

This amount represents the remainder of the funding available under the State Government Fixing Country Bridges program.

This follows the completion of the Pearces Creek Bridge in 2023/24, following receipt of State funding of \$2.260m and Federal funding of \$1.995m.

A corresponding expenditure budget is also raised.

Domestic Waste Management (DWM)

Income budgets have been revised upwards by \$118,000.

An improvement of \$118,000 in income has been realised after the annual charges for domestic waste were levied at the first instalment.

This is income generated by new residential properties and additional services, with the number of services higher than the original LTFP.

Corporate and Community Division

Ballina Byron Gateway Airport (BBGA)

The BBGA operating budgets include an expenditure budget for security screening, and a largely offsetting income budget, which represents the on-charging of these costs to the airlines.

The adopted 2024/25 budgets included an expenditure budget of \$1,425,000 and an income budget of \$1,500,000.

A review of the final income and expenditure for 2023/24, as well as income and expenditure trends for the first quarter of 2024/25, indicate that income and expenditure are expected to go well above the adopted budgets.

9.12 Financial Year 2024/25 - 30 September 2024 Review

This review proposes an increase of \$250,000 to the security income and expenditure budgets, to allow the total budgeted income and total budgeted expenses of airport operations to be more accurate.

A further review of the BBGA's LTFP is to be reported to the December Commercial Services Committee meeting.

General Fund - Operating Expenses

Planning and Environmental Health Division

Development Services

The expenditure budgets in this section include \$350,000 for legal costs.

The main factor influencing legal expenses is the court appeal matter of GTH Resorts v Council, being the proposed seniors housing development at Burns Point Ferry Road (DA 2022/721).

This matter has recently completed its six-day hearing in court, which was preceded by a very busy month running into the appeal, with the applicant making several amendments to their proposal and submitting numerous large technical reports to support their changes.

This has resulted in considerable time spent by Council staff, our engaged consultants, and legal representatives in reviewing all the last-minute changes and preparing joint expert reports for the court hearing.

Final invoicing for all this work is yet to be submitted to Council, however it will be significant.

An increase of \$250,000 to the adopted legal budget is proposed to a revised budget of \$600,000.

This budget may still prove to be insufficient and will be monitored and reported again as part of the December 2024 quarterly budget review, to be presented in February 2025 Ordinary meeting.

This budget increase is to be funded from the Legal/Audit/Revaluations reserve.

Within expenses, combined consultants and wages/salaries related costs are trending a little over.

This is due to the use of temporary staff, consultants, and payment of overtime.

No change to these budgets is currently proposed.

Open Spaces

The open spaces expenditure budgets include insurance for buildings, sports fields buildings, playground, skateparks and public amenities.

The budget increases of \$13,000 in this section relates to the insurance budgets.

Increases to insurance premiums within this section are due to underlying premium increases as well as the onboarding of new assets, such as the Aureus playground, the Wollongbar Rugby Clubhouse, the new Pop Denison Park, and improvements at Gap Road.

Civil Services Division

Infrastructure Planning

The budget for software licence fees been increased by \$25,000, to a revised budget of \$40,000.

This budget is utilised for various licence fees used by the Infrastructure Planning team, for survey and design, and the Engineering Works teams for construction.

Expenditure incurred includes the annual renewal of GPS licences.

The 2023/24 budget and the adopted 2024/25 budget were insufficient to cover these expenses.

Roads and Bridges

An expenditure budget of \$50,000 is raised for the compensatory works for Pearces Creek Bridge, as noted within the income section earlier in this report.

There was also a favourable offsetting decrease of \$2,000 to the insurance budget for the Burns Point Ferry.

Domestic Waste Management (DWM)

The expenditure budget for Kerbside Recycling Waste has been increased by \$200,000, to a revised budget of \$800,000.

This increase is in response to combining of the urban and rural collection service expenditure into one single budget line.

It also reflects the increased cost associated with the changed collection service model to direct haulage of the kerbside recyclable material to the processing facility in Chinderah.

The net adjustments to DWM operating budgets, being \$82,000, reduces the forecast DWM reserve balances.

Corporate and Community Division

Governance

The budget for Public Risk and Plant insurance is increased by \$39,000, to \$954,000.

The adopted budget represented only a 3% indexation from the 2023/24 budgets, however the actual increase has been in the vicinity of a 7% increase.

The Civic Activities Insurance budget is increased \$3,000, to \$53,000.

Communications and Customer Service

The budget for Software Licence Fees is increased \$30,000, to \$150,000.

This budget is to accommodate a refresh to Council's website, along with updates to the intranet, and the provision of several online forms.

Unspent 2023/24 budgets which had been allocated for these purposes had been placed into reserves at the end of 2023/24, to allow for this expenditure to occur later.

The increase to budget is funded from the reserves that had been put aside for this purpose.

Financial Services

A new budget of \$37,000 is raised for the 2024/25 year, with a recurrent budget of \$25,000 for future years.

This budget is for the implementation costs of \$12,000 and an annual licence fee of \$25,000 for Asset Valuer Pro software.

Under the Australian Accounting Standards, Council is required to undertake comprehensive revaluations of Land, Buildings, and Infrastructure asset classes at least every five years, as well as desktop valuations and indexation in other years.

These processes involve manipulation of large amounts of data and the reliance on manual spreadsheets require extensive administrative input from Council's asset engineer and asset team members.

This software is designed for asset valuation, has extensive in-built data validations, reduces the administrative burden on staff and allows a smooth process for external audit.

The budget increase for 2024/25 is funded from a Civil Services reserve.

People and Culture

The expenditure budgets of this section manage, 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 \$10.4m (excluding the recoupment of on-costs).

The budget for Workers Compensation is increased by \$50,000, to a revised budget of \$592,000, matching actual expenditure following the issue of this premium from StateCover Mutual Ltd, Council's workers compensation insurer.

StateCover has adjusted the way in which they calculate the premiums across the Mutual.

A single rate is now applied for all Local Government risk based on the Mutual's own history.

9.12 Financial Year 2024/25 - 30 September 2024 Review

This replaced the Local Government WorkCover Industry Classification rate, removal of the CPA matrix and the introduction of StateCover Performance Measures based on the performance of members of a similar size.

Unfortunately, this change is not in Ballina Shire Council's favour.

An offsetting adjustment is made to the on-cost budgets, revised to a total of \$9.350m, being an adjustment of around 0.5% to that budget.

Ballina Byron Gateway Airport

As noted within the Operating Income section earlier in this report, an increase of \$250,000 is proposed to the security expenditure budget, with an offsetting increase to the security income budget.

The BBGA insurance budget has been increased \$6,000, to a revised budget of \$52,000.

New equipment at the airport includes solar panels, boom gates, a line marking machine and shade structures, in addition to an increased insurance premium for the airport terminal itself.

Other General Fund

Other minor budget adjustments, individually less than \$10,000, have also been made to insurance budgets within Property Management, Community Facilities, Facilities Management, Swimming Pools, Tourism and Roads and Bridges sections.

Water Operations

This next section of the report deals with Council's Water Operations.

The following table details the forecast operating result for the Water Fund.

Water - Statement of Operating Income and Expenses

Item	Original Budget	Approved Carry Forwards	Revised Total	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Operating Income	16,826	0	16,826	0	16,826	0	16,826	5,032
Operating Expenses (excl. dep)	14,076	0	14,076	0	14,076	5	14,081	3,795
Operating Result Before Dep	2,750	0	2,750	0	2,750	(5)	2,745	1,237
Depreciation and Non-cash	2,330	0	2,330	0	2,330	0	2,330	583
Net Operating Result	420	0	420	0	420	(5)	415	655

The **Forecast Operating Result** (inclusive of depreciation) **as at September** is a surplus of \$415,000 with a minor deterioration of \$5,000 from changes made as part of this review.

Operating expenses have been increased by \$5,000, being minor corrections to the insurance budget and contributions plan software budget.

These adjustments bring those budgets into line with actual expenditure.

Overall, the operational budget for Water Operations is reasonably on track.

Wastewater Operations

This next section of the report deals with Council's Wastewater Operations.

The following table details the forecast operating result for the Wastewater Fund.

Wastewater - Statement of Operating Income and Expenses

Item	Original Budget	Approved Carry Forwards	Revised Total	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Operating Income	24,330	0	24,330	0	24,330	0	24,330	19,180
Operating Expenses (excl. dep)	14,479	(485)	13,994	0	13,994	16	14,010	3,506
Operating Result Before Dep	9,851	485	10,336	0	10,336	(16)	10,320	15,674
Depreciation and Non-cash	5,230	0	5,230	0	5,230	0	5,230	1,308
Net Operating Result	4,621	485	5,106	0	5,106	(16)	5,090	14,367

The **Forecast Operating Result** (inclusive of depreciation) **as at September** is a surplus of \$5,090,000, with a minor deterioration of \$16,000 from changes made as part of this review.

Operating expenses have been increased by \$16,000, being corrections to the insurance budget, increased by \$10,000 and contributions plan software budget, increased by \$6,000.

These adjustments bring those budgets into line with actual expenditure.

Overall, the operational budget for Wastewater Operations is also reasonably on track.

Section Three – Capital Budgets 2024/25

This section of the report looks at capital expenditure.

General Fund - Capital Budget - Source and Application of Funds

Capital Funding / Expenditure	Original Budget	Total After Carry Forwards	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
General revenue	9,054	8,794	87	8,881	76	8,961	8,961
Reserves	17,143	20,466	(2,750)	17,716	423	18,135	18,135
Loans	5,000	5,000	0	5,000	0	5,000	0
Section 7.11 contributions	2,915	2,915	0	2,915	0	2,915	2,915
Grants and contributions	28,549	31,446	(1,320)	30,126	1,199	31,325	31,325
Total Funding	62,661	68,621	(3,983)	64,638	1,698	66,336	61,336
Planning and Environmental Health Division							
Strategic Planning	0	0	0	0	0	0	0
Northern Rivers Community Gallery	0	0	0	0	18	18	18
Environmental Health	1,000	956	99	1,055	0	1,055	533
Open Spaces	6,378	7,971	27	7,998	0	7,998	747
Civil Services Division							

9.12 Financial Year 2024/25 - 30 September 2024 Review

Capital Funding / Expenditure	Original Budget	Total After Carry Forwards	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Infrastructure Planning	0	0	0	0	93	93	0
Roads and Bridges	37,409	39,531	(1,156)	38,375	1,146	39,521	5,032
Emergency Services	250	460	0	460	53	513	234
Waste Management	1,491	1,973	(1,000)	973	0	973	26
Corporate and Community Division							
Property Development	4,400	4,951	0	4,951	0	4,951	895
Ballina Byron Gateway Airport	3,635	3,950	(2,000)	1,950	0	1,950	74
Facilities Management	5,475	6,084	47	6,131	0	6,131	1,127
Swimming Pools	51	94	0	94	0	94	32
Tourism	72	151	0	151	0	151	7
Plant Operations	2,500	2,500	0	2,500	388	2,888	895
Total Expenditure	62,661	68,621	(3,983)	64,638	1,698	66,336	9,620

General Fund

Council reviewed the capital works program at the October 2024 Ordinary meeting.

The following are further adjustments.

Northern Rivers Community Gallery

A new capital expenditure budget of \$18,000 is raised for a new security camera for the gallery.

The old system at the gallery failed and required replacement. The new system consists of multiple CCTV cameras, hardware, and installation costs.

This expenditure is funded from the Administration Building / Depot reserves.

Infrastructure Planning

The current LTFP includes \$60,000 in 2025/26 for Surveying Equipment. Of that, \$17,000 is being brought forward for expenditure in 2024/25.

In addition, a new budget of \$76,000 is proposed for the purchase of a second Total Station for the road construction teams.

This equipment provides the road team with a high level of confidence with its use of machine control.

Council's road construction teams can now conduct real-time fine grading operations to millimeter accuracy while minimizing rework and increasing productivity.

The equipment will be funded by raising plant hire income, through the hire of the equipment for various capital projects within the roads section.

Roads and Bridges - Roads

Four more landslip projects have been approved under the State Government’s Essential Public Asset Reconstruction (EPAR) program.

This funding is for required rectification works resulting from the 2022 floods.

The project budgets, and allocation across years, is as follows:

Description	2024/25 (\$)	2025/26 (\$)	Total (\$)
The Coast Road, Lennox Head Landslip	600,000	2,423,000	3,023,000
Uralba Cutting Road Landslip	450,000	1,754,000	2,204,000
Hinterland Way, Tintenbar Landslip	60,000	246,000	306,000
Forest Road, Uralba Landslip	35,000	145,000	180,000
Total	1,145,000	4,568,000	5,713,000

Roads and Bridges – Footpaths

Description	2024/25 (\$)	Funding Source
Cedar Street, Wardell	5,000	New budget transferred from existing Bridges - Other budget.
Alston Avenue to Robertson Street, Alstonville	8,000	New budget transferred from existing Bridges - Other budget.
Total	13,000	

Represents minor capital expenditure budgets to complete gaps in the existing footpath network. The funding is transferred from an existing capital budget for minor bridge works.

Emergency Services

The budget for the Lennox Head Rural Fire Service (RFS) Shed is increased by \$53,000, to a revised budget of \$333,000.

This increase represents the utilisation of a bank guarantee.

During construction, the contractor (AGS Commercial) went insolvent.

The works undertaken by AGS had included multiple defects.

Council has called up the bank guarantee that had been submitted by AGS under the contract.

The bank guarantee funds, of \$53,000, will allow Council to complete minor works at the RFS building to receive an Occupation Certificate.

Plant Operations

Additional funding of \$388,000 is added to the General Fund’s plant replacement program, revising the 2024/25 planned capital expenditure to a total of \$2.9m.

These plant items are either replacement items where vehicles have previously been sold and not replaced, or additional items as resources expand in core infrastructure areas such as roads and open spaces.

There is insufficient funding in the Plant Reserve to finance these purchases, therefore funds are transferred from other internal reserves.

9.12 Financial Year 2024/25 - 30 September 2024 Review

Description	2024/25 (\$)	Funding Source
Three vehicles for Engineering Works (Roads and Stormwater)	154,000	Road Works Contingency Reserve
Three vehicles for Open Spaces (parks, sports fields etc)	150,000	Cemeteries Reserve \$100,000 and Vegetation Reserve \$50,000
Additional Ranger vehicle	44,000	Public Order Reserve \$25,000 (exhausting that reserve) with balance of \$19,000 from the Environmental Health Division Health Waterways/Other Projects reserves.
Additional Open Spaces trailer	25,000	Open Spaces Reserve
Carpenter Trailer	15,000	Administration Building and Depot Reserve
Total	388,000	

Water Fund

Water - Capital Budget - Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Total After Carry Forwards	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Funding							
Reserves	3,970	4,554	(299)	4,255	28	4,283	4,283
Section 64 contributions	1,000	1,000	0	1,000	0	1,000	1,000
Total Funding	4,970	5,554	(299)	5,255	28	5,283	5,283
Capital Expenditure	4,970	5,554	(299)	5,255	28	5,283	743

Council reviewed the Water capital works program at the October 2024 Ordinary meeting.

The following are further adjustments proposed:

Miscellaneous

A new capital expenditure budget of \$28,000 is raised for the generator and telemetry relocation for Pine Avenue, Ballina. This expenditure might qualify as eligible for funding under Public Works Flood Recovery funding, however that income will not be raised until the expenditure is approved as eligible under that funding.

Wastewater Fund

Wastewater - Capital Budget - Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Total After Carry Forwards	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Funding							
Reserves	7,622	8,956	2,427	11,383	0	11,383	11,383
Section 64 contributions	3,025	3,285	2,550	5,835	0	5,835	5,835
Total Funding	10,647	12,241	4,977	17,218	0	17,218	17,218
Capital Expenditure	10,647	12,241	4,977	17,218	0	17,218	3,033

9.12 Financial Year 2024/25 - 30 September 2024 Review

Council reviewed the capital works program at the October 2024 Ordinary meeting.

No further adjustments are proposed.

Section Four – Cash and Investment Statement

The next table shows the forecast for externally and internally restricted reserves.

Forecast Restricted Reserves as at 30 June 2025 (\$'000)

Reserve Title	After Carry Forward	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget
Externally Restricted					
Section 7.11	24,286	0	24,286	0	24,286
Domestic Waste Management	1,845	0	1,845	(82)	1,763
Section 64 Water	12,146	0	12,146	0	12,146
Water	5,310	299	5,609	(33)	5,576
Section 64 Wastewater	11,502	(2,550)	8,952	0	8,952
Wastewater	17,143	(2,427)	14,716	(16)	14,700
Total Externally Restricted	72,232	(4,678)	67,554	(131)	67,423
Internally Restricted					
Financial Assistance Grant	5,117	0	5,117	0	5,117
Legal / Audit / Revaluations	399	0	399	(250)	149
Employee Leave Entitlements	2,994	0	2,994	0	2,994
Risk Management Projects / Insurance	181	0	181	0	181
Community Infrastructure Reserve	3,799	0	3,799	(1)	3,798
Property Development Reserve	3,516	(25)	3,491	(1)	3,490
Wigmore Arcade	1,009	0	1,009	0	1,009
Crown Properties Rental	107	0	107	0	107
Flat Rock Tent Park	460	0	460	0	460
Quarries	326	0	326	0	326
Airport	1,673	2,000	3,673	(6)	3,667
Library Special Projects	321	0	321	0	321
Plant Replacement	(230)	0	(230)	0	(230)
Administration Building and Depot	38	0	38	(33)	5
Other Corporate and Community	193	0	193	(30)	163
Strategic Planning Studies and Proposals	492	10	502	0	502
Section 7.11 Plan Reviews	330	0	330	0	330
Public Art	113	0	113	0	113
Compliance	45	(20)	25	(25)	0
Healthy Waterways and Other Projects	981	(44)	937	(19)	918
Coastal Management Plans	95	(35)	60	0	60
Vegetation Works	560	0	560	(50)	510
Public Amenities	0	0	0	0	0
Open Spaces	504	(27)	477	(25)	452
Sports Fields	627	0	627	0	627

9.12 Financial Year 2024/25 - 30 September 2024 Review

Reserve Title	After Carry Forward	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget
Cemeteries	349	0	349	(100)	249
Stormwater Capital	262	0	262	0	262
Stormwater and Environ Mgmt Plans	176	0	176	0	176
Canal Dredging	45	0	45	0	45
Bypass Funds	3,537	(248)	3,289	0	3,289
Road Works and Contingencies	1,987	208	2,195	(154)	2,041
Other Civil	150	0	150	(54)	96
Footpaths and Other Ancillary Works	191	(110)	81	0	81
Boat Ramps and Infrastructure	81	0	81	0	81
Landfill and Resource Management	(82)	1,000	918	0	918
Total Internally Restricted	30,346	2,709	33,055	(748)	32,307
Total Restricted	102,578	(1,969)	100,609	(879)	99,730

Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investment summary for 30 September 2024, funds invested amounted to \$96,900,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 30 September 2024 to the amount of \$12,414,376.
4. Actual year to date cash and investments amounted to \$109,314,376 at 30 September 2024.

This amount includes cash at bank of \$12,414,376 and funds invested of \$96,900,000 which has been reconciled to the bank statements and investment reports.

Comment on Cash and Investment Position

The changes in this report decrease the reserves by a net \$879,000 resulting in a forecast balance for restricted reserves of \$99.730m.

Most of the changes to reserves made as part of this review have been noted earlier in this report within 'Section One-Operating Income and Expenditure' or 'Section Two – Capital Budgets'.

The changes made as part of this report are summarised as follows.

Domestic Waste Management

There is a decrease of \$82,000 to this reserve, being the adjustments to the operating result noted within this report.

Water Reserves

There is a decrease of \$33,000, being the adjustments to the operating result and a new capital expenditure item noted within this report.

Wastewater Reserves

There is a decrease of \$16,000, being the adjustments to the operating result noted within this report.

Legal/Audit/Revaluation Reserve

There is a decrease of \$250,000, being the increase to the legal budget within the Development Services section.

Administration Building / Depot Reserve

There is a decrease of \$33,000, being \$18,000 to fund the gallery security camera and \$15,000 to fund the carpenter trailer.

Other Corporate and Community

There is a decrease of \$30,000, being the amount added back to the budget for the Communications software licence fees.

Compliance Reserves

This reserve is now exhausted, with \$25,000 applied towards the purchase of an additional ranger vehicle.

Healthy Waterways and Other Projects

There is a decrease of \$19,000, part funding the purchase of an additional ranger vehicle.

Vegetation Works

There is a decrease of \$50,000, part funding the purchase of additional vehicles for the open spaces section.

Open Spaces

There is a decrease of \$25,000, funding the purchase of a trailer for the open spaces section.

Cemeteries

There is a decrease of \$100,000, part funding the purchase of additional vehicles for the open spaces section.

Road Works

There is a decrease of \$154,000, funding the purchase of additional vehicles for the engineering works section.

Other Civil Reserves

There is a decrease of \$54,000, with \$37,000 used to fund asset revaluation software and \$17,000 used to bring forward expenditure for survey equipment.

Section Five - Key Performance Indicators

This section of the report takes selected financial benchmarks and compares the 30 June 2023 and 2024 ratios with the forecast at September to 30 June 2025.

The performance indicators have a short-term focus, which represents the focus of the quarterly review.

Each ratio typically contains numerous variables, and the forecast should be viewed as a guide only.

Key Performance Indicators - Description

1. **Operating Performance Ratio** – Total continuing operating revenue (excluding capital grants/contributions and fair value adjustments) less operating revenue (excluding capital items and profit or loss on sale) as a percentage of continuing operating revenue (less capital items and fair value adjustments).

Purpose: This percentage measures whether Council is sustainable in terms of its operating result.

Council should not be recording recurring operating deficits, or funding operating results from capital revenue.

Indicator type: Financial Performance

Benchmark: = > 0 (NSW Code of Accounting Practice)

2. **Unrestricted Current Ratio** - Unrestricted current assets divided by unrestricted current liabilities.

Purpose: This ratio measures Council's ability to meet short term liabilities with available short-term assets.

Indicator type: Financial Position

Benchmark: >1.5 (NSW Code of Accounting Practice)

3. **Debt Service Cover Ratio** – Operating result (excluding fair value adjustments, capital grants/contributions, depreciation/amortisation, interest expense and profit or loss on sale) as a percentage of loan interest and capital payments.

Purpose: The percentage measures whether Council has excessive debt servicing costs relative to the adjusted operating result.

Indicator type: Financial Position

Benchmark: >2 (NSW Code of Accounting Practice)

Benchmark Indicators – General Fund

1. Operating Performance Ratio – General Fund

Benchmark: >0

2022/23	2023/24	2024/25 Sept
Actual	Actual	Estimate
-3.49%	-2.58%	-3.41%
Fail	Fail	Fail

Comment

This is a key ratio for financial viability and has historically been a difficult benchmark to achieve within the General Fund.

The General Fund failed this benchmark in 2022/23 and 2023/24. The current LTFP forecasts this benchmark will not be met until 2026/27. The strategy to improve this ratio is to reduce operating expenses and increase income.

2. Unrestricted Current Ratio – General Fund

Benchmark: >1.5

2022/23	2023/24	2024/25 Sept
Actual	Actual	Estimate
2.52	1.86	1.84
Pass	Pass	Pass

Comment

The General Fund is expected to continue to meet this benchmark.

3. Debt Service Cover Ratio – General Fund

Benchmark: > 2

2022/23	2023/24	2024/25 Sept
Actual	Actual	Estimate
4.36	2.48	1.99
Pass	Pass	Fail

Comment

Increased budgeted borrowings for property development capital works has resulted in this ratio deteriorating and Council is predicted to marginally fail this benchmark for 2024/25.

Proceeds from land sales generated from the Southern Cross Industrial Estate, the Wollongbar Urban Expansion Area and Russellton Industrial Estate developments will repay the loans and the ratio will improve from 2025/26 onwards.

The strategy to continue to meet the benchmark is to limit further borrowings, unless matched by offsetting revenues, and strengthen the operating result by increasing income and decreasing expense.

Benchmark Indicators – Water

1. Operating Performance Ratio - Water

Benchmark: > 0

2022/23	2023/24	2024/25 Sept
Actual	Actual	Estimate
5.64%	0.48%	5.14%
Pass	Pass	Pass

Comments

The Water Fund has achieved this benchmark in 2022/23 and 2023/24. The LTFP anticipates that the Water Fund will continue to meet this ratio.

2. Unrestricted current ratio - Water

Benchmark: >1.5

2022/23	2023/24	2024/25 Sept
Actual	Actual	Estimate
39.73	54.67	45.83
Pass	Pass	Pass

Comments

The ratio meets the benchmark comfortably as the Fund has reasonable reserves and no debt.

3. Debt Service Cover Ratio - Water

Benchmark: >2

2022/23	2023/24	2024/25 Sept
Actual	Actual	Estimate
0.0	0.0	0.0
N/A	N/A	N/A

Comments

The Fund has no external borrowings.

Benchmark Indicators – Wastewater

1. Operating Performance Ratio - Wastewater

Benchmark: >0

2022/23	2023/24	2024/25 Sept
Actual	Actual	Estimate
21.55%	28.99%	20.92%
Pass	Pass	Pass

Comments

The Wastewater Fund has achieved a strong positive operating performance ratio, and this trend is expected to continue for future years.

2. Unrestricted current ratio - Wastewater

Benchmark: >1.5

2022/23	2023/24	2024/25 Sept
Actual	Actual	Estimate
2.42	3.34	3.34
Pass	Pass	Pass

Comments

The Wastewater Fund met this benchmark in 2023/24 and the Fund will meet the benchmark in future years.

3. Debt Service Cover Ratio - Wastewater

Benchmark: > 2

2022/23	2023/24	2024/25 Sept
Actual	Actual	Estimate
2.42	2.28	2.08
Pass	Pass	Pass

Comments

The wastewater fund had been failing this ratio for several years due to high debt levels, but the ratio has generally been improving year on year, meeting the benchmark from 2022/23 onwards as the level of debt in the wastewater fund continues to fall.

The LTFP anticipates that the Water Fund will continue to meet this ratio.

Section Six – Contractors/Consultants/Legal Expenses

Contractors

Contracts (over \$50,000) entered during the quarter are as follows.

Contractor Name	Purpose	Amount (GST Excl)	Award Date	Contract Duration	Incl in Budget
Live 4 Adventure Pty Ltd	Flat Rock Tent Park	\$660,000	01/07/2024	3 years	Y
Alder Constructions Pty Ltd	Depot Storage and Administration Building	\$6,026,426	15/08/2024	26 weeks	Y
Panel Contract (Three members) (1)	Supply and Laying of Asphalt	Schedule of Rates	01/08/2024	1 year	Y
Engeny Australia Pty Ltd	Overland Flood Studies, Alstonville, and Wardell	\$147,868	11/08/2023	18 months	Y
RPQ Spray Seal Pty Ltd	Supply of Sprayed Bituminous Surfacing	Schedule of Rates	01/08/2024	1 year	Y
SAFEgroup Automation Pty Ltd	SCADA and Telemetry Support Services	Schedule of Rates	01/08/2024	3 years	Y
Civil Contractors (AUST) Pty Ltd	Wardell Village Streetscape Upgrade	\$1,212,523	01/08/2024	1 year	Y
Planit Consulting Pty Ltd	Design for the Betterment of Ross Lane, Kinvara	\$73,450	02/08/2024	24 weeks	Y

9.12 Financial Year 2024/25 - 30 September 2024 Review

- (1) These three contracts have been tendered to develop a panel of providers for each. Based on the tender submissions, a list of providers was accepted and given a place on the panel, with schedules of rates provided and due diligence performed.

When these services are required, Council staff can approach any of the panel members to either engage direct for services under \$10,000 or obtain quote from panel members for services over \$10,000.

Consultants

The Office of Local Government defines a consultant as:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high-level specialist or professional advice to assist decision making by management. Generally, it is the advisory nature of the work that differentiates a consultant from other contractors.

Expenditure to 30 September 2024 on consultants is as follows:

Item	Expenditure YTD (excl GST) (\$)	Included in Budget
Consultancies	512,800	Yes

A listing of those consultancies with an individual expenditure balance of \$50,000 or higher for 2024/25 is as follows:

Consultant	Expenditure YTD (\$)	Purpose
BMT Commercial Australia Pty Ltd	94,100	Preparing update to Ballina Shire Flood Study, provide flood model assessments for development applications
Willow & Sparrow Pty Ltd	57,000	Project management and civil design services
Total	151,100	

Legal Expenses

The next table summarises the expenditure incurred to the end of September 2024 on legal fees. Legal fees have been included where there is a dispute situation.

This includes, for example, recovery of rates not paid but excludes processing of infringement notices (no dispute at this point) and amounts paid to legal firms that may be related to the creation of a lease or sale of land.

Item	Expenditure YTD (excl GST) (\$)	Included in Budget
Legal Fees	200,896	Yes

This review includes an increase to budgeted legal fees of \$258,000.

Section Seven - Certification

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2021.

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 30 September 2024 indicates that Council's projected financial position at 30 June 2025 is satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The satisfactory position is based on the short term (twelve month) outlook.



Signed Linda Coulter, Responsible Accounting Officer

Delivery Program Strategy / Operational Plan Activity

The content of this report relates directly to the financial sustainability of Council. This is identified within Council's adopted Delivery Program, under Direction 4: Engaged Leadership.

EL2.1d – Pursue financial sustainability.

Community Engagement Strategy

This report has been prepared to inform the community of budget variations. Staff have been consulted in the preparation of this report.

Financial / Risk Considerations

This report details financial results to date in comparison to budget.

Options

Council may approve the budget amendments proposed or make further changes.

The proposed changes reflect Council resolutions or adjustments based on the trending of actual income and expenses.

RECOMMENDATION

That Council notes the contents of this report for the September 2024 Quarterly Financial Review and approves the budget changes identified within the report.

Attachment(s)

Nil

10.1 Boundary Fence Repairs - Vicinity of Sneaths Road

10. Civil Services Division Reports

10.1 Boundary Fence Repairs - Vicinity of Sneaths Road

Section	Engineering Works
Objective	To approve private works under Section 67 of the Local Government Act

Background

Flooding in 2022 caused considerable damage to Council assets. Council can access Federal and State Government financial assistance towards the costs of emergency repairs and final restoration of these assets.

Since the flooding, Council has been working with NSW Government agencies to confirm the approved works and financial assistance to be provided to Council.

Landslips are a common source of damage to our road assets from this flood event.

This delay has impacted the property owner at 12 Gilmore Close, Wollongbar.

This property is immediately adjacent to a landslip site impacting Sneaths Road. The existing boundary fence was destroyed by the landslip.

Until the road restoration can be completed, the property owner has incurred costs to provide temporary fencing on his property to enclose cattle.

The property owner has requested reimbursement for some of these costs and the purpose of this report is facilitate the appropriate approval for this reimbursement.

Key Issues

- Reimbursement of costs for works on private land
- Reasonableness of payment
- Expenditure of public monies for private benefit

Discussion

The Natural Disaster Recovery and Relief Arrangements include funding assistance for the restoration of certain public assets. This grant funding is identified as Essential Public Asset Restoration (EPAR).

The process to apply for EPAR funding is complex and time consuming.

In December 2023, Council submitted applications for EPAR funding for several projects with the cost of works estimated to be approximately \$17m.

10.1 Boundary Fence Repairs - Vicinity of Sneaths Road

Recently, Council was advised by the State Government, that the works were eligible for funding and approval for the expenditure up to this amount was confirmed.

The estimated cost and approved scope of works for the Sneaths Road restoration work is \$821,084.

With this approval now in place, our technical officers have commenced the next stage of work and approvals, which involves finalising detail design and procurement documentation.

Reimbursement of the costs for temporary fencing were included in the scope of works that has been approved by the NSW Government for the Sneaths Road project.

This means the reimbursement to the property owner, as per his request, can be undertaken without cost to Council.

Because the work being reimbursed has been conducted on private land, in accordance with Section 67(2)(b) of the *Local Government Act 1993*, a Council resolution is required to approve the work.

Sections 67(1) and 67(2) are reproduced as follows.

67 Private works

(1) A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.

Note--: Examples of the kind of work that a council might carry out under this section include--

- paving and roadmaking*
- kerbing and guttering*
- fencing and ditching*
- tree planting and tree maintenance*
- demolition and excavation*
- land clearing and tree felling*
- water, sewerage and drainage connections*
- gas and electricity connections.*

(2) A council must not carry out work under this section unless—

(a) it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or

(b) if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.

The owner has lost access to large parts of his land for over two years resulting in the owner having to agist cattle at another property.

10.1 Boundary Fence Repairs - Vicinity of Sneaths Road

The work involved to assist the owner is for 125 metres of boundary fence.

Delivery Program Strategy / Operational Plan Activity

The project contributes to Council's adopted Delivery Program and Operational Plan Strategy EL1.3 – Actively advocate community issues to other levels of government.

Community Engagement Strategy

Council has been in communication with the property owner since the 2022 flood event. The owner has been informed of the progress of the claim and the recent funding approval.

Financial / Risk Considerations

Council has received a grant approval from Transport for NSW for \$821,084 for the repair of the Sneaths Road landslip site. The cost for the fence replacement can be claimed under this grant. The estimated cost is approximately \$4,000.

Options

Option One Approve Reimbursement

Council can approve reimbursement to the landowner for the fence repair cost and claim this amount under the approved Government funding for the project. This is the recommended option.

Option Two Deny the Reimbursement Request

Council can deny the request on the basis that the management of boundary fencing is a property owner's responsibility.

In the circumstances, Option One is the preferred approach.

RECOMMENDATIONS

That, in accordance with Section 67(2)(b) of the *NSW Local Government Act 1993*, Council approves the completion of fencing works valued at approximately \$4,000 on private land at 12 Gilmore Close Wollongbar, at nil cost to the property owner for the following reasons:

- The temporary works are required in response to the length of time required for Council to obtain the Essential Public Asset Restoration (EPAR) funding for the landslip repair at Sneaths Road
- The cost of the works will be claimed as eligible expenditure against an approved grant.

Attachment(s)

Nil

11.1 Notice of Motion - Ballina Surf Club - Disabled Car Park Protection

11. Notices of Motion

11.1 Notice of Motion - Ballina Surf Club - Disabled Car Park Protection

Councillor

Cr Crollick

I move:

That Council receive, as part of the preparation of the 2025/26 Delivery Program and Operational Plan, information on the cost to provide a shelter to protect the two additional disabled car parks located within the car park at the Ballina Lighthouse Beach / Surf Club car park, along with options to fund the shelter.

Councillor Comments

This car park is full most Saturday and Sunday mornings, through until around 2pm with recreational beach users, restaurant patrons, nippers and patrol members all using this car park.

The two allocated disabled car parks are often taken early in the morning and stay that way for some hours so I have been approached by a surf club member to see if we can get two more disabled car parking spots made available, as able-bodied persons have plenty of parking in Lighthouse Parade now that Council has marked out the angle parking.

This matter of the two extra disabled car parks is being referred to the Local Traffic Committee by Council's Civil Services Division, with approval expected to be forthcoming.

With the two existing disabled car parks often full, it is important that Council also provide some form of protection, to assist with getting into and out of vehicles, as this location can be subject to difficult wind conditions, such as wind and rain. Entry and exit of vehicles for people with a disability, can often take longer due to the need to access wheelchairs, walkers etc, and the provision of a shelter will improve accessibility to this location significantly.

Staff Comments

This information can be provided to the scheduled March, or April 2024, Finance and Facilities Committee meetings, where the draft Delivery Program and Operational Plan is endorsed for exhibition by Council.

COUNCILLOR RECOMMENDATION

That Council receive, as part of the preparation of the 2025/26 Delivery Program and Operational Plan, information on the cost to provide a shelter to protect the two additional disabled car parks located within the car park at the Ballina Lighthouse Beach / Surf Club car park, along with options to fund the shelter.

Attachment(s)

Nil

11.2 Notice of Motion - Roundabout - Green Street, Ballina Road - Alstonville

11.2 Notice of Motion - Roundabout - Green Street, Ballina Road - Alstonville

Councillor

Cr Crollick

I move:

That Council, as part of the preparation of the 2025/26 Delivery Program and Operational Plan, receive a report on the feasibility of installing a roundabout at the intersection of Green Street and Ballina Road, Alstonville.

Councillor Comments

I put this motion as the volume of traffic through Alstonville is significantly increasing and this intersection with left and right turns permitted from all streets is becoming increasingly dangerous.

The line of site when turning right coming from the southern (pool) side of Green Street is limited due to the bend in the road and late in the afternoon drivers heading west have their vision compromised by the angle of the sun.

Many drivers heading west also do not adhere to the speed limit and come around the bend very fast.

A roundabout would not only increase safety at this intersection but would also increase compliance to speed limits.

Staff Comments

This information can be provided to the scheduled March, or April 2024, Finance and Facilities Committee meetings, where the draft Delivery Program and Operational Plan is endorsed for exhibition by Council.

COUNCILLOR RECOMMENDATION

That Council, as part of the preparation of the 2025/26 Delivery Program and Operational Plan, receive a report on the feasibility of installing a roundabout at the intersection of Green Street and Ballina Road, Alstonville.

Attachment(s)

Nil

11.3 Notice of Motion - Geoff Watt and Crawford Park Ovals - Car Parking

11.3 Notice of Motion - Geoff Watt and Crawford Park Ovals - Car Parking

Councillor

Cr Crollick

I move:

That Council, as part of the preparation of the 2025/26 Delivery Program and Operational Plan, receive a report on the scope of works, estimated cost and funding options to formalise the current informal / default parking areas at Geoff Watt Oval, both Ballina Road and Deegan Drive, and Crawford Park, Alstonville, with sealing, line marking and signage.

Councillor Comments

There is high usage at both these ovals and Deegan Drive also has a children's playground at the side of the oval which is also very popular.

The current areas are just gravel and dirt and after rain, in particular, are not user friendly.

Also, the ad hoc parking that occurs there is not best use of the space available.

It is good to have these spaces for parking as it gives safe access to the playing fields for children and takes some of the pressure off the surrounding streets with people parking there and it would also improve accessibility for anyone using mobility aids.

A portion of the Crawford Park area is sealed and lined but this is the pre-school parking and is not always available, the rest of it is not sealed or lined.

Staff Comments

This information can be provided to the scheduled March or April 2024 Finance and Facilities Committee meetings, where the draft Delivery Program and Operational Plan is endorsed for exhibition by Council.

COUNCILLOR RECOMMENDATION

That Council, as part of the preparation of the 2025/26 Delivery Program and Operational Plan, receive a report on the scope of works, estimated cost and funding options to formalise the current informal / default parking areas at Geoff Watt Oval, both Ballina Road and Deegan Drive, and Crawford Park, Alstonville, with sealing, line marking and signage.

Attachment(s)

Nil

11.4 Notice of Motion - Lynwood Stockpile Site

11.4 Notice of Motion - Lynwood Stockpile Site

Councillor

Cr Chate

I move:

1. That Council investigate alternate stockpile locations on the plateau, as compared to the current residential site at the junction of Uralba Road and Dee's Lane, Lynwood.
2. That while this Lynwood site is being used, Council move all fill material away from the residential verge site and store it instead in the vacant area at the right-hand side of the farm site, situated just across the road from the residential site.

Councillor Comments

Ever since Council has decided to use this large verge as a stockpile site and store large amounts of fill material, the local population have been very unhappy.

The residential site itself is used daily as a school bus drop off and pick up stop and the movements.

The regular heavy vehicle movements, which frequent the site, cause serious concerns among local parents and residents, due to the proximity of heavy machinery and school children catching or disembarking from the local school bus.

The surrounding properties all feel the amenity of the area has been seriously compromised, so much so that property values will very likely be impacted as well.

The local community are urging Council to find an alternate depot site on the plateau, one with fewer impacts on the local residential population.

Perhaps a site in the Russellton Industrial Estate might be possible?

Photographs of the current site on the residential verge are attached.

Staff Comments

Council has established two stockpile locations to support our road maintenance and construction operations. The Lynwood site serves the western rural areas and a second site, located on Ross Lane serves the northern rural areas.

These sites are critical to our operations as they facilitate the recovery and reuse of road base and other materials. Prior to creating the stockpile sites, this material was hauled long distances and disposed of at the Ballina landfill.

Stockpiled waste material can now be bulk hauled and disposed at alternative licensed sites in Queensland, for significantly less than local disposal costs.

11.4 Notice of Motion - Lynwood Stockpile Site

Operational costs increase significantly when there is no access to stockpile areas. In the 20 months since this resource recovery process was implemented, 8,220 tonnes of material have been managed at our stockpile sites.

The cost estimate to transport this material to Queensland for disposal for 8,220 tonnes is \$541,000. The cost estimate for local disposal is \$2.3m.

Accordingly, operating a site such as the Lynwood site provides significant annual cost savings and reduces the amount of heavy transport used by Council. Importantly, the reuse means Council's use of quarried products is also reduced.

Both sites are on land categorized as road reserve. The reason for this is that most of the material Council generates is classified under the NSW EPA Excavated Public Road Exemption.

The material must remain within the road reserve to meet the conditions of this exemption.

Prior to establishing our road reserve stockpile location, staff conducted a review of all suitable road reserve locations within the Shire. Of the very limited options, the Dees Lane and Uralba Road Lynwood site was selected as the most suitable.

The Resource Recovery Exemption means it is not permissible for this activity to be relocated to the Russellton industrial area, as the requirements do not support the use of an allotment or land in a deposited plan.

The Lynwood site has two operational areas as follows.

- the large open area for the storage of quarried road base and material for our rural road maintenance (capacity approx. 2,500 tonnes); and
- the gated stockpile bays which store a range of mixed material (capacity 400 tonnes).

Both stockpile areas are used, with the frequency and volumes of material varying depending on the number of projects being undertaken in this region.

Different waste streams are stored in separate bays to maximise the re-use opportunities. This source separation is a key component of the operation to reduce both waste volumes and project cost, while reducing Council's impact on the environment.

In respect of point two in the recommendation, the area described as the "vacant area at the right-hand side of the farm site" does not have the capacity to store road base material as well as mixed waste.

The suggested storage bay area (beside the gate) could store approximately 75 tonnes and placing material beside the gate would prevent trucks from accessing the site.

Feedback from residents regarding road safety has also been reviewed.

11.4 Notice of Motion - Lynwood Stockpile Site

Council staff have assessed the site and consulted with the local bus operator regarding the use of the site as an informal school bus stop.

The bus operator confirms that it is rare for trucks, or machinery, to be operating at the drop off and pick up times.

Parents generally wait with and supervise students, and the buses drive into the gravel area and collect children, so they are not at the side of the road.

The daily toolbox risk assessment undertaken by Council staff when operating from this site, includes a check for the need for any management of the site during the pickup and drop off times.

Staff continue to monitor the site to ensure it complies with the statutory requirements, is operationally effective and that it is maintained or presented in the best condition possible.

Prior to creating this site, a comprehensive site option review was undertaken, and this site was selected as the preferred site.

If another suitable site could be identified, it is likely that similar concerns would be raised by residents close to this site.

If Council decided to close this site, our ability to continue our road works using the resource recovery operational model would result in a significant increase in costs, which would directly impact Council's ability to deliver many of the current projects within the budget allocated.

From an operational perspective, when considering the environmental and economic benefits outcomes achieved operating from this site and comparing these benefits against the concerns about lost amenity, on balance the continued operation of the site is preferred.

COUNCILLOR RECOMMENDATIONS

1. That Council investigate alternate stockpile locations on the plateau, as compared to the current residential site at the junction of Uralba Road and Dee's Lane, Lynwood.
2. That while this Lynwood site is being used, Council move all fill material away from the residential verge site and store it instead in the vacant area at the right-hand side of the farm site, situated just across the road from the residential site.

Attachment(s)

1. Notice of Motion - Lynwood Stockpile Site - Images [⇨](#)

11.5 Notice of Motion - Ballina Shire Melanoma Incidence Rates

11.5 Notice of Motion - Ballina Shire Melanoma Incidence Rates

Councillor

Cr Kinny

I move:

That given that Ballina Shire has the highest incidence of melanoma, in all of NSW, Council, perhaps with the assistance of the Cancer Council, insert the 'slip, slop, slap and wrap' sun protection message into the next edition of Community Connect.

Staff Comments

This information can be included in the next edition of Community Connect, which is scheduled to be distributed in December 2024.

COUNCILLOR RECOMMENDATION

That given that Ballina Shire has the highest incidence of melanoma in all of NSW, Council, perhaps with the assistance of the Cancer Council, insert the 'slip, slop, slap and wrap' sun protection message into the next edition of Community Connect.

Attachment(s)

Nil

11.6 Notice of Motion - Environment and Sustainability Advisory Committee

11.6 Notice of Motion - Environment and Sustainability Advisory Committee

Councillor Cr Dicker
Cr Karsten
Cr Chate

I move:

That Council:

- 1) Establish an Environment and Sustainability Advisory Committee, with the objective of providing evidence-based advice to Councillors on matters relating to environmental protection and sustainability in the Ballina Shire.
- 2) Call for expressions of interest for membership of the Committee which will include:
 - representatives from Council
 - representatives from incorporated environmental groups operating in the Ballina Shire
 - residents of the Ballina Local Government Area with expertise in a relevant environmental science discipline.
- 3) Receive a further report on other aspects of the Committee's operations, based on similar committees in other councils in the Northern Rivers.

Councillor Comments

In establishing the Committee, Council would consider the following points:

- the Committee will not have formal delegation and will exist only to provide advice
- membership of the Committee will be endorsed by Council
- meetings of the Committee will be open to any Councillor interested in attending

Staff Comments

At the 24 October 2024 Ordinary meeting, a similar motion was lost as part of the report titled "Council Committees".

In accordance with Section 372 (4) of the Local Government Act, a motion, which has the same effect as a motion that has been negatived by the Council, must be signed by three councillors, if less than three months has elapsed since the motion was negatived.

An extract of section 374 (4) is as follows:

(4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be

COUNCILLOR RECOMMENDATIONS

That Council:

- 1) Establish an Environment and Sustainability Advisory Committee, with the objective of providing evidence-based advice to Councillors on matters relating to environmental protection and sustainability in the Ballina Shire.
- 2) Call for expressions of interest for membership of the Committee which will include:
 - representatives from Council
 - representatives from incorporated environmental groups operating in the Ballina Shire
 - residents of the Ballina Local Government Area with expertise in a relevant environmental science discipline.
- 3) Receive a further report on other aspects of the Committee's operations, based on similar committees in other councils in the Northern Rivers.

Attachment(s)

Nil

11.7 Notice of Motion - Support for Music and Arts in the Northern Rivers

11.7 Notice of Motion - Support for Music and Arts in the Northern Rivers

Councillor

Cr Dicker

I move:

That Council:

- notes the critical role that music and creative arts play in the vibrancy, diversity, and resilience of the Northern Rivers, including during recovery from disasters and pandemics
- calls on Southern Cross University to reconsider its recent decision to discontinue its undergraduate programs in art and design, contemporary music and digital media from 2025.
- writes to the relevant Federal Ministers urging them to restore equity to the cost of Arts Degrees to ensure that young people can pursue in a career in music and the creative arts without undue financial burden; and
- writes to relevant State Ministers to take urgent action to increase funding and other support for regional arts and music events, noting the negative impact that the cancellation of large music events such as Bluesfest and Splendor in the Grass will have on Ballina's local economy.

Councillor Comments

Southern Cross University (SCU) recently announced that it would discontinue its Creative Arts courses, including the Bachelor of Art and Design, the Bachelor of Contemporary Music, and the Bachelor of Digital Media, with no new intakes from 2025.

Speaking to the ABC, SCU Vice-Chancellor, Tyrone Carlin stated that the dramatic increase in the cost of Arts Degrees was one of the reasons behind the decision¹ referring to changes to the cost of Higher Education in 2021, which saw the cost of Arts degrees increase by up to 117%.

The decision has been met with shock and condemnation from the creative arts sector locally and statewide, including Ballina Council's Northern Rivers Community Gallery (NRCG) which described the decision as "a significant loss for the region", noting the valued contribution that SCU graduates have made to the Gallery's exhibitions.

This includes through the NRCG/SCU Graduate Prize, launched in 2017, which awards a graduating student from the Bachelor of Arts and Design degree the opportunity for a solo exhibition at the Gallery.

This decision comes amid compounding strain on the music, creative arts and film sector in the Northern Rivers, which has seen the recent cancellation of two major music festivals: Bluesfest and Splendor in the Grass.

11.7 Notice of Motion - Support for Music and Arts in the Northern Rivers

A recent economic analysis found that 2024 Bluesfest contributed over \$230 million into NSW economy, including \$42 million for the Byron Shire and \$83 million across the Northern Rivers region.

Council's Ballina Byron Gateway Airport was a long-term sponsor of the festival, reflecting the important contribution it made to our local economy.

Links to recent articles are as follows.

[Southern Cross University cuts all creative arts programs amid declining demand - ABC News](#)

[Byron Bay's 2024 Bluesfest pumped \\$230 million into NSW economy, report finds - ABC News](#)

Another relevant article is included as Attachment 1.

COUNCILLOR RECOMMENDATION

That Council:

- notes the critical role that music and creative arts play in the vibrancy, diversity, and resilience of the Northern Rivers, including during recovery from disasters and pandemics
- calls on Southern Cross University to reconsider its recent decision to discontinue its undergraduate programs in art and design, contemporary music and digital media from 2025.
- writes to the relevant Federal Ministers urging them to restore equity to the cost of Arts Degrees to ensure that young people can pursue in a career in music and the creative arts without undue financial burden; and
- writes to relevant State Ministers to take urgent action to increase funding and other support for regional arts and music events, noting the negative impact that the cancellation of large music events such as Bluesfest and Splendor in the Grass will have on Ballina's local economy.

Attachment(s)

1. Sydney Morning Herald - Soaring Fees as Degrees Hit \$50,000 [⇒](#)

11.8 Notice of Motion - River Drive, Keith Hall

11.8 Notice of Motion - River Drive, Keith Hall

Councillor

Cr Karsten

I move:

That Council write to the relevant NSW State Government Ministers and the State Member for Ballina requesting that urgent funding be allocated to implement river embankment stabilisation works for the Richmond River adjacent to River Drive to ensure public safety.

Councillor Comments

The erosion of the river embankment has escalated to a point where the erosion is presenting a risk to Council's road assets and for motorists using River Drive.

Council has deployed temporary traffic controls for a portion of River Drive to ensure public safety due to this erosion. Council's resources will only be able to attend to temporary repairs at this location.

The NSW Government has the jurisdiction for the Richmond River. Accordingly, the NSW Government should fund the protection of the river embankment and the adjacent road asset.

The scale of work is significant and would likely involve erosion control, bank stabilisation, road safety upgrades such as guard rail, improvements to the road geometry and pavement renewal.

This scope of work is beyond Council's resources.

The current Delivery Program and Operational Plan does not allocate any funding towards this urgent need.

It is important Council ensures the NSW Government is aware of this issue and commences a dialogue with Council to develop a sustainable solution.

COUNCILLOR RECOMMENDATION

That Council write to the relevant NSW State Government Ministers and the State Member for Ballina requesting that urgent funding be allocated to implement river embankment stabilisation works for the Richmond River adjacent to River Drive to ensure public safety.

Attachment(s)

Nil

12. Advisory Committee Minutes

12. Advisory Committee Minutes

Nil Items

13.1 Mayoral Meetings

13. Reports from Councillors on Attendance on Council's behalf

13.1 Mayoral Meetings

Councillor Sharon Cadwallader

Activities I have attended, or propose to attend, as at the time of writing this report, since the October 2024 Ordinary meeting are as follows:

<u>Date</u>	<u>Meeting</u>
25 October	2024 Dementia Inclusive Ballina Symposium
26 October	Opening of the 2024 Alstonville Show
28 October	Tour of Empire Vale Public School and Wardell Public School
29 October	Cr Briefing – Hampton Park Reserve Master Plan
29 October	Cr Induction: Division Briefing – Planning and Environmental Health
30 October	Cr Briefing – Airservices Australia
30 October	Rous County Council Meeting
31 October	NSW Reconstruction Authority, Northern Rivers Adaptation Division – BOM Presentation, Seasonal Outlook – Northern Rivers Community Leaders Forum
31 October	Cr Induction: Introduction to the NSW Planning System
31 October	Ballina RSL 2024 Community Recognition Evening
31 October	Civic Reception for Her Excellency The Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia
1 November	Ballina SES Meeting with Her Excellency The Honourable Ms Sam Mostyn AC Governor-General of the Commonwealth of Australia
1 November	Council meeting with Her Excellency The Honourable Ms Sam Mostyn AC Governor-General of the Commonwealth of Australia
2 November	NSW SES Northeast Zone Awards
4 November	NSW Health Drug Summit Forum 2024
4 November	Cr Induction: Division Briefing – Corporate and Community Division
4 November	Lennox Head Residents Association Meeting
5 November	Melbourne Cup Charity Luncheon
7 November	Cr Briefing – Ballina Flood Study Update
8 November	NRJO Board Meeting
8 November	Cr Briefing – Airservices Australia: controlled airspace preferred flight path design engagement
8 November	Ballina Players Theatre Opening Night: '9 to 5'
9 November	Ribbon cutting and welcome to new owners of Seagrass Grocer Lennox Head, Brad & Patty O'Connell
10 November	Rotary Club of Ballina on Richmond Community Duck Race Opening and Presentation
11 November	Ballina RSL sub-Branch Remembrance Day commemoration and luncheon
11 November	Cr Induction: Social Media
12 November	Ballina Hospital Auxiliary meeting
12 November	A Ward Committee Meeting
13 November	Ballina Schools Historical Society Inc. Opening Day
14 November	Funeral Service for Stephanie Gooding
14 November	Country Mayors Association (CMA) Pre AGM 2024 Dinner with The Hon. Ron Hoenig MP, Minister for Local Government (NSW)
15 November	Country Mayors Association meeting
15 November	Col Lee OAM Book Release "Turning the Tide"
15 November	Tim Roberts and Dallas Nock Joint Exhibition: Flowers, Waterfalls, and Collections
16 November	Wardell RFS 50 th Anniversary
17-19 November	2024 LGNSW Annual Conference

13.1 Mayoral Meetings

18 November	Australian Coastal Councils Association (ACCA) Meeting
20 November	Northern Regional Planning Panel meeting
20 November	Cr Induction: Connecting to Country (Cultural Heritage)
20 November	Lumus Imaging Ballina Opening Night
21 November	North Coast Community College: Official Launch of North Coast Pathway
21 November	Cr Induction: Division Briefing – Civil Services Division
22 November	Cancer Council "Ballina Stars – Dance for Cancer" fundraising event
25 November	NSW Reconstruction Authority - Northern Rivers Insurance Study Presentation (University Queensland) to Community Leaders Forum
25 November	Cr Briefing – 2024 Micromex Community Satisfaction Survey Results
25 November	Cr Briefing – 2025/26 Festival and Event Sponsorship program
25 November	Cr Induction - Business paper review
26 November	Crown Lands meeting with Executive Director Greg Sullivan
26 November	Ballina Shire Economic Activation Group
27 November	Rous County Council Meeting, Workshop and Onboarding of Councillors
27 November	Cr Briefing – On-site inspection Hampton Park Master Plan
28 November	Ordinary Meeting

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

14. Confidential Session

Nil Items