



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 25 June 2020 commencing at 9.00 am.**

Business

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 10.30 a.m. and a lunch break taken at 1.00 p.m.

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:
 - Tenderers during a public tender or request for quotation
 - Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
 - Consultants who are engaged by Council on the matter the subject of the deputation.

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

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

Recording and Livestreaming of Council Meetings

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

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 7. Mayoral Minutes
-

1. Australian National Anthem

The National Anthem will be performed by Councillors and staff.

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 28 May 2020 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 May 2020.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Epiq Community Infrastructure - Voluntary Planning Agreement

8. Planning and Environmental Health Division Reports

8.1 Epiq Community Infrastructure - Voluntary Planning Agreement

Delivery Program

Strategic Planning

Objective

To present the outcomes of the public notification process associated with the Epiq Sporting and Community Infrastructure Voluntary Planning Agreement.

Background

Council considered a report at the 23 April 2020 Ordinary meeting in respect to a voluntary planning agreement to deliver improved community facilities for the Epiq Estate in Lennox Head.

Council resolved as follows:

- 1. That Council resolves to publicly notify Council's intention to enter into the voluntary planning agreement relating to sporting and community infrastructure at Epiq Lennox Head as set out in Attachment 2 to this report, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.*
- 2. That this matter be reported back to Council following the conclusion of the public exhibition period.*
- 3. That in the event the VPA is executed by both parties Council amend the Open Spaces and Community Facilities Contributions Plan 2016 to remove the additional community facility identified for Lennox Head, with funds collected under the plan to be applied to other items of community infrastructure identified in the plan for Lennox Head.*

Council issued public notification of its intention to enter into the voluntary planning agreement in accordance with the requirements of the *Environmental Planning Assessment Act 1979* and Regulation 2000 on 6 May 2020.

The purpose of this report is to present the outcomes of the public exhibition process associated with this matter.

Key Issues

- Provision of sporting and community infrastructure
- Value of works and offset for contributions for the benefit of the community

Information

The voluntary planning agreement was exhibited in accordance with the public notification process. A copy of the voluntary planning agreement is provided as Attachment 1.

8.1 Epiq Community Infrastructure - Voluntary Planning Agreement

Two public submissions were received during the public notification period. Copies of the submissions are provided in Attachment 2.

Both submissions raised the same concern, namely requesting that the proposed facilities include a set of separate female changing rooms. The current design only accommodates a single set of change rooms (unisex, one room per team).

The preferred design for the Epiq community facility and sporting amenities, as endorsed by Council at the 27 June 2019 Ordinary meeting, includes an enhanced amenities building at the playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space.

The Council endorsed design was used in the development of the voluntary planning agreement that is the subject of this report and a development application submitted by Clarence Property. The endorsed design has development consent (DA 2019/598).

The revision of plans associated with the voluntary planning agreement would complicate and delay the delivery of the community facilities and require the agreement of the developer of the land (Clarence Property). A change would also necessitate a modification to the current development consent (or a new DA).

Further, due to the delays involved in a revision, and in the absence of an agreement, it would remain open to the developer to proceed and construct the facilities required of the original Concept Approval.

Such an outcome would represent a less than optimal outcome with respect to the delivery of community infrastructure to Lennox Head.

The usage of the change room facilities may be considered further once the agreed facility has been constructed and usage patterns and needs are better known.

There may be potential for the scheduling of game start times to facilitate the sharing of the amenities between teams utilising the playing fields. Many sporting codes already do this with Council's existing facilities.

There is also potential for the change room facilities to be used flexibly to accommodate each gender. A possible idea is to install interchangeable signage at the entrance of each change room in order to allocate gender, team or game usage of each change room at any one particular time.

Sustainability Considerations

- **Environment**

The delivery of a single integrated community facility may have environmental benefits due to more efficient infrastructure delivery.

- **Social**

The voluntary planning agreement the subject of this report seeks to deliver improved social outcomes associated with the provision of sporting and community infrastructure to Lennox Head.

8.1 Epiq Community Infrastructure - Voluntary Planning Agreement

- **Economic**

The resolution of the voluntary planning agreement the subject of this report will enable the development of community infrastructure in the Epiq estate to continue to proceed and provide for improved economic certainty for the developers and Council.

Legal / Resource / Financial Implications

The VPA is a legal agreement between Council and the developer of the Epiq estate (Clarence Property).

The VPA relates to the determination and payment of costs associated with the delivery of community infrastructure in association with the development of the Epiq Estate in Lennox Head.

The agreement explicitly provides that the agreement does not bind the Council in any way in exercising its statutory functions under any Act.

The VPA includes provisions addressing the exchange of funds between the parties to enable the agreed infrastructure outcomes. Where there is a cost to Council identified following the determination of the costs of works, this will be the subject of further reporting to Council.

The VPA also addresses the relationship between the development and Council's Open Space and Community Facilities Contributions Plan.

Consultation

In accordance with Section 25D(2A) of the *Environmental Planning and Assessment Regulation 2000*, public notice was given for a period of 28 days regarding Council's intention of entering into a voluntary planning agreement.

Two submissions were received during the public notification period. The matters raised in these submissions are addressed in the body of this report. Copies of the submissions are provided in Attachment 2.

Options

Option 1 – To apply the Council seal to the Epiq Voluntary Planning Agreement as publicly notified and as attached to this report (Attachment 1).

This option is recommended on the basis that the voluntary planning agreement represents the outcome of good faith negotiations with the developer of the land and is consistent with Council's previous decisions regarding this matter.

This will enable the developer to proceed with the construction of the agreed facility (under the existing development consent that is in place).

Option 2 – To receive a further report regarding the potential redesign of the Community Facility incorporating additional change rooms.

This option is not recommended on the basis of the delays this would involve and the potential for the developer to proceed, in the absence an agreement, to construct the works required of the original concept approval. This would

8.1 Epiq Community Infrastructure - Voluntary Planning Agreement

represent a less than optimal outcome with respect to the provision of community infrastructure in Lennox Head.

The issues raised in relation to the change rooms can be addressed through the management of the facility.

RECOMMENDATIONS

1. That Council authorises the General Manager to complete the execution of the Epiq Sporting and Community Infrastructure Voluntary Planning Agreement as publicly notified and as attached to this report (Attachment 1), including the application of the Common Seal.
2. That Council provide the Minister for Planning with a copy of the agreement in accordance with s.7.5(3) of the *Environmental Planning and Assessment Act 1979*.

Attachment(s)

1. Epiq Sporting and Community Infrastructure Voluntary Planning Agreement
2. Public submissions

8.2 North Creek Coastal Management Program - Stage 1 Scoping Study

8.2 North Creek Coastal Management Program - Stage 1 Scoping Study

Delivery Program

Environmental and Public Health

Objective

To present the Scoping Study (Stage 1) for the North Creek Coastal Management Program (CMP) and seek endorsement of the study as a basis for Stage 2 (filling knowledge gaps) and Stage 3 (assessing management options) of the North Creek CMP.

Background

The *NSW Coastal Management Act 2016* and *State Environmental Planning Policy 2018* provide for councils to undertake detailed studies and consider management options for coastal catchments. Councils are required to undertake planning for coastal areas and coastal catchments based on an indicative timeframe of 30 December 2021 for plans to be in place.

Up to two thirds State Government funding was recently announced for the Planning and Implementation Funding Streams for projects undertaken under these planning policies.

North Creek is a coastal catchment which experiences a number of significant challenges as a result of changed landuse including floodplain drainage, urbanisation and removal of native vegetation.

This has resulted in previously productive oyster and fish habitat becoming compromised over time with the result that very few oysters can now be grown to maturity in North Creek and recreational fisheries have reduced significantly.

Whilst it is a relatively small catchment, its complexity and importance to the local community underpins the need for a Coastal Management Plan (CMP) to consider the issues in detail.

Council has previously worked with other councils on the Coastal Zone Management Plan (CZMP) for the Richmond River estuary, which is currently transitioning to a CMP. Council is also implementing the CZMP for Shaws Bay and more recently has endorsed a CMP for Lake Ainsworth under the *Coastal Management Act 2016*. There is also the CZMP for the Ballina Coastline, adopted in 2016, which deals with a number of coastal erosion risks.

The purpose of this report is to seek endorsement of the North Creek Scoping Study which forms part of the CMP for North Creek.

Key Issues

- Significant actions and costs identified for Stage 2 studies
- Two year timeframe for Stage 2 studies to be completed, once funded

8.2 North Creek Coastal Management Program - Stage 1 Scoping Study

Information

North Creek has experienced water quality issues and altered drainage problems for a number of years. Representation has been made to both Ballina Shire Council and Rous County Council over this time with respect to addressing various aspects of catchment management.

Broad and cumulative landuse change across the catchment have resulted in a number of management issues evident today. These issues are typically complex and interdependent.

Stage 1 of the North Creek CMP was completed as per the Coastal Management Framework provided by the Department Planning Industry and Environment (DPIE) - Environment, Energy and Science.

An agency reference group was convened to provide information to the process, and provide comment and context as required.

Stage 1 is also called a Scoping Study and reviews what information is available, what gaps there are in knowledge and how these gaps can be addressed (in Stage 2 of the CMP process) to understand what management options (Stage 3 of the CMP process) would work best.

One of the key learnings from the Scoping Study has been the observation that for most people, the way the catchment 'should' look and behave is the way it looks and behaves when they first view or interact with it.

This concept is neither right nor wrong but it does inform how members of the community, landholders, farmers, anglers and other stakeholders form their view of how North Creek should look and function.

During the development of the Scoping Study, it was decided that the proposal for dredging in the catchment should be consolidated with the overall CMP process for North Creek to allow full consideration of parallel and intersecting issues. Further studies relating to dredging will occur in subsequent stages of the CMP.

The Scoping Study for North Creek identified the following studies to be undertaken.

Management Issue/Threat (Importance)	Description	Recommendation	Estimate (\$)
Altered hydrology (very important)	Hydrology and drainage patterns within the catchment have and continue to change. They are not well understood now, and there is a data gap for small to medium events which have greatest water quality impacts, and medium-high drainage impacts.	Collect high resolution topographic data to 0.1m vertical across entire catchment. Bathymetric survey of all key drains and estuary channel. Develop hydrodynamic model of catchment to understand flow dynamics and drainage pathways. Map drain condition and capacity. Assess impacts of drain on adjacent land uses and ecosystems.	\$310K-\$410K

8.2 North Creek Coastal Management Program - Stage 1 Scoping Study

Management Issue/Threat (Importance)	Description	Recommendation	Estimate (\$)
	Condition of drains is not well understood. Includes impacts on adjacent landuses and ecosystems.	Cost-benefit analysis of existing drainage works. Review governance arrangements for drainage management.	
Catchment Runoff (very important)	Agricultural and urban development, drainage works, and disturbance of acid sulfate soils has degraded WQ in North Creek and estuary.	Implement North Creek Water Quality Monitoring Program. Develop source catchment model using outputs from studies above and WQMP to assess pollutant pathways through the catchment.	\$150K
Climate Change (very important)	Project sea level rise will have significant impacts on environmental, social and economic impacts within the catchment.	Use hydrodynamic model to assess tidal inundation for a range of likely climate change scenarios for a range of impacts (ecological, rural landuses, aquifer, acid discharge etc)	\$100K
Sand accumulation in the estuary (important)	Impact of dredging on water quality and tidal inundation is unknown, as is the benefit-cost associated.	Use the hydrodynamic study developed above to assess impacts of dredging, considering issues identified within North Creek Scoping Study and any other additional identified.	\$250K
Landuse planning (very important)	Landuse planning decisions are currently made with uncertainty surrounding future conditions (ie SLR, altered drainage etc)	Use hydrodynamic model and climate change information to consider ongoing viability of landuses. Feed into Climate Action Strategy and Local Growth Management Strategy.	\$30K
Ecosystems (vegetation) (moderately important)	Vegetation communities are highly fragmented within the catchment.	Map existing vegetation, and pre-European vegetation if possible. Consider future vegetation communities, under SLR and climate change.	\$50K
Ecosystems (saltmarsh, seagrass, mangrove) (important)	These are important to estuary ecology and provide significant ecosystem services.	Determine likely changes to saltmarsh, seagrass and mangrove communities. Map potential reinstatement communities. Identify opportunities for migration.	\$25K
Ecosystems (fish and wild oyster populations) (important)	The estuary is important habitat for fish and wild oysters.	Baseline and regular monitoring to characterise existing population and changes over time. Monitor cultural oyster health during WQMP implementation to identify parameters (and potentially landuses) which impact on mortality and morbidity of oysters.	\$40K
Ecosystems (shorebirds) (moderate)	Estuary and catchment provide important habitat for birds.	Expand monitoring relating with dredging to include upper estuary.	\$20K
Ballina Nature Reserve (BNR) (high important)	BNR is a large and important area of catchment classified as a coastal wetland. Drainage through the area has been extensively modified.	Determine current outputs of BNR. Assess ecological condition of ecosystem and determine likely changes (climate change) to ecosystems. Update actions list within BNR.	\$50K (NPWS should assist with funding although have indicated little immediate financial capacity to do so).

The full Scoping Study can be found at Attachment 1.

8.2 North Creek Coastal Management Program - Stage 1 Scoping Study

The DPIE's Environment, Energy and Science provided additional comment well after the Scoping Study report had been finalised which has asked for some alterations (Attachment 2). Most of the matters raised can be addressed within the existing framework of the study or address is implicit in the work to be undertaken through the further studies to be undertaken. No changes to the study are proposed.

DPIE Environment, Energy and Science have also asked for cost-benefit analysis of the management options put forward in Stage 3 to ensure only best value implementation options are included in the final Coastal Management Program.

Stage 3 is also likely to include some work that will flow naturally from the conclusions of the work completed in Stage 2. As an example, it is expected that floodplain drainage across North Creek will require significant discussion and workshopping to gain agreement, if not consensus, on a viable future plan for addressing some of the water quality and ponding issues being experienced.

The further studies proposed are not exhaustive and may need review as North Creek is a complex catchment, with diverse and sometimes competing landuses. The studies outlined in the table above provide initial direction with more detailed knowledge upon which to make decisions expected to flow from progressively working through the additional investigations and the CMP process overall.

These initial studies will provide a solid basis for Council to consider options in Stage 3, after reporting is complete on the outcomes of Stage 2. Stage 2 will be reported to Council once the hydrological/hydrodynamic modelling and water quality monitoring is complete.

Sustainability Considerations

- **Environment**

The studies for Stage 2 of the CMP aim to more fully understand the changes to the environment that have occurred since European settlement, as well as assist Council and the community to understand these changes and how it might be possible to restore some of the natural assets of the catchment, noting constraints on natural processes created by man-made features and other infrastructure.

- **Social**

The shire community in general, and the populations of North Creek, Cumbalum, Lennox Head, Ballina and East Ballina specifically enjoy the scenic and recreational amenity that North Creek provides (such as fishing, swimming, walking, boating and cycling). Ecosystems are valued by many in the community (providing good water quality and fish habitat). Culturally, North Creek is important to Bundjalung people.

- **Economic**

North Creek provides a scenic backdrop to the towns noted above, as well as passive and active recreation opportunities. The former thriving oyster industry has almost disappeared. Recreational fishing would be supported by protection and enhancement of fish habitat now and into the future.

8.2 North Creek Coastal Management Program - Stage 1 Scoping Study

Legal / Resource / Financial Implications

The estimate for implementation of Stage 2 and minor parts of Stage 3 of the CMP is \$1,125,000.

Funding of \$175,000 has already been sourced through the Rescuing our Waterways Fund (Crown Lands) for the hydrodynamic modelling associated with the lower estuary dredging proposal, which Council has previously matched with funding to undertake the associated Scoping Study.

Approximately \$120,000 has been allocated to North Creek from the Healthy Waterways Fund for the hydrological/hydrodynamic study and water quality monitoring studies, and applications are to be made to the NSW Coasts and Estuaries Fund for the balance of funds for the hydrological studies to the maximum permissible amount within the grant guidelines.

If the grants are secured Council should have a total of \$535,000 to advance the hydrological studies.

It is likely that once these studies are completed, the need (or otherwise) for other studies will be clear. It is anticipated that other funding programs can also be accessed for some of the supporting studies.

These study costs are estimates. Initial consultation with the Civil Services Division indicate there can be significant differences in costings once a Request for Tender has been let. The works are detailed and comprehensive in nature, and the final cost will not be known in full until this process is complete.

Further reporting on funding will be provided as the program progresses.

Consultation

Two information stalls were held at the Ballina Farmers Market during May and June 2018 and a landholder workshop to discuss drainage issues within the catchment was held in June 2018.

As part of developing the Request for Tender, staff intend to write to landholders within the catchment to allow another extended opportunity to detail the issues they are experiencing, to ensure the successful contractor can begin work quickly once they are engaged.

The Agency Reference Group has reviewed the Scoping Study, and comment has been provided within Council regarding various drafts of the Scoping Study.

Options

Option 1 - That Council approves the Scoping Study to proceed with studies as resources become available.

Having regard for the investigations and analysis undertaken to date, and the expectations of the community, it is recommended that the Scoping Study be endorsed by Council as a basis for further studies.

A further report will be submitted for decision-making once the hydrological/hydrodynamic modelling and water quality monitoring programs

8.2 North Creek Coastal Management Program - Stage 1 Scoping Study

have been undertaken and analysed. A Councillor workshop is anticipated to present this information in detail.

Option 1 is the recommended approach.

Option 2 - That Council not approve the Scoping Study to proceed with studies.

This option is not recommended. Members of the community are consistently asking for investigation and action into the floodplain drainage and water quality issues. Landuse and other decisions have already occurred in isolation of these studies. The proposed studies will likely provide a greater degree of certainty in requests for information associated with development (such as targets for stormwater quality and quantity from new development).

The 2015 Ecohealth Report rated North Creek as in poor health and it is unlikely that positive change can occur without data and information to support different decisions.

Option 3 – Defer for further information.

Council may defer a decision on the endorsement of the study to obtain additional information.

This option is not recommended on the basis that the scoping study is a comprehensive document that sets a platform for next steps. There is also opportunity for refinement and adjustment in the programs associated with North Creek over time as additional information becomes available through the studies that are to be progressed.

RECOMMENDATION

That Council endorses the North Creek Scoping Study, as attached to this report, as the basis for the progress of the Coastal Management Program and investigations relating to North Creek.

Attachment(s)

1. North Creek Scoping Study - Final (Under separate cover)
2. DPIE Environment, Energy and Science – CMP Assessment Tool – North Creek Scoping Study – Results

8.3 LEP Amendments and Planning Proposals - Status

8.3 LEP Amendments and Planning Proposals - Status

Delivery Program

Strategic Planning

Objective

To report on the status of Local Environmental Plan amendment requests and planning proposals that are currently under consideration.

Background

Council has an ongoing program of processing requests to amend the Ballina Local Environmental Plans 1987 and 2012 (LEPs) and associated planning proposals. This report provides an update of matters currently pending.

Key Issues

- Status of rezoning and LEP amendment requests.

Information

LEP Amendment Requests and Planning Proposals Status

Table 1 provides an overview of the LEP amendment requests and planning proposals currently being considered and processed by Council. The term planning proposal refers to the documentation prepared to describe a request to amend the Ballina Local Environmental Plan/s.

Requests are typically referred to as planning proposals once Council has agreed to progress the initial LEP amendment request and has prepared the required planning proposal documentation for Gateway determination by the NSW Department of Planning, Industry and Environment (DPIE).

Table 1: Status of LEP amendment requests and planning proposals

Item	Name and Status	Summary and Notes	Completion Due
13/005	Southern Cross Industrial Estate Expansion, Ballina (Stage 6)	Proposal by Ballina Shire Council for the rezoning of land northward of the existing Southern Cross Industrial Estate from its current rural zoning to enable a mixture of industrial and employment-type land uses. Council resolved at its May 2020 Ordinary meeting to amend the planning proposal to focus on Stage 1 (5 lots) of the Southern Cross expansion area. Steps to enable this change are underway.	30/10/2020

8.3 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
17/012	Compton Drive (No. 23), East Ballina (Stage 6)	<p>Proposal to amend the LEP to rezone part of the land and all or part of the adjacent Council owned land from Deferred Matter to R2 Low Density Residential, and to apply a minimum lot size of 600m².</p> <p>Additional information submitted by proponent requires further consultation with government agencies.</p> <p>The Department of Planning, Industry and Environment (DPIE) has issued an altered Gateway determination granting a six month extension of time for completion of the LEP amendment.</p>	06/12/2020
18/003	Attached Dual Occupancy Lots, Wardell (Stage 5)	<p>Proposal to amend the LEP to permit attached dual occupancy development, with consent, within the non-flood prone areas of Wardell Village located in the R2 zone.</p> <p>The planning proposal was amended to comply with the requirements of the NSW Rural Fire Service (RFS). The proposed amendments and planning proposal were re-exhibited from 25 March 2020 to 1 May 2020.</p> <p>Reporting on the exhibition outcomes is in preparation.</p>	06/09/2020
18/004	Reservoir Hill Site, 20 North Creek Road, Lennox Head (Stage 6)	<p>Proposal to amend the LEP to make minor zone boundary adjustments to reflect an amended subdivision design and to permit subdivision for drainage purposes.</p> <p>DPIE has issued an altered Gateway determination granting an extension of time to complete the LEP amendment.</p> <p>There are ongoing and interconnected issues between the development application currently being assessed and the planning proposal. The current approach is to complete the DA process prior to finalisation of the planning proposal.</p>	12/02/2021
18/005	Function Centres in Rural Areas (Stage 2)	<p>Proposal to amend the LEP to permit function centres on land within the RU2 zone.</p> <p>At its meeting held in October 2018, Council resolved to prepare a planning proposal and to refer the planning proposal back to Council for endorsement prior to seeking a Gateway determination.</p> <p>Currently awaiting the outcome of the Byron Shire Council's planning proposal for function centres in rural areas as a guide before finalising planning proposal documentation.</p>	#
19/001	26 Boeing Avenue, Ballina (Complete)	<p>Proposal to amend the LEP to provide for a broader range of uses as permissible with consent on the site through Schedule 1 (Additional Permitted Uses). The site comprises the Harvey Norman Homemaker Centre complex and is zoned B5 Business Development zone.</p> <p>The amendment was completed via Amendment No.45 to the Ballina LEP 2012 on 8 May 2020.</p>	Complete

8.3 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
19/002	Lennox Rise, Lennox Head (Stage 1)	Proposal to amend the LEP minimum lot size standard applying to parts of the site zoned R3 Medium Density zone from 600m ² (currently) to 450m ² (proposed). On 27 June 2019 Council resolved to prepare a planning proposal subject to the proponent providing further information regarding measures to protect a heritage listed rock wall located on the site. Further information recently submitted by the proponent is being considered by staff.	#
19/003	246-250 Lismore Road, Wollongbar (Complete)	Proposal to amend the LEP to permit with development consent a service station and 1 retail premises with a gross floor area (GFA) not exceeding 100m ² on the land. The amendment was completed via Amendment No.44 to the Ballina LEP 2012 on 21 February 2020.	Complete
19/004	Farm Gate Retail Activity on Rural Land (Complete)	Proposal to amend the LEP to permit industrial retail outlets as permissible with development consent on land within the RU1 and RU2 zones. The amendment was completed via Amendment No.46 to the Ballina LEP 2012 on 1 May 2020.	Complete
19/005	Rural Industry Definition BLEP 1987 (Stage 6)	Proposal to substitute the definition of rural industry applicable to Ballina LEP 1987 with the definition of rural industry contained within the Standard Instrument LEP. Council resolved at its Ordinary meeting held on 28 May 2020 to proceed to finalise and implement the planning proposal.	14/07/2020
19/006	Dwelling Entitlement Reinstatement, Teven Road, Teven (Stage 2)	Proposal to transfer a dwelling entitlement on Lot 3 Section 1 DP 758964 to an adjacent aggregation of lots through identification of these lots on the "Dwelling Opportunity Reinstatement Map" as having one dwelling opportunity. The dwelling entitlement transfer will enable a suitable development site for a dwelling. Planning proposal documentation currently being reviewed before reporting to Council.	#

LEP Amendment Request/Planning Proposal Processing Stages

1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council.
2. Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council).
3. Gateway Determination - DPIE determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination).
4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation.
5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment.
- 5a. Public Hearing - Public Hearing held, where required.
6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal.
7. Finalisation - DPIE finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning and Public Spaces may finalise, alter or terminate the amendment.

Denotes proposal number and due date subject to Gateway determination.

The completion due date is a date for completion determined by the Department of Planning, Industry and Environment.

Sustainability Considerations

- **Environment**
Environmental, social and economic considerations form part of the Council's assessment of all planning proposals and LEP amendments.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

The work program is being undertaken within existing resources or on a fee for service basis for specific proposals.

Consultation

Community consultation (including Government agency referrals) is, has been, or will be undertaken in relation to individual planning proposals.

Options

The status of the LEP amendments outlined is provided for information only. All matters are being processed in accordance with decisions of Council.

RECOMMENDATION

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

Attachment(s)

Nil

8.4 Policy (Review) - Asbestos Management

8.4 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 being 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 in 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, and
- 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.

Information

Local Government NSW recently advised that the NSW Office of Local Government commenced a review of the Model Asbestos Policy last year to update changes to legislation, codes of practice, agency names and web links. However, due to changes to the structure of government departments and COVID-19 pandemic, the review has been placed on hold. Given the unknown timeframe of the Model Asbestos Policy update it was considered appropriate to continue the review of Council's Asbestos Management Policy.

Review of this policy identified only minor changes as follows:

- Update legislation references to make current
- Update titles, catalogue references to codes of practice, factsheets and other documents
- Update web links
- Change details of closest waste facility licensed to receive asbestos waste
- Minor rewording of information associated with asbestos removal and clearance certificates
- Addition of safe work method statement and license document to documentation to be provided by licensed asbestos removalists and
- Deletion of identification of areas within the Ballina landfill that contain asbestos via GPS. Council's Resource Recovery Section has advised this approach is unlikely to deliver accurate information.

The changes have been marked in yellow. 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.

Sustainability Considerations

- **Environment**
Minimise the risks associated with asbestos and ACM.
- **Social**
Promotes commitment and responsibilities in relation to safely managing asbestos and contains educational material to promote an informed and safe community.
- **Economic**
Assist in the improved management, monitoring and response to asbestos issues by Council, residents and public within the Ballina LGA, and reduce the associated costs of inadequate handling of ACM.

Legal / Resource / Financial Implications

The Council has a duty to exercise due diligence to ensure council complies with the *Work Health and Safety Act 2011* (NSW) and the *Work Health and Safety Regulation 2017* (NSW). This includes taking reasonable steps to ensure Council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

8.4 Policy (Review) - Asbestos Management

Consultation

Internal consultation has taken place with Council Sections responsible for matters associated with asbestos management to advise on current information and amendments made to the policy.

As the changes are only minor it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment. If any submissions are received that are considered significant they will be reported back to Council for assessment. If no significant submissions are received then the policy can be adopted and no further action is required.

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely housekeeping therefore it is recommended the policy be adopted as presented.

It is also recommended that if no significant submissions are received from the exhibition process, the policy be adopted with no further actions required.

RECOMMENDATIONS

1. That Council adopts the amended Asbestos Management Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) - Asbestos Management

8.5 Development Applications - Works in Progress - June 2020

8.5 Development Applications - Works in Progress - June 2020

The following schedule sets out current development applications that have not yet been determined for the reasons cited.

Further information relating to each application listed is available via Council's DAs online portal (accessible via www.ballina.nsw.gov.au).

Dwelling house and dual occupancy applications are not included in this report.

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/51	2/2/2018	Ballina Island Development Pty Ltd	Subdivision of land to create 99 residential lots, five super lots subject to future development, constructions of roads, installation of essential services and infrastructure, excavation works including cut and fill and retaining walls, stormwater drainage infrastructure including detention basins and piping of creek, vegetation clearing, landscaping works and temporary signage – 20 North Creek Road Lennox Head	Being assessed
2018/74	13/2/2018	Ardill Payne & Partners	Amended Proposal: Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a six storey Residential Flat Building containing 12 (originally 14) dwellings, associated car parking and works. The proposed building has a height of 18.6m (originally 18.3) with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Being assessed
2018/554	13/9/2018	Ardill Payne & Partners	Change of Use to Establish a Depot – Removalist Business and Associated Signage – 6 Waverley Place, West Ballina	Awaiting additional information

8.5 Development Applications - Works in Progress - June 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/747	6/12/2018	Ardill Payne & Partners	Staged Torrens Title Subdivision and Boundary Adjustment to create 18 x residential lots, 1 x residual lot, 1 x drainage reserve, associated infrastructure works, earthworks and revegetation/rehabilitation works (Avalon Estate Stages 6a and 6b) - Rifle Range Road & 22 Scarlett Court, Wollongbar	Being assessed
2019/145	8/3/2019	Ardill Payne & Partners	Construction of an Industrial Development to be Used for a Depot and For General and Light Industrial Purposes, Filling of Land and Associated Works – 29-31 Smith Drive, West Ballina	Awaiting additional information
2019/170	19/3/2019	MP & MJ Veronesi	Two Lot Boundary Adjustment Subdivision to create one x 78ha and one x 5ha allotments – 987 & 937 Wardell Road, Meerschaum Vale	Subject to Land and Environment Court appeal
2019/283	7/5/2019	Newton Denny Chapelle	Change of use from a high technology industry to general industry involving the assembly, manufacture and fitting of prosthetic limbs and alterations to the building - 2/188-202 Southern Cross Drive, Ballina	Being assessed
2019/316	20/5/2019	RJ Westblade	Establishment of a multi dwelling housing development comprising the staged construction and Strata Title Subdivision of two detached dwellings - 20 Canal Road, Ballina	Awaiting additional information
2019/376	11/6/2019	Newton Denny Chapelle	Erection of five greenhouses to be used for the propagation of potted plants, expansion of farm dam, and associated earthworks and other civil works – 348 Rous Road, Rous Mill	Awaiting additional information
2019/438	03/07/2019	Ardill Payne & Partners	To undertake the Torrens Title Subdivision of 4 x existing vacant lots to create 9 x vacant residential lots – 25-39 Fitzroy Street, Wardell	Awaiting additional information

8.5 Development Applications - Works in Progress - June 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/499	2/8/2019	Planners North	Implementation of erosion and slope stabilisation measures, bushland regeneration works, ongoing geotechnical monitoring and use of existing structures for residential purposes – 35 Pine Avenue, East Ballina	Being assessed
2019/535	21/8/2019	Ardill Payne & Partners	To undertake a development in four stages comprising: Stage 1 - Three Lot Torrens Title Subdivision (Proposed Lots 1 and 2 – area of 801m ² and Proposed Lot 3 – area of 1090m ²). Stage 2 - Erection of a Two Storey Dwelling on Proposed Lots 1, 2 and 3. Stage 3 - Strata Subdivision of Proposed Lots 1, 2 and 3. Stage 4 – Erection of a New Dwelling on each Vacant Strata Lot to create a Detached Dual Occupancy. 26-30 Fitzroy Street, Wardell	Awaiting additional information
2019/666	16/10/2019	GHD Pty Ltd on behalf of Ballina Shire Council	Upgrades to the Marom Creek Water Treatment Plant – 65 Weis Lane, Rous	Awaiting additional information
2019/669	17/10/2019	Victor Holmes Town Planning	Two lot Torrens Title Subdivision to create one x 600m ² allotment and one x 539m ² allotment (below the 600m ² minimum lot size development standard of the Ballina LEP 2012), demolition of gazebo, carport and swimming pool, site filling and drainage, infrastructure servicing, vegetation management works and associated works – 23 Skinner Street, Ballina	Awaiting additional information
2019/691	28/10/2019	Planners North	Multi Dwelling Housing Development comprising the erection and Strata Title subdivision of 10 two storey dwellings – Lot 6 DP 1225206 (approved Lot 345 in DA 2017/244) The Coast Road, Skennars Head	Determination pending

8.5 Development Applications - Works in Progress - June 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/694	28/10/2019	Planners North	Tourist and Visitor Accommodation comprising eight holiday cabins, communal recreation building and an information education facility for the purposes of a cooking school - 841 Fernleigh Road Brooklet	Referred to Government department
2019/729	15/11/2019	Ardill Payne & Partners	Erection of self-storage unit complex – 74 De-Havilland Crescent, Ballina	Being assessed
2019/736	19/11/2019	D & S Greeney	Proposed Two Lot Torrens Title subdivision, erection of dwelling house and associated swimming pool, earthworks, vegetation removal, access driveway and change of use of existing dwelling to a secondary dwelling – 16 Tara Downs, Lennox Head	Awaiting additional information
2019/743	22/1/2019	Ardill Payne & Partners	Refurbishment and expansion of the existing caravan park to provide a total of 87 long-term sites and one site for the manager residence/office. The proposal comprises demolition works, earthworks, removal of short-term and camping sites, removal of access from River Street and construction of new driveway access from Emigrant Lane, construction of new amenities and facilities, internal roadworks and car parking - 586 River Street & 21 Emigrant Creek Road, West Ballina	Being assessed
2019/764	2/12/2019	Ardill Payne & Partners	Erection of a multi-dwelling housing development involving the construction of two x two storey attached dwellings at the rear of the existing dwelling, demolition of existing garage and Strata Title subdivision – 43 Pacific Parade, Lennox Head	Awaiting additional information

8.5 Development Applications - Works in Progress - June 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/765	2/12/2019	Viru Investment Holdings Pty Ltd	Intensification of existing intensive horticulture facility and establishment of associated agricultural processing facility to be carried out as a staged development including construction of additional greenhouse, alteration to existing greenhouse, construction of agricultural processing industry building, construction of farm dam, construction of car park , erection of security fencing and associated landscaping works – 167 Rous Road, Rous	Being assessed
2019/794	12/12/2019	Ardill Payne & Partners	Two lot subdivision by way of boundary adjustment to create one x 42.46ha and one x 1.47ha allotments – Palm Lake Resort, 120 North Creek Road, Ballina	Being assessed
2019/799	16/12/2019	P & E Hudson	To formalise and expand an agricultural produce industry (macadamia nut processing and value adding facility) and to carry out associated works – 18 Johnston Road, Newrybar	Awaiting additional information
2020/25	22/1/2020	Planners North	Multi Dwelling Housing Development comprising the Erection and Strata Title Subdivision of 15 Two Storey Dwellings – The Coast Road, Skennars Head	Awaiting additional information
2020/33	28/1/2020	Planners North	To undertake the use of an outdoor area adjacent to bowling green No. 2 for outdoor seating and dining during Club opening hours and including every Sunday during daylight saving hours between 4pm and 7pm with amplified music – 10 Stewart Street, Lennox Head	Awaiting additional information
2020/49	5/2/2020	A & M Anderson	Subdivision of two existing allotments to create three allotments comprising Proposed Lot 1 (36.5ha), Proposed Lot 2 being a split lot (45.3ha) and Proposed Lot 3 (40ha) – 38 Newrybar Swamp Road, Kinvara and 447 Ross Lane, Lennox Head	Being assessed

8.5 Development Applications - Works in Progress - June 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/56	7/2/2020	Ballina Shire Council	Construction of a new sewer rising main extending 1465m from the intersection of North Creek Road and Skennars Head Road to an existing sewer pump station east of Castle Drive, Lennox Head. The proposed new pipeline will replace an existing dilapidated main – North Creek Road, Skennars Head Road & Castle Drive, Lennox Head	Awaiting additional information
2020/69	13/2/2020	Ardill Payne & Partners	Demolish an existing shed, change the use of an existing dwelling house and construct a new shed and associated facilities for the purposes of the Ballina community Men's shed, site filling and car parking – 44 Fishery Creek Road, Ballina	Being assessed
2020/76	14/2/2020	Newton Denny Chapelle	Proposed filling of land to establish a building pad for future development purposes and associated works – 210 Southern Cross Drive & Corks Lane, Ballina	Awaiting additional information
2020/83	18/2/2020	Newton Denny Chapelle	Demolition of existing structures and the erection and Strata Title subdivision of a multi-dwelling housing development comprising nine single storey dwellings, earthworks, retaining, servicing and vegetation management works – 167 & 169 Tamar Street, Ballina	Awaiting additional information
2020/84	19/2/2020	Vision Town Planning	Consolidation and Boundary adjustment subdivision to create two x 2ha allotments and one x 27.9ha allotment – 46 Cemetery Road, Rous	Determination pending
2020/117	4/3/2020	Newton Denny Chapelle	Change of Use to Establish a Commercial Premises – 313 River Street, Ballina	Determination pending
2020/122	6/3/2020	Ardill Payne & Partners	Erection of an industrial building for the purposes of a marine manufacturing and equipment fit out operation and ancillary works – 45 Northcott Crescent, Alstonville	Being assessed

8.5 Development Applications - Works in Progress - June 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/153	13/3/2020	Planners North	Erection of a mixed use development comprising recreation facility (indoor) and information and education facility and associated works – 68 De-Havilland Crescent, Ballina	Being assessed
2020/172	20/3/2020	Newton Denny Chapelle	Proposed drainage works inclusive of earthworks and construction of culvert under Riverbend Drive – 62 Horizon Drive, West Ballina	Awaiting additional information
2020/177	24/3/2020	Brett Anderson	Construction of New Driveway Access – Howards Lane, Tuckombil	Being assessed
2020/192	27/3/2020	Planners North	Establishment of a proposed 300 site Manufactured Home Estate with associated manager's residence, club house, recreation facilities, roads, utility services, earthworks and other associated works. The application seeks a variation to Clause 4.3 Height of Buildings development standard under the Ballina Local Environmental Plan 2012. A Section 82 Objection under the Local Government Act 1993 has been submitted to enable the onsite construction of manufactured homes in variance to Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 requiring construction offsite – 550-578 River Street, West Ballina	Awaiting additional information Councillor briefing to be provided
2020/193	9/4/2020	Newton Denny Chapelle	Two Lot Torrens Title subdivision to create one x 628sqm and one x 746sqm allotments and the carrying out of earthworks and erection of a single storey dwelling house on Proposed Lot 2 – 2 Spring Creek Place, Wollongbar	Being assessed

8.5 Development Applications - Works in Progress - June 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/194	30/3/2020	Ardill Payne & Partners	To undertake the construction of a car park and associated access driveway to service an existing seniors housing development – 148 & 120 North Creek Road, Ballina	Referred to Government departments
2020/199	1/4/2020	Newton Denny Chapelle	Alterations and Additions to an Existing Industrial Building and Associated Works – 6 Piper Drive, Ballina	Awaiting additional information
2020/207	6/4/2020	Sarah Addicoat	Strata Title Subdivision of an Existing Dual Occupancy – 13 Trelawney Avenue, Wollongbar	Awaiting additional information
2020/222	14/4/2020	GJ Ahearn	Strata Title Subdivision of an Existing Dual Occupancy – 1 Hilander Street, Cumbalum	Determination pending
2020/230	17/4/2020	Newton Denny Chapelle	Strata Title Subdivision of an Existing Dual Occupancy – 15 Cummings Crescent, Cumbalum	Being assessed
2020/233	17/4/2020	Magus PM C/- Creative Planning Solutions	Erection of a Permanent Group Home for People with a Disability – 9 Leach Crescent, West Ballina	Being assessed
2020/236	20/4/2020	Signmanager Pty Ltd	Erection of a Business Identification Sign - 103 River Street, Ballina	Being assessed
2020/242	23/4/2020	Planners North	Multi Dwelling Housing Development comprising the erection and Strata Title subdivision of 44 two storey dwellings and associated works - Lot 6 DP 1225206 The Coast Road, Skennars Head	Referred to Government departments
2020/244	23/4/2020	Northern Rivers Land Solutions	Three Lot Torrens Title Subdivision to create one x 800m ² , one x 860m ² and one x 1,084m ² allotments, filling and retaining works, vegetation removal, riverbank stabilisation works, infrastructure servicing and associated works – 23 Richmond Street, Wardell	On exhibition

8.5 Development Applications - Works in Progress - June 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/257	29/4/2020	Ardill Payne & Partners	To undertake the erection and subsequent Strata Title subdivision of an industrial building containing 11 light industrial units, take away food and drink premises, associated works and consolidation of three approved lots into one – 39-45 North Creek Road, Ballina	On exhibition
2020/264	30/4/2020	Ardill Payne & Partners	To undertake demolition, alterations and additions to the existing Northern Rivers Seafood Building – 480 River Street, West Ballina	Being assessed
2020/269	4/5/2020	AJ Stafford	Change of use to Food and Drink Premises and advertising signage - 9 Moon Street, Ballina	Being assessed
2020/270	4/5/2020	R & J Harris Consulting Pty Ltd	Alterations and Additions to an existing waste management facility comprising the erection of a waste transfer shed used for the storage of excavation drilling mud and the transfer of recycled containers (Container Deposit Scheme Materials) and parking of vehicles – 540 Pimlico Road, Pimlico	On exhibition
2020/284	12/5/2020	Ballina Island Developments Pty Ltd	Subdivision of Proposed Super Lot 102 in DA 2018/51 comprising the creation of 17 Torrens Title residential lots and one super lot, road construction, installation of infrastructure and services, earthworks and vegetation clearing – 20 North Creek Road, Lennox Head	On exhibition
2020/286	13/5/2020	Sailfish Catamarans Pty Ltd	Vegetation management works comprising the removal of one tree – 45 Northcott Crescent, Alstonville	Being assessed

8.5 Development Applications - Works in Progress - June 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/292	15/5/2020	Newton Denny Chapelle	Subdivision of land involving the creation of 12 Torrens Title lots, road and infrastructure servicing, bulk earthworks, retaining walls and vegetation removal. 11 of the residential lots range in size from 825sqm to 1200sqm and one lot having an area of approximately 3800sqm. – 180 & 190 North Creek Road, Lennox Head	On exhibition
2020/293	18/5/2020	Richard Willis	Vegetation management works comprising the removal of one tree – 109 Tanamera Drive, Alstonville	Being assessed
2020/296	20/5/2020	June Beresford	Vegetation management works comprising the removal of two trees – 98 Compton Drive, East Ballina	Being assessed
2020/301	21/5/2020	Newton Denny Chapelle	Construction of three shade structures – 62 Horizon Drive, West Ballina	Being assessed
2020/317	26/5/2020	Janine Egan	Vegetation management works comprising the removal of six trees – 4 Rubiton Street, Wollongbar	Being assessed
2020/318	27/5/2020	I McIndoe	Vegetation management works comprising the removal of four trees	Being assessed
2020/325	29/5/2020	Ardill Payne & Partners	Multi-Dwelling Housing Comprising the Erection and Strata Title Subdivision of Four Dwellings and associated works	On exhibition

8.5 Development Applications - Works in Progress - June 2020

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/524	16/9/2016	Planners North	Seniors living development pursuant to SEPP (Housing for Seniors and People with a Disability) comprising amended layout, 147 (previously 211) self-care housing, clubhouse, recreation facilities, roads and infrastructure, environmental management and protection works – 67 Skennars Head Road.	NRPP approved Site Compatibility Certificate. Assessment of application reactivated
2016/746	23/12/2016	Ringtank Pty Ltd	Erection of three dwelling houses, 10 site caravan park, equine facilities, veterinary facility, quarantine stalls, horse float and equipment shelters, two equestrian exercise lawns, private recreation facilities including go-kart track, shooting range, buildings, roadworks, earthworks, dam and landscaping - Carrs Lane, Empire Vale Road, Reedy Creek Road- Keith Hall / Empire Vale	Awaiting additional information
2018/321	13/6/2018	Palm Lake Works Pty Ltd	Extension to Seniors Housing Development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) comprising 156 self-care dwellings, recreation facilities and car parking, infrastructure, site filling and associated works – 120 North Creek Road.	Court found five errors of law and appeal upheld. Original decision set aside. Matter returned to the Commissioner to be determined.

Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
NIL				

RECOMMENDATIONS

That Council notes the contents of the report on the status of outstanding development applications for June 2020.

Attachment(s)

Nil

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.

US/12	<p>Request form to extinguish the “Easement for Drainage 15 feet wide” on Lot 86 DP 31154 at 1 Riverside Drive, West Ballina. This property is located on the corner of Riverside Drive and Daydream Avenue. The subdivision plan was registered in 1960 and created the easement along the eastern side of the property frontage to Daydream Avenue.</p> <p>Explanation Council’s records of the public stormwater pipes along Daydream Avenue show the pipe network to be located within the Daydream Avenue road reserve and not within Lot 86 DP 31154. A site inspection has confirmed this is the case. Other properties affected by the original easement have previously had the easement removed from their certificates of title.</p> <p>The request to have the “Easement for Drainage” extinguished is considered acceptable for Council to allow the documents to be executed.</p>
US/13	<p>Ballina Shire Council Transfer of Lease from R Karam, S Baldwin & J McCoach to R Karam & S Karam and then Transfer of Lease from R Karam & S Karam to Belle Futures Pty Ltd for Shop 12 Wigmore Arcade Ballina.</p> <p>Explanation Council approved the transfer of the lease and licence for Shop 12 and the alfresco dining area from R & S Karam and J McCoach to Belle Services Pty Ltd and granted additional five year options to the lease and licence taking final expiry date for both agreements to 12 December 2030.</p> <p>Council have now been advised that the transfer of lease is requested to be in the name of Belle Futures Pty Ltd.</p>
US/14	<p>Ballina Shire Council Option Lease to C Munro for Shop 2 Wigmore Arcade Ballina for a five year period at market rent.</p> <p>Explanation C Munro has exercised the option period on her lease to commence 5 June 2020 and terminate 4 June 2025.</p>
US/15	<p>Short-term licence agreement between Council as Crown Land Manager of crown reserve R82164 and Ms Amy Schumacher (trading as Known Effects – Market on Dusk) for the operation of a monthly market (operating generally on the second</p>

9.1 Use of Council Seal

	<p>Saturday of each month) at Missingham Park, Ballina for the period of October 2020 – April 2021.</p> <p>Explanation Council endorsed the Dusk Market application at its Ordinary Meeting held on 2 December 2019, for a three year period, with the market occurring from December to April (inclusive).</p> <p>The manager has requested an earlier start to the market (commencing October) to improve the viability of the market. The request does not clash with other events scheduled at the site.</p>
US/16	<p>Licence agreement between Council and with Ms Amy Schumacher (trading as Known Effects – Market on Dusk) for the operation of a monthly market (operating generally on the fourth Saturday of each month) at Elizabeth Anne Brown Park for the period of October 2020 – April 2021.</p> <p>Explanation Council endorsed the Dusk Market application at its Ordinary Meeting held on 2 December 2019, for a three year period, with the market occurring from December to April (inclusive).</p> <p>The manager has requested an earlier start to the market (commencing October) to improve the viability of the market. The request does not clash with other events scheduled at the site.</p>
US/17	<p>Short-term licence agreement between Council as Crown Land Manager of crown reserve 82164 and Ms Cornelia Burless (trading as Ballina Farmers Market) to operate a weekly (Sunday) farmers' market at Commemoration Park, Ballina for the period 1 July 2020 to 30 June 2021.</p> <p>Explanation Council endorsed the current market management arrangements for the Ballina Farmers Market at its Ordinary Meeting held on 23 February 2017 for a three year period ending June 2020.</p> <p>The manager of the market has requested an extension to the current license period due to the impacts of the Covid-19 epidemic. The extension of the current market management license arrangements for a period of 12 months is considered reasonable under the circumstances and will enable the Council to further consider the market arrangements in due course.</p>

Attachment(s)

Nil

9.2 Investment Summary - May 2020

9.2 Investment Summary - May 2020

Delivery Program

Financial Services

Objective

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

Background

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a Council must provide a monthly investments report setting out Council's cash and investments. The report is to be presented at the Ordinary Council meeting, immediately following the end of the respective month. This report has been prepared for the month of May 2020.

Key Issues

- Compliance with Investment Policy and the return on investments.

Information

As at 31 May 2020, Council's investments are in accordance with Council's Investment Policy and the Local Government Act and Regulations.

The total balance of investments as at 31 May 2020 was \$75,538,300, increasing by \$2 million from 30 April 2020. Council's investments, as at 31 May, were invested at an average (weighted) interest rate of 1.615%, which was 1.519% above the May average 90 Day Bank Bill Index of 0.096%. The balance of the Commonwealth Bank business account as at 31 May 2020 was \$10,502,200 increasing by \$3,817,976 from 30 April 2020.

The total movement in investments and bank balances from 30 April 2020 was an increase of \$5,817,976. The high bank balance as at 31 May 2020 is due to the expected loan repayments and large creditor payments in June 2020. In addition, the month of May 2020 included higher than expected cash inflows of rates and significant grant payments, including the advance payment of the 2020/21 Financial Assistance Grant (FAG) totaling \$2.4 million.

Investment Policy

As a result of the high cash flows during May 2020, the investment portfolio was able to be managed back within policy limits, addressing the breach of the credit risk threshold reported to Council in the Investment Summary report for April 2020.

As at 31 May 2020, 58% of Council's total investment portfolio is invested in financial institutions rated at or below the Standard & Poor's long-term credit rating of BBB+. The Investments Policy credit risk rating threshold for these investments is 60%.

The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for the following purposes, as shown in the following table.

9.2 Investment Summary - May 2020

Reserve Name	Restriction	% Portfolio*
Wastewater (incl developer contributions)	External	12.46%
Water (incl developer contributions)	External	24.54%
Section 7.11 Developer Contributions	External	14.94%
Bonds and Deposits	External	3.37%
Other External Restrictions	External	5.13%
Carry Forward Works	Internal	5.03%
Bypass Maintenance	Internal	4.32%
Landfill and Resource Management	Internal	0.08%
Employee Leave Entitlements	Internal	3.72%
Quarries	Internal	1.02%
Property Reserves	Internal	6.76%
Plant and Vehicle Replacement	Internal	1.55%
Road Works	Internal	4.76%
Indoor Sports Centre	Internal	1.79%
Miscellaneous Internal Reserves	Internal	2.50%
Financial Assistance Grant in Advance	Internal	2.78%
Unrestricted		5.25%
Total		100.00%

* Reserves held as at 30 June 2019

A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	Rating S&P	Rating Moody	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments								
National Australia Bank	Yes	BBB	-	1,788	1,788	0	2.4%	2%
Rated Institutions								
AMP Bank	Yes	BBB+	A2	7,500	7,500	10%	9.9%	
Australian Unity bank	n/a	BBB+	-	7,000	5,000	10%	6.6%	
Auswide Bank	No	BBB	Baa2	2,000	2,000	10%	2.6%	
Bank of China	Yes	A	A1	3,000	3,000	20%	4.0%	
Bank of Communications	Yes	A-	A2	1,000	1,000	20%	1.3%	
Bank of Queensland	Yes	BBB+	A3	3,000	3,000	10%	4.0%	
Commonwealth Bank	Yes	AA-	Aa3	4,000	4,000	20%	5.3%	
Credit Union Australia	No	BBB	Baa1	600	600	10%	0.8%	
Defence Bank Ltd	No	BBB	-	5,500	5,500	10%	7.3%	
ING Bank (Australia) Ltd	Yes	A	A3	1,000	1,000	20%	1.3%	
ME Bank	No	BBB	Baa1	6,750	6,750	10%	8.9%	
Macquarie Bank Limited	Yes	A+	A2	8,000	6,000	20%	7.9%	
My State Bank Ltd	No	BBB+	Baa1	5,000	5,000	10%	6.6%	
National Australia Bank	Yes	AA-	Aa3	4,000	10,000	20%	13.2%	
Newcastle Permanent	No	BBB	A3	4,700	4,700	10%	6.2%	
Teachers Mutual Bank	No	BBB	Baa1	1,700	1,700	10%	2.3%	
Westpac Bank	Yes	AA-	Aa3	7,000	7,000	20%	9.3%	98%
Total				73,538	75,538		100%	
Credit Rating Summary as per the Investment Policy		Maximum Allowed		Value Previous	Value Current	% Previous	% Current	
		%	Value					
A- or Higher		100%	75,538	28,000	32,000	38%	42%	
BBB		60%	45,323	45,538	43,538	62%	58%	
Total				73,538	75,538	100%	100%	

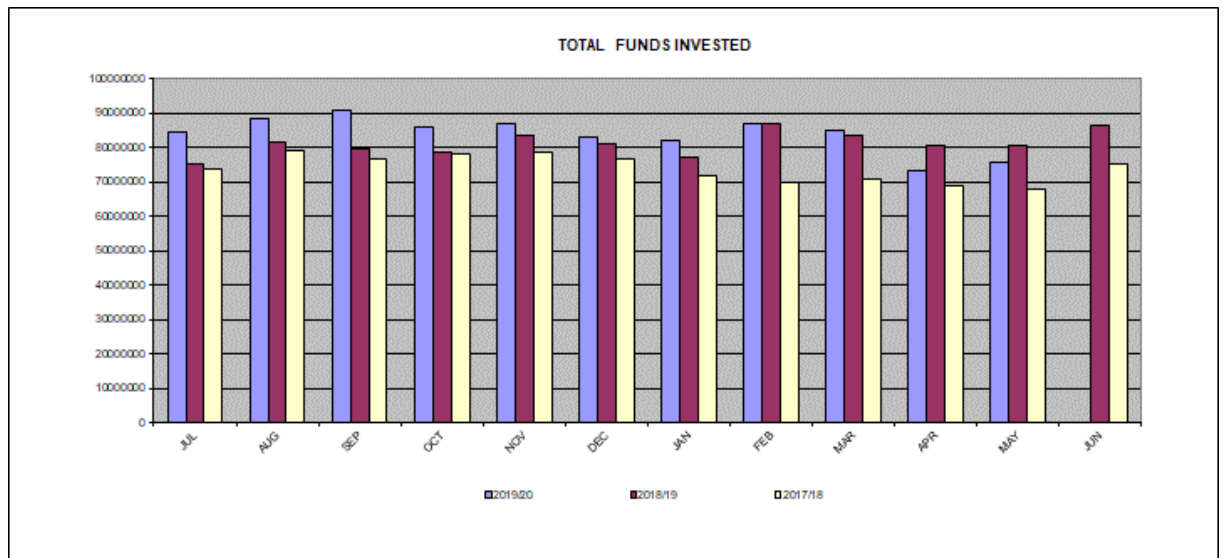
9.2 Investment Summary - May 2020

B. Summary of Investments Fossil Fuel Aligned

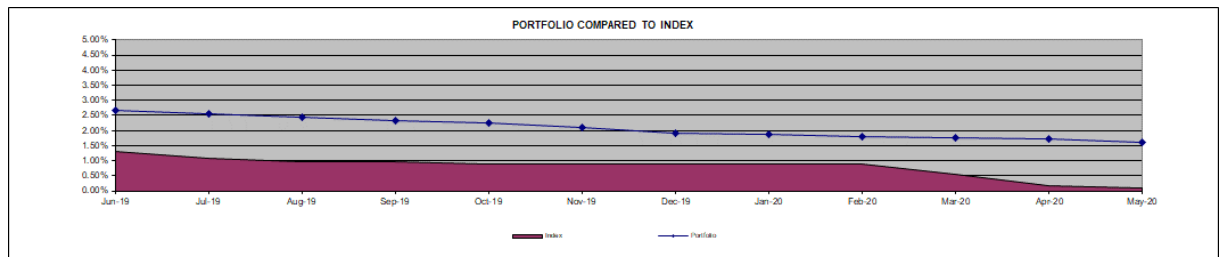
	Previous Month (\$'000)	Current Month (\$'000)
Fossil Fuel Aligned	40,288 55%	44,288 59%
Non-Fossil Fuel Aligned	26,250 36%	26,250 35%
Not Classified	7,000 9%	5,000 6%
Total	73,538 100%	75,538 100%

Classification based on advice from 'Market Forces'.

C. Monthly Comparison of Total Funds Invested

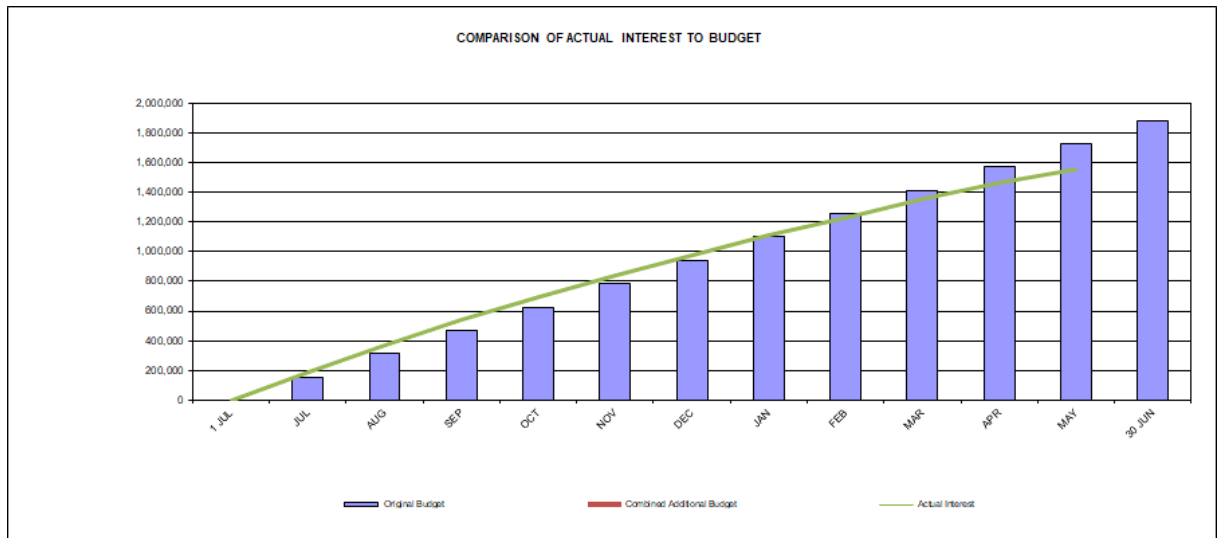


D. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.2 Investment Summary - May 2020

E. Progressive Total of Interest Earned to Budget



F. Investments held as at 31 May 2020

PURCH DATE	ISSUER	TYPE	RATE	MATURITY DATE	PURCH VAL \$'000	FAIR VAL \$'000
20/09/2004	National Australia Bank (ASX Listed)	FRN	2.04%	Perpetual	1,788	1,573
17/06/2016	Commonwealth Bank of Australia	FRN	1.62%	17/06/21	1,000	1,000
30/06/2016	Commonwealth Bank of Australia	TD	1.43%	30/06/21	1,000	1,000
26/07/2016	Commonwealth Bank of Australia	FRN	1.16%	26/07/21	1,000	1,000
29/06/2017	Teachers Mutual Bank Limited	FRN	1.81%	29/06/20	1,000	1,000
3/08/2017	Westpac Banking Corporation	FRN	1.15%	03/08/22	2,000	2,000
18/08/2017	Westpac Banking Corporation	FRN	1.15%	18/08/2022	1,000	1,000
9/11/2017	ME Bank	FRN	1.35%	09/11/20	750	750
6/02/2018	Newcastle Permanent Bld Society	FRN	1.51%	06/02/23	700	700
2/07/2018	Teachers Mutual Bank Limited	FRN	1.67%	02/07/21	700	700
30/07/2018	Westpac Banking Corporation	FRN	1.03%	31/07/23	1,000	1,000
31/07/2018	Westpac Banking Corporation	FRN	1.03%	02/08/23	1,000	1,000
6/09/2018	Newcastle Permanent Bld Society	FRN	1.51%	06/02/23	1,000	1,000
6/09/2018	Credit Union Australia	FRN	1.80%	06/09/21	600	600
10/09/2018	AMP Bank	FRN	1.65%	10/09/21	1,500	1,500
11/01/2019	Commonwealth Bank of Australia	FRN	1.34%	11/01/24	1,000	1,000
8/02/2019	Westpac Banking Corporation	FRN	1.15%	06/02/24	2,000	2,000
21/02/2019	Newcastle Permanent Bld Society	FRN	1.14%	22/02/21	2,000	2,000
22/02/2019	Newcastle Permanent Bld Society	FRN	1.15%	22/02/21	1,000	1,000
1/08/2019	AMP Bank	FRN	1.65%	10/09/21	2,000	2,000
7/08/2019	National Australia Bank	TD	1.72%	04/08/20	4,000	4,000
16/08/2019	AMP Bank	TD	2.00%	17/08/20	1,000	1,000
26/08/2019	AMP Bank	FRN	1.65%	10/09/21	1,000	1,000
27/08/2019	Defence Bank Ltd	TD	1.75%	27/08/20	1,000	1,000
28/10/2019	Bank of Communications	FRN	1.00%	28/10/22	1,000	1,000
26/11/2019	ME Bank	TD	1.60%	26/08/20	2,000	2,000
28/11/2019	Macquarie Bank Limited	TD	1.60%	03/06/20	2,000	2,000
28/11/2019	Australian Unity Bank	TD	1.70%	10/06/20	1,000	1,000
28/11/2019	Australian Unity Bank	TD	1.70%	25/11/20	2,000	2,000
29/11/2019	Bank of China	TD	1.60%	24/06/20	3,000	3,000
17/12/2019	AMP Bank	TD	1.80%	10/06/20	2,000	2,000

9.2 Investment Summary - May 2020

PURCH DATE	ISSUER	TYPE	RATE	MATURITY DATE	PURCH VAL \$'000	FAIR VAL \$'000
28/01/2020	ING Bank (Australia) Ltd	TD	1.65%	21/01/21	1,000	1,000
30/01/2020	Australian Unity Bank	TD	1.65%	11/08/20	2,000	2,000
5/02/2020	My State Bank Ltd	TD	1.70%	11/08/20	2,000	2,000
11/02/2020	Auswide Bank	TD	1.65%	04/02/21	2,000	2,000
19/02/2020	Bank of Queensland	TD	1.60%	19/08/20	3,000	3,000
20/02/2020	ME Bank	TD	1.60%	22/09/20	3,000	3,000
25/02/2020	ME Bank	TD	1.60%	16/09/20	1,000	1,000
26/02/2020	Defence Bank Ltd	TD	1.65%	23/02/21	1,000	1,000
27/02/2020	My State Bank Ltd	TD	1.65%	20/11/20	1,000	1,000
3/03/2020	Macquarie Bank Limited	TD	1.70%	21/07/20	3,000	3,000
3/03/2020	Defence Bank Ltd	TD	1.65%	02/03/21	1,000	1,000
5/03/2020	My State Bank Ltd	TD	1.65%	03/03/21	1,000	1,000
7/03/2020	Defence Bank Ltd	TD	1.60%	08/12/20	1,500	1,500
17/03/2020	My State Bank Ltd	TD	1.75%	16/12/20	1,000	1,000
17/03/2020	Macquarie Bank Limited	TD	1.60%	22/12/20	1,000	1,000
24/03/2020	Defence Bank Ltd	TD	1.85%	23/03/21	1,000	1,000
28/05/2020	National Australia Bank	TD	0.95%	06/10/20	2,000	2,000
28/05/2020	National Australia Bank	TD	0.95%	13/10/20	2,000	2,000
28/05/2020	National Australia Bank	TD	0.95%	20/10/20	2,000	2,000
	Totals				75,538	75,323
KEY:	TD = Term Deposit FRN = Floating Rate Note					

RECOMMENDATION

That Council notes the record of banking and investments for May 2020.

Attachment(s)

Nil

9.3 Policy (Review) - Private Structures within Council Owned Waterways

9.3 Policy (Review) - Private Structures within Council Owned Waterways

Delivery Program

Commercial Services

Objective

To adopt the Private Structures within Council Owned Waterways Policy, after considering submissions received during the exhibition period.

Background

Council received a report reviewing the Private Structures within Council Owned Waterways Policy at the 26 March 2020 Ordinary meeting and resolved as follows:

- 1. That Council adopts the amended Private Structures within Council Owned Waterways Policy, as attached to this report.*
- 2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.*

The policy was placed on exhibition for a period of 28 days.

Four submissions were received during the exhibition period and one late submission and the policy is now submitted back to Council to review the submissions.

Key Issues

- Council's liability expires (i.e. does not cover) for the placement of private waterway structures over Council owned or controlled land

Information

As indicated in the report to Council on 27 March 2020, the review of this policy identified only minor changes such as:

- Remove reference to transitional arrangements as the policy has now been in force for four years
- Bring the policy in line with the *Environmental Planning and Assessment Act 1979* and Maritime Regulations
- Update references to related documents, policies and legislation

The policy was placed on exhibition and all current licence holders were advised in writing of the exhibition.

The five submissions received are included as Attachment 1. The late submission is included as Attachment 2.

The matters raised are addressed as follows:

9.3 Policy (Review) - Private Structures within Council Owned Waterways

Requirement of public liability insurance

Four submissions raised concerns about holding Public Liability Insurance and “noting Council as an interested party”.

They advised that Council should have a blanket policy and that their insurance companies are unable to note Council as an interested party on their Policy and requested Clause 1.9 be removed from the Policy.

The advice from Council’s Insurer is as follows:

“All structures and infrastructure on public land that is owned by Council is covered by Council’s public liability insurance. Council is unable to obtain public liability coverage for privately owned structures on public land.

An insurance company’s Product Disclosure Statement (PDS) provides relevant information to all policy holders (or potential policy holders) on the policy coverage. This is not required to be changed.

It is the Certificate of Currency (CoC) that is issued by insurance companies to individual policy holders that is amended by the insurance company to include Council as an interested party.

Insurers can name interested parties on public liability (and other) insurance policies where an insurable interest exists. This is common practice and should be at no cost. Such interest is not changing the underlying risk of what the insurer is insuring, i.e. for private property owners, the risk is for their legal liability arising out of privately owned pontoons / jetties.

Naming council as an interested party is only required purely for liability arising out of the negligence of the property owner. This means that the private owner’s insurer will cover the homeowner for their liability, and defend council for its vicarious liability arising from the homeowner’s legal liability.

A certificate of currency naming council in respect of pontoons / jetties gives council comfort that homeowners are in compliance with their licence obligations insofar as insurances are concerned.”

Clarification was sought from insurance companies currently providing policy coverage to the residents. This identified that one insurance company would not name Council as an interested party on the certificate of currency.

To avoid some residents needing to change insurer, one option, that will still provide a level of protection for Council, is for residents to provide both the Certificate of Currency and Policy Disclosure Statement to Council.

This will still enable verification of adequate coverage for the private structures in respect to pontoons and jetties.

In response to the submissions received, a further change is recommended to Clause 1.9 of the policy to clarify the documentation required.

The proposed change is as follows:

9.3 Policy (Review) - Private Structures within Council Owned Waterways

1.9 *The benefiting landowner must maintain a public liability policy of insurance in respect of any one occurrence of not less than \$20,000,000 in relation to liability for loss or damage to property and death of or injury to any person in any way connected to Council owned land the subject of the licence agreement. The insurance **Product Disclosure Statement (PDS) and Certificate of Currency is to:***

- ~~a) to note the interests of Ballina Shire Council as the owner of the land~~
- a) *be provided to Council with the signed Licence Agreement*
- b) *be maintained yearly and provided to Council upon request.*

The amended policy incorporating this recommended change is included as Attachment 3.

Consultation process

Two submissions related to the timing of the public exhibition process during COVID-19. The concern directed to the inability to hold a public meeting.

Council exhibited the policy and it is not usual practice to hold a public meeting on minor amendments to a policy.

One submission did not directly relate to the policy amendments and sought clarification on general waterways and private structure matters.

One submission raised a number of issues including maintenance obligations, licensing agreements with Development Applications and raising of fees through rates/charges.

Maintenance obligations for the waterways is managed through the five year works program. Development Consent conditions require landowners to obtain a licence agreement prior to final occupation and Council is unable to raise licence fees on the rates and charges bill.

All submissions will receive a response addressing the various matters raised.

Sustainability Considerations

- **Environment**
The Private Structures within Council's Owned Waterways Policy provides the framework to manage the potential impact private structures may have on Council owned waterways.
- **Social**
Not Applicable
- **Economic**
A licence fee is required to help meet Council's administration costs.

Legal / Resource / Financial Implications

The consistent application of a policy that manages private structures within Council's owned waterways provides a valuable tool to ensure and demonstrate adherence to Council's legislative obligations.

9.3 Policy (Review) - Private Structures within Council Owned Waterways

The policy applies to Ballina Quays Canals, Banyanda Lake and Endeavour Lake. These three waterways are classified as Council operational land under the provisions of the *NSW Local Government Act 1993*.

Consultation

Council placed the policy on public exhibition and wrote to all licence holders.

Options

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

The changes made following the public consultation process to clarify certificate of currency requirements are minor and it is recommended that the amended policy be adopted as presented.

RECOMMENDATION

That Council adopts the amended Private Structures within Council Owned Waterways Policy, as attached to this report, inclusive of the change to clause 1.9 to refer to the Certificate of Currency.

Attachment(s)

1. Submissions - Waterways Policy Review
2. Late Submission - Private Structures within Council Owned Waterways
3. Policy (Review) - Private Structures within Council Owned Waterways

9.4 Delivery Program and Operational Plan - Adoption

9.4 Delivery Program and Operational Plan - Adoption

Delivery Program

Communications

Objective

To consider the submissions received during the exhibition period for the draft 2020/21 to 2023/24 Delivery Program and Operational Plan and to adopt the documents prior to 30 June 2020.

Background

The draft 2020/21 to 2023/24 Delivery Program and 2020/21 Operational Plan (including the supporting documents such as the Fees and Charges, Long Term Financial Plan (LTFP), Budget, Workforce Plan and Asset Management Plan) were placed on exhibition following two Finance Committee meetings held during March and April.

Council held two online public meetings as part of the exhibition process and invited submissions during the five-week period from Wednesday 8 May to Friday 5 June.

The intention of this report is to adopt the Delivery Program and Operational Plan, after considering submissions.

As the documents are extensive, they have not been reproduced for this report.

Copies of the documents, as exhibited, have been loaded to the Councillor hub, for reference purposes, under the title of Integrated Planning and Reporting documents.

Additional hard copies are available from Council if needed.

Key Issues

- Contents of submissions
- Additional amendments

Information

This report has three main sections being:

- A. Review of the submissions received.
- B. Recommended amendments based on updated information.
- C. Other matters.

A. Submissions

The submissions can be categorised under three main headings:

9.4 Delivery Program and Operational Plan - Adoption

1. Submissions for funding assistance in response to Council's donations programs (i.e. community groups, capital works assistance for sporting groups)
2. Submissions to the fees, charges and rates
3. Submissions for works and services

1. Submissions for Funding Assistance

The draft LTFP includes the following allocations for funding assistance / donations for 2020/21:

Donation Description	Budget (\$)
Donations – Community Groups	75,000
Capital Works Assistance - Sporting Groups	30,000
Donations - Rates and Charges	30,000
Assistance with Council Fees - Community Groups	4,000
Richmond Room – Donation for Chair Set Up (RSL Lighthouse Day Club)	6,000
Southern Cross University – Scholarship	10,000
Total	155,000

All of these items, excluding the Richmond Room and the Southern Cross Scholarship, are supported by Council policies.

These two items reflect standing resolutions where Council has approved an annual donation to the Ballina Rotary Club for help setting up the chairs in the Richmond Room and to provide a scholarship each year for a Ballina Shire based student attending Southern Cross University.

The submissions identified in this report relate to the Donations – Community Groups and Capital Works Assistance – Sporting Groups, where Council called for applications for funding under these policies.

Correspondence was sent to all sporting groups to encourage submissions for the capital works assistance program.

The policies for these donations state that Council will form a working party, consisting of at least one Councillor from each ward plus the Mayor, to provide recommendations on the allocation of the funds to the July Ordinary meeting.

All Councillors are entitled to attend the working party meeting to review the applications.

This process has worked well, for many years, in determining a preferred funding allocation, as the applications are always in excess of the available funds.

Details of the applications received are summarised in the next two tables. Applicants are required to complete a standard form that seeks to provide consistent information.

General Donations – Community Groups

Table One outlines the submissions for community donations, with the total well in excess of the funding available.

9.4 Delivery Program and Operational Plan - Adoption

Table One: Submissions for Community Donations

Ref	Applicant	Description	Request (\$)
1	⁽¹⁾ Women in Super Mother's Day Classic	Purchase new banners for event	1,600
2	⁽¹⁾ Ballina Hospital Auxiliary	Venue hire and promotion of the Annual Craft Show (Ballina Jockey Club)	2,500
3	⁽¹⁾ Lennox Arts Board Inc	Venue hire at Lennox Community Centre for cultural events throughout the year	3,600
4	Lennox Head Playgroup	Venue hire at Lennox Head Community Centre for playgroup meetings and incidentals	3,380
5	Cancer Council NSW	Venue hire at Kentwell Community Centre for cancer support group meetings	1,101
6	Ballina RSL Lighthouse Day Club	Venue hire at Richmond Room for meetings	2,408
7	Lions Club of Ballina Inc (Lioness Club Ballina Kings)	Venue hire at Richmond Room for meetings	2,915
8	Lennox Head Residents' Association Inc (Heritage Committee)	Venue hire at Lennox Head Community Centre meetings	700
9	Lismore Symphony Orchestra	Venue hire at Lennox Head Community Centre for 'Proms by the Beach' event	5,196
10	Lifeball	Venue hire BISC and purchase of new equipment	2,500
11	Dancing in the Dark (Rob Mackerras)	Venue hire at Lennox Head Community Centre and Alstonville Leisure and Entertainment Centre for classes	3,141
12	Alstonville Plateau Physical Culture	Venue hire at Alstonville Leisure and Entertainment Centre for classes	5,520
13	Lennox Head Residents Assoc Inc	Venue hire at CWA Lennox Head for meetings + purchase a new computer	Venue hire: 261 Computer: 1,901
14	Lennox Head Residents Assoc Inc (Boomerang Bags Cmtee)	Venue hire at CWA Hall Lennox Head + sewing machine maintenance	Machine mtc: 300 Venue hire: 1,100
15	Lions Club of Lennox Head	Costs associated with fundraising for charity groups	1,765
16	Ballina Jet Boat Surf Rescue Inc	Consumables for rescue vehicles	3,000
17	Ballina Jet Boat Surf Rescue Inc	Insurance and renewals for rescue vehicles	7,000
18	Westpac Life Saver Rescue Helicopter	Purchase shipping container for storage	1,000
19	Ballina Schools Historical Society	Costs associated with launching the School's new museum	1,000
20	Cerebral Palsy Alliance – Alstonville	Purchase equipment and resources	4,114
21	East Ballina Lions Club Inc	Provide portable toilets for the Canal Road market site	5,000
22	Tintenbar School of Arts Inc	Painting the new verandah extension at the Tintenbar Community Hall	7,381
23	⁽²⁾ Lennox Head Landcare	Provide heavy duty mower and whipper snipper	400
24	⁽³⁾ Wardell Recreation Ground Management	Purchase new zero turn mower (petrol)	21,500
25	Ballina Ministers Association Inc	Costs associated with running the Riverside Carols event in 2020	5,000
26	Air Force Association Ballina Branch Inc	Hire of shelter and chairs for anniversary events	740
27	Our Kids	Council to provide temporary fencing for Our Kids Day Out event	1,000
28	Pearces Creek Public Hall Inc	Annual insurance costs for the Hall	3,931
29	Riding for the Disabled Ballina Branch	Volunteers to attend State training workshops	3,000
30	Alstonville Baptist Church	Costs associated with running the Christmas on the Plateau event	6,000
31	Lennox Head Combined Sports Assoc Carols Committee	Costs associated with running the Lennox Head Christmas Carols event	6,000
32	Ballina Shire Concert Band	Replenishing the Band's music library	950
33	Wollongbar Progress Assoc Inc	Purchase chairs and a trolley for the Wollongbar Hall	5,308
34	Mental Health Support Group	Supply of electricity to the Group's shed	5,000
35	⁽⁴⁾ Alstonville Plateau Historical Society	Council rates for Crawford House (2020/21)	4,784

9.4 Delivery Program and Operational Plan - Adoption

Ref	Applicant	Description	Request (\$)
36	⁽⁴⁾ TS Lismore Naval Reserve Cadets Inc	Council rates for 26 Endeavour Close (2020/21)	9,324
37	⁽⁴⁾ Ballina and District Historical Society Inc	Council rates (2020/21) and electricity for Ballina District Museum (Pimlico Hall) Ordinary rate and OSSM	1,210
38	Ballina Coastcare Inc	Shelving, branding and weather cover for trailer	3,532
39	Rous Mill & District Memorial Hall Inc	Building/Liability insurance for Hall and replacing door locks on 3 access doors	3,476
40	Lennox Head Residents Assoc Inc (Coastcare Committee)	Purchase tools, materials for maintaining amenities	1,200
41	Rous Mill Recreation Reserve	Costs associated with developing a picnic area at the Reserve	1,409
42	Lennox Head Alstonville Surf Life Saving Club	Waste disposal from the Club	2,080

- (1) These requests were approved for 2019/20, however were forfeited due to COVID-19 and the cancellation of their event/s. New applications have been submitted for 2020/21.
- (2) Request has assumed it will be a donation from Council's used plant (quote for used plant \$400).
- (3) Council provided this group with a zero turn mower in 2016 for a minimum of five years (2021).
- (4) Based on 2020/21 Ordinary Rate, Water Access, Wastewater Access and Stormwater estimates.

Donations - Capital Works for Community Sporting Groups

Table Two outlines the submissions for capital works assistance for sporting groups.

Table Two: Submissions for Community Sporting Groups

Ref	Applicant	Description	Request (\$)
1	Northern Rivers Dirty Wheels Mountain Bike Club Inc	Improvements to mountain bike tracks	10,000
2	Ballina Croquet Inc	Costs associated to development of Club's relocation and formation of a regional croquet centre at Cawarra Park	5,000
3	Ballina Hockey Club	Installation of electricity at the Club	10,764
4	Alstonville Croquet Club Inc	Purchase of a rainwater tank for the Club	945
5	Wardell and District Tennis Club Inc	Replace lights at the Club	2,000

Copies of the submissions for Tables One and Two have not been included with this report as they are extensive.

Submissions have been loaded to the Councillor Hub, for reference purposes, under the title of Donations Working Party with a tentative meeting date of 2 July 2020.

2. Submissions Fees and Charges

The following submissions are included in Attachment 1 to this report.

Community Facilities Fees and Charges

Council received nine submissions in relation to the affordability of the fees and charges proposed for community facilities, in particular for the Lennox Head Community Centre and the CWA Hall.

9.4 Delivery Program and Operational Plan - Adoption

LHCCC integrated room hire fee increase

The following persons lodged submissions against the increase in the hourly hirer rate for the LHCC integrated meeting room:

1. Kim Elderton and Rob Mackeras (Dancing in the Dark)
2. George Moschoudis (Elevate Jiu Jitsu)
3. Kerren Kernaghan (Heart of Dance)
4. Helene Gatland (Zumba Dance Class)

Staff response:

The increase in the hourly rate fee was associated with the implementation of a uniform fee structure across all community facilities. The objective of this change was to implement a more equitable fee structure across the various community facilities. The discounting system provides an hourly fee, a 40% discount for half day booking (6 hours) and a 50% discount for full day bookings (12 hours).

The review of fees and charges against other comparable facilities, highlighted that the previous hourly rate was very low for a 92 square metre integrated meeting space. The 2020/21 Commercial rate was increased from \$50 per hour to \$70 per hour, which then had a discounted flow on effect to the Regular Community Based Activities (RCBA), and Community users hourly hire rates. RCBA receive 25% discount off the commercial rate and Community users receive 50% discount off the commercial rate.

In response to the submissions, one option is to create an individual hire rate for each room. This provides the hirers the option to hire one, two or all three rooms. Under this new fee schedule, a RCBA user who previously paid \$38 per hour would now pay \$35 per hour, if they selected the integrated two meeting room option, or \$23 per hour if they selected the individual meeting room space.

A summary of this is as follows and this change is recommended.

Table Three - Summary of Proposed Fee Change

Item	2019-20			2020-21		
	Commercial	RCBA	Community	Commercial	RCBA	Community
Individual Meeting Room - \$/Hire Rate (Size of individual rooms 31.2m²)						
Hourly	-	-	-	31	23	16
1/2 Day	-	-	-	112	84	56
Full Day	-	-	-	186	140	93
Integrated Two Meeting Rooms - \$/Hire Rate (Size of integrated two meeting rooms 62.4m²)						
Hourly	-	-	-	47	35	23
1/2 Day	-	-	-	167	126	84
Full Day	-	-	-	279	209	140
Integrated Three Meeting Rooms - \$/Hire Rate (Size of integrated rooms 92m²)						
Hourly	50	38	25	70	52	35
1/2 Day	-	-	-	252	187	126
Full Day	380	285	190	420	312	210

9.4 Delivery Program and Operational Plan - Adoption

Lennox Head CWA Hall Fee Increase

The following persons lodged submissions against the increase in the hourly rate to hire the Lennox Head CWA Hall:

1. Kim Wright (Yoga Class)
2. Linda Hill (student of Kim Wright Yoga Class)
3. Françoise Sauvère

Staff response:

Within the draft 2020/21 fees and charges the commercial hourly rate for Lennox Head CWA Hall increased by \$5 per hour from \$34 per hour to \$39 per hour. The RCBA hourly rate increased by \$3 per hour from \$26 per hour to \$29 per hour. The Community hourly rate increased from \$17 per hour to \$20 per hour.

The CWA Hall is programmed to have ducted air-conditioning installed early in the 2020/21 financial year due to the building currently ventilated by ceiling fans. This will increase the operating costs of the hall and will provide users improved comfort and useability throughout the year.

The current arrangement where Ms Wright is hiring the facility under Community Based rate was reviewed as part of the introduction of the 2019/20 fees and charges.

At that time it was identified that Ms Wright did not meet the not for profit community organisation requirements, however based on Ms Wright's understanding at the time of booking, that her business would be charged the community rate, this rate was honoured for 2019/20 with no change made by management to realign Ms Wright with the correct RCBA rate. Ms Wright provided Council with financial records at that time as evidence of low profit margin. This was to be reviewed in 2020/21.

The current arrangement with Ms Wright is an anomaly as the correct applicable rate is Regular Community Based Activities hire fee.

Ms Wright's submission is based on her concern of an increase from \$17 per hour to \$20 per hour increase based on the community rate. To align with our adopted fees and charges, the correct classification under the RCBA rate will result in an increase in hiring fees for her business of \$9 per hour (based on 2020/21 fees and charges).

No change is recommended.

LHCC Health Care Office Daily Hire Fee Increase

Kerryn Rowe has lodged a submission against the increase of the full day hire fee for the LHCC Health Care Office.

Staff response:

The review of the 2019/20 hire fee identified that under the new discounted multi-hour hire fee structure, there was a clear anomaly with the full day (12 hour) Health Care Office hire fee.

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For example the 2019/20 commercial rate is \$34 per hour and the full day (12 hour) rate charge is \$115.

The Commercial hourly rate was only increased by \$5 per hour but with the new discounting structure in place, there was a significant difference in the fee structure for the Health Care Office compared to some other facilities / rooms.

The Health Care Office is also utilised for other usages such as baby health care nursing service.

The introduction of the half day (6 hour) fee structure has been implemented to support individuals and organisations that did not require a full day booking. This provides a 40% discount on the hourly rate.

Due to the nature of these services being provided in this space, together with the understanding of the bulk billed nature of these services, an option for Council could be to broaden the definition for RCBA to include bulk billed medical specialist services.

RCBA current classification is for regular sessions delivered by Instructors e.g. language classes, sports, martial arts, gymnastics, dance, yoga, drama etc. who charge members a minimal fee and only make a small surplus from each session.

This change is recommended as follows.

Table Four - LHCC Health Care Office Hire Fees

Item	2019-20			2020-21		
	Commercial	RCBA	Community	Commercial	RCBA	Community
Health Care Office - \$/Hire Rate						
Hourly	34	25	17	39	29	20
1/2 Day	-	-	-	140	104	72
Full Day	115	85	55	234	174	120

LHCC Park Lane Theatre and Integrated Bookings

A submission was received from Ms Tania McGarrity, Pandanus Bar and Productions, regarding an increase in the commercial fee for the hire of the Park Lane Theatre and integrated meeting rooms.

Staff response:

The increase in fees for Park Lane Theatre reflects the increase in operating and maintenance costs associated with the recent refurbishment works.

On completion of the works, the large theatre and foyer spaces will be fully air-conditioned enabling the ability to accommodate larger audiences in a much more comfortable environment.

Enhanced audio-visual equipment has also been installed.

The refurbished air conditioned facilities will also enable the facility to be used all year round therefore providing an increased accessibility benefit to all businesses / event organisers wanting to hire the facility.

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Ms McGarrity currently holds the liquor licence for LHCC with individuals hiring the facility having the option to operate under her liquor licence or to arrange their own temporary licence over the facility for their event.

The holding of the liquor licence does not provide Ms McGarrity with any additional usage rights over the facility.

The promotion of the facility is undertaken by Council staff.

Community Facilities staff are actively working on programs to bring in a variety of suitable users from within and outside the region to further promote the use of the facility and tourism in our area.

Swimming Pool Annual Passes

The draft Fees and Charges on exhibition includes a Full Season Pass, which had been proposed to align with the financial year, i.e. from 1 July to 30 June.

Council received two submissions in relation to this matter, as well as other verbal feedback from the community. It has been proposed that an annual pass can be purchased at any time of the year, and be effective for 365 days from the date of purchase.

Staff response:

This change can be accommodated, and is recommended, for 12 month and three month passes due to:

- (a) ability for patrons to use both facilities (introduced in 2018)
- (b) facilities no longer operating on a seasonal basis; and
- (c) capability of pool managers to monitor expiry dates of passes with the improved point of sales software system introduced in 2018.

Domestic Waste Exempt Collection Service

The draft Fees and Charges on exhibition includes a new proposed fee, which would be applicable for properties for which a domestic waste management service is available but where Council has decided not to provide a collection service. This fee would apply, for example, for multi-unit dwellings approved by Council to utilise an alternative service arrangement.

Under the *Local Government Act*, section 496, these assessments must still pay an annual fee. The fee is proposed as being equivalent to that applied to vacant land.

Council has received five submissions in support of this new fee.

Staff response:

Staff are supportive of the introduction of this new fee which is already included in the draft Fees and Charges.

3. Submissions to Works and Services

The following submissions are included in Attachment 2 to this report.

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Molly's Grass Road – Sealing

Cr Eoin Johnston has submitted a request to the Director Civil Services on behalf of residents at Molly's Grass Road which is located at Rous Mill. The request is for the final short section of road, which is a turn-around, to be sealed.

Staff response:

In light of the policy issues involved in this request, the Director Civil Services suggested to Cr Johnston for this request to be considered as part of this report.

Cr Johnston's email to staff, which declares a family interest in this matter, notes Molly's Grass Road is sealed, except for the turn-around area, and Council's waste collection vehicles possibly have the most impact on the road condition at this location.

In response to Cr Johnston's inquiry, staff inspected the site and reported the following.

- The cost to provide an asphalt seal would be around \$10,000.
- There may be some drainage and road pavement works needed, however minimal preparation works would be required.
- Five properties use Molly's Grass Road for access, with three located in the turn-around area.
- The unsealed portion of the road is not currently in our roads maintenance register.
- Consideration was made as to whether the Council could pay for the sealing from our waste management budget if our service vehicles needed the seal, or we thought our service vehicles were the cause of unreasonable damage to the current surface.

Based on the condition of the pavement, the expenditure from the waste budget is not recommended by staff as a priority for Council's funds, at this point in time, especially when the waste budget is under financial pressure due to recent cost increases.

Council's road maintenance policy is incorporated in its Road and Transport Asset Management Plan (RTAMP). In respect of sealing unsealed sections of the road network the RTAMP says the following.

Under this RTAMP Council will only maintain road lengths included in the RNR. Not all public roads under the control of Council are included in the RNR, as roads to be maintained by Council.

The RNR has been developed over a long period of time and it reflects that it is not economically feasible, or reasonable, to provide maintenance services to all the public roads under the control of Council.

Typically, roads not maintained by Council are road lengths that serve none, one or two dwellings only. It is acknowledged that the historical development of

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this register may, arguably, have resulted in inconsistent outcomes, which could be perceived as being unfair to some residents.

To address this would require Council to establish agreed criteria for inclusion in the register and undertake a comprehensive review of each road segment.

The RTAMP also says:

Requests can be made, in writing, to Council to consider further inclusions on the RNR. These requests will be determined by the General Manager or nominated delegate, on a merit basis. Applications for inclusion on the RNR will be subject to relatively high standards and will only be successful where there is or has been:

- *A major change in the traffic demands for the road*
- *A gross inequity when compared to other road segments within the register*
- *Exceptional circumstances that warrant inclusion.*

Where an application for inclusion on the register is unsuccessful, this decision will only be reviewed through a Councillor Notice of Motion presented to the Council in accordance with the Code of Meeting Practice.

In respect of the three criteria, no major change in traffic demand is present and in light of the condition assessment, there is no gross inequity. However, Council may think it is reasonable in the circumstances to agree to the request.

The reasons that could support such a decision are;

- As per the above, the RTAMP says “typically, roads not maintained by Council are road lengths that serve none, one or two dwellings only”. Three dwellings would benefit from this project.
- Council’s waste collection vehicles use the turnaround area
- It is a relatively small project and does complete the seal for the full length of the road.

The reasons not to support the proposal are;

- The works are not required from a maintenance or road management perspective, rather they will provide improved amenity.
- The work would be expensed under the roads maintenance budget and this budget can accommodate the expense, however ultimately it does mean resources will be directed towards this rather than other maintenance tasks.
- There may well be other situations in the Shire similar to this and Council needs to consider precedence and equity.

If the Council is inclined to support the request a suggested resolution would be that Council approve the request to seal the unsealed section of Molly’s Grass Road with the costs of the work to be funded from the roads maintenance allocation.

No change is recommended.

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Flooding Issues Newrybar Swamp Road

A submission has been received from Mr Colin Skennar.

Staff response:

The submission from the resident at 23 Newrybar Swamp Road refers to recent discussions and studies undertaken by Council in response to the resident's initial concerns of flooding occurring at his property and around his dwelling. This flooding was first observed by the resident in 2006 and in subsequent storm events in 2016 and 2020.

The issue is linked to the construction of the current Newrybar Swamp Road during the late 1970s and a set of pipes installed under the road and adjacent to the property. The resident built a dwelling in 1998 and received flood height advice from Council based on the newly developed regional flood model at the time. The regional flood model was not established for considering local drainage issues.

In response to the resident Council has funded and undertaken local drainage and flood modelling to determine possible options for flood mitigation. Ongoing communication with the resident has occurred during this time and the resident has also been assisting by having initial discussion with his immediate downstream neighbours.

The possible mitigation options developed by Council with the above study has included locally lowering the road (introducing a 'floodway') and upgrading (increasing) the pipes under the road where both options would provide relief at the peak of the flood and decrease the risk of inundation of the dwelling. Detailed designs have not been undertaken or costed, however the lowering of the road would be in the order of \$50,000 and the duplication of the pipes would likely be up to \$150,000.

During Council discussions with the resident it has been advised that the possible options investigated have not been designed, costed or funded. Under the Council's Floodplain Risk Management Plan this site has not been identified as an 'action', and would unlikely receive grant funding. Furthermore the cost of flood relief expenditure for the benefit of a single resident needs to be considered. Also the flood modelling has shown minor impacts to landowners downstream, and the early discussion about these impacts with neighbours has not been resolved (or accepted) by the neighbours at this stage.

A letter was subsequently issued to the resident identifying the opportunity for funding during the exhibition of the draft Delivery Program and Operational Plan. A copy of this letter is included as Attachment 3.

The submission responds to the study undertaken by Council, and considers the two possible options (floodway or additional pipes) as inadequate. The submission seeks the upgrade of the existing pipes to be replaced with a culvert structure.

This has not been modelled to determine replacement culvert sizing and has not been estimated.

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Should Council wish to proceed with funding of this project as per the submission it is recommended to update the study and include the culvert option presented by the submission and also offer improved cost estimates for all options for Council to consider.

Alternatively Council may wish to consider the floodway option only, being the lowest cost option, and with this option being able to be funded within the Road Reconstruction Program.

This funding could be achieved with allocation of funding from Fernleigh Road segment 80 which is a two year project (2020/21 \$183,000 and 2021/22 \$509,000).

With all options further advice would also be required regarding water impacts to downstream landowners and establishing landowner consent requirements for any upgrade due to the historic installation of the existing pipes and the introduction of downstream flood impacts.

No change is recommended due to the high cost of the work.

Club House, Lighting and works at the New Wollongbar Fields

A submission has been received from the Wollongbar Alstonville Rugby (WAR) Club for assistance in obtaining rectification work to the Field Surface, the Flood Lighting and a contribution to the new club house building.

Staff response:

There are already plans in place to improve the quality of the playing surface, with the installation of drainage completed and irrigation currently commencing. These elements were planned as part of the original construction project, but removed due to budget constraints. These works are grant funded through the Stronger Country Community Fund.

Following the completion of irrigation installation works, there is funding allocated to implement a remediation plan which includes topdressing, decompaction of the clay loam and establishing improved turf varieties.

Council engaged the services of an independent sports field specialist, Labosport Australia to investigate the options of reconstruction and remediation of the fields, with the remediation plan identified as more cost effective in addition to a higher likelihood of being ready for use earlier.

The lighting has been installed to meet Australian Standard – Sports Lighting (AS 2560.2.3-2007). The lights have been audited and comply with both the Australian Standards and the facility guidelines of rugby for club competition on the main field, with training lights provided on the second field.

LED technology was investigated during construction but was a significantly higher capital cost and was unable to be funded at the time.

The lighting system has a 10 year warranty to maintain the required lux output, and does not require replacing at this time.

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Council does not have funds allocated within the draft Delivery Program and Operational Plan to support the requested additional funds towards the rugby club house.

Staff have previously met with the Club to discuss options to reduce the size of the club house and/or the potential to stage the implementation of works to reduce the costs.

Council has also advised the Club that their planned usage upon completion, such as commercial office space for employed rugby union development officers and the hosting of private functions are not permissible as per Council's Local Environment Plan, based on the zoning of the land.

Council recently adopted the Sport and Recreation Facility Plan where it was identified that upon the completion and relocation of rugby to the Wollongbar Sports Fields, Lyle Park could be used as a multi-sport training facility.

This includes rationalising the existing club house and improving change rooms, storage and amenities.

Council has been contacted by interested user groups, including football through the recent formation of the Wollongbar Warriors FC, that are potential users of this space.

Council has built the sports fields well in advance of population growth in Wollongbar with another 1,700 plus residents forecast to move into this area by 2036, adding to the existing population of approximately 3,000 people.

The fields are designed to maximise use for as many sports as possible, and as mentioned, football, which has high and increasing playing numbers, is showing interest in the use of the existing or new fields.

It is clear, that the Executive of the WAR Club has a broader vision for the Wollongbar Sports Fields for major carnivals, private functions, etc. through the construction of a substantial club house.

Based on the information provided to Council to date, the proposed development as shown on the amended plans includes elements that result in the development being a prohibited land use in the 7(i) Environmental Protection (Urban Buffer) Zone.

The 7(i) zone under the Ballina Local Environmental Plan 1987 has been in place over the land since 1987. A sporting club house is enabled in the 7(i) zone as development ancillary to the sporting fields (open space being a permissible land use in the zone).

Elements that enable private functions, commercial events and food preparation and service (such as restaurants and cafes) change the nature of the building such that it is not considered to be ancillary development to the sporting fields (open space).

Importantly, the Club is not precluded from proposing expansion or change in relation to the proposed building, but alterations to the currently approved plans need to be mindful of what is permissible within the zone.

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Even though the Council only recently adopted the Sport and Recreation Facility Plan, it may be appropriate to revisit whether the WAR Club should relocate their club house from Lyle Park to the Wollongbar Sports Fields.

Lyle Park, based on the natural contour of the land, and the location of the club house, presents an excellent opportunity to develop a state of the art suburban ground, and even though there is limited playing fields, juniors and minor games can still be played at the Wollongbar Sports Fields.

No funding is recommended for the club house in this report and the preferred recommendation is for Council to have further discussions with the Executive of WAR Club to confirm the long term goals of the Club.

Swing Set Fitzroy Park, Wardell

A submission from the Wardell & District Progress Association (WPA) requests Council provide a new swing set in Fitzroy Park. The WPA has previously submitted this request and would like this to be reconsidered.

Staff response:

The existing playground and swing set at Fitzroy Park are currently in good condition and relatively new compared with other play equipment that requires replacement through the playground renewal program. It would not be an efficient use of resources to relocate the existing swing set when it has had rubber impact attenuation surfacing recently installed.

Placement of a new swing set around the other existing play equipment may also be difficult as there are several trees around the playground that are significant and / or protected tree species.

Installation of an additional swing set with the required safety surfacing may impact on the critical root zone of these trees making installation difficult and expensive.

It is recommended that a swing set be included with the future renewal of the playground so that it is properly designed and integrated into a new playground design for the park. The future renewal is currently scheduled for 2024/25 and no change is recommended.

Tree Root Barriers along Richmond Street, Wardell

The WPA notes the need for the completion of the tree root barriers (planter boxes) along Richmond Street.

Staff response:

In response to the previous Council resolution to install planter boxes in Richmond Street, Council has completed the installation of a number of raised planter boxes within Richmond Street, adjacent to the commercial premises.

There are currently no plans to install additional planter boxes in front of residential property in Richmond Street due to constraints with the existing road surfaces, impact on existing driveways/parking and inability to install boxes in some instances without negatively impacting the trees.

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Cedar Street Footpath

The WPA is asking Council bring forward the construction of the Cedar Street footpath project (\$37,000) from its current position within the PAMP program.

The Cedar Street footpath is scheduled for 2022/23 and the request is to have the construction occur within 2020/21 by deferring works for Bagot Street - Canal Road, Ballina (\$49,000) to 2022/23.

Staff response:

The request from the WPA deals with a 2022/23 footpath project along Cedar Street, Wardell (\$37,000) which is being asked to be brought forward by two financial years to 2020/21.

The request includes a proposal to delay the Bagot Street / Canal Road, Ballina (\$49,000) footpath project, which is scheduled to commence in 2020/21.

The Bagot Street / Canal Road footpath project has funding over two financial years with \$121,000 also being allocated in 2021/22 to complete the project.

With this proposal the Bagot Street / Canal Road footpath project would have a delayed commencement by one financial year.

Advice has previously been given regarding the development of the PAMP and the subsequent preparation of a footpath delivery program.

The process includes significant public consultation and a detailed assessment is undertaken using consistent assessment criteria (based on State Government guidelines) which in turn generates a priority list for all new projects.

This results in an equitable outcome for all projects being assessed across the shire which were received during the public consultation process.

No change is recommended due to the extensive consultation undertaken in preparing the PAMP.

Sharpes Beach Car Park

The following persons lodged submissions for the upgrade of the Sharpes Beach carpark and amenities - Mr Trevor Smith, Mr Adam Nesbitt

Staff response:

Council has a development application approved for the implementation of a masterplan to upgrade the car park area of Sharpes Beach. A budget for the work has not been able to be included in Council's LTFP.

Council has been negotiating with the developer of the Aureus project in respect of a developer contribution arrangement to fund the works that is potentially mutually beneficial to the Council and the developer.

The purpose of this approach was to see if we could bring forward the works, however at this point in time an agreement has not been possible with the developer.

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The estimate for these works is in the hundreds of thousands of dollars and no funding is available.

Electricity for Festoon Lights River Street

A submission has been received from the Ballina NSW Chamber of Commerce and Industry, requesting Council provision of electrical and associated works which would enable the Chamber to install Festoon Lights along River Street.

The submission identified items one to six, at an estimated cost of \$5,520 for Council provision.

Staff response:

The cost estimates provided within the submission are agreed by Council staff, however items two to seven would require provision by Council, at an estimated cost of \$5,790. Item seven is for traffic control.

These works are not currently included within the draft Delivery Program and no funding resource is readily identifiable, other than revenue.

No change is recommended due to the already significant forecast working capital deficit.

Hutley Drive South

A submission has been received from Clarence Property offering support for the consideration of advancing the construction of Hutley Drive South.

Staff response

This project is included in Council's Roads Contribution Plan however it is noted the plan proposes a commencement occurring in the third stage of the plan which is years 2028 – 2036. There is an allocation of \$30,000 in 2020/21, funded from Developer Contributions, for on-going preliminary works.

Council has development consent for the Hutley Drive South project. However the conditions of consent require substantial further work to be undertaken in respect of ecological and stormwater management assessment. This work is required to be completed prior to the approval of a construction certificate.

In light of the technical challenges at this site, staff have determined the preferred way to respond to the consent conditions, is to undertake the further assessment work as part of the detail design for the road.

Some work has been undertaken however resources in terms of staff time and allocated funds have not been available as we have been pursuing the Hutley Drive North, River Street Lane Duplication, Angels Beach Drive/Bangalow Road intersection, Ross Lane and other major road projects.

Having regard to the status of those projects, it will be possible to resource further work on the Hutley Drive South project in the new financial year. Council has completed sufficient work on site for the consent to be activated.

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With the construction not currently planned until 2028, it is not essential to complete further preconstruction activities at this point in time.

It is however beneficial to continue with this next step in the approval process to avoid the difficulties that are likely to exist if the design and assessment work is completed after a long period of time has elapsed since the approval.

The type of difficulties that could occur are changes in standards or legislation. There is also a risk that Council could spend a substantial amount of money now and this work requires amendment or rework at the time of construction in response to changing conditions or community expectations.

It is also agreed as per the submission, the completion of Hutley Drive North and the extent of development that has occurred in the area means there will be interest in the community for Hutley Drive South to proceed as soon as possible.

Completing the approval now will provide Council the opportunity to bring forward the project in response to grant funding and developer negotiations should they occur, or if future reviews of the Developer Contributions Plan adjust the preferred timing for the project.

On balance, the recommendation is to increase the 2020/21 funding to \$200,000 to advance the pre-construction activities. This is sourced from Developer Contributions.

Noise Attenuation Wall

A submission has been received from Ms Leona Ross, requesting a noise attenuation wall be constructed next to properties in George Pearce Place, East Ballina being adjacent to the Regional Road known as Angels Beach Drive, East Ballina.

Staff response:

The resident has previously corresponded with Council late in 2019 regarding this matter, and also made a deputation at the December 2019 Council meeting.

As a result of this recent communication the General Manager replied (letter dated 21 January 2020) with early advice that a noise attenuation wall may be in the order of \$80,000, that no funding is currently available, and that a submission to the draft 2020/21 Operational Plan is encouraged for Council to be able to consider the project.

As described by the resident the construction of Angels Beach Drive and the construction of Prospect Bridge took place during 1993 and 1994. The project approvals at that time would have been issued with consideration of the current legislation.

With respect to road noise the NSW Government (EPA) issued policy documents in 1999 which introduced methods for assessing road noise impacts and criteria for mitigation.

The introduction of noise walls can now be seen where new roads are being introduced like Ballina Heights Drive and Hutley Drive north or where residential

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areas are being developed adjacent existing roads like 'Riverbend' and 'Ferngrove'.

The request being made is for the installation of a noise attenuation wall due to the degradation of a vegetated mound which has occurred since construction and over some period of time, and this is adjacent the George Pearce Place properties.

Council's correspondence above has indicated an amount of \$80,000 would be required and this is currently not included in the draft Delivery Program and Operational Plan.

Should Council wish to proceed with this request an alternative project would need to be deferred from the Roads Reconstruction Program and it is suggested that Crane Street seg 30 at \$113,000 be nominated. (Elsewhere in this report it is reported that Brunswick Street seg 20 at \$95,000 be deferred and replaced with Crane Street seg 30 \$110,000 within the draft Operational Plan 2020/21).

As an alternative to the immediate construction of the noise attenuation wall there would be merit in undertaking a noise assessment by external consultants to review the project and determine the critical details of any proposed wall.

This assessment may also have the ability to include an overview of the importance of a noise wall at this location, and possibly how it relates to other locations along the route of Angels Beach Drive.

A study is estimated to be approximately \$10,000 and would be able to be reported to Council before a further decision is made to proceed.

This study could be funded from Regional Road funds without the need for budget adjustments to the Roads Reconstruction Program.

This has not been included as a recommendation in the report, as it is unclear if Council wishes to progress this report.

If that is the preferred option the recommendations should be amended to include this project funded from the Roads Reconstruction Program.

Serpentine Car Park

A submission from Margaret and Gary Stanger requests Council provide a bitumen surface to The Serpentine car park.

Staff response:

A report was considered by Council at the Finance Committee meeting held 8 April 2020 in respect of car parking upgrades. The report included a ten year strategic plan of works and a funding strategy. This report also advised Council it had previously received requests to upgrade the informal parking areas within the Serpentine area.

In response to this report, Council resolved to hold a briefing to further review the program options. The draft Delivery Program and Operational Plan now

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includes the following funding for Car Parking Upgrades based on the recommendation from the April Finance Committee meeting:

2020/21	\$50,000
2021/22	\$50,000
2022/23	\$50,000
2023/24	\$100,000
2024/25	\$100,000

This means the actual projects to be completed in these years will be determined by Council following the briefing.

The focus of the draft program presented to Council was to advance major and minor works at the existing formal car parks.

The major and minor works approach was designed to provide a mix of major works at certain very high demand sites as Missingham Park Amphitheatre, Kingsford Smith Park, Pat Morton Lookout and Rocky Point Road.

The minor works program was targeting deficiencies predominately in lighting and line marking.

No further action is proposed in response to this submission as Councillors will be able to consider this request when the program priorities are discussed at the briefing.

Ballina Croquet inclusion in the Sport and Recreation Plan

A submission has been received from Ballina Croquet in relation to relocation of their club premises.

Staff response:

Council's adopted Sport and Recreation Facility Plan identified both Cawarra Park and Hampton Park as options for further consideration for the potential expansion or relocation of croquet.

Hampton Park currently has an adopted Plan of Management that proposes to utilise available space for additional tennis courts, and Cawarra Park is currently used for baseball and watercraft.

A development application for croquet facilities should not be considered at these locations until the plans for both sites are updated, including consultation with other sports.

It is recommended to prioritise a review of the Hampton Park Plan of Management and amend the Draft Delivery Program and Operational Plan 2020/21 – 2023/24 to include this review during the 2020/21 financial year.

The master planning for Cawarra Park is currently scheduled to be undertaken during 2020/21.

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Request for District Park for Lennox Head

A submission has been received from Mr Brad Pollard, with request that a district park be provided for Lennox Head.

Staff response:

Council is shortly commencing public exhibition on the Lennox Village Vision, which considers the embellishment of both Ross and Lennox Parks.

Williams Reserve is currently used for sport, which is consistent with the actions of the adopted Williams Reserve Plan of Management and reserve purpose.

The change of use from a sportsfield to district park or larger playground would require a review of the current Plan of Management.

During 2020/21 Council will also be reviewing the needs analysis for open space and community facilities for the shire as part of the review of the Open Spaces and Community Facilities Plan.

That analysis will also assist in dealing with confirming the demand for a district park.

Multiple requests for Pedestrian Access Mobility Program (PAMP) works and Shared Path

A further submission has been received from Mr Brad Pollard, with multiple requests re PAMP works and Shared Path from Lennox Town Centre to the Lake.

Staff response:

The items from the submission have been separated with responses below.

1. *That existing PAMP items LHNW39 & LHNW55 be upgraded from being a footpath standard to shared path standard to encourage more school children to use the existing underpass as opposed to crossing two busy Coast Road roundabouts.*

PAMP items LHNW39 (Greenwood Place/ Sunrise Cr) and LHNW55 (Banksia Avenue) have already been flagged by planning for potential upgrade to shared path standard.

Both proposed projects in the PAMP correspond to proposed shared paths identified in the Ballina Shire Bike Plan.

As planning for these projects commences for construction (LHNW39 in 2022/23 and LHN55 in 2023/24), consideration will be given to co-existence of facilities or upgrade of facilities.

Core factors for consideration for upgrade of footpath to shared path standard will include community need, and connection and continuity with existing facilities.

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Where PAMP projects are considered for upgrade to shared path standard, there will be an increase in cost.

This cost increase will be able to be reviewed within the PAMP program or within the Bike Plan Project allocation at the time.

2. *That existing PAMP items LHNW39 & LHNW55 be returned to the 2021/22 Operational Plan, not pushed back to 2022/23.*

PAMP items LHNW39 and LHNW55 are proposed to remain in accordance with the draft DPOP being 2022/23 and 2023/24 respectively.

As indicated in the PAMP document, projects are ordered to reflect the assessed priority weighted scoring.

Additional adjustments to priority works are sometimes required across financial years to achieve scheduling and performance or operational efficiencies, including evolving maintenance or urgent infrastructure or safety priorities.

Importantly, these projects have not altered in priority against other PAMP projects.

3. *A new PAMP item be created for a Shared Path Link between Bombora Place and The Grove.*

The current PAMP does not include a planned project connecting the existing shared path from Bombora Place or The Grove.

These proposals will be registered as new submissions for assessment and consideration for the next review of the PAMP, which is scheduled for 2022/23.

4. *That this new PAMP item be prioritized with a similar weighting as the existing PAMP items LHNW39 & LHNW55 so that the projects can be completed together or in quick succession to one another.*

All PAMP proposals are assigned priority order so that available funding and resources are used effectively. In assigning priority order, Council follows the guidelines prepared by Transport for NSW (TfNSW) which provides weighted assessment criteria.

Use of the TfNSW weighted criteria ensures that all proposals received by the community are assessed equitably and in a transparent manner.

Factors used to develop the priority order include:

- Location of pedestrian crashes
- Usage by vulnerable pedestrian groups (such as children or older pedestrians)
- Land use and traffic (including road hierarchy, number of and proximity to pedestrian facilities and services, and continuity of routes)
- Community need and benefit and
- Feasibility and optimal annual expenditure allocation

9.4 Delivery Program and Operational Plan - Adoption

Most projects are characterised as having high usage by vulnerable pedestrian groups, notably children and older pedestrians, who feature prominently in the demographic profile of Ballina Shire.

All new proposals will be subject to the same assessment criteria and no change is recommended to the PAMP program.

5. *That lighting in and around the existing Coast Road underpass be upgraded to improve passive surveillance and safety.*

The 'Coast Road' underpass referred to in the submission is assumed to be the existing Byron Bay Road underpass connecting Greenfield Road (south east of Byron Bay Road) to Greenwood Place (north west of Byron Bay Road).

Lighting in and around the existing Byron Bay Road underpass is not currently in the street lighting program.

This item will be registered as a new submission for consideration in the next review of the Street Lighting program. No change to the existing program is recommended.

6. *Shared Path from Lennox Town Centre to the Lake*

The Lake Ainsworth Coastal Management Program, endorsed by Council in March 2020, contains an action to develop a shared path from Lennox Village to Lake Ainsworth. A funding plan for this infrastructure is outlined later in this report.

Previous consultant reports on this shared path route (GeoLink, 2009) highlight considerations such as one-way traffic configurations, significant widening of road pavement, or installation of a separated path on the dunes east of Pacific Parade.

Any proposed facility will need extensive community consultation and consideration of constraints associated with any future coastal hazard protection works.

The proposed shared path on Pacific Parade from Lennox Head village to Lake Ainsworth is also included as a network action in the Ballina Shire Bike Plan (Action: LH1.7).

Camoola Avenue

The following persons lodged submissions requesting footpath works to be completed for Camoola Avenue in 2020/21 - Ms Barbara Pollard, Ms Jackie Mcquoid Mason and Mr Don Mason.

Staff response:

This request is for a priority upgrade of an existing footpath along Camoola Ave for this coming year.

At the 30 September 2019 Capital Expenditure Review, a footpath report was presented which highlighted some existing paths in Alstonville and Ballina being in poor condition and which would not be able to be repaired under the maintenance program.

9.4 Delivery Program and Operational Plan - Adoption

The existing footpath along the southern side of Camoola Ave, Ballina (between Tweed St and Kerr St) was included in this review.

It was resolved that the existing 2019/20 footpath capital works program would be adjusted to suit the high priority renewals in Main Street and Bugden Avenue, Alstonville and Links Avenue, East Ballina.

The review also stated that; *“Funding for the medium and low priority locations will be reviewed in the next Delivery Program.”*

The current draft Delivery Program includes the remaining renewal projects:

Description	Priority	Year	Amount (\$)
Kerr St, Ballina (east side-Fox St to Holden Lane)	Medium	2020/21	75,000
Regatta Ave reserve (adjacent Naval Museum)	Medium	2020/21	17,000
River St, Ballina (south side-Grant St to Kerr St)	Low	2021/22	40,000
Camoola Ave, Ballina (south side-Tweed St to Ker St)	Low	2021/22	32,000

The request from the residents has therefore already been identified and considered as a result of Council’s footpath inspection and maintenance program, and has been prioritized together with Pedestrian Access and Mobility Plan (PAMP) projects as a proposed renewal for year 2021/22.

No change is recommended.

Gibbon Street Road Reconstruction and Carparking

A submission has been received from Mr Brad Pollard, representing the Lennox Head Chamber of Commerce, enquiring of works to be completed for Gibbon Street and car parking.

Staff response:

This inquiry deals with previous advice about potential parking improvements associated with the Gibbon Street reconstruction project.

The Gibbon Street roadworks comprises the reconstruction of Gibbon Street from Byron Street to Megan Crescent and includes replacement and improvements to drainage.

Staff have also identified the potential to provide for additional on road parking near the intersection of Byron Street due to a wider road reserve at this location.

This has the potential to add nine 90 degree parking bays as per the following concept plan.

9.4 Delivery Program and Operational Plan - Adoption



The current planning for the project is to include this additional scope of work.

However, Aboriginal cultural heritage matters now need to be considered as a result of outcomes at the nearby school site.

The project budget will need to be reassessed when further developed.

Economic Climate

A submission received from Mr Graham Shaw raises a large number of issues and queries. A number of items from the submission have been separated with responses below.

Staff response:

1. Introduction

A number of matters raised are noted within the later sections of this response.

2. Staff Establishment and Costs

Comment was made in relation to increases in staff numbers, noting an increase of 7.4% increase between 2018/19 and 2020/21.

The draft Delivery Program does propose an increase of 8 FTE persons (2.3%) over 2020/21 from current levels in 2019/20.

The draft Workforce Management Plan provided discussion on the additional funded positions, as well as identifying the unfunded workforce gaps.

Further, the report to Council which accompanied the draft Workforce Management Plan, identified a number of those positions would be held off for a period of time.

All positions vacant, or planned, are being assessed before recruitment, based on the current financial climate.

9.4 Delivery Program and Operational Plan - Adoption

3. *Connected Community*

Under the banner of Connected Community, it was queried as to what additional expenses Council had planned for COVID-19 ongoing community safety. In response, any such costs are expected to be from within existing operational budgets.

4. *Prosperous Economy*

A number of additional queries were raised under the banner of Prosperous Economy.

Costs for delivery of outcomes associated with the review of the Climate Action Strategy have not yet been determined. This will be considered as part of the review of the strategy during 2020/21.

Additional assistance to small business in the current climate was specifically considered by Council as part of the Mayoral Minute for Financial Support Package at the Council Ordinary Meeting held 26 March 2020.

These measures, which span across both the 2019/20 and 2020/21 years, cover a range of Council's operations and are not identified as a one line item, rather the forecast operational incomes and expenses have been adjusted accordingly, with the Mayoral Minute providing some information in relation to the costs of these measures.

Forecast rates revenue is taken up as the total rates expected to be levied. These amounts are secured against the property values.

Assistance to ratepayers has been provided in the form of a waiver of interest charges for outstanding amounts for the period until 30 June 2021, which provides more flexibility for ratepayers to defer payment of these rates and charges if required.

Council is fortunate to be in a financial position that does allow this flexibility in the short/medium term whilst retaining sufficient cash reserves for operations.

Council does not propose any special rate variations within the ten year long term financial plan.

It is also interesting to note that the Office of Local Government has advised that the maximum interest rate councils can charge on overdue rates for 1 July 2020 to 31 December 2020 is 0%, and then 7% from 1 January 2021 to 30 June 2021.

Environmental standards for the operation of extractive industries and related uses such as asphalt production plants are established through several mechanisms including requirements of the *Protection of the Environment Operations Act* and *Environmental Planning and Assessment Act*, conditions of consent and in some cases licences issued by the NSW Environment Protection Authority.

Different parties including Council, the NSW Department of Planning, Industry and Environment and the NSW Environment Protection Authority can have roles in relation to monitoring and enforcement of requirements.

9.4 Delivery Program and Operational Plan - Adoption

In relation to Council quarries, these sites are not currently active in relation to removal of extractive resources. Council does not operate bitumen or asphalt plants. Historically, matters relating to the operation of Council owned quarries have been reported publicly through Council's Commercial Services Committee.

With respect to extractive industry more broadly, Council is presently reviewing its extractive industry management approach with a view to establishing a refreshed management program in the 2020/21 year having regard for recent experiences in addressing matters arising in relation to the industry.

5. *Safe Environment*

Under the banner of Safe Environment, climate change was noted.

Council has commenced a review of its Climate Action Strategy. This review also integrates a review of Council's Environmental Action Plan. The review will consider Council's current approach to climate change and its direction into the future.

The review is scheduled to continue into the 2020/21 year and the current aim is to complete the review by June 2021. Options and outcomes associated with the review will be considered in relation to potential timing and costs.

Opportunity for the community to provide input in relation to the Climate Action Strategy review will be available and the strategy will ultimately be published on its completion. Furthermore, evaluation and monitoring approaches will be considered as part of the review of the strategy.

The Lake Ainsworth Management Plan funding, this is addressed in Section B of this report.

6. *Engaged Leadership*

A comment was made in regards to the seemingly 'steady state' of the DPOP within a background of economic weakness.

In response to this, it is noted that the 2020/21 financial forecasts, as well as those in future years, have very much taken into consideration an expected period of economic downturn.

In particular, forecast revenues for airport, community facilities and development services have been notably revised down.

The forecasts have been prepared on a best estimate, as opposed to modelling of best and worst case scenarios. The forecasts are reasonable and sufficiently conservative.

Whilst there is uncertainty around the depth and length of the economic downturn, quarterly budget reviews will continue to be completed to revise forecasts, based on best available information.

9.4 Delivery Program and Operational Plan - Adoption

Other Miscellaneous Submissions

A submission received from Mr Scott Underwood notes general satisfaction and commends Council on the exhibited documents.

A submission received from Mr Warren Taylor notes that he is not in support of the overall objectives of the exhibited documents, as the environment is of low priority.

Crane Street Ballina Public School

A late submission received from the Ballina Public School included a request for upgrading and sealing the gravel shoulders along the Crane St school frontage and to also report a local drainage problem, experienced at the eastern end of Crane St at the school 'drop off' zone.

Staff response:

The request for upgrading and sealing the gravel shoulders would require reconstruction of the existing road shoulder.

The existing road shoulder is made up of original soils, plus as required, gravel has been added and is maintained to facilitate the parking demand.

The reconstruction of the existing road shoulders in front of the school allows for a minimum pavement plus a bitumen seal and is estimated at \$95,000.

This project is not funded in the draft Roads Reconstruction Program.

However with respect to the drainage at the eastern end of Crane Street (at the school 'drop-off' zone) the Engineering Works maintenance staff have also reported the recurrent nature of maintenance at this location.

With the introduction of the drop off zone and the high vehicle use there has been increased erosion of shoulder material which has contributed to the poor drainage (and possibly blockage).

Council staff support the upgrade of the drop off zone in the first instance, to assess any improvement in drainage and maintenance demands.

The estimate for upgrading and sealing the drop off zone is \$20,000.

If Council supports this approach this could be funded from a recurrent project in the Roads Reconstruction Program such as South Ballina Beach Road with funding of 2020/21 \$220,000 and 2021/22 \$304,000. No change is currently recommended based on other priorities.

It is regularly asked why Council does not undertake road reconstruction to the limit of the kerb lines, and rebuild the gravel or grass shoulders on Ballina Island.

An estimate for this shoulder reconstruction work across Ballina Island is in excess of \$9 million, and accordingly the Roads and Transport Asset Management Plan deals with renewal of existing pavements.

9.4 Delivery Program and Operational Plan - Adoption

B. Amendments to Delivery Program / Operational Plan / LTFP / Fees

This section deals with recommended changes to the exhibited documents based on updated information, feedback or ideas generated from the submissions, or other suggestions to improve the exhibited documents.

Local Roads and Community Infrastructure (LRCI) Program

Council has received confirmation that funding of \$880,000 is available from 1 July 2020 under the Federal Government's LRCI Program.

Under this program, councils need to demonstrate that projects are additional to their pre-COVID-19 work program for 2020/21. If a project has been brought forward from a future work program it will be eligible for funding.

The works must also be completed during 2020/21 as this represents economic stimulus monies from the Federal Government.

Numerous projects were considered and the following projects are recommended.

Table Five – LRCI Program of Works

Description	(\$)
Ross Park Embellishment - Estimated cost of works is \$265,000 - \$250,000 from LRCI Program, with balance of \$15,000 from the Strategic Plan Reserve	250,000
Ballina Heights Sports Fields - Lighting	200,000
Wollongbar Sports Fields - Stormwater / Drainage	200,000
Dust Sealing	120,000
Car Park Upgrade Program	40,000
Public Halls - Pimlico Hall	50,000
Public Halls – Wardell Hall	20,000
Total	880,000

The background to these projects is as follows.

Ross Park Embellishment

This project is a component of the Lennox Village Vision project, which is currently on public exhibition. The recommended works are not included in the funding allocated to the project and the \$265,000 will allow the following:

- One unisex toilet
- At grade timber deck at the eastern end of Ross Park at the existing main beachfront observation area in that location. This deck will accentuate the park edge and connect to the existing beach access ramp.
- Facilities to support passive recreation in the park including information sign, picnic shelters, curvilinear seating pods and individual seating benches, open grass area, landscaping, lighting and interpretive art.

Attachment 4 provides details of the Lennox Head Village Vision project, and these works are located in the area identified as "Priority Future Stage" outlined in light blue within the Ross Park area in the attached plan.

9.4 Delivery Program and Operational Plan - Adoption

Ballina Heights Sports Fields Lighting

This funding was allocated for 2021/22 and the LRCI monies allow the works to be brought forward. This will enable the projects selected for 2022/23 (Williams Reserve – Irrigation – now 2021/22) and 2023/24 (Geoff Watt Oval - Lighting – now 2022/23) to also be brought forward by a year.

In addition to this Lyle Park lighting can now be added to 2023/24.

Wollongbar Sports Fields Stormwater Drainage

Council resolved at the May 2020 Ordinary meeting for a report on the background and remediation options for the road drainage at the Wollongbar Sports Fields. The following information responds to this resolution.

Two significant rainfall events have resulted in impact damage to the access road to the facility that extends from Pearces Creek Road.

Following the first event, Council's technical officers and an independent consultant assessed the designs that were part of the approval for DA2011/373 and the associated construction certificate.

The outcome of this assessment is summarised as follows.

- a) The Stormwater Management Plans submitted by Newton Denny Chapelle contained plans by Cardno indicating an 8.27 ha contributing catchment, which became 2.05 ha on the construction certificate assessment plans.
- b) The actual contributing catchment determined from Council's current GIS is 9.2 ha.
- c) The new road design did not consider the existing access track cross drainage culverts for minor flow conveyance (discharging to Lot 5 DP 578242) and these were removed during construction, with the developed catchment discharge conveyed by the design road-side table drain.
- d) The new access road design (6m sealed width plus 2 x 1m shoulders with one-way crossfall), captured the sheet flows passing across the existing property and access track, diverting flow down the design road-side table drain.
- e) The drainage design provided for a nominal roadside table drain catering for minor flows only, with excess flow up to the major design event of 1 in 100 years annual recurrence interval (ARI) being conveyed along the roadway. There was inadequate design consideration of the resultant flow width, depth and velocity on the trafficable lanes.
- f) The roadside table drain was not defined by regular cross sections that considered the contributing flows, location of the southern property boundary, land-form or existing trees.
- g) Stormwater drainage basin F2 was designed for a 2.05 ha catchment. The design was based on incorrect flows and the constructed system currently contributes to surcharge flows onto the road pavement near the Pearces Creek Road intersection.

9.4 Delivery Program and Operational Plan - Adoption

- h) Pipeline system 6 and the downstream receiving system require confirmation they have the capacity to convey the actual contributing flows.
- i) Due to the above design flaws the constructed road and drainage system does not manage the actual resultant volumetric flow rates and mitigate the impact of increased, diverted flows along the new road. It also fails to adequately manage impact at the intersection of Pearces Creek Road, including the downstream outlet discharge. Vehicle safety has not been properly considered.

Further to the above, a review was also undertaken in respect of the constructed works. This assessment is also summarised as follows.

- a) A review of the 'works-as-executed' (WAE) plans and a Council survey check indicated the constructed roadside table drain did not meet the profile detailed on the construction / design drawings (0.6m deep vee-drain 2.4m wide at the top – 1v to 2h side slopes).
- b) Inadequately sized rock armour protection has been placed on the excavated drain profile as erosion protection, the drain was not 'over-excavated' to allow placement of this rock. This contributes to a loss of roadside table drain capacity.
- c) Existing trees and the slope of the natural surface limit the width and depth of table drain that may be constructed within the available road reserve width.
- d) Proposed check dams indicted on the design long section (at 10m intervals) were not constructed.

These issues were raised by Council's officers with Cardno as the designer over an extended period of time.

This process including issuing Cardno with a legal demand who reject Council's claims.

However as reported to Council, the legal advice is it is not commercially feasible to press this claim in court proceedings.

Correspondence from Cardno acknowledged that the roadside table drain was adequate for a 1 in 2 to 1 in 5 Year ARI flow only. As a variation to the contract, Council paid for additional stormwater modelling. This included an assessment of the 1 in 100 Year ARI event however was based on the incorrect catchment area of 2.05 ha.

The remediation works proposed by Cardno on 30 October 2018 relies on a single typical cross section which does not consider the impact of constraints raised in early points above. Retaining walls and/or steeper stabilised batter may be required.

Following the failure after the first storm event, remedial repairs were undertaken. The primary focus of this work was to place larger rock armour in the table drain.

9.4 Delivery Program and Operational Plan - Adoption

This work was not considered a design solution to the issues above. Rather this was considered a relative low cost option which made the site safe to use and, noting the design capacity was available for at least up to a 1 in 5 year event, this provided the opportunity for Council to pursue the legal actions discussed above.

This means there was always the risk another significant storm could result in further damage and unfortunately that was our experience.

In the opinion of Council's technical officers the following needs to be considered within a project to redesign the stormwater infrastructure at this site.

- a) The southern roadside table drain of the road requires a design review to determine solutions for the conveyance of the increased flows.
- b) The existing topography, road reserve width and significant trees may restrict the ability to convey the 1 in 100 Year ARI flows from the contributing catchment whilst limiting the impact on the trafficable width of the road.
- c) The existing steep longitudinal grades require erosion protection due to velocity of flow.
- d) Installation of cross drainage culverts to reduce the flow in the roadside table drain would require down-stream property easements.
- e) The impact of the volumetric flow rates on Pearces Creek Road, the intersection and existing installed infrastructure including fibre optic cables in Pearces Creek Road.
- f) Downstream drainage outlet locations and the impact of the volumetric flow rates on the existing road side table drains and cross road culverts in Pearces Creek Road.

In summary, this will be a difficult project from a technical perspective. The recommendation to this report is for \$200,000 be allocated to the work, however it is noted that no further work beyond what is discussed above has been undertaken and until a preferred design solution is settled, then the cost of the works is unknown.

The design, assessment and construction outcomes for this road have all contributed to damage caused by the significant storm event.

The design was completed by an external consultant, however it is also the case the constructed table drain did not comply with the original design and Council issued a construction certificate based on the submitted documents without identifying the catchment anomaly.

On most occasions either by design quality control, design review by Council officers and the assessment teams these issues are avoided, however regrettably this was not the case for this project.

Council successfully delivers a large program of capital works each year, however there is always room for improvement and building on the lessons learnt from projects.

9.4 Delivery Program and Operational Plan - Adoption

A number of steps have been taken since this project to develop a more mature project management system.

These actions include:

- Developing and adopting a more contemporary Project Management Framework
- Establishing business support system for the Project Management Framework
- Update and changes to our contract procedures and supervision of project managers
- Staff training in contract administration
- Ongoing mentoring, support and advice from recognised experts. This has included peer review of design and contract documentation
- Established an internal project management advisory group. This group has a general oversight and co-ordination role to assist in the development of projects under the framework, and ensure all internal stakeholders are consulted.
- Established a Project Management Office which allows for a central point of expertise in the implementation of the framework, education and development, and improved reporting for managers and the executive.

Dust Sealing of Rural Roads

In 2018 Council considered options to develop a dust sealing program for rural roads.

The outcome of this assessment was that it was desirable for certain roads to be dust sealed (from an economic perspective for Council and to provide improved amenity for residents), although the economic benefits did not justify reallocating funds from existing road management activities such as resealing, routine maintenance, rehabilitation or reconstruction.

Council still prepared a prioritised program of works. The purpose of the list was to confirm priorities in case funds were able to be re-allocated or an external source of funds became available.

Over the last year Council was able to secure substantial funds from the Marine Estate Strategy and these funds have been applied to the dust sealing of a number of roads.

These funds were secured on the basis of reducing sediment run-off within the Emigrant Creek catchment and there were limitations on the number of roads that could be considered for inclusion in the program.

The \$120,000 enables further projects to be implemented.

Car Park Upgrade Program – Ballina Island

As mentioned earlier, Council proposes to establish a car parking upgrade program to address a backlog of work. This allocation will allow Council to bring forward works by increasing the budget in the first year from \$50,000 to \$90,000.

9.4 Delivery Program and Operational Plan - Adoption

Public Halls – Wardell and Pimlico

The funding will facilitate needed maintenance and repairs to these halls with the works originally scheduled for 2021/22.

Lake Ainsworth Coastal Management Plan

Council adopted the updated Lake Ainsworth Coastal Management Plan (CMP) at the March 2020 Ordinary meeting. The resolution adopting the CMP also included the following action in respect to funding the CMP:

Part resolution 260320/6

3. *That Council receive a report to the April 2020 Finance Committee meeting outlining a preferred funding strategy, and sources, for the implementation of the actions identified in the Lake Ainsworth Coastal Management Plan*

The report on non-recurrent community infrastructure projects to the April 2020 Finance Committee meeting stated as follows:

Based on the current COVID-19 pandemic and subsequent downturn in commercial property revenue, a funding strategy has not been confirmed. Therefore it is recommended that Council receive a further report on this by the time the Delivery Program and Operational Plan is adopted at the June 2020 Ordinary meeting.

A recommended funding strategy has now been prepared and a copy of that is included as Attachment 5 to this report. Briefly the funding is as follows:

- Grant funding – On 7 April 2020 the Minister for Local Government announced increased funding for eligible projects under approved Coastal Management Programs, with the funding increased to 2:1 (i.e. State will now contribute \$2 to every \$1 put in by councils). This funding has typically been 1:1. There are a large number of eligible projects in the Lake Ainsworth CMP and the funding strategy attached includes 2:1 funding for all the eligible projects (marked in dark blue in the attachment).
- Section 7.11 Contributions – The adopted Ballina Shire Open Space and Community Facilities Contributions Plan includes a project described as Lennox Head and Lake Ainsworth Foreshore recreation works at a value of \$1m funded 33% from developer contributions. Actions 15 (Manage Western Side – Boardwalk / Platform) and 18 (Shared Path) meet this description and are works that reflect increased population growth and more intensive use of the Lake. Therefore 33% of the cost of these projects, which are both expensive projects, is funded from developer contributions in 2021/22 and 2022/23.
- Community Infrastructure Reserve – Funding is sourced from the Community Infrastructure Reserve for four of the first five years. Minimal funds are available in that reserve due to the downturn in the property rental market and the funds applied essentially drain that reserve for the period in question.

9.4 Delivery Program and Operational Plan - Adoption

- Council Footpaths, Roads and Stormwater – Recurrent – A relatively small amount of funding is sourced from existing budgets for these programs to help fund the CMP. Based on the overall size of these budgets the recommended redistribution of funding should have minimal impact on service levels. It may well be that for 2021/22, 2022/23 and 2023/24 Council will be in a position to look at other funding options rather than existing budgets (i.e. savings in other areas or increased revenue for the Community Infrastructure Reserve).
- Remainder – Existing budgets and the Healthy Waterways Program fund the balance of the works program.

It is recommended that Council include this funding in the adopted LTFP recognising that the options available will be reviewed each year.

Importantly a funding program for 2020/21 is identified, albeit a number of the projects are subject to successful grant applications.

Review of Capital Expenditure Programs

Across a number of areas, a further review was completed of capital expenditure programs, in view of providing a more achievable delivery program for capital works.

In the tables below, the relevant lines of the Delivery Program are reproduced.

Water Infrastructure

Table Six - Delivery Program as per exhibition

Water Infrastructure	2020/21	2021/22	2022/23	2023/24
<i>Water Reservoirs</i>				
Reservoir – Pacific Pines	150,000	1,077,000		
<i>Main Renewals</i>				
Main Renewals- Recurrent Works	620,000	529,000	542,000	556,000
<i>Trunk Mains</i>				
North Ballina Distribution Main	50,000	2,028,000	2,343,000	
Pine Avenue Distribution Main	50,000	2,550,000		
CURA B Distribution Main	50,000	280,000		
Russellton Reticulation Main	50,000	110,000		
Pacific Pine Distribution Main	50,000	190,000		
Pressure Reduction Valve at Water Wheels	140,000			
<i>Water Treatment Plant</i>				
Marom Creek WTP- Upgrade	4,070,000	540,000		

Table Seven - Revised Delivery Program

Water Infrastructure	2020/21	2021/22	2022/23	2023/24
<i>Water Reservoirs</i>				
Reservoir – Pacific Pines		1,227,000		
<i>Main Renewals</i>				

9.4 Delivery Program and Operational Plan - Adoption

Water Infrastructure	2020/21	2021/22	2022/23	2023/24
Main Renewals- Recurrent Works	470,000	529,000	542,000	556,000
<i>Trunk Mains</i>				
North Ballina Distribution Main		2,078,000	2,343,000	
Pine Avenue Distribution Main		2,600,000		
CURA B Distribution Main		330,000		
Russellton Reticulation Main		160,000		
Pacific Pine Distribution Main		240,000		
Pressure Reduction Valve at Water Wheels		140,000		
<i>Water Treatment Plant</i>				
Marom Creek WTP- Upgrade	1,680,000	2,930,000		

The 2020/21 expenditure for the Pacific Pines Reservoir has been shifted to 2021/22, as the timing of this expenditure is dependent on the Network Master Plan.

The 2020/21 expenditure for Mains - Recurrent has been revised down, as the originally proposed expenditure of \$620,000 is considered overly optimistic in light of the 2019/20 expenditure incurred to date.

Trunk Mains from 2020/21 have been deferred to 2021/22, with timing to be confirmed by the Network Master Plan.

The Marom Creek Water Treatment Plant works timing has been revised, with part of the originally proposed budget from 2020/21 deferred to 2021/22. The overall project budget has not been revised, but timing has been adjusted based on the anticipated program of work.

Wastewater Infrastructure

Table Eight - Delivery Program as per exhibition

Wastewater Infrastructure	2020/21	2021/22	2022/23	2023/24
<i>Ballina Treatment Plant Upgrade</i>				
Post Completion Works	1,490,000			
<i>Alstonville Treatment Plant Upgrade</i>				
Alstonville -Inlet Works	50,000	1,150,000		
<i>Lennox Head Treatment Plant Upgrade</i>				
Lennox - High Lift Switchboard	225,000			
<i>Main Renewals</i>				
Main Renewals	400,000	410,000	420,000	431,000
<i>Trunk Mains</i>				
Rising Main Rehabilitation - Swift Street	60,000			
SP3001 Byron Street Lennox Head	25,000	546,000		
SP4006- Gravity Sewer Alstonville	42,000	300,000		
GM4104 Transfer Mains Alstonville / Wollongbar	10,000			
GMWUEA – Gravity Mains	50,000	150,000		
<i>Pumping Stations</i>				
SP3110 – Pump Stn -Montwood Drive	700,000			

9.4 Delivery Program and Operational Plan - Adoption

Wastewater Infrastructure	2020/21	2021/22	2022/23	2023/24
SP2001 -Wet Well Relining	510,000			
Power Drive Pumps	65,000			
Pumping Stations – Capacity Upgrade	324,000			
Pumping Stations – Renewal Program	346,000	355,000	364,000	373,000
<i>Reuse Program</i>				
Recycled Water Meters New	110,000	120,000	130,000	140,000
Henderson Farm Distribution Mains	20,000	260,000		
Meadows Estate Distribution Mains	20,000	250,000		
Wollongbar Sports Field Irrigation Pipe	100,000	116,000		
Lennox WWTP Refurb Belt Press	150,000			
Wardell WWTP – S60 Approval	140,000			
West Ballina Recycled Watermain	0			

Table Nine - Revised Delivery Program

Wastewater Infrastructure	2020/21	2021/22	2022/23	2023/24
<i>Ballina Treatment Plant Upgrade</i>				
Post Completion Works	3,800,000			
<i>Alstonville Treatment Plant Upgrade</i>				
Alstonville -Inlet Works	10,000	1,190,000		
<i>Lennox Head Treatment Plant Upgrade</i>				
Lennox - High Lift Switchboard	180,000	45,000		
<i>Main Renewals</i>				
Main Renewals	200,000	410,000	420,000	431,000
<i>Trunk Mains</i>				
Swift Street, Ballina	0	60,000		
SP3001 Byron Street Lennox Head	0	571,000		
SP4006- Gravity Sewer Alstonville	0	342,000		
GM4104 Transfer Mains Alstonville / Wollongbar	0	10,000		
GMWUEA – Gravity Mains	0	200,000		
<i>Pumping Stations</i>				
SP3110 – Pump Stn -Montwood Drive	200,000			
SP2001 -Wet Well Relining	200,000	310,000		
Power Drive Pumps				
Pumping Stations – Capacity Upgrade	162,000			
Pumping Stations – Renewal Program	138,400	355,000	364,000	373,000
<i>Reuse Program</i>				
Recycled Water Meters New	80,000	120,000	130,000	140,000
Henderson Farm Distribution Mains	0	280,000		
Meadows Estate Distribution Mains	0	270,000		
Wollongbar Sports Field Irrigation Pipe	50,000	166,000		
Lennox WWTP Refurb Belt Press	75,000	75,000		
Wardell WWTP – S60 Approval	40,000			
West Ballina Recycled Watermain	500,000			

9.4 Delivery Program and Operational Plan - Adoption

The 2020/21 expenditure for Mains recurrent works has been revised down, as the originally proposed expenditure of \$400,000 is considered overly optimistic in light of the 2019/20 expenditure incurred to date, and in considering that the Seamist rising main, identified in a separate project line will be the major wastewater main renewal for 2020/21.

The Montwood Drive pump station budget has been reduced to \$200,000 due to identified savings as project planning has progressed.

Power Drive pumps have been funded through the Pumping Station – Capacity Upgrade program.

Trunk Mains works from 2020/21 have been deferred to 2021/22, with timing to be confirmed by the Network Master Plan.

The Ballina WWTP Post Completion Works budget has been adjusted to reflect the anticipated program of work, with the majority of the work to be delivered in 2020/21.

Review of the West Ballina Recycled Water Main project identified that this project had not been included within the draft Delivery Program and so has been incorporated to align delivery of the project with the River St upgrade.

Stormwater

Table 10 - Delivery Program as per exhibition

Stormwater	2020/21	2021/22	2022/23	2023/24
Tanamera Drive, Alstonville	76,000	18,000	10,000	5,000

Table 11 - Revised Delivery Program

Stormwater	2020/21	2021/22	2022/23	2023/24
Tanamera Drive, Alstonville	6,000	88,000	10,000	5,000

For Tanamera Drive, Stages 1 and 2 are complete and further approvals now required for future stages. Stage 2 has been modified due to community feedback. It is recommended to defer future stages to 2021/22 and reconsider scope of project and community feedback regarding future works.

Roads and Bridges

Table 12 - Delivery Program as per exhibition

Roads and Bridges	2020/21	2021/22	2022/23	2023/24
Martin St, Ballina segment 150	160,000			
Stewart St, Lennox Head shoulders segment 150	0			
Gibbon St, Lennox Head segment 10	100,000			
Gibbon St, Lennox Head segment 20	43,000			
Martin St, Ballina segment 10 *	225,000			
Burnet St, Ballina segment 30 *	225,000			
Kays Lane, Wollongbar segment 20 *	440,000			
North Creek Rd, Lennox Head segments 10 & 50 *	370,000			

9.4 Delivery Program and Operational Plan - Adoption

Roads and Bridges	2020/21	2021/22	2022/23	2023/24
Riverbank Rd, Pimlico segment 50 *	290,000			
South Ballina Beach Rd segment 50*	230,000	304,000		
Teven Rd, segments 58-60 & 70 *	240,000		287,000	
Uralba Rd, Uralba segment 40 *	450,000			
Uralba Rd , Uralba segment 70 *	180,000			
River Dve, segments 10-30 *	300,000			
Barlows Rd, Ballina segment 20	185,000			
Crane St, Ballina segment 30	0	113,000		
Brunswick St, Ballina segment 20	95,000			
Bagotville Rd, part segment 50	0	190,000		
Angels Beach Dve/Bangalow Rd - lane extension	1,500,000			
Tamarind Dve – four laning (Kerr St to North Creek Rd)	250,000	100,000		
River St 4 lanes – Stage 3 (Fishery Creek bridge section)	0	7,229,000	7,446,000	
River St 4 lanes – Stage 4 (east of Fishery Creek bridge section)	0	2,020,000		
Lennox Head – village renewal	4,600,000	1,400,000		
Safer Roads – Kerr St / Bentinck St traffic lights	407,000	400,000		

Table 13 - Revised Delivery Program

Roads and Bridges	2020/21	2021/22	2022/23	2023/24
Martin St, Ballina segment 150	0			
Stewart St, Lennox Head shoulders segment 150	100,000			
Gibbon St, Lennox Head segment 10	130,000			
Gibbon St, Lennox Head segment 20	73,000			
Martin St, Ballina segment 10 *	215,000			
Burnet St, Ballina segment 30 *	215,000			
Kays Lane, Wollongbar segment 20 *	430,000			
North Creek Rd, Lennox Head segments 10 & 50 *	360,000			
Riverbank Rd, Pimlico segment 50 *	280,000			
South Ballina Beach Rd segment 50 *	220,000	304,000		
Teven Rd, segments 58-60 & 70 *	230,000		287,000	
Uralba Rd, Uralba segment 40 *	440,000			
Uralba Rd , Uralba segment 70 *	170,000			
River Dve, segments 10-30 *	290,000			
Barlows Rd, Ballina segment 20	0	185,000		
Crane St, Ballina segment 30	110,000			
Brunswick St, Ballina segment 20	0	95,000		
Bagotville Rd, part segment 50	170,000			
Angels Beach Dve/Bangalow Rd - lane extension	150,000	1,350,000		
Tamarind Dve – four laning (Kerr St to North Creek Rd)	150,000	200,000		
River St 4 lanes – Stage 3 (Fishery Creek bridge section)	100,000	7,129,000	7,446,000	
River St 4 lanes – Stage 4 (east of Fishery Creek bridge section)	110,000	1,910,000		

9.4 Delivery Program and Operational Plan - Adoption

Roads and Bridges	2020/21	2021/22	2022/23	2023/24
Lennox Head – village renewal	1,500,000	4,500,000		
Safer Roads – Kerr St / Bentinck St traffic lights	100,000	707,000		

The full length of Martin Street (seg 150) was completed during 2019/20.

The savings of \$160,000 are transferred to Stewart Street Lennox Head (\$100,000) for upgrading of gravel shoulders immediately north of Byron Street to provide for sealed on road parking, and also transfer to Gibbon Street Lennox Head (\$60,000) to provide for on road parking bay immediately north of Byron Street.

* Ten road renewal projects have had budgets marginally reduced by \$10,000 each to enable purchase of additional survey total station and rover plus upgrade of existing tablets for computer control of survey at construction sites.

These are shown as an increase of \$100,000 to the Plant Replacement Program budget.

Barlows Road, Ballina seg 20 is deferred to 2021/22 due to investigation of the Barlows Road connection to Tamarind Drive. Any future connection would affect the design and impact on the current project if it proceeds.

It is recommended that Crane Street, Ballina seg 30 is brought forward from 2021/22 to 2020/21 due to the Barlows Road deferral.

Brunswick St, Ballina seg 20 is deferred to 2021/22 due to investigation of traffic lights at the intersection with River Street. Any future traffic lights would affect the current project if it proceeds.

It is recommended that Bagotville Road, part seg 50 is brought forward from 2021/22 to 2020/21 due to the Brunswick Street deferral.

The majority of the 2020/21 budget for Angels Beach Drive / Bangalow Road lane extension has been deferred to 2021/22 due to uncertainty with time required for land acquisition with shopping centre and Crown Land road reserve transfers.

It is proposed to continue with land matters and preconstruction during 2020/21 with construction 2021/22.

The Tamarind Drive four laning budget for 2020/21 has been decreased due to a revised estimate for preconstruction expenditure.

The River Street four lane projects, for Stage 3 (Fishery Creek bridge section) and Stage 4 (east of Fishery Creek bridge section) have revised estimates for preconstruction expenditure during 2020/21.

The Lennox Head village renewal has revised estimates, based on major commencement anticipated April 2022.

9.4 Delivery Program and Operational Plan - Adoption

Fleet and Plant

Table 14 - Delivery Program as per exhibition

Fleet and Plant	2020/21	2021/22	2022/23	2023/24
Plant Replacement Program (net cost)	2,627,100	1,801,000	1,677,000	2,225,000

Table 15 - Revised Delivery Program

Fleet and Plant	2020/21	2021/22	2022/23	2023/24
Plant Replacement Program (net cost)	2,727,100	1,801,000	1,677,000	2,225,000

An additional survey total station, with an estimated cost of \$100,000, is required to supplement existing total station to enable projects to run concurrently.

At present one total station is shared and this limits the use of efficient electronic survey control and equipment machine control with concurrent road construction projects. Improved efficiency will be achieved.

Footpaths and Shared Paths

Table 16 - Delivery Program as per exhibition

Footpaths and Shared Paths	2020/21	2021/22	2022/23	2023/24
TfNSW/Aust Govt Black Spot – bollards, shared path, Lighthouse Parade, East Ballina	0			
Barlows Rd, West Ballina	62,000			
Old Pacific Hwy, Newrybar	0	65,000		
Coastal Recreational Walk	1,233,700			

Table 17 - Revised Delivery Program

Footpaths and Shared Paths	2020/21	2021/22	2022/23	2023/24
TfNSW/Aust Govt Black Spot – bollards, shared path, Lighthouse Parade, East Ballina	103,000			
Barlows Rd, West Ballina	0	62,000		
Old Pacific Hwy, Newrybar	62,000			
Coastal Recreational Walk	1,333,700			

Council has received confirmation of a TfNSW grant offer made for installation of bollards along the shared path, Lighthouse Pde, East Ballina.

The Barlows Road project is deferred to 2021/22 due to investigation of the Barlows Road connection to Tamarind Drive.

It is recommended that the Newrybar project is brought forward from 2021/22 to 2020/21 due to the Barlows Road deferral.

A grant of \$50,000 has been received from the State Government's Coastal and Estuary program for rock revetment to support the eroded section of the coastal recreational walk at the south end of Boulder Beach.

9.4 Delivery Program and Operational Plan - Adoption

A matching component of \$50,000 is required and it is proposed that this will be funded from the roads reserve.

Open Spaces

Table 18 - Delivery Program as per exhibition

Open Spaces	2020/21	2021/22	2022/23	2023/24
Riverview Park, West Ballina			95,000	
Pop Denison Master Plan	745,000			

Table 19 - Revised Delivery Program

Open Spaces	2020/21	2021/22	2022/23	2023/24
Riverview Park, West Ballina	94,000			
Pop Denison Master Plan	945,000			

Riverview Park has been identified for inclusion in the 2020/21 capital expenditure program, funded from section 7.11 reserves, held in old contribution plans that have now been superseded.

An additional \$200,000, funded from section 7.11 reserves, is proposed for the Pop Denison Master Plan, for expenditure on junior playground and shelters.

A plan of the Pop Denison Playground is included as Attachment 6 to this report.

Community Facilities

During construction works for the Lennox Head Community Centre, further water damage was identified requiring additional rectification works that were not included in the original budget.

The additional works included recladding of the fish trap entry, recladding of the north eastern façade and recladding of the southern wing walls.

Additional costs were also incurred for the redesign of the air conditioning system to improve efficiency and redesign of the roof which enabled increased solar capacity from 40kw to 80kw and provide a more efficient drainage system.

To fund these variances, totaling \$300,000, the recommendation is to reduce the budget for ALEC from \$760,000 to \$460,000 for 2020/21, as this will still allow for the required design and engineering works for the proposed ALEC refurbishment.

With Council confirming a preference for a full library refurbishment and other improvements for ALEC, this project will now likely cost in the millions of dollars, therefore grant funding will eventually be needed for the project to proceed, once the final design is confirmed and planning consent obtained.

Table 20 - Delivery Program as per exhibition

Community Facilities	2020/21	2021/22	2022/23	2023/24
ALEC External/Internal Mods	760,000	220,000		

9.4 Delivery Program and Operational Plan - Adoption

Lennox Head Community Centre Refurbishment	620,000			
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Table 21 - Revised Delivery Program

Community Facilities	2020/21	2021/22	2022/23	2023/24
ALEC External/Internal Mods	460,000	220,000		
Lennox Head Community Centre Refurbishment	920,000			

C. Other Matters

Ordinary Rate Revenue

Council needs to adopt the ordinary rates to be levied in the 2020/21 financial year. The rates in the dollar and base amounts in the following table reflect an increase of 2.6%, based on the IPART approved rate peg for 2020/21.

Table 20 - Rates in the Dollar and Base Amounts – 2020/21

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.153368958	564	49.91
Business	0.724146091	564	14.82
Farmland	0.127180710	564	32.23
Mining	0.724146091	564	0.00

This provides a rating structure with 19.35% of the total rate yield sourced from business category properties, as recommended at the March 2020 Finance Committee meeting.

The recommendations for this report include resolutions in respect to the making of the rates. The recommendations also include making the various annual charges (i.e. waste, water etc) included in the fees and charges.

Announcement of 2020/21 Award Increase

The draft DPOP has been prepared using an assumed award increase rate of 2.5% for salaries.

Based on recent advice received from Local Government NSW, it is anticipated that award increases of 1.5%, 2.0% and 2.0% will be applied from 1 July 2020, 1 July 2021 and 1 July 2022, respectively.

Should this Award increase be ratified by the Industrial Relations Commission, an adjustment to the LTFP will be required and will provide a budget reduction of approximately \$216,000 in salaries for 2020/21.

Support Operations Capital Expenditure Budget Shortfall

Latest estimates of Support Operation capital expenditure requirements has identified the following budgets are short of funding:

9.4 Delivery Program and Operational Plan - Adoption

Depot Works	Allocated Budget per draft DPOP (\$)	Revised Estimate (\$ Net of GST)	Shortfall (\$)
Welders Shed	460,000	662,000	(202,000)
Open Spaces Shed	150,000	350,000	(200,000)
Total	610,000	1,012,000	(402,000)

These projects are to undertake a further review as no alternative funding sources have been identified.

Sustainability Considerations

- **Environment**
This report encompasses the entire Council budget and proposed activities and operations.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

This report deals with all of Council's operations. Legal, resource and financial implications are all relevant to this report.

Consultation

Council advertised the draft Delivery Program and Operational Plan for public comment during May and June, with two online meetings held on 12 and 14 May during the exhibition period. The two online meetings recorded unique URLs that viewed the livestream of 51 (12 May) and 65 (14 May) which is typically more than people attending the public meetings.

What has been pleasing is the level of submissions in respect to the draft documents, which is a good indicator of engagement levels for documents that are not always that easy to read based on the level of mandatory statutory information.

Options

Council has a legal obligation to adopt the Operational Plan and Delivery Program.

The recommendations that follow are listed in the order of the report. Not all items included in the report are mentioned in the recommendations, as that is somewhat impractical, and the focus is on confirming items where a decision or direction is needed from Council.

Items with no recommendation will be responded to as per the comments in the report unless Council amends the recommendations.

The options available include amending the recommendations and / or varying the works and services and / or the proposed fees, charges and rates.

RECOMMENDATIONS

1. That Council adopts the 2020/21 to 2023/24 Draft Delivery Program and 2020/21 Operational Plan, which includes the Long Term Financial Plan (budget), Workforce Plan and Fees and Charges, as exhibited, inclusive of any amendments determined at this meeting.
2. That Council approves the formation of a Working Party, consisting of a minimum of one Councillor from each Ward plus the Mayor, to review the submissions received for Community Donations and Capital Works Assistance for Sporting Groups, as per Tables One and Two of this report. The recommended allocation of the funding available from the Working Party is to be reported to the July 2020 Ordinary meeting. The Ward Council representatives are to be determined at this meeting.
3. That Council notes the contents of this report in respect to the submissions received on the proposed fees and charges.
4. That based on the submissions received in relation to the fees and charges for community facilities, Council amends the integrated room hire fees for the Lennox Head Community Centre to include individual room hire charges for 2020/21 as per Table Three of this report.
5. That Council amend the RCBA definition in Community Facilities fees and charges to include health professionals who regularly book space at our facilities under a bulk billed service arrangement as per Table Four of this report.
6. That Council removes seasonal pool passes and introduces 12 month and three month term passes.
7. That Council notes the contents of this report in respect to the submissions received for works and services.
8. That the General Manager convene a meeting with the Executive of the Wollongbar Rugby Union Club to review the long term goals of the Club in respect to the use of the Wollongbar Sports Fields and Lyle Park, with the outcomes of those discussions to be reported back to Council.
9. That Council increase the allocation of the Hutley Drive – southern extension project from \$30,000 to \$200,000, fully funded by developer contributions, to allow pre-construction activities to be completed during 2020/21.
10. That Council prioritise a review of the Hampton Park Plan of Management and amend the Draft Delivery Program and Operational Plan 2020/21 – 2023/24 to include this review during the 2020/21 financial year.
11. That Council approves the allocation of the \$880,000 in Federal Government - Local Roads and Community Infrastructure (LRCI) funding available to the projects listed in Table Five of this report.

9.4 Delivery Program and Operational Plan - Adoption

12. That Council include in the Long Term Financial Plan the funding program for the Lake Ainsworth Coastal Management Plan, as per Attachment 5 to this report.
13. That Council amend the Water Infrastructure capital expenditure program as per Table Seven of this report.
14. That Council amend the Wastewater Infrastructure capital expenditure program as per Table Nine of this report.
15. That Council amend the Stormwater Infrastructure capital expenditure program as per Table 11 of this report.
16. That Council amend the Roads and Bridges Infrastructure capital expenditure program as per Table 13 of this report.
17. That Council amend the Fleet and Plant Replacement Program as per Table 15 of this report.
18. That Council amend the Footpaths and Shared Paths Infrastructure capital expenditure program as per Table 17 of this report.
19. That Council amend the Open Spaces Infrastructure capital expenditure program as per Table 19 of this report.
20. That Council amend the Community Facilities Infrastructure capital expenditure program as per Table 21 of this report.
21. That Council resolves to make a base rating structure applicable to all rateable land in the Shire for the levy of the 2020/21 Ordinary Rates as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.153368958	564	49.91
Business	0.724146091	564	14.82
Farmland	0.127180710	564	32.23
Mining	0.724146091	564	0.00

The rate in the dollar for 2020/21 applies to the land value of all rateable land in the Shire within the relevant category.

22. That Council resolves to make the annual charges for 2020/21 as detailed in the Fees and Charges document that forms part of the Delivery Program and Operational Plan for Domestic Waste Management, Stormwater, Waste Management Operations, Water Services, Wastewater Services and Onsite Septic Management.

Attachment(s)

1. Submissions - Fees, Charges and Rates
2. Submissions - Works and Services (Under separate cover)
3. Correspondence - 23 Newrybar Swamp Road - Flooding

9.4 Delivery Program and Operational Plan - Adoption

4. Lennox Village Vision Concept Plan
5. Lake Ainsworth Coastal Management Plan Funding Strategy
6. Pop Denison Junior Playground

9.5 Tender - Transport and Disposal of Waste and Recyclables

9.5 Tender - Transport and Disposal of Waste and Recyclables

Delivery Program

Resource Recovery

Objective

To report the outcomes of the tender evaluation for the transport and disposal of waste material and the transport of recyclables.

Background

The provision of services under this contract are required for the ongoing management of Council's waste and recyclable material in accordance with the current strategic direction to utilise off-site commercial disposal and processing facilities.

The tender specification provided for separable portions of the contract:

- The transport and disposal of inert waste (construction and demolition waste) and mixed putrescible waste to a licensed facility nominated by the contractor.
- The transport of recyclable materials to a Council nominated facility. Council has a current contract for the reprocessing of comingled recycling with Polytrade Pty Ltd.

The tender provided Council with the flexibility to award as a single contract or two separate contracts depending of the best commercial offers.

In addition to being able to award separate contracts, the tender provides for separate contract periods to allow Council to better align our contract timeframes for the disposal of waste materials and recyclables.

- The contract term for the transport and disposal of waste materials is for a three year period with the option to Council, for two by one year extensions. It is more beneficial to establish a longer initial term for this product as the market is not as volatile as recyclables.
- The contract term for the transport of comingled recycling, is set at two years with options, to Council, for a one year extension, and an option for a further one year extension in six monthly increments. This ensures that the transport of recyclables aligns with the reprocessing contract with Polytrade. The variance with the contract periods provides flexibility in recognition of ongoing market volatility for recyclables.

Should more local/viable processing options become available in the future, Council will not be locked into a longer term contract for the transport of recyclables to Chinderah.

The contract requires the contractor to provide suitable multi-lifts bins which would be placed at the Ballina waste facility and loaded by Council for collection by the contractor.

9.5 Tender - Transport and Disposal of Waste and Recyclables

The contract is structured to provide tonnage rates for the transport and disposal of materials. All materials will be weighed at the Council weighbridge on leaving the facility.

Tenders were called in April 2020. This report outlines the results of the tender process.

Key Issues

- Comply with the Local Government (General) Regulation 2005
- Obtain value for money

Information

Tenders were received from:

- BMI Group
- Solo Resource Recovery
- Ti Tree Bioenergy/Viola

The tender evaluation method included two stages of the evaluation, Stage 1 – Pass/Fail Evaluation of Mandatory Non-Priced Criteria and Stage 2 – Evaluation of Price, Methodology and Delivery Plan and Local and Community.

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

- Conforming Tender (All Schedules completed)
- Evidence of registration or licensing, to comply with any statutory requirement of the state or territory in which the works will be performed.
- Compliant Insurances
- The Tenderer has performed similar Contracts for at least 3 different Local Governments.

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

- Total Price – 60%
- Methodology and Delivery Plan – 25%
- Local and Community – 15%

Veolia Environmental Services (Australia) Pty Ltd & J.J Richards Ti Tree Pty Ltd T/a Ti Tree Bio Energy/Veolia has been selected as the preferred tenderer.

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

Sustainability Considerations

- **Environment**
The disposal of waste and recyclables must be undertaken in an environmentally sensitive manner
- **Social**
Not Applicable

9.5 Tender - Transport and Disposal of Waste and Recyclables

- **Economic**

The transport of waste and recyclables off site is the most cost effective method to dispose of these materials

Legal / Resource / Financial Implications

The purpose of this report is to ensure Council meets its statutory requirements in respect to tendering and procurement. The tender figures are in line with Council's budget forecasts.

Consultation

A public tender process was conducted.

Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2005, 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 Veolia Environmental Services (Australia) Pty Ltd & J.J Richards Ti Tree Pty Ltd Trading as Ti Tree Bioenergy.

The contract will be awarded in two parts for separate terms, the transport and disposal of inert waste for three years and the transport of comingled recycling for a two year period.

RECOMMENDATIONS

1. That Council accepts the tender from Veolia Environmental Services (Australia) Pty Ltd & J.J Richards Ti Tree Pty Ltd Trading as Ti Tree Bioenergy for the transport of waste and recyclable materials at the rates tendered.
2. That Council authorises the Council seal to be applied to the contract documents.

Attachment(s)

1. Confidential Memo - Assessment Report - Transport and Disposal of Waste Materials and the Transport of Recyclables (Under separate cover)

10.1 Bangalow Road / Angels Beach Drive Intersection - Exhibition Response

10. Civil Services Division Reports

10.1 Bangalow Road / Angels Beach Drive Intersection - Exhibition Response

Delivery Program

Engineering Works

Objective

To report on the public exhibition of the Bangalow Road / Angels Beach Drive intersection and approaches upgrade.

Background

The Bangalow Road / Angels Beach Drive intersection and approaches upgrade is a major part of Council's 2019/23 Delivery Program for arterial road works. These works will reduce traffic congestion on key arterial roads providing access to Ballina.

A concept design plan has been produced, which identifies the preferred lane and intersection configurations.

The concept design plan was exhibited from 7 May until 5 June 2020 and 14 submissions were received from the public. The exhibited concept design plan is included as Attachment 1.

As a result of this report the concept design can be amended, if required, before proceeding with the detailed design and construction.

Key Issues

- Response to submissions

Information

Upgrading the capacity of the Bangalow Road / Angels Beach Drive intersection and approach roads (including extending Sheather Street to Angels Beach Drive and changing the Clark Street / Bangalow Road intersection to left in / left out only) is included in Council's Developer Contributions Plans for Roads, since Council adopted the program in 2010.

Regional traffic network modelling completed in 2014/15 confirmed the current carrying capacity of the Bangalow Road / Angels Beach Drive roundabout and its approach roads as a major congestion issue now and into the future as traffic volumes increase.

Council's Delivery Program includes funding for this project as follows.

10.1 Bangalow Road / Angels Beach Drive Intersection - Exhibition Response

Table One - Funding Program

Item	Proposed Expenditure			
	2019/20	2020/21	2021/22	2022/23
Bangalow Road/Angels Beach Drive roundabout, duplication of lead-in roads	50,000	150,000	1,350,000	0

The main objective of the project is to improve traffic flow through the intersection, and to accommodate present and future traffic volumes, whilst providing acceptable levels of access to adjoining properties and intersecting streets.

Recent (2019) traffic and turn counts at the Bangalow Road / Angels Beach Drive roundabout in AM and PM peak hours and further analysis by intersection modelling software (SIDRA) confirms that the existing two circulating lane roundabout will deliver significant additional capacity (2019 traffic volumes plus 25%) with longer lengths of dual lane entry and departure lanes.

The works include:

- Dual lanes in both directions of Bangalow Road for the full distance between the Angels Beach Drive roundabout and the Kerr Street signalised intersection.
- A raised concrete median island between Angels Beach Drive and Kerr Street, separating the opposing traffic flows and preventing west-bound traffic from turning right into Clark Street.

Clark Street will become a left-in / left-out only access to the industrial precinct. Changing the Bangalow Road / Clark Street intersection to left in / left out will not only improve traffic flow, it will also remove the need for a protected right turn lane and provide sufficient room (width in the road reserve) to accommodate the dual laning between Angels Beach Drive and Kerr Street.

- A new second access to the industrial precinct will be constructed by extending Sheather Street onto Angels Beach Drive. This will provide an alternative route for west-bound traffic on Bangalow Road no longer being able to turn right into Clark Street. For traffic in Clark Street no longer being able to turn right onto Bangalow Road, the route will be a u turn at the roundabout after using the left out facility.
- Dual lanes in both directions in Angels Beach Drive from the roundabout to north of the new Sheather Street intersection.
- Dual lanes, eastbound in Bangalow Road from the roundabout and terminate at the Moon Street intersection.
- Dual lanes, westbound in Bangalow Road for 120m approaching the roundabout.
- Widening of the roundabout eastern corner to improve efficiency of the left turn onto Bangalow Road from Angels Beach Drive.

10.1 Bangalow Road / Angels Beach Drive Intersection - Exhibition Response

- Widening of the roundabout western corner (adjacent Ballina Central) to provide room for the full dual lane exit. The kerb and concrete path will be realigned. This will require a small amount of land acquisition from Ballina Central.
- Realignment of paths alongside Angels Beach Drive and Bangalow Road to accommodate the increased road widths.
- Relocation of underground services including high-voltage electricity, Telstra, NBN and water mains. Storm-water outlets and overhead electricity poles will also require relocation.

The project was exhibited from 7 May to 5 June 2020. Details were provided in the media and on Council's website. Letters advising of the public exhibition and detailing how to obtain further information and make submissions were forwarded to all occupiers and landowners in the industrial area. Exhibition of the project has provided an opportunity to consider improvements arising from public submissions before commencing the detailed design phase.

The following table summarizes the submissions. A copy of the submissions is included in Attachment 2.

Table Two - Public Submissions and Proposed Actions

Submission Summary	Support Y/N	Staff Comments	Action
1. Uses roundabout every day. Believes roundabout is too small for volume of traffic and entrances need to be further apart. Wants size 50% bigger.	Y	Ideally the roundabout could be larger, but is too constrained by property boundaries and major utility services. The proposed configuration has been tested in SIDRA intersection modelling and provides an acceptable level of service for peak hour traffic and turning movements at 2019 + 25% traffic volumes.	No change to existing design
2. Proposed changes need to include parking rule modifications in Ballina Central to stop vehicles backing up onto the roundabout.	Y	Parking within Ballina Central is not within scope of this project, however Ballina Central can be advised of problem and requested to address.	Contact Ballina Central to hopefully resolve this issue.
3. Have Council consulted with businesses impacted in Sheather St area. Is a pedestrian crossing to be placed on Bangalow Rd opposite the Community Centre. Pedestrians not rated highly by Council, cars park on footpaths, hedge in front of motel blocks	N	The proposed changes to Clark St/Sheather St were part of the Roads Developer Contributions Plan Works Schedule that was subject to public exhibition and Council adoption in 2010, 2015 and 2018. This current exhibition process involves a mail out to all business and owners in the affected area requesting their response to the proposal. A pedestrian crossing opposite the Community Centre would not meet RMS warrants, however the exhibited design will improve the	Expand scope of the project in detailed design to construct missing pedestrian path link on Bangalow Rd between Moon and Cherry St.

10.1 Bangalow Road / Angels Beach Drive Intersection - Exhibition Response

Submission Summary	Support Y/N	Staff Comments	Action
60% of footpath forcing pedestrians onto road to pass other pedestrians		pedestrian refuge near this location. There is a missing pedestrian path link on Bangalow Rd between Moon and Cherry St, the scope of this project could be extended to construct this missing link.	
4. Agrees with plans for upgrade busy section of road. Congratulates Council for continually upgrading roads and amenities to match growing demand on infrastructure.	Y	Noted	Noted
5. Upgrade has not taken consideration of child cyclists crossing roundabout. For safety, traffic lights, zebra crossing or underpass should be considered	y	<p>Pedestrian signals could be part of a future proposal to signalise the intersection. The proposed works and lane duplication are designed to accommodate current and future traffic volumes, however they will be compatible with signalisation, should this be considered as a further option in the future.</p> <p>Pedestrian (Zebra) crossings are not compatible with immediate vicinity of roundabouts.</p> <p>Tunnel is not within the scope of the proposed project due to high cost and doubtful practicality with high ground water table/flood liability, personal security issues, disability compliant gradient and approach length constraints and associated departures from pedestrians desire lines.</p>	Increase size of the pedestrian refuge in Angels Beach Dr as part of detailed design.
6. Difficult to cross Angels Beach Dr with cars banked up at peak hours. Some cars do not stop to allow pedestrian to cross to refuge.	Y	This is difficult to resolve as vehicles do not have to give way to pedestrians at a roundabout. The proposed increase to the size of the pedestrian refuge will enhance pedestrian safety.	Increase size of the pedestrian refuge in Angels Beach Dr as part of detailed design.
7. Proposal looks really good. Nearby entry to Fishermans Club and Council depot should also be left in/left out. Would like median in Angels Beach Dr widened for refuge to better accommodate bikes, scooters, strollers etc.	Y	Intersection of Tamarind Dr to Fishermans Club and Council Depot is beyond the scope of this project, but is a likely provision in the Tamarind Drive Dual Lane Project. Detailed design will improve the pedestrian refuge length/width in Angels Beach Dr.	Increase size of the pedestrian refuge in Angels Beach Dr as part of detailed design.

10.1 Bangalow Road / Angels Beach Drive Intersection - Exhibition Response

Submission Summary	Support Y/N	Staff Comments	Action
8. Allowing vehicles to enter and leave Angels Beach Dr onto Sheather St is a great idea.	Y	Noted	Noted
9. Critical of roundabout design, no value in having two lanes going straight ahead. Left lanes should only be for turning left, drivers use them to straight line and go faster	N	<p>The roundabout and approaches / departures design has taken into account 2019 peak hour measured volumes and turning movements and escalated numbers by 25% to allow for future growth.</p> <p>The +25% volumes/turning movements have been run through a range of options in SIDRA intersection software to verify that the proposed configuration operates at an acceptable level of service in future peak hours.</p> <p>The proposal in the submission would result in suboptimal roundabout performance and congestion.</p>	No change to existing design
10. Could pedestrian refuge in Angels Beach Dr be moved north (currently too close for reaction time) and width increased?	Y	<p>Detailed design will improve the pedestrian refuge length / width. Shifting north can be considered but needs further investigation to check conflicts with trees and services.</p> <p>Also needs to be consistent with the pedestrian desire line to minimise risk of short cutting.</p>	Optimise location and increase size of the pedestrian refuge in Angels Bch Dr as part of detailed design
<p>11. Request changes to lane direction arrows</p> <p>a) Eastbound Bangalow Rd at Moon St, left lane to be designated left only and right lane designated through /right</p> <p>b) Southbound Angels Beach Dr, right lane to be right only and left lane to be right/through/left</p>	Y	<p>a) Not possible as Bangalow Rd is only one lane past Moon St</p> <p>b) This would prevent option of right lane being used to access Ballina Central. Proposal needs to be tested by SIDRA intersection modelling. If SIDRA confirms proposal will not adversely impact overall intersection performance, it can be considered for inclusion in detailed design.</p>	<p>No change to existing design</p> <p>Consider in detailed design if verified as compatible with overall intersection performance by SIDRA modelling</p>
12. Request tunnel under Angels Beach Drive or pedestrian signals for pedestrian safety	Y	Tunnel is not within the scope of the proposed project due to high cost and doubtful practicality with high ground water table/flood liability, personal security issues, disability compliant	No change

10.1 Bangalow Road / Angels Beach Drive Intersection - Exhibition Response

Submission Summary	Support Y/N	Staff Comments	Action
		<p>gradient and approach length constraints and associated departures from pedestrians desire lines.</p> <p>Pedestrian signals could be part of a future proposal to signalise the intersection.</p> <p>The proposed works and lane duplication are designed to accommodate current and future traffic volumes, however they will be compatible with signalisation, should this be considered as a further option in the future.</p>	
13. Request direct entry into Clark St coming off roundabout	N	A fifth leg of the roundabout to Clark street is not possible due to the geometric, major services and vegetation constraints of the site.	No change to existing design
14. Supports proposal which will spread traffic more evenly contribute to traffic efficiency and help reduce delays, accidents. Concern that exiting westbound traffic from Clark St will need to initially go left to roundabout and compound congestion at peak times.	Y	<p>The extension of the central median in Bangalow Rd between Angels Bch Dr and Kerr St, creating dual lanes in both directions and eliminating the right turns in/out of Clark St are the key components for optimising the capacity of this section of road and roundabout to reduce congestion at peak hours.</p> <p>The extension of Sheather St to Angels Beach Dr and when required, use of the roundabout for U Turns will provide alternative access arising from the loss of right turns in Clark St.</p> <p>The provision of right turns to/from Sheather St to Angels Beach Dr can be considered in detailed design and could be trialled after commissioning of the project.</p>	Consider provision of right turns to/from Sheather St to Angels Beach Dr in detailed design and if necessary, trial after commissioning of the project to determine if its impact on Angels Beach Dr traffic flow is acceptable and if it should be retained as a permanent fixture.

Sustainability Considerations

- **Environment**

The project will be subject to environmental assessment and planning approvals. The project will reduce vehicle travel times and congestion leading to reductions in fuel consumption and greenhouse gas emissions.

- **Social**

The project will significantly improve traffic flow through the intersection of Bangalow Road and Angels Beach Drive. This will improve amenity for the travelling public and Ballina residents.

10.1 Bangalow Road / Angels Beach Drive Intersection - Exhibition Response

During construction there will be some disruption to traffic flow through the intersection and access to adjoining industrial and commercial areas.

- **Economic**

The project will significantly improve traffic flow through the intersection of Bangalow Road and Angels Beach Drive. This will improve amenity for the travelling public and Ballina residents. During construction there will be some disruption to traffic flow through the intersection and access to adjoining industrial and commercial areas.

Legal / Resource / Financial Implications

The detail design phase will be an opportunity to further refine and consider the cost estimate for this project.

There are issues to consider, including statutory consultation requirements to be undertaken with the local Aboriginal community as the works proposed for the Angels Beach Drive portion of this project are not in a road reserve and the land is subject to a Native Title claim.

A small section of land is proposed to be acquired from Ballina Central to accommodate the dual laning between Angels Beach Drive and Kerr Street.

Consultation

The project has been exhibited for four weeks between 7 May and 5 June 2020 to enable the community, including businesses, the opportunity to identify issues of concern and to make submissions to Council. The public exhibition included the following:

- The concept design plan and explanatory notes were provided for inspection / download on Council's website and static displays were provided at libraries and the Council Customer Service Centre.
- Letters summarising the project, advising where more information can be obtained and how to make submissions were provided to all residents, businesses and property owners adjoining impacted sections of Bangalow Road and Angels Beach Drive.
- Letters were also provided to business occupants and owners within the industrial precinct comprising Clark Street, Hogan Street and Sheather Street.

Options

Option One - Council endorse the exhibited concept design for the Bangalow Road/Angels Beach Drive intersection and approaches upgrade project as amended/clarified by the actions set out in the action column of Table Two of this report. Applicable actions are to be implemented in the detailed design phase.

Option Two - Not to endorse the exhibited concept design for the Bangalow Road/Angels Beach Drive intersection and approaches upgrade project and

10.1 Bangalow Road / Angels Beach Drive Intersection - Exhibition Response

reconsider the Roads Contribution Plan capital expenditure items included in the four year Delivery Program.

Option one is consistent with Council's strategic decisions and actions over a number of years. This includes approval of the 2010, and 2015 and 2018 amendments, Roads Contribution Plan (based on traffic modelling of predicted development and associated road network needs up to the year 2036), and funding in the 2019/2023 Delivery Program.

Option one allows preconstruction activities to be completed and enables the project to proceed through to construction and project finalisation. This is the recommended option.

Option two would be inconsistent with Council's strategic direction and past decisions over a number of years and would compromise Council's ability to deliver a key component of the road network upgrades identified in the Ballina Roads Contribution Plan.

This option would also delay road network improvements identified, by both current experience and predictive modelling, as being required to relieve traffic congestion on major road approaches to Ballina.

RECOMMENDATION

That Council endorses the exhibited concept design for the Bangalow Road/Angels Beach Drive intersection and approaches upgrade project as amended by the actions set out in Table Two of this report and that detailed design and construction proceed in accordance with the concept design as amended.

Attachment(s)

1. Bangalow Road / Angels Beach Drive Intersection and Approaches Upgrade Project
2. Submissions - Bangalow Road / Angels Beach Drive Intersection

10.2 Policy (Review) - Events on Public Land

10.2 Policy (Review) - Events on Public Land

Delivery Program

Open Spaces

Objective

To review the Events on Public Land Policy.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Events on Public Land policy. Council first adopted this policy in September 2002 and the most recent review was undertaken in August 2016.

The objectives of this policy are:

- to provide a documented process describing how event organisers may obtain approval to hold an event on public land in Ballina Shire including parks, open spaces or streets
- to ensure that event organisers are aware of Council's requirements in order to assist and encourage the efficient organisation of events; and
- to ensure that event organisers receive requisite approvals in a timely and orderly manner.

Key Issues

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

Information

This review of this policy identified only minor changes as follows:

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.

The changes have been marked in yellow in Attachment 1.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report.

Sustainability Considerations

- **Environment**
Appropriate management of events reduces potential impacts to the environment of the shire.

10.2 Policy (Review) - Events on Public Land

- **Social**
Events promote social activities and inclusion. This policy also seeks to support community groups conducting events in the shire.
- **Economic**
Events have the potential to generate economic benefits for the shire.

Legal / Resource / Financial Implications

This draft policy aims to assist and ensure events coordinated in the shire are compliant with Council's regulatory framework and legislative requirements. There are no financial implications associated with the revision of this policy.

Consultation

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

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely housekeeping therefore it is recommended that the policy be adopted as presented.

It is also recommended that if no submissions are received from the exhibition process, the policy be adopted with no further actions required.

RECOMMENDATIONS

1. That Council adopts the amended Events on Public Land Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) - Events on Public Land

11.1 Rescission Motion - DA 2019/702 - 81 Teven Road, Alstonville

11. Notices of Motion

11.1 Rescission Motion - DA 2019/702 - 81 Teven Road, Alstonville

Councillor Cr Jeff Johnson
Cr Sharon Parry
Cr Keith Williams

We move that Resolution 280520/7, as follows, be rescinded:

DA 2019/702 - 81 Teven Road, Alstonville

280520/1 RESOLVED

1. *That Development Application 2019/702 for a Torrens Title subdivision to create four residential allotments and installation/extension of public infrastructure service at Lot 4 DP 879770, 81 Teven Road, Alstonville be **APPROVED** subject to the application of standard planning, building and engineering conditions and specific conditions identified within this report.*
2. *That Council release the Restrictions on Use (E), (F) and (G) over the subject land.*

If successful we intend to move refusal based on options two and three in the May 2020 Ordinary meeting report; i.e.

1. That Development Application 2019/702 for a Torrens Title subdivision to create four residential allotments and installation/extension of public infrastructure service at Lot 4 DP 879770, 81 Teven Road, Alstonville be **REFUSED** on the grounds that the proposal will have unreasonable impacts on the amenity of the future residents of the subdivision in terms of noise, dust and odour from the Tuckombil Quarry and the Boral Asphalt Plant.
2. That Council also refuses to release Restrictions on Use (E), (F) and (G) over the subject land as releasing the restrictions is inconsistent with the original intention of the restrictions.

COUNCILLOR RECOMMENDATION

That Resolution 280520/7, as follows, be rescinded:

DA 2019/702 - 81 Teven Road, Alstonville

280520/2 RESOLVED

1. *That Development Application 2019/702 for a Torrens Title subdivision to create four residential allotments and installation/extension of public infrastructure service at Lot 4 DP 879770, 81 Teven Road, Alstonville be **APPROVED** subject to the application of standard planning, building and engineering conditions and specific conditions identified within this report.*
2. *That Council release the Restrictions on Use (E), (F) and (G) over the subject land.*

Attachment(s)

Nil

11.2 Notice of Motion - Cycleway North of Lennox Head

11.2 Notice of Motion - Cycleway North of Lennox Head

Councillor

Cr Jeff Johnson

I move

1. That Council confirm a preferred design for a cycleway connection to Lennox Head from Sanctuary Village / Fig Tree Hill Drive.
2. That as part of this investigation the use of Cooper Close and the existing fire trail / road reserve, which has a hotmix surface be considered.
3. That Council seek grant funding for this cycleway through State Government grant programs, as opportunities arise.

Councillor Comments

I have often seen bike riders (including young children going to school) riding on the road verge on the coast road between Ross Lane and Lennox Head. The road verge on this section is practically non-existent and a serious safety risk. This is totally unacceptable given the volume and speed of the vehicles (80km speed limit)

Sanctuary Village and the surrounding streets including Fig Tree Hill Drive are less than two kilometres to the Lennox village and currently do not have a safe pathway either via a footpath or shared pathway.

With the growing population and popularity of the village, as well as the desire to promote an active lifestyle, a shared path connection to this area aligns not only with existing NSW Government grants but Council's own objectives.

Investigating the Coopers Close route will likely result in significant cost savings which would hopefully allow this section of path to be completed sooner rather than later. An aerial photo and map of that location is attached.

COUNCILLOR RECOMMENDATIONS

1. That Council confirm a preferred design for a cycleway connection to Lennox Head from Sanctuary Village / Fig Tree Hill Drive.
2. That as part of this investigation the use of Cooper Close and the existing fire trail / road reserve, which has a hotmix surface be considered.
3. That Council seek grant funding for this cycleway through State Government grant programs, as opportunities arise.

Attachment(s)

1. Layout and Aerial - Coopers Close

11.3 Notice of Motion - Patches Beach 4WD Access

11.3 Notice of Motion - Patches Beach 4WD Access

Councillor

Cr Johnston

I move

That Council close the vehicle access through Council owned community land at Patches Beach to help mitigate the environmental and social damage currently occurring from excessive 4WD use.

Councillor Comments

The recent closure during the COVID-19 pandemic was met with approval from local citizens and there were many reports of increased bird nesting and environmental growth together with a return to a traditional beach experience.

This 4WD access point is the only one under Council's control south of the Ballina Bar and all others are under the jurisdiction of Crown Lands. Closure of this entry point will demonstrate Council's commitment to improved outcomes for the local community and to the overall amenity of South Ballina's beach.

The attachment outlines the Council owned community land in this location.

COUNCILLOR RECOMMENDATION

That Council close the vehicle access through Council owned community land at Patches Beach to help mitigate the environmental and social damage currently occurring from excessive 4WD use.

Attachment(s)

1. Layout and Aerial - Patches Beach and Council Community Land

12. Advisory Committee Minutes

12.1 Commercial Services Committee Minutes - 16 June 2020

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan (via video link), Jeff Johnson (arrived later in the meeting via video link), Eoin Johnston, Stephen McCarthy (via video link), Nathan Willis, Keith Williams, Sharon Cadwallader and Ben Smith (arrived later in the meeting via video link).

Paul Hickey (General Manager), John Truman (Director - Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division), Paul Tsikleas (Manager Commercial Services), Linda Coulter (Manager Financial Services) and Sarah Carden (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

An apology was received from Cr Sharon Parry

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Ben Smith

Cr Ben Smith arrived at the meeting via video link at 04:03 pm.

2. Declarations of Interest

- **Matthew Wood** - declared an interest in in Item 4.5 – Wollongbar Urban Expansion Area - Stage Three Development (Nature of Interest: non-significant, non-pecuniary – a family friend has expressed interest in the purchase of land being considered for the purpose of a child care/community facility). He will remain in the meeting while the matter is discussed.

3. Deputations

Nil

4. Committee Reports

4.1 Licence Agreement - East Ballina Reservoir, Suvla Street

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report regarding the licence agreement with Axicom for the East Ballina Reservoir.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Jeff Johnson

4.2 Leasing Agreement - Ballina Byron Gateway Airport

RECOMMENDATION

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council notes the contents of this report regarding the lease agreement with Air T & G at the Ballina Byron Gateway Airport.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Jeff Johnson

4.3 Financial Support Package - Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of this report regarding the COVID-19 financial support package.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Jeff Johnson

4.4 Lease Proposal - Specialised Resource Recovery Facility

RECOMMENDATION

(Cr Keith Williams/Cr Eoin Johnston)

1. That Council authorises the General Manager to call for expressions of interest from suitably qualified operators to licence a portion of land at the Waste Management Facility, referred to as Cell 5, to operate a Specialised Resource Recovery Facility based on the terms and conditions outlined in this report.

2. The evaluation of the outcomes from that expression of interest process are to be submitted back to Council to determine whether the proposal is to proceed.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Jeff Johnson

4.5 Wollongbar Urban Expansion Area - Stage Three Development

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council resolves to proceed with Wollongbar Residential Estate Stage Three by calling for tenders to undertake the development works.
2. That Council authorises the General Manager to secure a \$5 million loan facility to fund development of Wollongbar Residential Estate Stage Three, and execute all appropriate loan documentation based on the forecast cash flows, as per Attachment 3 to this report.
3. That Council include the forecast cash flows, as per Attachment 3, in the adopted 2020/21 to 2023/24 Delivery Program and Operational Plan and Long Term Financial Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Jeff Johnson

Cr Jeff Johnson arrived at the meeting via video link at 04:33 pm.

4.6 Ballina-Byron Gateway Airport - Long Term Financial Plan

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Nathan Willis

1. That Council confirms its acceptance of the Federal Government Building Better Regions fund grant of \$10m for the runway widening project.
2. That Council include in the adopted 2020/21 to 2023/2 Delivery Program and Operational Plan the updated Long Term Financial Plan for the Ballina – Byron Gateway Airport as per Attachments 1 and 2 to this project.
3. That Council notes the high level of loan debt included in the Long Term Financial Plan for the Ballina – Byron Gateway Airport and associated financial risk with that level of borrowing, due to the current and potential variability of airline revenues.
4. That Council authorises the Mayor to approach the State Government to seek additional grant funding for the runway widening and strengthening project, and the Runway End Safety Area (RESA) project, to help reduce the financial risk facing Council.
5. That Council receive a briefing once Coffs Harbour City Council has finalised their leasing process for the Coffs Harbour Airport and adjacent industrial land.
6. That Council hold discussions with the airlines in regard to fleet renewal plans post the covid-19 pandemic.
7. That Council clarify the scope of works based on CASA advice.

An **Amendment** was moved by Cr Phil Meehan and seconded by Cr Jeff Johnson

1. That Council defer this matter to allow discussions with airlines in regards to fleet renewal plans post covid-19 pandemic.
2. That Council clarify the scope of works based on CASA advice.

The Amendment was **WITHDRAWN**.

The **Motion** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council confirms its acceptance of the Federal Government Building Better Regions fund grant of \$10m for the runway widening project.
2. That Council include in the adopted 2020/21 to 2023/2 Delivery Program and Operational Plan the updated Long Term Financial Plan for the Ballina – Byron Gateway Airport as per Attachments 1 and 2 to this project.
3. That Council notes the high level of loan debt included in the Long Term Financial Plan for the Ballina – Byron Gateway Airport and associated financial risk with that level of borrowing, due to the current and potential variability of airline revenues.
4. That Council authorises the Mayor to approach the State Government to seek additional grant funding for the runway widening and strengthening project, and the Runway End Safety Area (RESA) project, to help reduce the financial risk facing Council.
5. That Council receive a briefing once Coffs Harbour City Council has finalised their leasing process for the Coffs Harbour Airport and adjacent industrial land.
6. That Council hold discussions with the airlines in regards to fleet renewal plans post covid-19 pandemic.
7. That Council clarify the scope of works based on CASA advice.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

5. Confidential Session

RECOMMENDATION

(Cr Keith Williams/Cr Nathan Willis)

12.1 Commercial Services Committee Minutes - 16 June 2020

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

5.1 Licence Agreement - East Ballina Reservoir (Commercial Terms)

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

5.2 Leasing Agreement - Ballina Byron Gateway Airport (Commercial Terms)

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

5.3 Financial Support Package - Rent Relief

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

(The Committee moved into Confidential Session at 5:35pm).

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That the Committee move into Open Council and out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

(The Committee moved into Open Council at 5:53 pm).

The General Manager reported to the Open Meeting the recommendations made while in Confidential Session:

5.1 Licence Agreement - East Ballina Reservoir (Commercial Terms)

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council adopts option one as detailed within this report and authorises a new licence for Part Lot 1 DP 632176, 1A Suvla Street, East Ballina, to Axicom Pty. Ltd.
2. The Council authorises the General Manager to finalise the negotiations and attach the Council seal to the relevant documentation.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

5.2 Leasing Agreement - Ballina Byron Gateway Airport (Commercial Terms)

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council adopts option one as detailed within this report and authorises a new lease agreement for Lot 12 DP 1031440, Southern Cross Drive, Ballina, to Air T & G Pty. Ltd.
2. The Council authorises the General Manager to finalise the negotiations and attach the Council seal to the relevant documentation.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

5.3 Financial Support Package - Rent Relief

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council authorises the General Manager to undertake the actions identified in this report for the following tenants:
 - a) Norfolk Homes Pty Ltd
 - b) CPL
 - c) DK Hally Investment Trust
 - d) H & M Chang
2. That Council receive a further report on Bishopp Advertising once negotiations are concluded.
3. That Council notes the estimated value of the Financial Support Package provided to date for commercial tenants, as per the contents of this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Eoin Johnston/Cr Keith Williams)

That the recommendations made whilst in Confidential Session, be adopted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

MEETING CLOSURE

5:55 pm

RECOMMENDATION

That Council confirms the minutes of the Commercial Services Committee meeting held 16 June 2020 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

13.1 Mayoral Meetings

13. Reports from Councillors on Attendance on Council's behalf

13.1 Mayoral Meetings

Councillor David Wright

Activities I have attended, or propose to attend, as at the time of writing this report, since the May 2020 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
27/5/20	Funding Presentation – Mental Health Support Group
29/5/20	CSPC Meeting
29/5/20	Wollongbar District Park Meeting
3/6/20	Media Launch – Australian Vets to Create Australia's Largest Mobile Wildlife Hospital + Deputy Mayor
5/6/20	Airport Grant Funding Announcement
7/6/20	Commemoration Park Markets
9/6/20	Public Citizenship via Zoom
10/6/20	Local Traffic Committee
14/6/20	Commemoration Park Markets
15/6/20	Church Group
16/6/20	Audit Risk and Improvement Committee
16/6/20	Meeting – Bill Litchfield – DPI Project Discussion
16/6/20	Commercial Services Committee
17/6/20	Public Art Advisory Panel
17/6/20	Briefing – Native Title and ILUAs
18/6/20	Funeral – Juraj Paden
21/6/20	Commemoration Park Markets
22/6/20	Meeting – Ben Franklin
25/6/20	Council Meeting
26/6/20	NRJO Meeting – Zoom
28/6/20	Commemoration Park Markets

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

14. Confidential Session

Nil Items