

Agenda

Ordinary Meeting **22 July 2021**

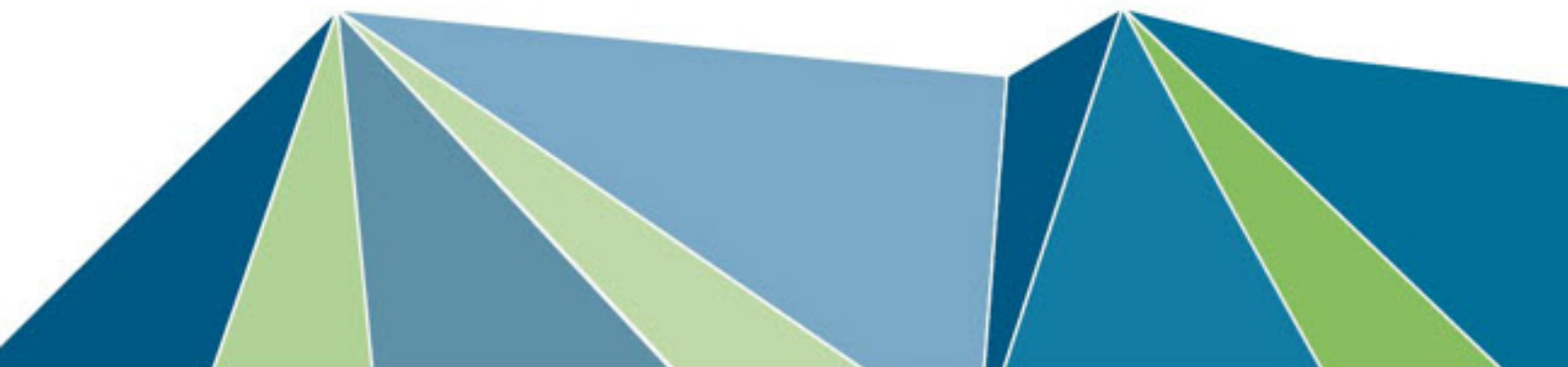
An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **22 July 2021 commencing at 9.00am.**

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

Paul Hickey
General Manager

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

Due to COVID-19 – Mask wearing and social distancing applies in the Public Gallery. Attendance numbers are limited. Please contact Sandra Bailey (6686 1273) to book a seat. You may access this meeting via our Live Streaming link ballina.nsw.gov.au/agendas-and-minutes



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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1. Australian National Anthem
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1. Australian National Anthem

The National Anthem will be played.

2. Acknowledgement of Country

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 June 2021 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 June 2021.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2020/450 - 36 Rous Mill Road, Rous Mill

8. Planning and Environmental Health Division Reports

8.1 DA 2020/450 - 36 Rous Mill Road, Rous Mill

Applicant	Mr R A Cavill
Property	Lot: 23 DP: 805799, 36 Rous Mill Road, Rous Mill
Proposal	Establishment of an Information and Education Facility (art gallery and studio) comprising conversion of existing church building to gallery space, erection of pottery studio and kiln shed for running classes, and ancillary amenities and associated infrastructure works.
Effect of Planning Instrument	The land is zoned RU1 Primary Production under the provisions of the Ballina LEP 2012.
Locality Plan	The subject land is depicted on the locality plan in Attachment 1 and Figure 1

Introduction

Council is in receipt of Development Application DA 2020/450 for the establishment of an Information and Education Facility (art gallery and studio) comprising conversion of an existing church building to gallery space, erection of pottery studio and kiln shed for running classes, and ancillary amenities and associated infrastructure works.

Of note, the application upon lodgment included a proposed caretaker dwelling, however this component has been withdrawn from the application.

The application is being reported to Council for determination due to the number and nature of submissions received and Council's resolution 270820/10.

To assist Council in its consideration and determination of this application, this report provides an assessment of the key matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act (EP & A Act) 1979.

The full Section 4.15 report, which provides an assessment of all required matters under the EP & A Act 1979, is contained in Attachment 2. A copy of the plans for the proposed development are contained in Attachment 3.

Description of the Subject Site and Historical Background

The allotment is a regular shape with a site area of approximately 2,448m². The site has a frontage to Rous Mill Road of approximately 53.5 metres. The land is relatively flat, falling gently to the south west corner.

The site consists of the original Uniting Church building, detached toilet block, marked and unmarked grave sites, and mature trees along the south (front), west and north boundaries.

8.1 DA 2020/450 - 36 Rous Mill Road, Rous Mill

The former Church building is Gothic styled, constructed of timber and galvanised iron roof. The building was constructed in 1903 and used as a Church from 1904 to 2017. Prior to the church's construction, the site contained a Methodist Church, constructed at the site in 1880, and moved 24km to Tuncester in 1904.

The site was also a former burial ground (1880-c. 1888), and contains the headstone of Donald Kennedy and two suspected unmarked child burials.

The current allotment was created by subdivision consent No. 1990/53. Condition 3 of the consent stipulates that no dwelling entitlement exists for the subject allotment.

Figures 1, 2 and 3 provide an overview of the site and its characteristics. Figure 4 shows the old and new Methodist churches.



Figure 1 – Aerial image of site



Figure 2 – Front of Church



Figure 3 – Rear of Church



Figure 4 – Old and New Methodist Churches 1904

Locality

The land is within the village of Rous Mill, a rural locality that is characterised by larger rural allotments used for agricultural purposes such as macadamia farming and smaller allotments with detached dwellings.

The land adjoining to the west, north, and north east is used for macadamia farming. Adjoining to the east is an allotment with a tennis court, similarly sized to the subject allotment. Directly opposite Rous Mill Road to the south are a range of lot sizes containing single detached dwellings. The Rous Mill community hall is approximately 90m south east of the site.

Details of Proposal

The proposed use of the land is an information and education facility, as defined under BLEP 2012.

The development is proposed to be carried out over two stages. The proposed development and staging is summarised as follows. The floor plan proposed is shown in Figure 5.

Stage 1

- the erection of a building to be used as a pottery studio for teaching classes
- the erection of a building to be used for office and storage, an outdoor kitchen and bathroom and shared toilet amenities
- the erection of a building to be used for glazing and hand building and an undercover kiln
- upgrading the existing vehicular access and provision of six on-site car parking spaces
- provision of ancillary infrastructure

Stage 2

- the adaptive reuse of the existing Church building as an art gallery exhibition space
- a deck addition to the existing building, connecting to the Stage 1 development

The details of the key components of the proposal are expanded upon as follows:

Art gallery / exhibitions

- The exhibition space (art gallery) will be used to present / display the owners' art work and other artists. It is expected that the gallery will include a permanent display of the historical aspects of the church and permanent collection of Northern Rivers ceramic artists.
- The exhibition space will be open five days week, as well as one weekend out of four. The operating hours will be 10am to 5pm.
- Four to eight specialised exhibitions are expected in the art gallery per year. Each exhibition may last in duration from two days to two weeks during opening hours. The opening day for each exhibition may operate longer than the standard hours, and will not extend beyond 8pm.
- The expected number of visitors during specialised exhibitions is ten people per day. Outside specialised exhibitions, approximately five people per day are expected to visit the art gallery during weekdays.

Pottery studio

- The studio will be primarily a teaching space for small classes (five students) in the master class model and as a space for visiting artists to run workshops. The owner expects weekly classes to run three days per week and to be working at the studio five days per week to also facilitate and prepare for classes and exhibitions.
- Weekend workshops will be held eight to ten times per year and intensive five day workshops during school holidays four times per year. The provision of weekend workshops and intensive workshops will often be presented by a nationally or internationally recognised artist.
- The teaching studio will be operational:
 - Tuesday to Thursday, 10am to 5pm
 - Monday and Friday 10am to 5pm for preparation and resolution of student works and
 - Weekends two out of four (one workshop, one maintenance)

Kitchenette use

- The kitchen will primarily be used to provide facilities for students for storage and consumption of self-provided lunch, tea and coffee. Food consumption and storage has purposefully been kept separate to the working space for health and safety reasons. In the event of an exhibition opening in the Gallery space, finger food may be provided and this would usually be provided by external caterers, prepared off-site and possibly heated and plated up onsite. The facilities within the kitchen will include refrigeration, bench surfaces, basic heating such as microwave or oven, tea and coffee facilities.

Kiln shed

- The kiln shed is a dedicated space for the storage and installation of the pottery kiln and associated equipment.

Office and storage

- The building will be used as an office and for storage ancillary to the art gallery and studio.

Staff

- The facility is not intended to be permanently staffed.

Signage

- Proposed signage is limited to one small wall sign (1000mm x 900mm) to be attached to the building. No illumination is proposed.

Tree removal and landscaping

- One tree is proposed to be removed, a Chinese serraflora. All other existing trees will be retained. Additional landscaping is proposed along the northern and western boundaries.

Vehicular access, car parking

- A new vehicular access onto Rous Mill Rd is proposed which will be 5.5m wide. Six parking spaces including an accessible car space are to be provided.

Water supply

- Roof water from the buildings will be directed to 2 x 10,00L rainwater tanks. Filtration and UV treatment is to be provided for the roof collected water supply.

Stormwater disposal

- Roof water from the buildings will be directed to the 2 x rainwater tanks with overflow to the grass areas. Other hard surface areas will drain to adjoining grassed areas.

Wastewater

- The proposed development will have two effluent management systems, specifically, the primary system serves the toilet, handbasin and kitchenette, whilst the secondary system serves the art studio sink.

Alterations to Church

The internal alterations and repurposing of the building features is summarised as follows:

Front façade

- Remove stairs and two doors (to be retained and reused)
- Remove window and replace with one reused door to create new central entry, accessed via new path and access bridge

Interior

- Remove choir steps
- Pulpit/alter retained and re-purposed as mobile pulpit
- Retaining as many pews as practicable in existing and new buildings for future use
- communion rail re-purposed and used in kitchen
- Create new central opening
- Remove two cupboards

Rear façade

- Remove stairs and door and reuse second original front door. Connect to new deck

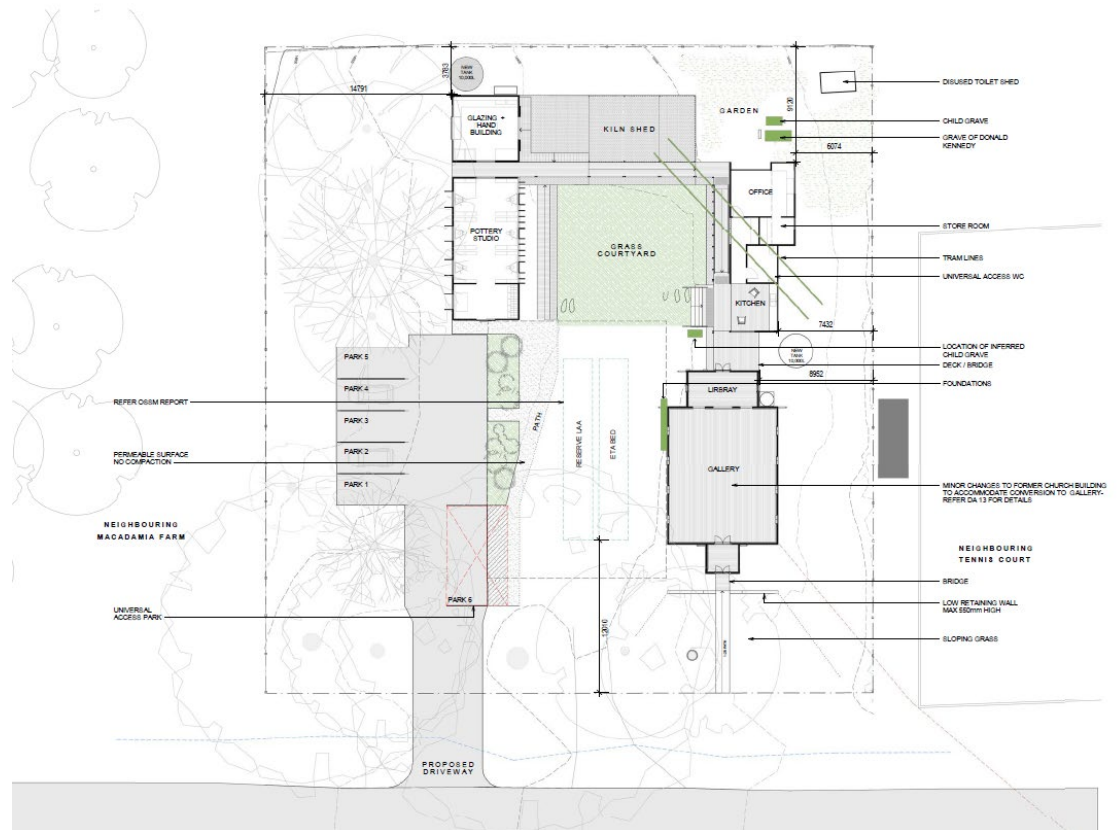


Figure 5 – Site / Floor Plan

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition from 12 August 2020 to 31 August 2020 and a total of twelve public submissions objecting to the proposal and/or raising concerns were received.

In response to concerns raised in the public submissions and Council's assessment, the application was amended, most notably by removing the originally proposed caretaker's dwelling, and providing additional information regarding the heritage and archaeological features of the site.

The amended application was renotified from 21 April 2021 to 6 May 2021 to adjoining and nearby properties as well as to anyone who lodged a submission during the first public exhibition period. Following this notification period, a total of nine public submissions were received. Of those submissions, four were in objection and five were in support.

Copies of the submissions for the first notification period are included as Attachment 4 and the second notification period as Attachment 5.

The matters raised in the submissions have been addressed in this report.

Matters for Consideration

The proposed development has been assessed under the heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979. The assessment has identified the following key issues in relation to this development application. This report should be read in conjunction with the attached Section 4.15 assessment report (Attachment 2).

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

Relevant State Environmental Planning Policies (SEPPs)	
<ul style="list-style-type: none"> SEPP 55 – Remediation of Land SEPP 64 – Advertising and Signage 	No issues are raised in relation to any applicable SEPP. Refer to Attachment 2 for further comment and assessment.
Local Environmental Plans (LEPs)	
<ul style="list-style-type: none"> Ballina LEP 2012 	The proposal is permissible within the RU1 Primary Production zone and generally complies with the aims and objectives of the zone. The development complies with the relevant development standards and is acceptable having regard for the relevant additional local provisions in the Plan. Refer to Attachment 2 for further comment and assessment of the relevant provisions.

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

Draft Environmental Planning Instruments or Planning Proposals	
<ul style="list-style-type: none"> Draft State Environmental Planning Policy - Remediation of Land. Draft Amendment to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. Draft Amendment to State Environmental Planning Policy (Short-term Rental Accommodation) 2019. 	No issues raised in regard to any Draft EPIs.

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

Ballina Shire Development Control Plan 2012	
Chapter 2 – General and Environmental Considerations	The proposed development is acceptable when assessed against the relevant provisions of Chapter 2 and Chapter 7 of the Ballina DCP 2012.
<ul style="list-style-type: none"> 3.1 – Land Use Conflict 3.4 – Potentially Contaminated Land 3.6 – Mosquito Management 3.7 – Waste Management On-site Sewage Management Systems 	<p>There are no issues raised in either Chapter that would specifically preclude the development from being granted development consent, subject to the imposition of conditions where relevant.</p> <p>Refer to the Attachment 2 for an assessment of the provisions that are relevant to this application. The submitter issues and related comments are also relevant to considerations within both Chapters.</p>

Ballina Shire Development Control Plan 2012	
<ul style="list-style-type: none"> • 3.9 – Stormwater Management • 3.10 – Sediment and Erosion Control • 3.11 – Provision of Services • 3.15 – Crime Prevention through Environmental Design • 3.19 – Car Parking and Access 	
<p>Chapter 7 – Rural Living and Activity</p> <ul style="list-style-type: none"> • 3.7 – Building lines and setbacks • 3.8 – Road Vehicular access and parking 	

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

None applicable.

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

No issues raised.

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

The proposal is not expected to result in unreasonable adverse impacts on the environment, historical/archaeological values of the site, the amenity or business operations of adjoining and nearby land owners, or the broader locality, subject to compliance with conditions.

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

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

The subject site is no longer used as a church and does not benefit from a dwelling entitlement. The site is also not of a size to provide for sustainable primary industry.

The site and its location is however well suited to facilitate the proposed adaptive reuse of the former church as an art gallery and educational pottery studio, including the inclusion of additional buildings and associated parking.

The site is appropriately located nearby to the Rous Mill village and community hall. The proposed development is considered to be consistent with the desired future character for the area and will fit in the locality.

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

With reference to the notification details under heading “Public Exhibition” above, the relevant key matters raised as part of the first and second notification period are summarised and commented on below.

First notification (12 August 2020 to 31 August 2020) – Twelve objections

1) *Caretaker dwelling:*

- *Site has no dwelling entitlement and therefore the caretakers dwelling is not allowed.*
- *Caretaker dwelling will not meet required buffers to macadamia operation.*
- *Caretaker dwelling will set a dangerous precedent.*

Comment: These concerns were also a key issue for Council staff. The issue was raised with the applicant as being determinative for the application. The applicant responded appropriately by amending the application to remove the caretaker dwelling from the proposal.

It is important to highlight that this issue was overall the primary concern of the submitters, and raised in all twelve submissions. For several submitters this was the only concern they raised.

A follow up issue related to the caretaker dwelling was raised in the second notification period, and is addressed below.

2) *LUCRA – Concern from adjoining macadamia farm owners of the land use conflict and reduced farming rights from potential future complaints regarding noise, odour, chemical drift, and dust, associated with the agricultural activities (such as from use of machinery and chemical spraying).*

Comment: Careful consideration of the concerns raised by submitters in regards to land use conflict was undertaken by Council’s Environmental Health Officer. The full assessment and considerations can be viewed in Attachment 2.

It is important to note that the potential for land use conflict was reduced significantly by the removal of the caretaker dwelling from the proposal.

The reduced risk is reflected by the DCP not including a minimum buffer distance to agricultural activity for an Information and Education Facility, or any similar use.

Council’s Environmental Health Officer concluded that whilst it is recognised that land use conflict may pose an element of risk, it is considered that with the implementation of reasonable ameliorative measures such as first flush diversion devices and the implementation of an appropriate vegetative buffer, the likelihood of land use conflict can be significantly reduced so as to allow for the productive use of the site and the continued production from the adjoining macadamia farms.

3) *Burial site:*

- *Headstone on site with inscription for Donald Kennedy who passed away in 1887*
- *Site in on National Trust 'Cemetery Master List' as 'Rous Mill Uniting Church – Kennedy Grave'*
- *Application states that a select area was surveyed using ground penetrating radar, but no report or surveys were made available.*
- *Potential for one or more bodies to be buried on site*

Comment: The submitters detailed research into the history of the site and Donald Kennedy is commended, and was valuable as part of the assessment process.

In responding to the presence of the Kennedy grave, the possibility of a burial site located on the site, and the associated historical and archaeological significance, the applicant undertook considerable further studies including:

- Updated Ground Penetrating Radar Survey covering most of the site, prepared by Georadar
- Conservation Management Strategy, prepared by Conrad Gargett
- Archaeological Protocol, prepared by Everick Heritage

In summary, the further studies found that the development is responsive and respects the heritage values of the site and church, and impacts on archaeological remains are unlikely, with steps outlined if unexpected archaeological resources are uncovered during construction. On receipt of this information the application was forwarded for comment to Heritage NSW and to an external heritage consultant for peer review.

The application and accompanying documents were considered appropriate by Heritage NSW and the heritage consultant, subject to achievable and reasonable conditions of consent.

For further comments regarding the heritage and archaeological assessment of the application, refer to Attachment 2 (S4.15(1)(b)(vii) Heritage).

4) *Potable water – concern of chemical overspray onto roof from adjoining macadamia farms and how this will be tested for contamination.*

Comment: This issue is suitably addressed via conditions. For example, water supply will need to be managed in accordance with NSW Health's Private Water Supply Guidelines (2014) and a water quality assurance program will need to be developed and submitted to NSW Health. Additionally, water tanks will need to be fitted with a 'first flush diversion' device.

5) *Excluding the accessible parking space, there does not appear to be any provision for disabled toilet facilities or ramps*

Comment: The proposal includes accessible ramps / paths throughout the development including from the car park and from the front boundary into the gallery. The bathroom is nominated on the plans as an accessible WC, and is sized accordingly. A suitable condition regarding accessibility is recommended.

6) Use of zincalume materials will reflect sunlight onto neighbouring properties and is not in heritage character

Comment: Zincalume is acknowledged as a relatively shiny and reflective material. However, amenity impacts from glare and reflection are not expected to be unreasonable in considering the following:

- Zincalume roofing is typical for buildings in rural areas, and is the same materials as the existing church on the site.
- The new buildings are low in height and setback rear of the church building.
- Zincalume dulls over time.
- The wall materials also include glazing and grey timber wall cladding and timber screening.
- The existing large trees on the site offer screening and visually break up views to the site. This screening will be significantly reinforced by dense vegetated buffers required to reduce impacts and conflict with adjoining agricultural activities such as chemical spraying. The required vegetation will also provide for a dense visual screen substantially reducing opportunities for glare from materials to extend beyond the property.
- In considering the extent of vegetation surrounding the new building (existing and proposed), the new buildings will be in shade for most of the day.

In regards to the heritage character of the zincalume, as detailed above, the zincalume sheeting matches the traditional church building. However, more broadly, it is acknowledged that the overall design philosophy of the new buildings is unique and more modern in contrast to the traditional timber church. The design and choice of certain materials for the new buildings have been purposefully chosen to ensure they are readily identifiable from the former church as new work, consistent with the Burra Charter (2013), which states:

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

The new buildings address this criteria well and ensure the significance and visual prominence of the church is maintained such as by siting the new buildings rear of the church, providing a low building height (maximum 4.8m), including openings (some glazed) through the building to further reduce building bulk, and the provision of the lightweight connection (physically and visually) to the church (building connected by a deck to the church).

Refer to Attachment 2 (S4.15(1)(b)(vii) Heritage) for further consideration of heritage and character impacts.

7) Visitors to the art gallery for exhibitions may exceed expectations and parking will not be sufficient.

Comment: With no listed parking requirements in the DCP, Council's Development Engineer undertook a merit assessment of car parking. For detailed comments refer to Attachment 2. The summary of the engineering assessment is included below:

The merit assessment of the proposed development has considered the day to day operation and determined that eight on-site car parking spaces are required. There will be short periods when demand exceeds the provided spaces, however it is accepted that general parking need not be provided for these short and infrequent peak periods. This additional parking need can be suitably addressed by using on-site grassed areas or the adjacent grass verge on Rous Mill Road.

8) Bushfire threat from nearby macadamia and camphor laurel trees

The applicant provided the following response which adequately addresses this concern:

The land is not mapped as bushfire prone. Notwithstanding adequate provision is made for fire safety and management. A dedicated 10,000L water tank is provided for fire protection.

9) Kiln close proximity to trees presents as a potential ignition source

The applicant responded appropriately to this matter and advised that the kiln:

- is in an enclosed structure (shed)
- is an enclosed piece of equipment.
- is very well insulated for safety, productivity and efficiency reasons and
- that the process requires constant monitoring, so it will be constantly under observation when 'fired up'.

10) Roofwater and potential for discharge and erosion on adjoining land

Comment: Council's Development Engineer provided the following relevant response to stormwater management and this issue:

Stormwater disposal from proposed impervious areas (driveway, paths, carpark, roofs) can be disposed of and managed on this rural site, so as not to cause erosive impacts on the adjoining Lots. Roof water will be harvested and stored in 2 by 10,000 litre tanks with overflow directed to the grass areas at non erosive velocities. Sheet flows from the paths and car park can be captured by dispersion trenches before overflow to the road verge and/or the grassed surrounds. These flows and also those from overflow discharge pipes from the rain water tanks, are to be dispersed at non erosive sheet flows. The consent will be conditioned accordingly.

11) Fencing – concern of safety of visitors and children if property unfenced

Comment: There is no requirement for the site to be fenced as part of the development application process. The use does not pose a high safety risk to visitors such as for a child care centre.

Certain fencing may be included later as exempt development. It is noted that the northern and western boundaries are already fenced.

Fencing is regulated under the Dividing Fences Act 1991 and includes the mechanism for land owners to come to agreement over the installation of fencing.

12) Onsite Wastewater Management – concern of effluent spreading from effluent trenches when water flows over the land, and interference from tree roots

Comment: The applicant provided the following response to this issue:

A new contemporary on-site wastewater system has been designed to Council requirements for the anticipated use of the art gallery and studio. The proposed system is much more appropriate than the facilities that serviced the church.

A wastewater report was submitted with the application and then further updated following requests from Council's Plumbing and Drainage Officer.

The amended wastewater report was considered satisfactory to proceed to conditioning the requirement of a Section 68 Application for Plumbing and Drainage works and an OSSM (Onsite Sewage Management System) Section 68 Application.

Of note the septic tank and primary evapotranspiration bed are proposed to be located within a generally cleared area in the middle of the site which addresses the submitter concerns.

The primary system serves the toilet, handbasin and kitchenette.

The secondary absorption system is located 8m from the western boundary. The secondary system serves the art studio sink only.

The amended wastewater report identifies that the existing trees are expected to act as a vegetative buffer preventing contaminants leaving the property. The report also specifies that the nearby trees have not been identified as having invasive roots.

13) Issue – lighting

Comment: The applicant advised that:

No lighting is proposed which might cause glare or spill beyond the boundaries of the land and certainly not across Rous Mill Rd.

With the exception of the opening day of specialised exhibitions (up to eight times / days a year), the operating hours will not extend into evenings.

To ensure any possible light spill impacts are managed, the following condition is recommended:

External lighting

All external lighting to be installed and operated on site shall comply with the AS 4282:2019 "Control of the obtrusive effects of outdoor lighting".

Second notification (21 April 2021 to 6 May 2021) – Four submissions objecting, five submissions in support

Objections

14) Dwelling entitlement / caretaker dwelling

- No noticeable structural changes made to floor plan, only changes to room description. It is still capable of being occupied as a dwelling.
- Kitchen and bathroom are made to look part of art gallery but appear can be used separately for a dwelling.
- Precedent based on potential use of suite of rooms
- To address concern Council should include a condition on any consent clarifying the position relating to no dwelling entitlement.

Comment: In responding to the above issues, the applicant advised that:

“The development proposal is for an information and education facility (art gallery and studio). An art gallery and studio requires ancillary facilities such as; a kitchen, toilet facilities, office and storage. Gallery space, studio and kiln shed are a core part of this proposal”.

Whilst the submitters concerns are understood and appreciated, the applicant has formally modified the application to remove the caretaker dwelling and the additional facilities referenced above are reasonably expected for the purpose of the development.

To ensure there is no uncertainty of what is approved and what is not approved, the following condition of consent is recommended:

Confirmation and limitations of approved development

The development is confirmed as being for, and limited to, the purpose of the establishment of an Information and Education Facility (art gallery and studio) comprising conversion of existing church building to gallery space, erection of pottery studio and kiln shed for educational classes, and ancillary amenities and associated infrastructure works.

An information and education facility is defined under *Ballina Local Environmental Plan 2012* as:

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

Any retail sale of artworks must remain a subordinate and ancillary component of the primary purpose of the art gallery, being for the exhibition and display of items / art.

To further clarify the limitations of the consent, the approved development:

- Must have no more than five students as part of the pottery classes on the site at any one time.
- Is restricted to holding a maximum of eight specialised exhibitions per year.
- Must not incorporate the retail sale of food and drinks from the premises.

- Must not provide foods to guests that involve cooking and/or other preparation without prior written consent from Council.
- Must not be used at any time for any form of residential accommodation. Note: The subject site, Lot 23 DP 805799, does not benefit from a dwelling entitlement.

15) There is potential for the site to be used for short term rental accommodation

Comment: As detailed above, no dwelling is proposed, which short term rental accommodation is reliant on.

16) Concern of land use conflict with adjoining macadamia farm operations

Comment: Whilst the caretaker dwelling was the primary concern of objectors, including from adjoining macadamia farm owners, the same land use conflict concerns were raised during the second notification period.

Refer to comments addressing this issue for first notification period. Most notably, the development no longer includes a residential component (and therefore no form of potential tourist accommodation) and the risk of conflict can be reduced satisfactorily via suitable conditions, namely dense vegetation planting along West, North and East boundaries.

For more detailed assessment of land use conflict refer to Attachment 2.

17) Issue – Rous Mill Road, provision of on-site car parking

Comment: Refer to response to issue 7 and Attachment 2 for parking assessment.

18) Cost of development excessive given the proposed low usage. Question the purpose of the development.

Comment: The cost of the development and whether there is a perceived value or expected financial return is a private matter for the owner and not a planning consideration.

19) Concern that food will be produced and sold through the kitchen.

Comment: The applicant has not proposed any sale of food and drink from the site. No issues are raised with the proposed facilities or use of the kitchen, which is described by the applicant as follows:

The kitchen will primarily be used to provide facilities for students for storage and consumption of self-provided lunch, tea and coffee. Food consumption and storage has purposefully been kept separate to the working space for health and safety reasons. In the event of an exhibition opening in the Gallery space, finger food may be provided and this would usually be provided by external caterers, prepared off-site and possibly heated and plated up onsite.

The facilities within the kitchen will include refrigeration, bench surfaces, basic heating such as microwave or oven, tea and coffee facilities.

To ensure food and drink are not sold from the site, a suitable condition is recommended, which is included in the response to submitter issue number 14. The condition also limits the scope of the kitchen's use.

20) The use of an art exhibition space may include commercial/retail activity which is not allowed in the RU1 zone.

Comment: The information and education facility definition does not expressly exclude ancillary retail sales of artworks. It is common practice for art galleries to offer artworks for sale, though the core experience is for visitors to view the art works. A suitable condition is recommended to ensure any artwork sales remain ancillary and subservient. Refer to the response and included condition under submitter issue number 14.

21) Burial site – There may be more internments beneath the current location of the church building as this is not the location of the original church building.

Comment: Ground Penetrating Radar survey has been carried out across most of the site, specifically to all those areas that a building and/or works are proposed. To also survey underneath the church will be impractical and is not considered necessary as no works are proposed in this location. Importantly, the applicant also arranged for the preparation of an Archaeological Protocol which identifies the steps necessary in the event any human remains or other archaeological items are found during works.

The Archaeological Protocol was supported by Heritage NSW, subject to additional conditions. It is considered that this matter has been addressed to the highest level possible at this stage in the process.

22) The narrow local roads are not engineered to accommodate the potential increased traffic. Potential increased hours will only exacerbate this issue, noting that the applicant states “normal hours for the public will initially be minimal until the studio and exhibition space is established”.

Comment: Council's Development Engineer has assessed the local roads as adequate, with the following relevant comments provided:

Rous Mill Road is a bitumen sealed road in good condition which facilitates two way traffic flows. The road pavement has recently been widened/upgraded, which now facilitates a nominal 5.6m. wide bitumen seal plus gravel/grass shoulders. No further road works are required as a result of this development, apart from a new, fully constructed driveway to facilitate access to the site and new car park.

The existing external road network is constructed to a suitable standard to service the proposed development.

It is understood that the applicant has requested operating hours that allow for the future ideal operating capacity for the development. As the quote referenced above indicates, initial hours of operation will be less than what has been proposed. The maximum operating capacity will be limited via a condition of consent.

Refer to response to issue 7 and Attachment 2 for parking assessment.

23) Increased tourist visitation will create more noise and may disrupt creek habitat near the road which has four platypus.

Comment: Increases in tourist activity within the locality as a result of the development is not expected to be significant, nor create unreasonable levels of noise, subject to standard conditions relating to noise and hours of operation.

There are no environmental constraints, such as a creek, within or immediately adjoining the site.

The development is not expected to impact on any local wildlife.

Support

- 1) *An opportunity for Rous Mill to continue to grow as a creative community*
- 2) *Church building will be retained rather than being left to become derelict, removed or relocated*
- 3) *The proposed development will complement the Rous Mill Hall which a community hub and located opposite the site*
- 4) *Sympathetically designed for site*
- 5) *Proposal celebrates the character, heritage and history of the former church in its new role as gallery*
- 6) *It will be attended by local and beyond which will have a positive economic benefit to the community*

Comment: The positive aspects of the proposal identified in the submissions are all agreed with, and highlight the sites suitability for the development and overall benefit it will provide to the community.

4.15(1) (e) The Public Interest

The proposed use is considered complementary to the surrounding development which consists of detached dwellings, a community hall and macadamia farming.

The use is not expected to operate at a scale or intensity that would unreasonably impact on the nearby residents such as from noise or vehicular movements.

The use is also not a form of residential or rural tourist accommodation, reducing likelihood of land use conflict. Potential impacts on neighbouring land uses are further reduced via appropriate conditions of consent.

The proposed use will benefit the wider community by ensuring the continued conservation of the historical church and supporting the growth of the Arts in the region.

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

Conclusion

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

The matters raised within the public submissions received in relation to the proposal have been adequately addressed within this assessment and the section 4.15 assessment report contained in Attachment 2.

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

Option 1 – Grant consent to the application

It is recommended that Council grant consent to the application, subject to applicable planning, engineering, environmental health and building conditions (refer Attachment 6).

Option 2 – Refuse the application

Council could determine that application by way of refusal. This option is not recommended given the assessment has concluded that the application meets the applicable planning requirements and conditions can be imposed to suitably address potential impacts associated with the development.

Option 3 – Defer determination of application

Council could defer determination of the application to obtain additional information or hold a Councillor briefing of the matter. This option is not recommended on the basis that sufficient information has been submitted to undertake a complete assessment of the application.

RECOMMENDATION

That Development Application 2020/450 for the establishment of an Information and Education Facility (art gallery and studio) comprising conversion of existing church building to gallery space, erection of pottery studio and kiln shed for classes, and ancillary amenities and associated infrastructure works at Lot 23 DP 805799 be **APPROVED** subject to applicable planning, engineering, environmental health and building conditions for this type of development.

Attachment(s)

1. DA 2020/450 - Locality Plan
2. DA 2020/450 - Section 4.15 Assessment Report
3. DA 2020/450 - Proposed Plans
4. DA 2020/450 - Public Submissions (first notification period)
5. DA 2020/450 - Public Submissions (second notification period)
6. DA 2020/450 - Draft Conditions of Consent

8.2 Affordable Housing

8.2 Affordable Housing

Section	Strategic Planning
Objective	To seek Council's approach to responding to affordable housing issues generally and specifically with respect to an affordable housing proposal in Wollongbar.

Background

Council considered a report at the 8 December 2020 Commercial Services Committee meeting relating to Council's land development project at Wollongbar.

The report included a proposed social housing project on the site. In response, Council resolved as follows:

- 1. That Council notes the contents of this report regarding the financial feasibility for the Wollongbar Urban Expansion Area – Stage Three development, as per the report attachments.*
- 2. That Council receive a further report on the proposal put forward for a social housing development at the Wollongbar Urban Expansion Area, including financial and governance implications. The report to also include information on the levels of homelessness of older women in Ballina Shire and the degree to which not for profit organisations, State and Federal Governments, are providing support for those people.*

Information on the Wollongbar housing proposal is provided as Attachment 1.

At the 26 February 2021 Ordinary meeting, Council considered a notice of motion and resolved as follows:

That as part of the development of the housing affordability strategy, which is an action in the 2020/21 Operational Plan, Council examine the option of creating a consultative group, consisting of key housing stakeholders, to inform the strategy and to provide on-going input and feedback into the implementation of the strategy.

A Councillor briefing was held on 2 June 2021 in relation to the matters above, foreshadowing the information presented in this report.

Council also considered a notice of motion at the 24 June 2021 Ordinary meeting and resolved as follows:

- 1. That Council acknowledges that there is a housing affordability crisis in the Ballina Shire.*
- 2. That Council, in conjunction with community based housing providers, such as Social Futures and North Coast Community Housing, liaise with the State Government to investigate ways that we can all work together to convert suitable Crown Land within the Ballina Shire into affordable or community housing.*

8.2 Affordable Housing

The purpose of this report is to respond to the Council resolutions and provide an outline of other actions being taken with respect to affordable housing.

Key Issues

- Affordable housing
- Other forms of housing
- Council land development
- Transparency and stewardship of public monies

Discussion

Key Drivers

Despite the common rhetorical explanation of high house prices being a simple function of lack of housing supply, the drivers of the current housing situation are more complex and reach far beyond the sphere of local government.

Taking a deeper view, research undertaken by the Australian Housing and Urban Research Institute (AHURI) points to changes in the 'institutional framework' for housing in Australia, which has entrenched a policy framework that appears unable to address housing affordability concerns in a significant way.

These 'institutional factors' include:

- Labour market deregulation has resulted in increases in insecure work through casualisation and wage stagnation making home purchase out of reach of some workers
- Increased workforce participation has increased the purchasing power of two income households, thus raising the minimum income required to compete in the housing market
- Financial sector deregulation that has led to housing sector "financialisation" whereby society has increasingly come to see 'housing more as investment vehicle than shelter'
- The emergence of a policy environment that is not conducive to broad based home ownership, with the development of powerful lobby groups representing vested interests which work to protect policies that advantage housing investment over home ownership (such as the significant tax advantages provided for housing investors over homeowners).

The AHURI research points to the consequences of this institutional framework as being the likely continued decline in home ownership rates and growing disparities in wealth between homeowners and renters in Australia.

The financialisation of housing markets combined with a social and economic architecture that encourages property speculation as the pathway to personal wealth (supported through taxation settings, bank lending standards and Government programs) runs an increasing risk of asset bubbles and associated financial instability in the future.

8.2 Affordable Housing

In addition, demographic impacts associated with COVID-19 and Government stimulus has underpinned a significant boost to regional house prices in the last 12 to 18 months. This has placed additional pressure on first home buyers and key workers.

Despite the housing crisis being a clear example of “market failure”, State Government intervention has largely been lacking. The decade’s long lack of sufficient investment in public housing, despite the obvious and growing need, being a case in point.

A recent report, released by the City Futures Research Centre, prepared by a collaboration of notable Australian housing researchers, in collaboration with peak housing organisations, titled “*Housing: Taming the Elephant in the Economy*”, provides an excellent summary of the issue along with a range of appropriate national level housing reforms required to effectively address the issue.

This report is provided as Attachment 2. Cr Cadwallader has referenced this report in a notice of motion, also included in this agenda, with one of the recommendations from the report being for a Royal Commission into housing.

Notwithstanding the apparent failure of our current political economy to effectively respond to the current housing crisis, at the level of State and Federal Government and the private sector, local responses may help mitigate some of the impacts.

Housing Statistics

The COVID-19 pandemic has had a significant impact on domestic migration and on the demand for housing and rental accommodation in regional areas. Combined with record low interest rates, this increased demand has contributed to strong growth in regional house prices and rentals. For example, in Ballina Shire the median sales price for single dwellings of \$693,000 in June 2019 increased to \$850,000 by December 2020, being an increase of 22.6% in 12 months.

In terms of rental housing, the median house rental increased from \$550 per week in December 2019 to \$620 per week by March 2021, being an increase of 12.7% in 15 months (on the basis of new rental bonds lodged). More significant than the cost of new rentals, however, has been the declining availability of rental housing as reflected in an extremely low vacancy rate of 0.3% in May 2021 (in postcode 2478).

This tightness in the housing market is increasing housing stress and risk of homelessness for low to moderate income households, and is contributing to the labor shortages across a broad range of employment sectors.

Local community housing providers advise of many instances where the properties they lease from private landlords are having rents rise or being sold due to the strength of the market at present.

Further, staff are aware of many recent examples of would-be skilled regional migrants not being able to move to, or remain in, the region due to a lack of affordable housing.

8.2 Affordable Housing

Data on homelessness is inherently limited due the challenges associated with data collection.

The data that is available indicates:

- In the 2016 ABS Census there were 77 people reported as being homeless in the Ballina LGA.
- The 2016 Census revealed older women (55+) as the fastest growing cohort of homelessness in NSW, with an increase of 48% from 2011 to 2016.
- The 2021 Street Count recorded 20 people sleeping rough in Ballina, representing 1.6% of the NSW rough sleepers.

The next population Census is to occur in August 2021, with data to become available six to eight months after the Census.

Anecdotally, local homelessness service providers report an increase of 75% of older women seeking homelessness assistance over the past approximately 12-month period.

Short Term Rental Accommodation Impacts

The impacts of Short Term Rental Accommodation (STRA) such as “Airbnb” and “Stayz” on coastal tourist areas, such as Ballina Shire, is a growing concern, due to the potential to reduce the availability of permanent rentals available for local residents and workers.

Although up to date statistics on STRA are generally lacking, the growth in the number of STRA units available on these platforms has been significant.

A study undertaken by Southern Cross University indicated the number of STRA dwellings in Ballina Shire increased by 219% between 2016 and 2019.

A copy of the study, reviewing resident perceptions and growth in STRA, is provided as Attachment 3.

The NSW Government’s Housing Strategy (2021) includes an action relating to the development of a ‘housing evidence centre’, to provide agencies and organisations working in the housing system with information necessary to develop sound policy and workable projects.

Whilst the NSW Government is in the process of formalising changes to the planning system, to enable STRA as forms of exempt and complying development, it is concerning that this is occurring in the absence of a thorough consideration the potential impacts of STRA on housing affordability, particularly in areas with high tourist visitation such as the NSW North Coast.

Consequently, it is recommended that the Government be strongly encouraged to improve the availability of STRA data to local government, so that the impacts of STRA on local housing supplies can be monitored, and delay the implementation of the STRA reforms until further consideration has been given to the impact of these changes on coastal tourist regions of the State.

8.2 Affordable Housing

Homelessness Services

A number of organisations are currently involved in the provision of homelessness services. An outline of the key organisations relevant to our region are outlined below:

- **Mary's Place:** drop-in homeless support service providing light refreshments, showering facilities, outdoor space for socialising, computer access, medical and nursing care, Centrelink engagement service, legal and housing support, and psychological and counselling services.
- **Momentum Collective:** Specialist homelessness services and crisis accommodation support.
- **Social Futures:** Specialist homelessness services (Connecting Home program). There is no office located in Ballina however outreach services are provided from Lismore or Byron Bay.
- **Department of Community Justice:** Provide temporary (28 days) emergency accommodation, bond loan, tenancy guarantee (funding, not direct support).

Whilst the existence of such services is essential, a more fundamental address of housing issues is necessary to avoid vulnerable members of our community falling into homelessness in the first place.

Affordable Housing Providers

Community Housing Providers (CHPs) are registered under the National Regulatory System for Community Housing in one of three tiers of registration, reflecting the scale of community housing tenancy and property management activities and scale of development activities (where these are undertaken).

The CHPs are divided into different 'Tiers' reflecting levels of activity and risk, with Tier 1 CHPs representing the highest level of activity (including development). CHPs have become the State Government's preferred mechanism for the management of Department of Housing stock and for the funding of new housing projects, setting such activity increasingly outside of the State Government operational budgets, whilst maintaining the asset value of the land on the Government's balance sheet (by the Government retaining land titles).

North Coast Community Housing

North Coast Community Housing (NCCH) is the main registered Community Housing Provider (CHP), and the only Tier 1 CHP operating in the NSW North Coast region. Operating since 1984, NCCH manages a portfolio of 974 residential properties housing over 1,700 residents. Of these:

- 684 properties are leased from NSW Land & Housing Corporation
- 189 properties are leased from the private rental market
- 86 properties are owned by NCCH
- 15 properties are managed under a fee for service arrangement.

8.2 Affordable Housing

NCCH has extensive experience in the development of affordable housing projects and the management of tenancies.

In discussing opportunities for collaboration, NCCH management has indicated a willingness and flexibility to accommodate a range of possible collaborations with Council, from undertaking development to providing tenant management on Council's behalf.

Social Futures

Established over 46 years ago, Social Futures is a registered charity with operations throughout New South Wales providing a broad range of homelessness services (as outlined above) and other social programs. In addition, Social Futures is a Tier 3 CHP. Social Futures is the CHP partnering in the Wollongbar Affordable Housing Proposal.

Landcom

Landcom is a NSW State Owned Corporation created with the stated purpose of *“moderating the housing market, stabilising land supply and supporting the development industry”*.

Whilst traditionally engaged in the delivery of large-scale urban development projects in metropolitan parts of the State, Landcom has developed a program for assisting local government in the delivery of affordable housing projects. Further details regarding this program are provided in Attachment 4. A diagram outlining the basic elements of these services is provided below.



Landcom is available to assist local government in the assessment of affordable housing projects (in terms of viability and market testing) and to provide further services in association with such projects (or not) depending on a council's preferences.

Subject to the identification of appropriate Council-owned development sites, the engagement of Landcom may be beneficial.

8.2 Affordable Housing

NSW Department of Housing

Much of the existing stock of social housing within Ballina Shire is of an age and condition that make it suitable for redevelopment. Notwithstanding, the reluctance of Government to fund such projects directly to date is seen as a significant impediment to the provision of new social housing.

The NSW Government's recently released NSW Housing Strategy (2021) includes the following actions with respect to Government owned land:

- *Continue to invest in renewing and growing social housing and enabling the community housing sector*
- *Enable people living in social housing to more easily transition into private rental or home ownership*
- *Provide ongoing housing assistance for those in crisis*
- *Support better outcomes for Aboriginal people and communities*
- *Partner with industry and community housing providers to test new housing typologies on government land*
- *Improve government-led residential development outcomes and processes to drive the supply of more affordable, diverse, and resilient housing*
- *Support the supply of suitable housing for essential workers in 'hard to fill' locations*

Notwithstanding the above Housing Strategy actions, it is noted that the provision for increasing social housing was not included in the latest State Government budget.

The Federal Government appears to be investigating the creation of alternative investment funding mechanisms for social and affordable housing.

A paper outlining this approach, dated May 2021, is provided as Attachment 5.

The basic approach outlined in Attachment 5, involves the issuance of Government-backed investment bonds to fund affordable housing projects undertaken by registered CHPs on State Government land, with returns to investors paid through future rents.

A tenure mix (subsidised to full market rentals) would facilitate affordable rentals for a proportion of the dwellings while providing investor returns. Once paid off, the buildings would revert to State Government.

It is currently unclear the level of commitment by Federal and State Governments to this scheme, however it provides an indication of the general scope of what higher levels of Government are considering.

Having regard to this, the identification of preferred sites (of vacant Crown and other Government land) for development under such a scheme may assist in the prioritisation of such projects in Ballina Shire under such a funding mechanism, in due course, whichever organisation/s undertake the affordable housing projects on State/Crown Lands.

8.2 Affordable Housing

Legislative Framework

The NSW Government has introduced several statutory provisions to assist the delivery of affordable housing projects in the State. These are summarised below.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Prevailing over local environmental plans, this State Environmental Planning Policy (SEPP) provides a range of development bonuses, concessions and requirements to registered affordable housing providers (including CHPs and the Department of Housing).

State Environmental Planning Policy No. 70 Affordable Housing (Revised Schemes)

Prevailing over local environmental plans, this SEPP provides local councils with a mechanism for levying developer contributions as a condition of development consent.

Formerly, only applying to certain Sydney local government areas, the remainder of the State has recently been included under the SEPP. An associated guideline has been released by the NSW Government outlining the steps and requirements for imposing a development consent condition for affordable housing under SEPP 70, including a requirement for an enabling clause under the LEP.

A copy of this guideline is provided as Attachment 6.

On 22 June 2012, the NSW Government introduced a Bill (the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2012*) into the NSW Legislative Assembly to reform aspects of the developer contributions provisions of the Act.

The Bill appears to consolidate the provisions of SEPP 70 into the Act and make other consequential amendments in relation to developer contributions.

Importantly, the Bill and SEPP 70 rely on the concept of “value capture” with respect to levying contributions (as land or money) for affordable housing.

Consequently, the imposition of affordable housing contributions is limited to circumstances where a development bonus (above existing development standards) is provided through the rezoning process applied to particular precincts or localities.

In the case of Ballina Shire, due to the majority of the greenfield release areas being already zoned, the imposition of an affordable housing contribution would be largely limited to infill development opportunities, where Council is of a view that such density increases (above existing controls) are justified and consistent with the evolving character of existing urban localities.

The amount of land or money that can be levied with respect to affordable housing contribution schemes is constrained by the impact of such levies on the viability of development projects.

8.2 Affordable Housing

The Department has provided a guideline and a viability assessment tool to assist in the setting of reasonable affordable housing contributions under the scheme.

Further, as a practical matter, the density bonuses established under such schemes needs to be consistent with the current viable development density for the site, otherwise the impact of increasing densities in such circumstances may cause developers to stall development until such time as the projects (at the higher density) become viable, thereby discouraging development in the interim.

Challenges associated with adopting a scheme under the above provisions include:

- Identifying reasonable density bonuses to be provided (which are required to trigger the scheme) that are consistent with community expectations with respect to density of development within existing urban localities.
- Establishing an affordable housing contribution amount (of land or money) at a level which enables the development to remain viable (and profitable) so that the development proceeds, whilst collecting sufficient contributions to make the scheme function and worthwhile.
- Administering the scheme to deliver affordable housing projects once sufficient funds/land have been collected under the scheme.

Notwithstanding the complexities outlined, there may be merit in investigating the opportunities for imposing such affordable housing conditions through the development of an affordable housing scheme.

Environmental Planning and Assessment (Planning Agreements) Direction 2019

This Ministerial Direction, issued under Section 7.9 of the Act, requires that local councils have a policy setting out the circumstances under which a voluntary planning agreement (VPA) may be entered into for the delivery of affordable housing.

In Ballina Shire's case, the provision of affordable housing is defined as a public purpose for which a VPA may be negotiated under Council's Planning Agreements Policy.

Staff are currently in the process of negotiating a VPA with the developers of the Ballina Heights Estate, to facilitate the timely development of the Ballina Heights Commercial Centre. The draft terms of the VPA also include opportunities to deliver affordable housing as an additional outcome. This VPA will be reported to Council in due course.

Regional Collaborations

A Housing Working Subgroup (HWG) of the Northern Rivers Joint Organisation (NRJO) Planners Group for Byron, Ballina, Lismore, Kyogle, Richmond Valley and Tweed Councils has been established to advance local government responses to the affordable housing crisis on the NSW North Coast.

8.2 Affordable Housing

The HWG held a workshop on 20 May 2021 to share experiences and broadly map out a path for moving forward.

A scoping paper is currently being drafted/refined providing a regional overview of the housing situation on the NSW North Coast, and outlining the range of local responses being explored by constituent councils and including recommendations to State Government.

HWG representatives were invited to present to a NRJO Mayors Housing Workshop, held on 18 June 2021, at which the following organisations were also represented and provided presentations:

- North Coast Community Housing
- Housing Industry Australia
- Regional NSW
- Queanbeyan-Palerang Regional Council
- Business NSW
- Landcom

On 18 June 2021, the Hon. Rob Stokes, MP Minister for Planning and Public Spaces, announced the establishment of a taskforce to speed up the delivery of homes in regional NSW.

A copy of the Minister's press release is provided as Attachment 7.

Further details regarding this taskforce have not been released publicly.

The NRJO meeting supported the preparation of a submission to the taskforce as soon as possible. Due to the short timeframe, the final submission will not be available for endorsement by Council prior to it being submitted.

Council's in-principle support for a regional (NRJO) submission to Government, on the basis of the regional scoping paper and the outcomes of this report is included as a recommendation.

Additionally, the NSW Legislative Committee on Community Services has announced an inquiry into crisis accommodation, having the following Terms of Reference:

That the Committee inquire into and report on options to improve access to existing and alternate accommodation in order to help address the social housing shortage in NSW, with particular reference to:

- a) options to better support 'meanwhile use' (temporary supportive accommodation), and the current major planning barriers to 'meanwhile use';*
- b) options to improve access to existing accommodation to provide community housing;*
- c) options for crisis, key-worker and other short term accommodation models;*
- d) barriers to additional supply across NSW, including for smaller non-CHP housing providers; and*
- e) support for and accountability of registered community housing providers.*

Submissions to the Parliamentary Inquiry have been invited and the closing date is 13 August 2021.

8.2 Affordable Housing

The terms of reference for the inquiry relate to availability of short-term emergency or “crisis accommodation” for those in acute need, rather than the broader scope of housing supply that is more directly aligned with local government roles and responsibilities.

Notwithstanding, Council may wish to make a submission to the inquiry raising Council’s concerns about the chronic undersupply of crisis accommodation.

If Council provides in-principle support, staff will make a submission based on the sentiments of this report.

Affordable Housing Actions

The current crisis in housing affordability suggests a greater level of government intervention is necessary to increase the availability of housing units for those sectors of the community that are currently being priced out of the open rental housing market.

Such intervention is becoming increasingly necessary to mitigate the negative impacts of high house prices such as increasing homelessness and labor shortages in key sectors.

The following areas of possible action are presented for Council’s consideration.

Lobby State Government

Council could seek to encourage higher levels of investment in the direct provision of social housing by State and Federal Governments, focusing on the redevelopment of existing (dilapidated) Department of Housing stock.

This would essentially involve a lobbying effort, ideally as part of a regional collaboration with neighboring councils (or through NRJO) and the direct appeal to Ministers and local MPs to relate local concerns.

It is recommended that this include the identification of specific sites (of Crown Land and other Government holdings) which would suit redevelopment.

A range of other possible policy responses to the housing affordability crisis have been identified in the development of the Regional Affordable Housing Scoping Paper referred to above.

These potential policy responses include improving the incentives for developers to release greenfield land in a timely way, through mechanisms such as including sunset clauses on zonings and increasing holding taxes on vacant land.

The NSW Government should also be encouraged to make available detailed data regarding STRA to enable the impacts on local housing supply to be monitored.

8.2 Affordable Housing

Council can also lobby Crown Lands and other Government agencies to encourage the use of land holdings for affordable housing projects (this can be carried out as part of the action being taken on the June 2021 resolution outlined at the beginning of this report).

To this end, the recommendations outlined further in this report include:

- In-principle support for a NRJO submission to the Housing Taskforce referred to above.
- In-principle support for a submission to the NSW Parliamentary Inquiry into crisis accommodation referred to earlier.
- Writing to the Minister for Housing encouraging the development of additional social and affordable housing by Government in Ballina Shire.
- Writing to the Minister for Planning raising concerns relating to the impacts of STRA on local housing supplies.

Affordable Housing Projects on Council Land

Council has landholdings (held as Operational Land under the *Local Government Act 1993*) as part of its land development portfolio, including land within the Wollongbar Urban Expansion Area and in Lennox Head (formerly part of the area known as the Henderson Farm).

Council could consider opportunities to deliver affordable housing projects on these sites and possibly other vacant sites such as underutilised pocket parks (in the future).

This could involve a number of different approaches depending on the level of involvement and control Council wishes to have with respect to these projects and their outcomes.

To assist in the development of such projects, the following objectives are proposed:

- Deliver affordable housing to the target in-need groups (such as older persons, key workers)
- Deliver quality development appropriate to residents' needs (such as dwelling size, safety and accessibility)
- Deliver projects consistent with the community's expectations regarding the quality and amenity of the built environment
- Deliver projects in a manner that is reflective of Council's limited financial resources and land holdings in the long-term (social and financial) interests of the community.

It is anticipated that multi-unit development projects, involving a mixture of open market sales with retention of units for a mixture of full market rental and subsidised affordable rentals, would provide the most viable approach, having regard to the above objectives.

This also provides Council with flexibility around who is accommodated (e.g. key workers, older women etc).

8.2 Affordable Housing

If Council supports this action, a model would be developed in consultation with key stakeholders, namely the CHPs mentioned in this report and potentially Landcom, having regard to the identified objectives, to be reported back to Council for consideration.

Wollongbar Affordable Housing Proposal

An affordable housing proposal has been submitted to Council, seeking support and land.

The details of this proposal are outlined in Attachment 1.

In summary, the proposal would involve accommodating single older women in four modest cabin-style single-room dwellings (using prefabricated construction). The proponents have requested that Council donate a 600m² residential lot in the Wollongbar Urban Expansion Area.

Comments on the proposal include:

- Council's residential development standards (per the Ballina Shire Development Control Plan 2012) require a minimum site area of 1,000m² for the development of multiunit housing. Consequently, two residential lots would be required to accommodate the proposal, which (at a combined area of 1,200m²) would have the potential to accommodate up to six dwelling units on such a site (subject to detailed assessment and design).
- The proposed legal entity seeking to undertake the project (and receive Council owned, on behalf of the community, land), being a development consortium (albeit with a social purpose) may not be the preferred model and other models might bring greater transparency to the project.
- Social Futures is a community based organisation, however they still need to operate based on a sustainable financial model, which means fees and staff costs will form part of the operating cost for the project.
- The conditions surrounding the contribution of \$200,000 are not totally clear, as to whether this is a donation that is never to be repaid, or whether it will be repaid at some future date.
- The information provided in Attachment 1 is limited and should Council support (in-principle) the approach outlined in the proposal, an open expression of interest process (offering either the grant or subsidised lease of land) that results in proponents providing detailed information and operating costs and charges, would be the appropriate approach in terms of probity and transparency, as other providers may be interested and it is essential that Council has all of this information available to justify any decision to "cede" valuable land to an external party.

A preferred approach, in the view of staff, would be for Council to directly undertake affordable and attainable housing projects on Council owned land, as this ensures Council retains control over the land, being a whole of community asset, and enables consideration of a variety of options as a project is refined (e.g. rental vs sale mix, who is accommodated, and long term outcomes for the land). It also avoids bringing additional layers of costs into the project through intermediary organisations.

8.2 Affordable Housing

These projects could be undertaken by Council as part of its land development portfolio, in a manner that provides for positive social outcomes, whilst also managing Council's limited financial resources.

Such projects would also be undertaken in a manner that provides a reasonable return on Council's assets (including the recoupment of land development costs), as Council needs to be mindful of its own financial sustainability.

The affordable and more attainable level of housing stock in the Ballina Shire is very limited and Council, by undertaking such projects, might be able to slightly influence the market and demonstrate the viability of such projects. The provision of affordable housing to cater to single older women is acknowledged is a key cohort that could form part of any development proposals.

If Council is inclined to support the proposal set out in Attachment 1, ahead of a broader analysis of affordable housing development options for Council's land holdings, this should only be progressed through an open expression of interest process based on two options (relating to the development of a single 600m² lot and two lots combined at a total area of 1,200m²). This will enable Council to then consider other proposals and the potential outcomes before determining how the land is to be used.

Develop an Affordable Housing Contributions Scheme

Council could develop an affordable housing scheme to enable an affordable housing levy/contribution to be charged on development under SEPP 70 (and/or the foreshadowed amendments to the Act relating to affordable housing contributions).

This would involve the identification of areas within the Shire for density increases to be subject to affordable housing contributions and undertaking development viability testing with various levels of contribution levies (in the form of land and/or money).

Delivery Program Strategy / Operational Plan Activity

The consideration of affordable housing outcomes relates specifically to action PE3.2d Review local affordable housing planning and policy framework within the 2021-2025 Delivery Program and Operational Plan.

Community Consultation Policy

Separate elements of the outcomes and projects foreshadowed in this report will be subject to community consultation processes, in due course.

Financial / Risk Considerations

Councils need to be careful expanding services to areas traditionally undertaken by State and / or Federal Governments, as the financial capacity of local government to deliver extra services is extremely limited, especially when State and / or Federal Governments are unable to deliver the same services effectively with their greater financial resources.

8.2 Affordable Housing

From a Ballina Shire perspective, Council is not in a sound enough financial position to be donating approximately \$800,000 worth of land. This is particularly the case when the Wollongbar Urban Expansion Area - Stage 3 development, is carrying a significant amount of loan debt.

The preferred model, from a financial sustainability perspective for Council owned land, is for Council to develop the subdivisions, with part of the land being sold, and a pre-determined balance retained, where attainable and affordable housing can be developed by Council.

This is no different to the model applied by entities such as North Coast Community Housing.

Under this model, Council can secure an on-going financial return and at the same time determine the type of housing to be provided, and the tenancy mix. The on-going management of the tenancies could be managed by Council or a third party.

Council has a limited land stock remaining and to ensure the Council's long term financial sustainability, recurrent income streams need to be generated from that land stock rather than having all the land sold off.

Options

The following options are presented for Council's consideration, addressing the key elements outlined in the body of this report.

A) Lobby State Government

Option A1 - Council could make representations to Government, calling for improved policy responses to affordable housing issues.

This could involve the following:

- Council giving in-principle support for the NRJO submission to the NSW Housing Taskforce. This is recommended on the basis that the collaborative regional approach provides a sound foundation for the development of policy advice to Government.
- Making a submission to the NSW Parliamentary Inquiry into Crisis Accommodation encouraging the Government to increase the supply of emergency housing in Ballina Shire. This is recommended on the basis of the acute undersupply of crisis accommodation available in the region.
- Writing to the Minister for Housing to encourage the redevelopment of existing Department of Housing stock in Ballina Shire, to increase the supply of affordable and social housing. This is recommended on the basis of the significant untapped potential of the existing stock of housing owned by Housing NSW.
- Writing to the Minister for Planning seeking the foundation of a robust evidence base for STRA policy reforms that has specific regard for impacts of short term rental accommodation on coastal tourist regions. This is recommended on the basis of the potential adverse impacts on local housing supplies due to STRA, as particularly evidenced in neighboring Byron Shire.

8.2 Affordable Housing

Option A2 - Council could adjust Option 1 to amend or exclude any particular elements.

For example, Council could make a separate submission to the taskforce, however this is not recommended as a regional approach should be more impactful. Council could also resolve to not undertake any of the elements under Option 1. This option is also not recommended as this would effectively remove Council from an advocacy role at present.

B) Use of Council land for Affordable Housing

Option B1 - Council could develop a preferred model for the delivery of affordable housing projects on Council-owned land.

This would involve staff consulting with CHPs and other key stakeholders in formulating a model.

Staff would also undertake a development feasibility assessment for Council land within the Wollongbar Urban Expansion Area and Lennox Head having regard to the objectives outlined in the body of this report.

This option is recommended on the basis that there are opportunities to achieve multiple objectives through the development of Council-owned land, with respect to facilitating the provision of affordable housing to vulnerable groups, increasing the supply of key worker housing, and providing a reasonable return on Council's assets.

Option B2 – Council could offer vacant residential land to CHPs, in a subsidized way, for affordable housing developments.

This option would involve the following:

- Determining the amount of subsidy to be provided, including the number of lots to be made available and the terms that such land would be made available. For example, a long-term lease, sale or gift of land.
- Undertaking an open tender process for the use of the sites identified under the above point, for affordable housing by registered Community Housing Providers. This would also involve setting the criteria by which these tenders would be assessed.

This option is not recommended for the following reasons:

- Whilst this option would strengthen the viability of projects and financial position for the CHP/s receiving the sites, Council would forego the economic value of the land (to varying degrees depending on the option). Due to the costs Council has incurred in relation to the development of these lots, the terms of any such lease, sale or grant should involve (at the very least) the recoupment of Council costs associated with the development of the site/s.
- Council would relinquish, to a large extent, control over the development of the sites. Due to the often controversial nature of affordable housing projects, consistency in the built form and quality of development of such developments will be important in having such projects accepted by local residents. It is suggested that retaining a Council interest in the delivery of such projects would be beneficial in this regard.

8.2 Affordable Housing

- As outlined in the body of this report, it is suggested that Council could undertake projects utilising its residential land holdings in a manner that achieves multiple objectives of delivering affordable housing and increasing the supply of key worker rental housing whilst realising the economic value of the land over the long-term.

If, however, Council is supportive of providing land directly to community housing providers or the like, it is recommended that this be done through open tender or expression of interest processes to enable the consideration of a variety of options and associated outcomes in coming to a decision.

Option B3 – Council could take no further action with respect to utilising Council owned land for affordable housing.

This option is available should the Council be concerned that the delivery of affordable housing is the responsibility of State and Federal Governments. This option is not recommended as it does not advance action in relation to affordable housing.

C) Affordable Housing Contributions Scheme

Option C1 - Council could consider the introduction of an Affordable Housing Contributions Scheme.

This would involve the following:

- Reviewing the capacity of existing urban areas to accommodate increased urban densities (as required by the scheme).
- Development feasibility testing under various contribution scenarios to determine the viability of the increased densities involved and to determine the amount of contributions payable (and viable) under the scheme.
- Undertaking community engagement with respect to the above, prior to the elected Council confirming its preferred approach.
- A planning proposal would then be required to adjust urban densities and enable the charging of affordable housing contributions within the *Ballina Local Environmental Plan 2012*.

The progress of this option is not recommended at this stage in favour of advancing a model for the use of Council land and for the reasons outlined under Option C2. There is also an estimated cost to this work in the order of \$75,000 to \$100,000 as specialist consultant support will be required.

An affordable housing scheme can be considered further in a broad sense as part of the model development. It also provides time for further monitoring and consideration of State Government reforms associated with developer contributions and housing policy in NSW.

Option C2 – Council could resolve to not progress an Affordable Housing Contributions Scheme at this time

This option would involve taking no action at this time in relation to the developer contributions framework as it relates to affordable housing, aside from monitoring.

This option is recommended at this time on the basis that:

- The scheme requires the increase of urban densities and that such increases require detailed and careful assessment (it is expected that analysis of densities will form part of future work on Council's growth and housing strategy work – i.e. density considerations should be looked at holistically for the shire).
- The amount of contributions that may be levied under the scheme will not significantly shift affordable housing issues in the shire.
- This approach allows resources to be directed towards development of a model for the use of Council owned land as the priority action for Ballina Shire Council.
- Other options involving the engagement of the State Government in housing provision, more direct utilisation of Council owned land, and other planning mechanisms are preferred over Council collection of developer contributions for affordable housing at present.

These factors may change as work progresses in addressing housing issues.

The introduction of a scheme can be revisited any time in response to such changes.

RECOMMENDATIONS

1. That Council provides in principle support for a submission by the NRJO to the NSW Housing Taskforce seeking the Government's urgent action on the delivery of affordable and social housing in the region.
2. That Council make a submission to the NSW Parliamentary Inquiry into Crisis Accommodation encouraging the Government to increase the supply of emergency housing in Ballina Shire based on the sentiments of this report.
3. That Council write to the Minister for Housing to encourage the redevelopment of areas of existing Department of Housing dwelling stock in Ballina Shire to increase the supply of affordable housing.
4. That Council write to the Minister for Planning seeking a robust evidence base for STRA policy reforms and that the impacts of short term rental accommodation on coastal tourist regions are considered in relation to this policy.
5. That Council receive a further report identifying a preferred model for the delivery of affordable housing on Council owned land, with this report examining options for Council's land holdings at Wollongbar and Lennox Head.
6. That Council declines the request for the donation of land to the Wollongbar Affordable Housing Project, as Council's preference is outlined in point five above, however Council will continue to support the proponents to find State and / or Federal Government land that may be suitable for the project.

8.2 Affordable Housing

Attachment(s)

1. Aunty Wollongbar Housing Project Proposal
2. Paper: Housing - Taming the Elephant in the Economy (Under separate cover)
3. Study of resident perceptions of short term-holiday letting in North Coast NSW council areas (Ballina Shire report)
4. Landcom - Delivering Affordable Housing with Local Government
5. Federal Government - Delivering more affordable housing research paper
6. Guideline for Developing an Affordable Housing Contribution Scheme
7. NSW Government Press Release on Affordable Housing Taskforce

8.3 Kingsford Smith Reserve Master Plan

8.3 Kingsford Smith Reserve Master Plan

Section	Strategic Planning
Objective	To provide Council with the findings of the community and stakeholder engagement process for the Kingsford Smith Reserve Master Planning project and to present the draft Master Plan for endorsement for public exhibition.

Background

Ballina Shire Council is Crown Land Manager of Kingsford Smith Reserve (Crown Reserve No 82164, gazetted 20/11/1959, public recreation).

This reserve includes land in Ballina at:

- Kingsford Smith Park
- Commemoration Park and
- Missingham Park.

Council is the recipient of an Office of Sport grant for \$3.6 million for the upgrading of facilities at Kingsford Smith Park. Priority improvements identified as part of this grant include:

- Lighting improvements
- Change room / amenity improvements to bring in line with current sporting access, equity and inclusivity guidelines
- Grandstand improvements
- Netball facility upgrades
- Surface improvements
- Car parking upgrades.

To ensure that the upgrading works are considered holistically in the context of a vision for the broader precinct, an urban design consultant has been engaged to prepare a Master Plan for the broader precinct along with concept plans for each of the three individual park areas.

The outcomes of an initial community engagement process and a Draft Master Plan based on the feedback received from this engagement are presented in this report.

The recommendation is to proceed to the public exhibition of the Draft Master Plan.

A copy of the Draft Master Plan is included as Attachment 1 to this report.

Key Issues

- Community and stakeholder engagement outcomes
- Balance of facilities and priorities

Discussion

Given the regional significance of the recreation precinct and its importance to several sporting groups Council sought input from the community and key stakeholders early in the design process.

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

- Council web site presence and content
- Social media (link to online feedback form)
- Letter box drop to residences in the adjoining blocks
- Community connect article
- Media release and radio interviews
- Direct contact via letter, email or phone with stakeholder groups

Face to face meetings were held with stakeholder groups and feedback from the general community was sought via an online survey. The survey was also made available in hardcopy upon request.

Stakeholder Engagement Meetings

The consultant and Council staff met with the following stakeholder groups on Saturday 5 June 2021:

- Ballina Seagulls Senior Rugby League
- Tintenbar East Ballina Cricket
- Ballina Netball
- Truckstop Sk8
- Ballina Environment Society
- Ballina Farmers Market
- Ballina RSL Marine Modelers
- Ballina Hockey Club

The following groups were invited to participate and either opted not to attend or did not reply to the invitation to meet:

- NSW Crown Lands
- JALI local Aboriginal Land Council
- Richmond River Sailing and Rowing Club
- Park Run
- Oztag
- Ballina Chamber of Commerce

Meeting notes prepared by Council staff from the stakeholder engagement are included as Attachment 2.

In addition to this the Ballina Seagulls Junior Rugby League Club spoke directly to the consultant on another day and three written submissions from stakeholders were received. These were from the Ballina Environment Society, Ballina Netball and Oztag. Attachment 3 contains a copy of these submissions.

A key issue for each of the stakeholders was that the Draft Master Plan adequately provide for their future sporting needs allowing for growth of the sport and that facilities are complying with peak sporting body standards.

8.3 Kingsford Smith Reserve Master Plan

Community Engagement

An online feedback form was used to collect information about the demographic of users, the parts of the area that they use and to determine priorities for improvements. This feedback form was active for three weeks from 19 May 2021 until 10 July 2021 and 662 online feedback responses were received. In addition to this, four hardcopies of the online survey form were also received (total 666 feedback forms received).

A copy of the original feedback form responses is included as Attachment 4.

In summary, the top 10 'High Priority' items or ideas mentioned in the feedback included:

- Kingsford Smith Park
 - Lighting and safety
 - Shaded seating and spectator areas
 - Shelters and weather protected areas
 - Improved club house facilities, change rooms and amenities
 - Improved or additional sports playing surfaces
 - Multi-use pathways
 - Playground facilities
 - Carparking
 - Improved accessibility
 - Access to the waterway/lake

- Commemoration Park
 - Lighting and safety
 - Flexible spaces for community and other activities (e.g. markets)
 - Playground facilities
 - Picnic shelters and BBQ facilities
 - Seating along the waterfront
 - Open lawns and passive open space
 - Natural vegetation areas
 - Landscaping
 - Cycling support infrastructure
 - Exercise equipment

- Missingham Park
 - Toilets and amenities
 - Picnic and BBQ facilities
 - Carparking, lighting and safety
 - Playground facilities (0-12 age group)
 - Multi-use pathways
 - Water play or water playground
 - Seating along the waterfront
 - Playground facilities for teens (12-16 age group)
 - Skatepark expansion
 - BMX or pump track

8.3 Kingsford Smith Reserve Master Plan

Other things that were commonly mentioned in individual comments as matters to consider in the Master Plan include:

- Kingsford Smith Park
 - Fencing to the sports fields
 - A pump track or BMX track (various suggestions for suitable locations)
 - Natural and native vegetation for shade and habitat purposes
 - Improved club house facilities suitable for netball and/or cricket with toilets, storage, shade, weather protection and seating
 - Shaded seating and shelter for sports activities
 - A quality playspace which is fenced, has some covered areas and is all-ability and adventurous
 - Upgrades to the rugby club house to include gym, separate amenities and change rooms for male and female users to meet sporting standards
- Commemoration Park
 - Reinstatement of a playground which is inspiring (extremely popular)
 - Toilet upgrade
 - Native trees, vegetation and shade
- Missingham Park
 - More seating and shade at the skatepark (extremely popular response)
 - Lighting at the skatepark to allow use at night during certain hours (extremely popular response)
 - Expansion of the skatepark (learning areas and street skate style plaza) (extremely popular response)
 - An inspiring playground suitable for a variety of ages and capabilities including under cover areas and fenced areas. Nature play and/or natural elements were desired features (extremely popular response)
 - Water play
 - BMX or pump track (various location suggestions)
 - Basketball or half-court basketball (various locations suggested)
 - More seating and/or picnic areas near the water which are shaded
 - Maintain an event space suitable for festivals and markets and with seating
 - Native vegetation and shade
 - Better beach and water access
- Loud Messages and Good Ideas
 - Keep it family friendly
 - Keep three defined precincts with distinctly different functions (e.g. organised sports and recreation, active play, low key and relaxed)
 - Maintain a predominantly 'natural' aesthetic particularly along the water's edge
 - Provide an inspiring "destination" playspace suitable for many ages and capabilities
 - Expand the skatepark and provide lighting
 - Improved safety on Owen Street and Bentinck Street especially during the markets
 - Use native vegetation
 - More shade and seating

8.3 Kingsford Smith Reserve Master Plan

- Upgrade the various sporting group facilities to meet peak sporting body guidelines
- Make it accessible to all

Draft Master Plan

The Draft Master Plan has been developed to best address and balance the various needs and aspirations identified in the community and stakeholder engagement. The Draft Master Plan represents a long term vision for the future of the precinct.

Under the Draft Master Plan Kingsford Smith Reserve is proposed as:

a destination that brings the community together in an integrated sports and recreation parkland. Kingsford Smith Reserve will offer opportunities for sport, play, leisure and social gatherings in a natural coastal environment that celebrates our enviable waterfront setting. It will be responsive to the natural environment and existing and future activity and will reflect our aspirations as a regionally significant coastal community. It will acknowledge and celebrate the community's connection to the park and river and provide an environment that everyone can enjoy.

Kingsford Smith Park will retain its core function as a regional sports facility with enhanced compliance, safety and parkland amenity.

Commemoration Park will remain a primarily passive open space which supports general community use, play, exercise and small local events such as the markets.

Missingham Park will remain a multi-use parkland and be enhanced with a focus on leisure and play for all ages and capabilities.

In addition to the general content of the Draft Master Plan there are four key areas and features which may warrant particular consideration as part of the exhibition and subsequent plan finalisation processes:

- Skate park lighting
- Water in play
- Pump track
- Configuration of the netball court precinct

Skate Park Lighting

Lighting of the skate park to allow evening and night use (time limited) was an extremely popular community response in the online feedback. The Master Plan includes lighting as part of a possible future upgrade of the skate park (unfunded works).

Council has previously identified concerns about lighting at Wollongbar Skate Park, which is a park land close to residential areas.

The Missingham Park skate park has a non-residential context and the provision of lighting could assist with night time activation of the space and management of anti-social behavior.

8.3 Kingsford Smith Reserve Master Plan

It could also allow for evening or night skate events (subject to separate approvals).

Water in Play

Water play or a water playground was a popular response for inclusion in the Missingham Park precinct. Staff have concerns regarding the inclusion of water play due to additional maintenance requirements associated with hygiene.

For these reasons the Draft Master Plan does not show water play as a key action. The plan still allows provision for consideration of creative uses of water, within future playscape design, should it be considered appropriate.

Pump Track

A bike pump track was a popular community response in the online feedback.

The Draft Master Plan includes a pump track within the plans and montage near the pond area off Kingsford Smith Drive as an example of “infrastructure to activate the space”.

Activating the space around the lake is key to improving use of the parkland, passive surveillance and safety.

This needs to be balanced with the overall suitability of the space for this type of use.

There may be other alternative ways of activating this space which can be considered further in light of further community feedback arising from the exhibition of the draft plan.

Configuration of the Netball Court Precinct

There are a number of ways that the netball precinct could be configured. The Draft Master Plan shows a sports amenity building inset from Owen Street to allow for improved connectivity with the possible future playspace to the east of the netball courts where there are currently large amenity and habitat trees such as figs.

A gated driveway provides access to the building from Owen Street.

There may be benefits in considering locating the building with direct access from Owen Street although this locates it closer to residences. Community feedback during the public exhibition process will assist with further consideration of these options.

One important consideration with the netball courts is that Council cannot readily expand the courts south into Boomerang Park as Council is not the Crown Land Manager for this land.

This, in association with the cricket oval to the north, bushland to the east, and residential properties to the west guides the available options for the netball facilities.

8.3 Kingsford Smith Reserve Master Plan

The public exhibition process will allow staff to gather further stakeholder and community feedback on these items and determine the best plan configuration and approach.

Staging and Implementation

Stage 1 of the Draft Master Plan is the implementation of key works funded by the NSW Office of Sport grant (as far as is possible with the available monies).

These works include:

- Lighting improvements
- Change room / amenity improvements to bring in line with current sporting access, equity and inclusivity guidelines
- Grandstand improvements
- Netball facility upgrades
- Surface improvements
- Car parking upgrades.

All other works remain unfunded. This is a key consideration as it means that not all aspects of the plan can be implemented in the short term.

This plan should be viewed as a ten to 20 year plan, with elements to be progressively undertaken as priorities and resources permit.

The NSW Office of Sport grant funding requires the Stage 1 priority works to be constructed by the end of 2022. These works will require further detailed design and pricing.

Therefore, to meet the grant funding timeframe it is likely that a tendering process will be required to commence prior to full adoption of the Master Plan.

Since the initial Draft Master Plan has been informed by extensive community feedback and the Stage 1 items are works that can be undertaken without prejudicing other elements of the plan, Council's endorsement is sought to commence preparation of tendering documents for Stage 1 works prior to adoption of the final Master Plan.

Delivery Program / Operational Plan Activity

The Draft Kingsford Smith Reserve Master Plan is aligned with the following key strategic documents:

- Delivery Program and Operational Plan (2021–25)

Direction One: Connected Community

- *Delivery Program Strategy Item CC3.2 Provide Young People with a range of leisure activities*
- *Operational Plan Activity CC3.2a – Implement the Sports and Recreation Facilities Plan*

8.3 Kingsford Smith Reserve Master Plan

Direction Four: Engaged Leadership

- *Delivery Program Strategy Item EL1.2 - Involve our community in our planning and decision making processes.*
- *Operational Plan Activity EL1.2a - Prepare management plan for Kingsford Smith Reserve (Target year 21/22)*

- Sport and Recreation Facility Plan (2020)

This plan identifies Kingsford Smith Park as a regional sporting facility, with the action plan identifying a number of high priority actions across each of the sporting disciplines and park areas. Action 20.1 recommends that a Master Plan is required for the Kingsford Smith Park precinct prior to the development or upgrade of any sporting facilities (also action 2.4). The proposals contained in the Draft Master Plan are consistent with these actions.

The key benefit of the Draft Master Plan is that it provides a considered approach to the future development of the overall precinct which can be used as a document to attract funding, instigated by Council or community, for possible future works.

Community Consultation Policy

Extensive engagement has been undertaken with stakeholders and the general community in accordance with Part B of Council's Community Engagement Policy – Specific Engagement Strategies.

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

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

Financial / Risk Considerations

The Draft Master Plan identifies the following items for implementation as part of the NSW Government Office of Sport grant funding of \$3.6 million (Stage 1):

- Lighting improvements
- Change room / amenity improvements to bring in line with current sporting access, equity and inclusivity guidelines
- Grandstand improvements
- Netball facility upgrades
- Surface improvements
- Carparking upgrades.

The Draft Master Plan makes clear that all other works remain unfunded at present. The consultant provides an estimate of \$22 million for completion of all subsequent stages of the long term vision.

8.3 Kingsford Smith Reserve Master Plan

The Master Plan will be a valuable tool to potentially attract funding to implement future works and will also support community groups in their pursuit of funding.

Options

Option 1 - Exhibit the Draft Master Plan

Under this option Council acknowledges the extent of community feedback received to inform the Draft Master Plan. Under this approach staff will proceed to prepare all necessary documentation to enable exhibition of the plans for at least four weeks with engagement through a variety of forums.

Staff will also commence preparation of tendering documents for the funded Stage 1 works (only) with a view to tendering these works prior to adoption of the final Master Plan. This is to ensure Council's grant funding obligations can be met.

Option 2 – Amend the Draft Master Plan.

Under this option, Council could make amendments to the Draft Master Plan before placing it on public exhibition. Such amendment could be embodied in the Council resolution.

Any changes should be considered in the context of the engagement undertaken with the community and key stakeholders as detailed above in this report. The Master Plan represents a balancing of the key issues identified through the consultation process noting in particular that the area accommodates a wide variety of sporting and community interests, each

Option 3 - Defer consideration of the Draft Master Plan.

Council may wish to defer consideration of the Master Plan to obtain further information or examine other design options. There have been significant resources invested in community engagement and development of the Draft Master Plan and the timeframe under the grant funding conditions for implementation of stage 1 is short. Therefore, this option is not recommended.

RECOMMENDATIONS

1. That Council endorses the Draft Master Plan for public exhibition, as per Attachment 1, to this report.
2. That Council endorses the progression of Stage 1 works in line with the grant funding obligations prior to the adoption of the Master Plan. This is on the basis that some works can be undertaken using the grant funds, without prejudicing the Master Plan and acknowledging that tenders will be reported to Council for determination.

Attachment(s)

1. Kingsford Smith Reserve - Master Plan (Draft) (Under separate cover)
2. Kingsford Smith Reserve - Stakeholder Meeting Notes
3. Kingsford Smith Reserve - Written Submissions
4. Kingsford Smith Reserve - Community Online Feedback

8.4 Policy (New) - Climate Change

8.4 Policy (New) - Climate Change

Section	Strategic Planning
Objective	To inform Council of the outcomes of the public exhibition of the draft Climate Change Policy, including the results of the associated community climate change survey, and to seek direction on the adoption of the policy.

Background

Council at the 25 March 2021 Ordinary meeting considered a report on the draft Climate Change Policy and resolved as follows:

- 1. That Council endorses the public exhibition of the draft Climate Change Policy, as per Attachment 1 to this report.*
- 2. That Council, in principle, endorses the delivery of the Climate Change Policy based on the approach set out in method 3 as outlined in this report, subject to funding being provided in the Long Term Financial Plan, with the approach to the implementation of the policy to be confirmed following consideration of the outcomes of the public exhibition of the draft policy. This is to assist the community in understanding the implications of the draft policy.*
- 3. The community engagement is to include the option of expanding the policy to incorporate a greater address of community emissions and consideration of cost implications associated with that, based on additional revenue.*
- 4. That Council examine the incorporation of a part-time position to support the implementation of the Climate Change Policy and associated plans and actions through the workforce planning process.*

The draft policy was placed on public exhibition for 28 days between 19 May and 16 June 2021.

This report presents a summary and analysis of the public exhibition submissions, outlines identified funding sources, and sets out the results of the community survey undertaken (with this survey particularly targeted to inform the consideration of Council establishing a community based climate change action target).

It also seeks direction on the finalisation of the draft Climate Change Policy.

Key Issues

- Outcomes of the public exhibition and community survey
- Approach to community based emissions and climate change action
- Finalisation of the Climate Change Policy

8.4 Policy (New) - Climate Change

Discussion

The draft Climate Change Policy sets organisational emissions reduction targets for Council, and a framework for progressing climate change mitigation, adaptation and resilience strategies for Council and the community.

The policy proposes that Council adopt the following ambitious but achievable goals in line with international recommendations of rapid emissions reduction:

- Net zero emissions by 2030.
- 100% renewable electricity for its operations by 2030.

The primary focus under the policy is Council's operations. However there is scope to facilitate community engagement to build local capacity in emissions reduction and development of local and regional projects.

The draft policy (Attachment 1) was placed on public exhibition between 19 May and 16 June 2021. Ten submissions were received and are discussed in the Community Consultation Policy section of this report.

In accordance with Council's 25 March 2021 resolution, the community engagement included an online survey seeking community feedback on the option of expanding the policy to incorporate a greater address of community emissions with consideration of additional costs associated with that approach.

This online survey was open for the duration of the public exhibition period and 173 responses were received. The survey results are summarised and discussed in the Community Consultation Policy section of this report and are contained in Attachment 3.

Delivery Program Strategy / Operational Plan Activity

The draft Climate Change Policy was prepared in line with the following 2020-2024 Delivery Program and Operational Plan Actions:

- HE1.1 Our planning considers past and predicted changes to the environment
 - HE1.1c Review the Climate Action Strategy
 - HE1.1d Review the Environmental Action Plan

This is a key policy to guide actions across portfolios as it sets clear goals to be working towards throughout Council's day to day operations and medium to long term portfolio planning.

It also allows for the targets and outcomes to be achieved in various ways so Council can be responsive to new information, technology, constraints and ideas.

Community Consultation Policy

In accordance with the provisions of Council's Community Consultation Policy (CCP) the draft Climate Change policy was placed on exhibition for a period of 28 days between 19 May 2021 and 16 June 2021.

8.4 Policy (New) - Climate Change

Community engagement included an online survey seeking community feedback on the option of expanding the policy to incorporate a greater address of community emissions with consideration of additional costs associated with that approach. This online survey was open for the duration of the public exhibition period.

A Climate Change Action webpage was also launched to inform the community of Council's operational and community climate change activities and progress to date <https://ballina.nsw.gov.au/climate-change-action>.

The webpage contained an invitation to participate in the community climate change survey via a web link.

Ten submissions were received in response to the exhibition of the draft Climate Change policy.

Copies of all submissions received are provided in Attachment 2.

A summary of the submissions and the response is provided in Table 1.

Table 1 – Submissions Summary and Staff Response

Submission 1	Colin Peckham
Submission comments	Questions why Council plans to use 100% renewable electricity for the whole region by 2030.
Response	Council's draft Climate Change policy proposes 100% renewable energy target by 2030 for Council's own operations. The NSW Government has set a target for 20% renewable energy in line with the Renewable Energy Target which applies to the region.
Submission 2	Kiri Dicker
Submission comments	Suggests to include at least one interim target for emissions reduction and renewable energy, to ensure progress is on track.
Response	Implementation of the Climate Change Policy involves development of a comprehensive Emissions Reduction Plan. This plan will set out the pathway of actions to the target year 2030. The plan will include short, medium, and long term goals to 2030.
Submission 3	Gus Moncrieff
Submission comments	<ul style="list-style-type: none">• Relevance of the inclusion of 'transitioning back to in-person Council meetings' within the document.• The use of visual guides/figures of how the policy's objectives may be met.• More ambitious action (e.g. 100% renewables for operations by 2025)• More detail around which mitigation options are being pursued would have been beneficial
Response	<ul style="list-style-type: none">• The 'Transitioning back to in-person Council meetings' document was uploaded to the web site in association with the climate change policy in error.• Implementation of the policy involves development of a comprehensive Emissions Reduction Plan, policy statement 2.3(d). This plan will set out the pathway of actions to the

8.4 Policy (New) - Climate Change

	<p>target year 2030 and include visual representations and trajectory of the pathway to achieve the goals.</p> <ul style="list-style-type: none"> • Council could achieve the 100% renewable energy goal prior to 2030 with technology advancements and emerging renewable energy purchase agreements. • Detailed mitigation options will be developed through the Emissions Reduction Plan.
Submission 4	Margaret Kittson
Submission comments	<ul style="list-style-type: none"> • Expressed that Council should refrain from “net zero” activities
Response	<ul style="list-style-type: none"> • Objection to Council’s climate change policy position noted.
Submission 5	Stephen McIlhatton
Submission comments	<ul style="list-style-type: none"> • Relevance of the inclusion of ‘transitioning back to in-person Council meetings’ within the document. • Remove crisis language.
Response	<ul style="list-style-type: none"> • The ‘Transitioning back to in-person Council meetings’ document was uploaded to the web site in association with the climate change policy in error. • Comment with regard to removal of crisis language noted.
Submission 6	Bill Kittson
Submission comments	<ul style="list-style-type: none"> • Expressed opposition to Council taking climate change action
Response	<ul style="list-style-type: none"> • Objection to Council’s climate change policy position noted.
Submission 7	Bruce Syme
Submission comments	<ul style="list-style-type: none"> • Supply a list of achievements already instigated. Has the Council installed solar panels to power Council buildings?
Response	<ul style="list-style-type: none"> • Council recently launched a Climate Change webpage which includes Council climate change actions and progress to date. • 700kW of solar has been installed at Council sites, with more planned for 2021/22 financial year. Implementation of the Climate Change policy includes a detailed action plan which will set out further initiatives to 2030.
Submission 8	Judy Allen
Submission comments	<ul style="list-style-type: none"> • Question with regard to design and advertising on the survey.
Response	<ul style="list-style-type: none"> • Email response sent with possible solution to enable completion of the survey. • The survey was designed by Council through Survey Monkey. Advertising relates to the survey platform and was not Council initiated.
Submission 9	Ballina Environment Society
Submission comments	<p>The submission acknowledges it is supportive of the policy and BES extends its willingness to support Council and be involved in community climate change action.</p> <p>BES recommends:</p>

8.4 Policy (New) - Climate Change

	<ul style="list-style-type: none"> • That the policy be even more ambitious • The scope is expanded to fully consider urgent protection and expansion of carbon absorbing wilderness habitats such as mangrove, salt marshes and rainforest in the shire. • A communication campaign providing transparent and accessible data to educate the community is also prioritised. <p>BES requests:</p> <ol style="list-style-type: none"> 1. "2.3 a) Council will reduce its organisational greenhouse gas emissions to net-zero emissions by 2030." BES recommends this is revised to "...as soon as possible and no later than 2030." 2. "2.3 b) Council will utilise 100% renewable electricity for its operations by 2030 BES recommends this is revised to "Council will utilise 100% renewable electricity for its operations before 2022." 3. "3.2 Strategic Alignment" BES recommends fully integrating across other areas. 4. "3.3.1 The Paris Agreement" BES recommends updating or adding another section to reflect that current scientific advice is that the world should be aiming for net zero emissions by 2030 at the very least. 5. "3.3.5 Local Government Commitments" and "3.6 Ballina Shire Council Climate Change Framework". BES urges Council to set their targets on a par with the most aspirational LGA targets and remove language which softens this commitment. <p>Additional comments:</p> <ul style="list-style-type: none"> • That the Policy is envisaged as a living document constantly reviewing and updating. • BES considers that there is stress relating to resourcing the implementation of the policy, needs to be supported from the top down with a whole of council approach. • Suggests a program outline including: Water security, greening the shire, implementing conservation action, domestic sustainable development, climate supportive building design, restore and expand natural habitats, enhanced capacity for early warning and disaster management, streamlining of approval processes for those wishing to reduce environmental impact. • BES requests to be involved in community consultation. <p>The submission included a Powerpoint presentation and letter from Ian Dunlop Chair, Advisory Board, Breakthrough National Centre for Climate Restoration.</p>
Response	<ul style="list-style-type: none"> • The draft policy aligns with Council's climate emergency declaration, the NSW Government targets, and recent scientific reports which suggest that past warming projections are already being exceeded. Council's organisational targets

	<p>are more ambitious than the Paris Agreement in order to achieve the rapid short-term emissions reduction recommended by the Intergovernmental Panel on Climate Change (IPCC).</p> <p>The targets are considered reasonable and achievable, relative to available resources, and are in line with or more ambitious than many other local government climate change commitments.</p> <ul style="list-style-type: none">• The Climate Change policy reflects Council's role in protecting and enhancing our natural assets and supports development of land use planning policy frameworks and controls for climate mitigation, adaptation, and resilience. The policy supports the existing actions and strategies, including biodiversity and environmental management, set out in Council's Community Strategic Plan (CSP) and Delivery and Operational Plan.• Council recently launched a Climate Change Action webpage which provides Council's operational and community climate change activities and progress to date https://ballina.nsw.gov.au/climate-change-action. There are a range of climate change resources provided. The webpage will be routinely updated. <p>Policy statements in 2.3 refer to Council's approach to communication and collaboration with the community.</p> <ol style="list-style-type: none">1. The targets align with Council's climate emergency declaration, the NSW Government targets, and international scientific reports. Council's targets are more ambitious than the Paris Agreement. The targets are in line with or more ambitious than many other local government climate change commitments.2. Council's electricity contracts are due for renewal at the end of 2022. Council has commenced investigations into a renewable energy purchase agreement to align with the new contract period. Renewable energy agreements are becoming more commonplace and therefore it is possible that Council will achieve its renewable energy goal early. The preference is for Council to achieve the target early, rather than risk not reaching the goal by the target year.3. Council acknowledges that integration of the policy and existing and new climate change related activities across Council's functional areas is fundamental to ensure a whole of Council approach. This is reflected in the guiding principles and policy statements of the policy, specifically 2.2e, 2.2f, and 2.3e, 2.3f.4. Policy statements 2.3g, 2.3k enable Council's priorities, strategies, and actions to be informed by current knowledge and best available science.5. The targets are in line with or more ambitious than other local government climate change commitments. <p>Response to BES additional comments:</p> <ul style="list-style-type: none">• Council will track, monitor, and report on the progress towards the organisational targets. Council's climate change action plan will be reviewed annually to ensure actions and priorities are informed by the current knowledge and best available science this is reflected in the policy principals and statements.
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8.4 Policy (New) - Climate Change

	<p>Council policies are reviewed and exhibited, at a minimum of every four years, to ensure that they are contemporary and align with our goals and objectives.</p> <ul style="list-style-type: none"> • Policy statement 2.3i refers to the application of resources to implement the Policy and preparation of associated plans will be progressed through the Delivery Program and Operational Plan processes. • Funding for the implementation of the Climate Change policy has been considered in the Long Term Financial Management and Workforce Plan and identified in various 2021/22 budgets. Details are discussed in the Financial / Risk Considerations section of this report. • Council's existing areas of activity include floodplain management, coastal zone management, infrastructure management, water cycle management, emergency risk management, biodiversity and environmental management. The Climate Change policy principals and statements reflect Council's aim to help improve and facilitate climate change mitigation, adaptation, and preparedness across the community through best practice sustainable development principles. • Council notes the request for BES to be involved in further community engagement. • Letter and Powerpoint presentation and letter from Ian Dunlop Chair, Advisory Board, Breakthrough National Centre for Climate Restoration noted.
Submission 10	Andrew Playford
Submission comments	<ul style="list-style-type: none"> • Make some specific targets. i.e. all council vehicles will be electric by 2030 • Maybe utilise the methane from the waste management area. • Wonderful that my local council are not climate change deniers. Already leaders in waste water management. Keep up the good work.
Response	<ul style="list-style-type: none"> • Implementation of the Climate Change Policy involves development of a comprehensive Emissions Reduction Plan, policy statement 2.3(d). This plan will set out the pathway of actions to the target year 2030. The plan will include specific short, medium, and long term goals to 2030. Council's fleet will form part of the plan. • The use of methane from the waste facility is subject to the amount of methane produced. The site currently does not produce enough methane for capture therefore it is unlikely to be economically viable.

The feedback in the submissions has been considered and no changes are recommended to the policy as exhibited.

Summary of Community Climate Change Survey

The purpose of the community climate change survey was to seek community feedback on whether a community-wide emissions reduction target is needed, and if so what that should be, how it could be funded, and what level of involvement Council should have.

8.4 Policy (New) - Climate Change

Participants were also given the opportunity to share their views about their level of concern about climate change and potential impacts, actions that the community and council could do, and what barriers to action they have experienced if any.

Analysis of the online survey is provided in Attachment 3, and is summarised as follows.

There were 173 survey participants with the majority living within the Ballina Shire. The respondents were aged mostly between 35 years and 65 + years.

The majority of respondents expressed a high level of concern about climate change impacts, with most concern for loss of biodiversity.

A small portion of the respondents answered that they were not concerned about climate change or potential impacts.

The majority of respondents already engage in some form of emissions reduction activities, and protecting the environment for future generations was ranked as the most important motivator for taking climate change action.

Respondents believe Council can best support the community to take action through land use planning and controls, demonstrating leadership, and provision of community infrastructure such as cycleways, footpaths, and urban parks and tree planting.

The survey results are a positive indicator that Council's current range of climate change activities and draft Climate Change Policy objectives align with the survey group's views on how Council can support the community.

Council is already progressing a range of strategies and actions relevant to climate change mitigation and adaptation.

For example, land use planning controls relating to environment and biodiversity, mosquito, floodplain and sea level rise, coastal zone and emergency risk management already exist within land use planning documents to ensure climate change impacts are considered and addressed in relation to development proposals. Also, Council's floodplain and coastal zone management planning documents have been prepared with specific reference to, and incorporation of, climate change related projections.

In addition, Council supports the community to reduce emissions through a range of ongoing activities including annual urban tree planting and open space livability programs, progressively increasing active transport infrastructure, promotion of residential environmental incentive programs, waste minimisation initiatives, and community education programs.

As cost was rated as a key barrier to community action, Council's continued promotion and support of State Government programs is likely to be an important benefit the community.

The Climate Change Policy will strengthen Council's collaboration across the community for progressing climate change action.

8.4 Policy (New) - Climate Change

'Leading by example' was a highly rated Council action which suggests that the community values Council's efforts in managing its own contributions to climate change. Maintaining and improving routine updates to the community about Council's progress in climate change activities will demonstrate leadership and promote community action.

The majority of survey respondents thought that the Ballina Shire should have a community-wide emissions target and that Council should be the key driver.

Respondents were asked if Council were to prepare a community-wide emissions reduction plan, how it should be funded.

The most popular option of "a combination of grant funding and general revenue" was chosen by 40% of respondents, "grant funding" was chosen by 20%, "Council general revenue" was chosen by 15%, and "a rate increase" by 7%. Around 15% of respondents were unsupportive of additional funding to be allocated towards the preparation of a community-wide plan.

Most respondents would be willing to contribute a monetary amount annually from \$2 to more than \$100 to support a community-wide action initiative whether that be by Council or a community led initiative.

The most popular response (27% of respondents) indicated respondents were willing to contribute a value between \$51 - \$100 to support a community-wide emissions reductions target, with 18% of respondents indicating they were not willing to contribute any funds towards achieving this target.

A small portion of the survey respondents think Council should not pursue climate change action.

The survey results indicate that there is a high level of concern about climate change impacts among the survey participants, with most concern for loss of biodiversity, and that the Shire should have a community-wide emissions target with Council as the key driver from a combination of grant funding and Council revenue.

Councils across Australia have varying levels of involvement in community-wide targets. Some councils have funded a community emission reduction plan with the community taking over the lead, others have partnered with their communities, and some councils have adopted community-wide emissions targets and continue to provide funding support.

With the establishment of the NSW Government's net zero emissions goal, it is anticipated that a range of grant funding opportunities will be available to Councils and or communities to develop plans and implement projects over time.

Council's draft Climate Change Policy principles and statements support community collaboration, development of partnerships, and identifies that it is part of Council's role to facilitate the advancement of community climate change mitigation, adaptation, and resilience. Should future grant funding for climate change action become available Council's Climate Change Policy will be an important document used in supporting any such application for funding.

8.4 Policy (New) - Climate Change

At this stage, it is recommended that a plan for a community wide emissions target be commenced only once grant funding is obtained, with existing resources to be focused on achievement of Council's corporate emissions reduction targets, coupled with community education and engagement with government as set out in the policy.

Therefore, there are no recommended changes to the Climate Change Policy, as exhibited, based on the community survey results.

Financial / Risk Considerations

Council, at the 25 March 2021 Ordinary meeting resolved to endorse the delivery of the Climate Change Policy based on the approach set out in method 3 of the report. This was subject to funding being provided in the Long Term Financial Plan, with the approach to the implementation of the policy to be confirmed following consideration of the outcomes of the public exhibition of the draft policy.

Method 3 was identified as the optimal approach in terms of outcome delivery both in terms of time and dedicated effort towards climate action. However, this needed consideration in the context of Council's financial circumstances (which has been discussed through the consideration of the budget in recent months). The method 3 approach with financial implications is provided in Table 2:

Table 2: Method 3 approach as detailed in the 25 March 2021 Council Report

Method 3	Cost	Year	Source of Funding
Adopt the Climate Change Policy	No cash cost	2020-2021	n/a
Engage a consultant to develop the Emissions Reduction Plan	\$20,000 to \$25,000	2021-2022	Strategic Planning reserve
Complete the Statewide Mutual Climate Change Risk Assessment	No cash cost	2020-2021	n/a
Complete the Statewide Mutual Adaptation Planning module	\$6,000	2021-2022	Strategic Planning operating budget
Allocate funding for a dedicated part-time staff member to coordinate and implement the policy and plans	\$47,000 per annum	From 2021-2022	Endorsed in 2021/22 Workforce Plan

The approach indicated above enables:

- a coordinated approach across Council
- capacity to implement the necessary internal systems and processes to embed climate change considerations into all Council's decision making
- the capacity to apply for grant funding
- to maintain and develop partnerships within the region and
- to continually review, monitor, and report on the progress.

8.4 Policy (New) - Climate Change

Funding to engage a consultant to develop the Emissions Reduction Action Plan, \$25,000 will be sourced through the Strategic Planning reserve.

Funding to complete an Adaptation Plan, \$6,000, is identified in the Strategic Planning operating budget.

Funding for a part-time position to support the implementation of the Climate Change Policy was endorsed in the recently adopted Workforce Management Plan.

It is recommended that a plan for a community wide emissions target be commenced only once grant funding is obtained, with existing resources to be focused on achievement of Council's corporate emissions reduction targets and the listed policy statements as set out in the policy (costs set out in Table 2).

This approach to a community based target has been proposed having regard to Council's financial circumstances, available measurement tools and capacity to source information, the existing work program (and the program that will follow the new policy) and the responsibilities of State and Federal Government.

Options

Option 1 - Council adopt the policy as exhibited and commence implementation of the policy based on the Method 3 approach

This approach is recommended and enables a structured response to Council's resolution declaring a state of climate emergency to be implemented with targets and policy foundations to take urgent action on its contributions to climate change.

Under this option, Council could seek grant funding for the preparation of a community-wide emissions reduction plan.

Option 2 – Council adopt the policy with amendments

Council may adopt the policy with amendments as specified.

This approach is not recommended given the nature of the submissions received and results of the community consultation process.

Many aspects of the feedback that suggest changes to the policy are either already incorporated into the policy as drafted or will form part of the implementation of the policy.

Option 3 – Defer a decision

Council could defer this matter in order to seek additional information, or to consider amendments such as the inclusion of a community-wide emission reduction target (noting the rationale relating to the recommended approach to the community based target outlined in the report).

This approach is not recommended.

Option 4 – Take no further action

8.4 Policy (New) - Climate Change

Council could resolve to cease action in relation to the policy. This is not recommended as this approach does not align with the recent resolutions of Council and overall community feedback relating to climate change, and does not establish a contemporary approach for Council's response to climate change related issues.

RECOMMENDATIONS

1. That Council adopts the draft Climate Change Policy, as exhibited, as per Attachment 1 to this report.
2. That Council commence implementation of the policy through the 'Method 3 approach' indicated in Table 2 of this report.
3. That Council seek grant funding for the preparation of a community wide emission target and associated emissions reduction plan.

Attachment(s)

1. Climate Change Policy (New)
2. Climate Change Policy - Submissions
3. Climate Change Policy - Survey Report

8.5 Policy (New) - Biodiversity Compensatory Habitat and Offsets

8.5 Policy (New) - Biodiversity Compensatory Habitat and Offsets

Section	Strategic Planning
Objective	To outline a policy that identifies compensatory habitat offsetting ratios for proposals that impact biodiversity values and are subject to approval under either Part 4 or Part 5 of the Environmental Planning and Assessment Act 1979.

Background

Ballina Shire contains a variety of significant biodiversity assets including; endangered ecological communities, a nationally significant koala population and various threatened flora and fauna species that are listed under State and Federal conservation instruments.

At present, Council does not have a specific policy to guide the application of compensatory habitat offset ratios. A new policy is proposed to establish a transparent and consistent framework for when offsets can be used in relation to mitigation of biodiversity impacts and how they are to be applied in Ballina Shire.

The proposed policy is contained in Attachment 1.

Biodiversity offsetting (and the use of compensatory habitat offset ratios) is a mechanism by which negative biodiversity impacts in one location can be 'offset' in another location.

Compensatory habitat offset ratios define a replacement rate and are expressed as number/area replaced to number/area removed (i.e. 5:1).

As an example, if the offset ratio is 5:1, five trees must be replanted for every one lost, or in the case of habitat, five times the area of habitat lost must be restored – that is five hectares of habitat should be restored for every hectare cleared.

A biodiversity offset site is a location where native vegetation and threatened species habitat are restored and protected to compensate for negative impacts which a development or activity may cause.

Importantly, offsetting should not be seen as a primary measure to address biodiversity impacts. Rather, offsetting is one tool that can be applied to mitigate impacts and it should only follow the consideration of approaches to avoid or minimise potential impacts.

Both the State and Commonwealth Governments have introduced biodiversity offset mechanisms. Many councils have also introduced their own biodiversity offset policies and/or provisions.

Table 3 of Attachment 1 identifies the ratios applied by other councils in New South Wales as a guide to how other jurisdictions approach the ratios.

8.5 Policy (New) - Biodiversity Compensatory Habitat and Offsets

The proposed policy does not seek to duplicate existing State Government requirements under the Biodiversity Conservation Act.

The policy applies to development proposals that are not subject to the State provisions where biodiversity impacts are identified (e.g. vegetation clearing is proposed).

The purpose of this report is to outline the proposed policy and seek direction on the public exhibition of the policy.

Key Issues

- Policy application and requirements
- Compensatory habitat offset ratios
- Public works and affordable housing

Discussion

Policy application and requirements

Under this policy, the proponent of a proposed development must formally demonstrate (via the development assessment process) how the principles of avoid, minimise and mitigate have been considered and applied, before proposing to offset biodiversity impacts.

Where an offset is determined to be appropriate, a compensatory habitat offset site must:

- Be provided within Ballina Shire
- Reflect the appropriate offset ratios set out in the policy
- Offset impacts on a like for like basis unless exceptional circumstances apply (i.e. loss of one vegetation type should be compensated for by replacing the same vegetation type)
- Be located on the same property where the impact occurs – justification provided where this cannot be achieved
- Demonstrate a net gain in native vegetation and fauna habitat can be achieved in the form of an offset management plan
- Demonstrate security of tenure suitable to enable the required offset works, and associated monitoring and management works, to be undertaken.

Compensatory habitat offset ratios

Ballina Shire biodiversity value categories and associated offset ratios for the purposes of this policy are set out in Table 1 of Attachment 1.

In developing the compensatory habitat offset ratios within this policy, the following has been considered:

- Habitat offset ratios applied by councils – see Table 3 of Attachment 1
- Koala habitat offset ratios under the Ballina Shire Koala Management Strategy
- Presence of significant biodiversity assets in Ballina Shire

8.5 Policy (New) - Biodiversity Compensatory Habitat and Offsets

- Community values (i.e. maintaining a healthy natural environment)
- Ballina's rank in the *NSW North Coast Region State of the Environment Report (2016)*, with regard to native vegetation and threatened species (Ballina Shire ranks lower in relation to vegetation cover).

Calculation of offsets is based on the number of trees or area of habitat lost or both.

The extent to which area and/or individual trees is to be used as the basis for calculating an offset is to be determined as part of the assessment of a development proposal.

This policy will allow Council to apply standard compensatory offset ratios to all proposals which trigger the policy, therefore creating an effective, efficient, and transparent framework. This includes Council's own projects (such as infrastructure works).

Public works and affordable housing

A reduction in compensatory habitat offset ratios is proposed to apply to public works carried out by or on behalf of Council and for development that is primarily for the purpose of affordable housing (delivered by Government or a community housing provider).

Public works and development for the purpose of affordable housing are typically associated with substantial social, environmental and economic benefits in the public interest.

It is also recognised that public works are typically funded by the public and this involves balancing a range of considerations to achieve outcomes in the public interest, within the available funding.

Table 2 of Attachment 1 sets out the rates at which the offset ratios are proposed to be applied to public works and development primarily for the purpose of affordable housing:

Delivery Program Strategy / Operational Plan Activity

The Biodiversity Compensatory Habitat and Offsets Policy is not specifically identified in Council's adopted Delivery Program and Operational Plan.

However, this policy is part of a broader strategy to enhance biodiversity. This policy will support and be referenced in the Ballina Biodiversity Strategy once complete, which is a DPOP action - *HE3.2h – Prepare a Biodiversity Strategy*.

Community Consultation Policy

Should the Council endorse the policy as attached, it is recommended the policy be placed on public exhibition for 28 days.

If any submissions are received that are considered significant the matter will be reported back to Council for further consideration.

If no significant submissions are received then the policy can be adopted and no further action is required.

Financial / Risk Considerations

8.5 Policy (New) - Biodiversity Compensatory Habitat and Offsets

The policy will assist Council employees, developers and consultants by providing clear and concise information on compensatory habitat offset obligations.

Finalisation and implementation of the policy can be undertaken within existing resources.

Options

Option 1 – Endorsement of the policy

Council can endorse the policy as contained in Attachment 1 (or amend the policy as considered appropriate) and place it on public exhibition for 28 days. Under this approach, the matter will be reported back to Council should significant submissions be received. If no significant submissions are received then the policy can be adopted with no further action required.

Option 2 - Council can resolve not to endorse the policy.

This option is not recommended as the policy seeks to improve consistency and certainty around how compensatory habitat offsets are applied in Ballina Shire.

Option 3 – Defer a decision on the draft policy.

If Council is uncertain about progressing the draft policy to exhibition, consideration on this matter can be deferred and further information provided (e.g. via a briefing).

If further information is sought it is recommended a briefing be held at the end of the exhibition period to enable consideration of feedback received.

Deferral of the policy prior to exhibition is not recommended.

RECOMMENDATIONS

1. That Council adopts the Biodiversity Compensatory Habitat and Offsets Policy, as per Attachment 1, to this report.
2. That Council place this policy on exhibition for public comment for a minimum period of 28 days, with any significant submissions received to be resubmitted back to Council. If no significant submissions are received then no further action is required.

Attachment(s)

1. Policy (New) Biodiversity - Compensatory Habitat and Offsets

8.6 Development Applications - Works in Progress - July 2021

8.6 Development Applications - Works in Progress - July 2021

The following schedule sets out all planning related development applications that are currently under assessment. This schedule also incorporates all building related development applications, including dwelling houses and dual occupancy applications that remain undetermined and have been under assessment for a period of greater than 120 days.

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/74	13/2/2018	Ardill Payne & Partners	Amended Proposal: Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a five storey mixed use development containing 10 (originally 14) dwellings on levels 1, 2, 3 & 4, two ground floor commercial spaces and associated car parking and works. – 8 Grant Street, Ballina	On Exhibition
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	Being assessed
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 and 22 Scarlett Court, Wollongbar	Being assessed
2019/145	8/3/2019	Ardill Payne & Partners	Amended Proposal: Construction of an industrial development to be used for a Depot and for general and light industrial purposes and associated works – 29-31 Smith Drive, West Ballina	Awaiting additional information
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
2019/499	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

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/535	21/8/2019	Ardill Payne & Partners	Amended Proposal: To undertake a development in four stages comprising: Stage 1: Three Lot Torrens Title Subdivision (Proposed Lots 1 and 2 with an area of 800m ² each and Proposed Lot 3 with an area 1,092m ²), Stage 2: Erection of a two storey dwelling upon newly created Lots 2 and 3. Erection of an attached dual occupancy upon proposed Lot 1. Stage 3: Strata Subdivision of Lots 2 and 3 to create a vacant lot for a future dual occupancy. Strata subdivision of Lot 1 containing attached dual occupancy Stage 4: Construction of a dwelling on vacant strata Lots 2 and 3 to create a detached dual occupancy – 26-30 Fitzroy Street, Wardell	Awaiting additional information
2019/659	15/10/2019	D McAllister	Alterations and additions to a dual occupancy dwelling - 15 Jorgensens Lane, Brooklet	Determination pending
2019/718	7/11/2019	L King	Change of use from an Office/Rumpus Room to a Bedroom - 2/44 Stewart Street, Lennox Head	Determination pending
2019/743	22/11/2019	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 and 21 Emigrant Creek Road, West Ballina	Being assessed
2020/56	7/2/2020	Ballina Shire Council	Construction of a new sewer rising main extending 1,465m 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 and Castle Drive, Lennox Head	Awaiting additional information
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

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Being assessed
2020/378	18/6/2020	C Kikiras	Alterations and additions to a dwelling, including additions forward of the building line - 29 Pine Avenue, East Ballina	Determination pending
2020/441	14/7/2020	Planit Consulting Pty Ltd	Alterations and additions to a dwelling - 36 Pacific Parade, Lennox Head	Awaiting additional information
2020/523	17/8/2020	Ardill Payne & Partners	Change of use from a studio to an expanded dwelling module - 208 Fernleigh Road, Tintenbar	Awaiting additional information
2020/569	4/9/2020	C Imeson	Alterations and additions to an apartment building comprising of new covered decks, relocation of an external stairs and removal of common laundry facilities - 6-7 Easton Place, East Ballina	Being assessed
2020/590	10/9/2020	Byron Bay Planning and Property Consultants	Construction of a two storey dwelling, associated earthworks, retaining walls and swimming pool - 51A Blue Seas Parade, Lennox Head	Being assessed
2020/591	14/9/2020	Newton Denny Chapelle	Subdivision comprising the creation of 25 industrial lots ranging in size from 1,181m ² to 4,493m ² , one residue lot of 4.13hectares and associated infrastructure servicing and bulk earthworks – 25-39 Boeing Avenue and Corks Lane, Ballina	Being assessed
2020/632	25/9/2020	Newton Denny Chapelle	Warehouse or distribution centre involving the construction of a 40m x 40m shed and associated civil, car parking and landscaping works. A variation to the 8.5m Height of Building development standard is being sought for the proposed shed – Lot 228 DP 1121079 Teven Road, West Ballina	Awaiting additional information
2020/687	16/10/2020	R Hammond	Change of use to establish a mixed use development comprising a vehicle repair station with ancillary sales of spare parts and tyres and vehicle sales or hire premises - 16-18 Owens Crescent, Alstonville	Being assessed

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/716	29/10/2020	Newton Denny Chapelle	Subdivision by boundary adjustment of three existing lots to create one 1.3 hectare lot, one 53 hectare lots and one 52 hectare lot – 898 River Drive, Lot 5 River Drive and Lot 6 Church Lane, Empire Vale	Determination pending
2020/731	4/11/2020	PRG Architects	Alterations and additions to a dual occupancy comprising of internal alterations to the kitchen, laundry and living areas, replacement and extension of an existing garage and construction no deck – 5 King Lane, Ballina	Awaiting additional information
2020/756	17/11/2020	Newton Denny Chapelle	Vehicle Repair Station involving demolition of the former Big W nursery, erection of new building extending west from the Big W western façade, erection of free standing associated building and reconfiguration of existing on-site car parking – 44 Bangalow Road, Ballina (Big W Nursery)	Being assessed
2020/770	20/11/2020	Ardill Payne & Partners	Alterations and additions to a dwelling, double garage, swimming pool and pool terraces (partially roofed) and an existing pool to be retained and converted to water storage – 218 Old Byron Bay Road, Newrybar	Awaiting additional information
2020/776	24/11/2020	Ardill Payne & Partners	Alterations and additions to St Andrews Village including demolition of two units and construction of two replacement units - 140-150 Cherry Street, Ballina	Being assessed
2020/778	24/11/2020	R&J Harris Consulting Pty Ltd	Proposed rural industry comprising the erection of 30 silos and including a variation to the 11.2m AHD building height development standard under clause 4.3A of the BLEP 2012– Silos - 540 Pimlico Road, Pimlico	Awaiting additional information
2020/786	26/11/2020	A Stafford	Alfresco dining – Lennox Smokin' Barrell - 9 Moon Street, Ballina	Awaiting additional information
2020/788	26/11/2020	PRG Architects	Alterations and additions to a dwelling including the creation of Secondary Dwelling in association with the Principal Dwelling, 77 Bayview Drive, East Ballina.	Being assessed
2020/789	26/11/2020	Ardill Payne & Partners	Construction of a carport – 55 Survey Street, Lennox Head	Being assessed
2020/797	30/11/2020	R N Lloyd	Construction of a carport – 106 Riverside Drive, West Ballina	Determination pending

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/807	2/12/2020	Newton Denny Chapelle	To establish a dual occupancy (detached) – 91 Leadbeatters Lane, Alstonville	Awaiting additional information
2020/814	2/12/2020	D Geitz	Construction of Principal Dwelling and attached Secondary Dwelling and associated earthworks - 13 Warrawee Drive, Lennox Head	Being assessed
2020/817	4/12/2020	Ardill Payne & Partners	Change of use to a vehicle body repair workshop and associated works to the car park and driveway – 1/34 Southern Cross Drive, Ballina	Being assessed
2020/818	4/12/2020	A D Overall	Erection of Farm Shed and Site Filling and Associated Works – 66 Fishery Creek, Ballina	Awaiting additional information
2020/839	16/12/2020	Newton Denny Chapelle	Multi-Dwelling Housing and Strata Title subdivision of three single storey dwellings and associated works – 51 Habitat Way, Lennox Head	Awaiting additional information To be determined by Council Resolution No: 280121/8
2020/845	17/12/2020	Newton Denny Chapelle	Earthworks for a new level fill pad, erection of a shade house structure and associated reticulated irrigation works – 2 Weis Lane, Rous	Determination pending
2020/850	17/12/2020	Ardill Payne & Partners	Subdivision by way of boundary adjustment and consolidation of four rural lots to create one 6.7ha and one 1.7ha allotments – Uralba Road, Uralba	Awaiting additional information
2020/864	21/12/2020	Ardill Payne & Partners	Multi dwelling housing development comprising the erection and Strata Title subdivision of three units, two swimming pools and demolition of existing dwelling house – 44 Pacific Parade, Lennox Head	Being assessed
2020/875	24/12/2020	A Cole	Rural Dual Occupancy comprising the erection of a dwelling house and swimming pool and associated works – 137 Friday Hut Road, Tintenbar	Determination pending
2021/11	7/1/2021	A Mitchell	Demolition of a dwelling, tree removal and construction of two dwellings to create a detached Dual Occupancy development, a swimming pool and strata subdivision to create two strata lots – 5 Stewart Street, Lennox Head	Awaiting additional information
2021/21	12/1/2021	Ocean Shire Developments	Construction of two dwellings to create a detached Dual Occupancy development and associated earthworks and retaining walls - 26 Habitat Way, Lennox Head	Awaiting additional information

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/26	14/1/2021	W Meyers	Construction of a carport – 58-60 Riverview Avenue, West Ballina	Awaiting additional information
2021/32	18/1/2021	Ardill Payne & Partners	Demolition of an existing and construction of new three-storey dwelling and a swimming pool and associated earthworks and retaining walls and removal of two trees – 9 Dress Circle Drive, Lennox Head	Being assessed
2021/33	19/1/2021	A Campbell	Alterations and additions to a dwelling including a two storey addition, and a new roof, deck and patio – 6 Basalt Court, Lennox Head	Being assessed
2021/39	20/1/2021	Planit Consulting Pty Ltd	Construction of two dwellings to create a detached Dual Occupancy development and associated earthworks and retaining walls – 15 Darcey Avenue, Cumbalum	Awaiting additional information
2021/45	22/1/2021	Peter Turner & Associates	Construction of a carport attached to commercial building – 131 Tamar Street, Ballina	Determination pending
2021/49	27/1/2021	AB Frith & MJ Peltz	Alterations and a second storey addition to a Dual Occupancy dwelling and a carport – 12 Dress Circle Drive, Lennox Head	Awaiting additional information
2021/54	27/1/2021	Outlook Planning & Development	Demolition of existing pylon sign and erection of new pylon sign – 486 River Street, West Ballina	Referred to Government Department and Awaiting additional information
2021/55	28/1/2021	GM Project Development & Management	Erection of a hardware and building supplies multiple tenancy building, vehicular access and car parking, site filling, vegetation management works and associated works – 462-470 River Street, West Ballina	Being assessed
2021/67	1/2/2021	AGS Commercial Pty Ltd	Construction of an attached garage addition to a dwelling – 24 River Drive, East Wardell	Awaiting additional information
2021/82	5/2/2021	Ardill Payne & Partners	Multi dwelling housing development comprising the erection of a single storey detached dwelling being a third dwelling on site, in addition to an approved dual occupancy – 175B Tamar Street, Ballina	Awaiting additional information
2021/92	11/2/2021	Inspiration Trees Pty Ltd	Vegetation management works comprising the removal of two trees – 58 Martin Street, Ballina	Awaiting additional information

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/99	12/2/2021	Newton Denny Chapelle	Erection of a Service Station incorporating signage, underground fuel tanks, bulk earthworks, car parking, stormwater management and provision for future retail tenancy - 246-250 Lismore Road, Wollongbar	Awaiting additional information
2020/100	12/2/2021	S Carruthers	Internal and external alterations and additions to a dwelling including a new roofed deck and two patios – 3 Lonergan Street, East Ballina	Awaiting additional information
2021/107	17/2/2021	Stroud Homes	Construction of two dwellings to create a detached Dual Occupancy development and associated earthworks and retaining walls – 96 Habitat Way, Lennox Head	Determination pending
2021/108	18/2/2021	Dr D Kerle	Alterations and additions to a dwelling comprising of the removal of a shade sail and construction of a new roof to an existing balcony - 1/15 Gibbon Street, Lennox Head	Being assessed
2021/117	22/2/2021	Newton Denny Chapelle	Two lot Torrens title subdivision to create one 2.56 hectare and one 2,000m ² allotments – 419 Hinterland Way, Knockrow	Being assessed
2021/129	25/2/2021	Newton Denny Chapelle	To increase alfresco dining area – 63-65 Ballina Street, Lennox Head	Awaiting additional information
2021/134	01/03/2021	S P Post	Alterations and additions to existing building – 5 River Street, Ballina	Being assessed
2020/136	26/2/2021	PPlan	Construction of two dwellings to create an attached Dual Occupancy development and associated earthworks and strata subdivision to create two strata lots - 25 Bantry Street, Ballina	Awaiting additional information
2021/137	01/03/2021	A Mitchell	Alterations to existing dwelling house to create an attached dual occupancy, vegetation removal and associated works – 10 Old Pacific Highway, Newrybar	Being assessed
2021/150	4/3/2021	R Walsh	Subdivision of three existing lots to create two modified lots comprising one 1,461m ² and one 1,578m ² lots – 24-29 River Street, East Wardell	Awaiting additional information
2021/152	03/03/2021	Newton Denny Chapelle	Waste or Resource Management Facility comprising the storage of approximately 35,000 tonnes of mulch per year – Teven Road, West Ballina	Awaiting additional information
2021/157	8/3/2021	M Sano	Alterations to a dwelling to create a Principal Dwelling and an attached Secondary Dwelling – 33 Quays Drive, West Ballina	Being assessed

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/158	8/3/2021	P Taylor	Staged development comprising: Stage 1: Alterations and additions to the existing dwelling and construction of parking for the proposed new dwelling; Stage 2: Construction of a new dwelling to create an attached Dual Occupancy Development 1 Barrett Drive, Lennox Head	Awaiting additional information
2021/169	10/3/2021	Newton Denny Chapelle	Construction of two dwellings to create a detached Dual Occupancy development and associated earthworks and retaining walls and strata subdivision to create two strata lots – 14 Habitat Way, Lennox Head	Being assessed
2021/178	11/3/2021	R & M Dorey	Construction of a detached shed – 17 Dent Crescent, Cumbalum	Awaiting additional information
2021/181	12/3/2021	David Reid Homes Northern Rivers	Construction of two dwellings to create an attached Dual Occupancy development and associated earthworks and retaining walls – 17 Sandbreak Crescent, Lennox Head	On Exhibition
2021/185	12/03/2021	Planners North	Change of use to establish a wildlife hospital and associated building and infrastructure works – 1243 Bruxner Highway Wollongbar	Awaiting additional information
2021/186	15/3/2021	R J Blacket	Proposed two storey dual occupancy, alterations and additions to existing dwelling house, site filling, retaining and associated works – 11 Bagot Place, Ballina	Being assessed
2021/187	15/3/2021	Z Partush	Construction of two dwellings to create a detached Dual Occupancy development and associated earthworks and retaining walls and strata subdivision to create two strata lots – 1 Darcey Avenue, Cumbalum	Determination pending
2021/189	15/3/2021	G Steel	Demolition of a garage and construction of a new outbuilding containing a garage and laundry – 22 Swift Street, Ballina	Determination pending
2021/194	17/3/2021	PPlan	Construction of two dwellings to create a detached Dual Occupancy development and associated earthworks and retaining walls – 9 Darcey Avenue, Cumbalum	Being assessed
2021/201	17/03/2021	Planners North	Use of Existing Shop for Liquor Sales and Extension of Trading Hours 22 Old Pacific Highway, Newrybar	Awaiting additional information

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/210	22/03/2021	Ardill Payne & Partners	Strata title subdivision of an existing attached dual occupancy – 20 Calnan Crescent Cumbalum	Awaiting additional information
2021/215	24/3/2021	Ardill Payne & Partners	To retain the existing dwelling house and construct a second dwelling in the form of an expanded dwelling house. The proposal is to create a detached dual occupancy development – 847 Friday Hut Road, Brooklet	Being assessed
2021/218	25/03/2021	Newton Denny Chapelle	Erection of the Lennox Head Rural Fire Service Facility and associated earthworks, vegetation management works and infrastructure servicing and including earthworks, car parking and vehicular access for a future preschool – 9 Byron Bay Road Lennox Head	Awaiting additional information
2021/221	26/3/2021	M E Toghill	Demolition of existing dwelling house, erection of new dwelling house and swimming pool and use of part of existing shed as an artist studio – 299 Friday Hut Road, Brooklet	Being assessed
2021/222	26/3/2021	A R Faulks	Alterations and additions to existing dwelling house, garage and shed, including a new studio, erection of pool cabana and removal of vegetation – 71 Gallans Road, Ballina	Being assessed
2021/233	31/3/2021	Alstonville / Wollongbar Rural Fire Service	Extensions to existing rural fire station – workshop, two change rooms and toilet – 16 Kays Lane, Alstonville	Determination pending
2021/244	6/4/2021	Newton Denny Chapelle	Erection of a Seniors Housing Development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) comprising eight self-care dwellings, Strata Title subdivision, demolition of existing structures, infrastructure servicing, earthworks, vegetation removal and associated works – 5 Smith Lane, Wollongbar	Being assessed
2021/248	7/4/2021	E L Beaumont	Erection of a farm shed – 248 Cowlong Road, McLeans Ridges	Awaiting additional information
2021/259	9/4/2021	P & J Logan	Earthworks and Erection of Shed – 3 River Drive, East Wardell	Awaiting additional information
2021/261	12/4/2021	A N Goldie	Two lot Strata Title subdivision to create one 457m ² lot containing the existing dwelling house (Proposed Lot 1) and one 294m ² vacant lot (Proposed Lot 2) – 30 Chilcott Circuit, Cumbalum	Awaiting additional information

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/284	16/4/2021	Newton Denny Chapelle	Two Lot Torrens Title Subdivision to create one 618sqm and one 1693sqm lots, Erection of a Dual Occupancy comprising two x two storey dwellings on one of the Proposed Lots and Strata Title subdivision of the Dual Occupancy, Earthworks and other Associated Works – 73 Habitat Way, Lennox Head	Awaiting additional information
2021/287	19/4/2021	Newton Denny Chapelle	Multi dwelling housing development, comprising the demolition of the existing dwelling fronting Stewart Street and erection of a new two storey dwelling and associated works – 71 Stewart Street, Lennox Head	Being assessed
2021/299	22/4/2021	BASEC Engineering	River bank stabilization works – 168 Pearces Creek Road, Alstonville	Referred to Government Departments
2021/300	22/4/2021	GM Project Development & Management	Subdivision to create one 1,364m ² and one 659m ² allotments and associated works – 33 Midway Avenue, Wollongbar	Referred to Government Departments
2021/301	22/4/2021	HPC Planning	Temporary Use of Land as a function centre for the purposes of hosting wedding ceremonies for a period of five years. The proposed use is to operate for a maximum of 38 days per year. Ancillary works include the construction of a jetty – 475 Pearces Creek Road, Alstonville	Awaiting additional information
2021/307	23/4/2021	Council Approval Group	To establish an indoor recreation facility including retention of existing caretaker's dwelling and associated alterations and additions to existing industrial premise – 30 Smith Drive, West Ballina	Awaiting additional information
2021/318	28/4/2021	Planit Consulting Pty Ltd	Two lot Torrens Title subdivision to create one 49ha lot and one 3.94ha primary production lot – 152 Nashua Road, Fernleigh	Awaiting additional information
2021/320	29/4/2021	M Lowe	Strata Title subdivision of an existing dual occupancy and erection of a double carport within the Crane Street front setback and 1.8m high front fence – 66 Crane Street, Ballina	Awaiting additional information
2021/324	30/4/2021	Newton Denny Chapelle	To establish a liquid fuel depot – Lot 228 Teven Road, West Ballina	Awaiting additional information
2021/327	3/5/2021	Newton Denny Chapelle	Construction of new school hall with attached canteen, toilets, kitchenette, office and associated store room – 28 Fredericks Lane, Tintenbar	Awaiting additional information

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/328	3/5/2021	Planners North	Alterations and Additions to Existing Golf Driving Range Facility – 119 Smith Drive, West Ballina	Awaiting additional information
2021/350	7/5/2021	B Thomas	Erection of a Farm Building – greenhouse - 901 Wardell Road, Meerschaum Vale	Awaiting additional information
2021/365	14/5/2021	Ardill Payne & Partners	Change of use of three existing tenancies for the purposes of establishing an industry – 1 Simmons Street, Ballina	Awaiting additional information
2021/370	17/5/2021	Kokin Family Pty Ltd	Partial change of use from restaurant to retail premises – 37-41 Cherry Street, Ballina	Determination pending
2021/378	20/5/2021	Newton Denny Chapelle	Change of use / internal building works – 133 Hutley Drive, Lennox Head	Being assessed
2021/384	20/5/2021	M Hajjar	Strata Title subdivision of an Approved Dual Occupancy – 107 Crane Street, Ballina	Awaiting additional information
2021/387	21/5/2021	Newton Denny Chapelle	Two lot Torrens Title subdivision and erection of a dwelling house on one proposed lot and the erection and Strata Title subdivision of a two storey detached dual occupancy on the other proposed lot and associated works – 63 Habitat Way, Lennox Head	Being assessed
2021/388	21/5/2021	Ardill Payne & Partners	Multi Dwelling Housing Development and Strata Title subdivision comprising the erection of two attached two storey dwellings, retention of the existing dwelling and associated works - 144 Tamar Street, Ballina	Awaiting additional information
2021/389	24/5/2021	B Boyle	Subdivision by way of boundary adjustment to create one 2841m ² and one 6169m ² allotments – 34 Smith Drive, West Ballina	Being assessed
2021/391	24/5/2021	Vision Town Planning	Change of use to establish a veterinary hospital - 102/274 River Street, Ballina	Being assessed
2021/399	27/5/2021	Ballina & District Historical Society	Erection of shipping container for storage purposes – 580 Pimlico Road, Pimlico	Being assessed
2021/404	28/5/2021	B & P Surveys	Strata title subdivision of an approved dual occupancy – 5 Presentation Crescent, Cumbalum	Being assessed
2021/405	28/5/2021	B & P Surveys	Strata Title subdivision of an approved dual occupancy – 2 Presentation Crescent, Cumbalum	Being assessed
2021/407	31/5/2021	Messrs Newbery, Wilson	Strata Title subdivision of an approved dual occupancy – 23 Presentation Crescent, Cumbalum	Being assessed

8.6 Development Applications - Works in Progress - July 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/409	1/6/2021	Newton Denny Chapelle	Multi-Dwelling Housing development comprising the erection of three two storey dwellings, demolition of existing structures, vegetation removal and associated works and Strata Title subdivision – 52 Pacific Parade, Lennox Head	Awaiting additional information
2021/412	1/6/2021	Ardill Payne & Partners	Seniors housing development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 comprising the erection of a two storey building containing 26 independent living units for seniors and associated site filling, civil works and demolition of six existing single storey buildings (containing 14 x 1 bedroom independent living units). A variation to Clause 4.3A of the Ballina LEP 2012 is sought to vary the maximum permissible height of the building from 10.5m AHD to 10.7m AHD – 12 Florence Price Place, Ballina	On Exhibition
2021/417	3/6/2021	Newton Denny Chapelle	Installation and relocation of demountable classrooms and relocation of maintenance shed – 62 Horizon Drive, West Ballina	Being assessed
2021/424	7/6/2021	T & M Chandler	Alterations and additions to units 4 and 5 within an existing residential flat development. The proposal includes internal alterations, construction of new timber decks on northern elevation, and installation of new doors and windows – 67 Ballina Street, Lennox Head	On Exhibition
2021/428	9/6/2021	Newton Denny Chapelle	Strata Title subdivision of an approved dual occupancy – 71 Habitat Way, Lennox Head	Being assessed
2021/429	9/6/2021	Newton Denny Chapelle	Subdivision to create 13 residential allotments ranging in size from 615m ² to 765m ² , earthworks, civil infrastructure, retaining and vegetation removal – Lot 1 Bletchingly Street, Wollongbar	Referred to Government Departments
2021/446	16/6/2021	P Nicolson	Boundary adjustment subdivision – 77 Norton Street, Ballina	Being assessed
2021/472	24/6/2021	Newton Denny Chapelle	Two Lot Torrens Title subdivision, erection of a two storey dwelling house on proposed Lot 1 and erection of a two storey detached dual occupancy on proposed Lot 2 and Strata Title subdivision of the dual occupancy and associated earthworks and infrastructure works – 67 Habitat Way, Lennox Head	On Exhibition

8.6 Development Applications - Works in Progress - July 2021

Regional Development (Determined by Northern Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Class 1 Appeal – Deemed Refusal Hearing 2-6 August 2021

Major Development (Determined by Minister)

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

RECOMMENDATION

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

Attachment(s)

Nil

8.7 Development Applications – Variation to Development Standards

8.7 Development Applications – Variation to Development Standards

In accordance with Department of Planning, Industry and Environment reporting requirements, the following information is provided on development applications where variation to a development standard of 10% or less (via the BLEP 1987 or BLEP 2012) has been approved by staff under delegated authority.

DA No.	Date Approved	Applicant	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for variation
2020/618	28/5/2021	Newton Denny Chapelle	Multi-Dwelling Housing Development comprising the erection of 25 two storey dwellings, Strata Title subdivision and associated works. A variation is sought to the 8.5m Height of Building development standard contained in Clause 4.3 of the Ballina Local Environmental Plan 2012 for a number of the proposed dwellings – 12 Anchorage Avenue, Lennox Head	B1 Neighbourhood Cen - BLEP 2012/R3 Medium Density	Clause 4.3 – Building height 9.8%	Slope of land means it is difficult to meet the standard without compromising design. Consistent with character of area. No impact on amenity of neighbours.
2021/200	2/6/2021	Newton Denny Chapelle	Two lot Torrens Title subdivision of an approved detached dual occupancy creating one 624m ² lot and one 569m ² lot being below the 600sqm minimum lot size development standard – 112 Stoneyhurst Drive, Lennox Head	R3 Medium Density Res – BLEP 2012	Clause 4.1 – Minimum Lot Size 5.1%	Smaller Strata Title allotments exist within the area. The two larger Torrens Title allotments support a dwelling on each with sufficient area and able to be separately serviced

8.7 Development Applications – Variation to Development Standards

RECOMMENDATION

That Council notes that there have been three applications approved under delegation for variations to development standards of 10% or less for April to June 2021.

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	Lease to Katrina Boehm Pty Ltd for 149 River Street Ballina for a period of three years and three months with a three year option at market rent plus GST.
US/13	Variation to Sublease to Charmonne Pty Ltd for Part Lots 321 DP 755745 & Lot 7003, DP 92641, being that part of the building known as the "Old Council Chambers" Alstonville and called "Area 2" to increase the term to five years so as to expire on 30 June 2024. Explanation: Charmonne Pty Ltd has an option period of two years on the above sublease. Charmonne requested an extension of the option from two to three years. It is proposed to vary the sublease to allow for the extension.

Attachment(s)

Nil

9.2 Investment Summary - June 2021

9.2 Investment Summary - June 2021

Section	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 June 2021.

Key Issues

- Compliance with Investment Policy

Discussion

As at 30 June 2021, 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 30 June 2021 was \$98.3 million. This was an increase of \$9 million from 31 May 2021.

Council's investments as at 30 June were invested at an average (weighted) interest rate of 0.658%, which was 0.630% above the June average 90 Day Bank Bill Index of 0.028%.

The balance of the Commonwealth Bank business account as at 30 June 2021 was \$7,764,656. This was a decrease of \$3,913,986 from the balance as at 31 May 2021.

The net movement in the investment portfolio and bank account balances since 31 May was an increase of \$5,086,014.

This has primarily resulted from the following significant cash inflows, which have been offset by loan repayments of \$2.9 million:

- Loan drawdowns totaling \$3.5 million for Airport Boulevard (\$1.5m) and Wollongbar Urban Area Expansion Stage 3 (\$2m).
- Grant payments totaling \$4.1 million comprising the first instalment of the 2021/22 Financial Assistance Grant (\$2.4m paid in advance); the Community Development Grant milestone payment for Airport Boulevard (\$900,000); and the first payment of the Your High Street grant for Ballina Street, Lennox Head (\$796,723).

9.2 Investment Summary - June 2021

TCorp's final Economic Commentary report for June 2021 can be reviewed online using the following link:

<https://www.tcorp.nsw.gov.au/resource/2106.pdf>

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.

Reserve Name	Restriction	% Portfolio*
Wastewater (incl developer contributions)	External	13.3%
Water (incl developer contributions)	External	21.9%
Section 7.11 Developer Contributions	External	13.4%
Bonds and Deposits	External	4.6%
Other External Restrictions	External	1.9%
Carry Forward Works	Internal	4.3%
Bypass Maintenance	Internal	4.3%
Bushfire Recovery	Internal	1.4%
Airport	Internal	2.5%
Landfill and Resource Management	Internal	1.0%
Employee Leave Entitlements	Internal	4.2%
Quarries	Internal	0.9%
Property	Internal	4.3%
Plant and Vehicle Replacement	Internal	0.6%
Road Works	Internal	3.5%
Community Facilities	Internal	1.4%
Miscellaneous Internal Reserves	Internal	6.1%
Financial Assistance Grant in Advance	Internal	2.6%
Unrestricted		7.8%
Total		100.00%

* Reflects reserves as at 30 June 2020.

Rates and annual charges debtors as at 30 June 2021

As at the date of preparing this report, Council's end of financial year processes are in progress and include the annual July rate levying for the year ended 30 June 2022, which incorporates the 2020/21 fourth quarterly water billing levy.

A number of significant adjustments to the 30 June debtor balances will occur as part of these processes.

Consequently, the balance of rates and annual charges debtors as at 30 June 2021 will change and due to this, information on debtors as at 30 June has not been presented in this report.

Council staff continued to actively manage debtor balances during June and issued 2,305 reminder letters on assessments totaling \$3.1 million. The final debtors balance is expected to be an improvement on the debtors balance as at 31 May 2021 through rates receipts.

9.2 Investment Summary - June 2021

A. Summary of investments by institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	Rating Moody	Previous Month \$'000	Current Month \$'000	Quota %	% of Total
AMP Bank	No	BBB	A2	5,500	5,500	10%	5.6%
Auswide Bank	Yes	BBB	Baa2	2,000	2,000	10%	2.0%
Bank of China	No	A	A1	5,000	0	20%	0.0%
Bank of Communications	No	A-	A2	1,000	1,000	20%	1.0%
Bank of Queensland	No	BBB+	A3	6,000	6,000	10%	6.1%
Bendigo & Adelaide Bank	Yes	BBB+	A3	6,000	7,000	10%	7.1%
Commonwealth Bank	No	AA-	Aa3	4,000	2,000	20%	2.0%
Commonwealth Bank (Green)	Yes	AA-	Aa3	11,000	11,000	20%	11.2%
Great Southern Bank ¹	Yes	BBB	Baa1	600	600	10%	0.6%
Defence Bank Ltd	Yes	BBB	Baa1	5,000	6,000	10%	6.1%
IMB Ltd	Yes	BBB	Baa1	1,000	4,000	10%	4.1%
ME Bank	Yes	BBB+	Baa1	7,500	7,500	10%	7.6%
Macquarie Bank Limited	No	A+	A2	1,000	1,000	20%	1.0%
My State Bank Ltd	Yes	BBB+	Baa1	1,000	1,000	10%	1.0%
National Australia Bank	No	AA-	Aa3	6,000	6,000	20%	6.1%
Newcastle Perm Build Society	Yes	BBB	A3	2,700	2,700	10%	2.7%
Suncorp Limited	Yes	A+	A1	8,300	16,300	20%	16.6%
Teachers Mutual Bank Ltd	Yes	BBB	Baa1	700	700	10%	0.7%
Westpac Bank Corp	No	AA-	Aa3	13,000	13,000	20%	13.2%
Westpac Bank Corp (Green)	Yes	AA-	Aa3	2,000	5,000	20%	5.1%
Total				89,300	98,300		100%

¹Great Southern Bank was announced as the new trading name of Credit Union Australia, effective 1 June 2021

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value	Value	%	%
	%	Value	Previous	Current	Previous	Current
A- or Higher	100%	98,300	51,300	55,300	57.4%	56.3%
BBB	60%	58,980	38,000	43,000	42.6%	43.7%
Total			89,300	98,300	100%	100%

B. Summary of Investments Fossil Fuel Free and Green Investments

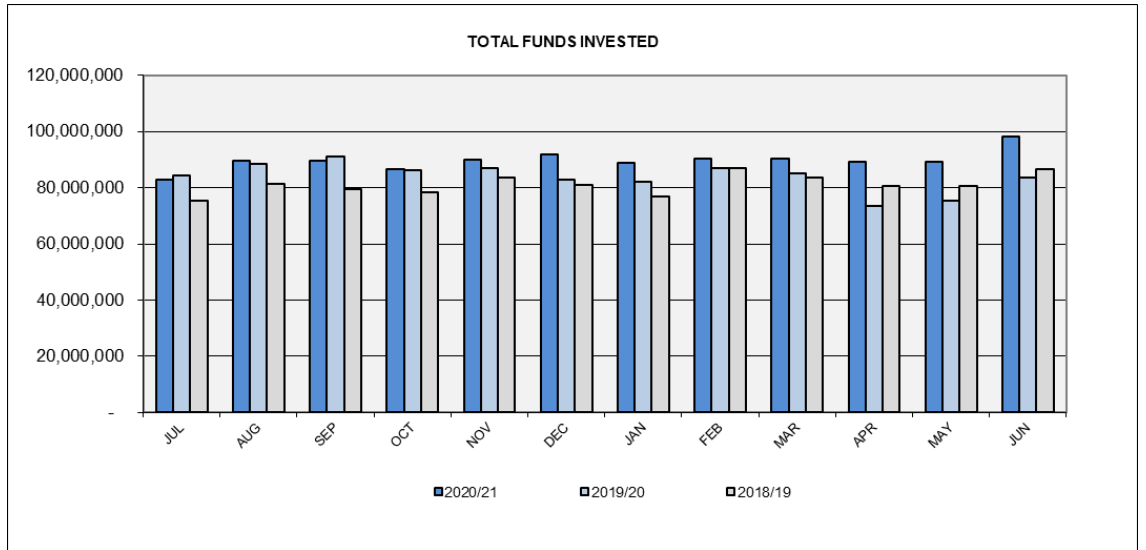
Environmental Classification	Previous Month		Current Month	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned and Non-Green Investments	41,500	46	34,500	35
Fossil Fuel Free Investments	34,800	39	47,800	49
Green Investments	13,000	15	16,000	16
Total	89,300	100	98,300	100

In June 2021, seven fossil fuel investments totaling \$10 million reached maturity.

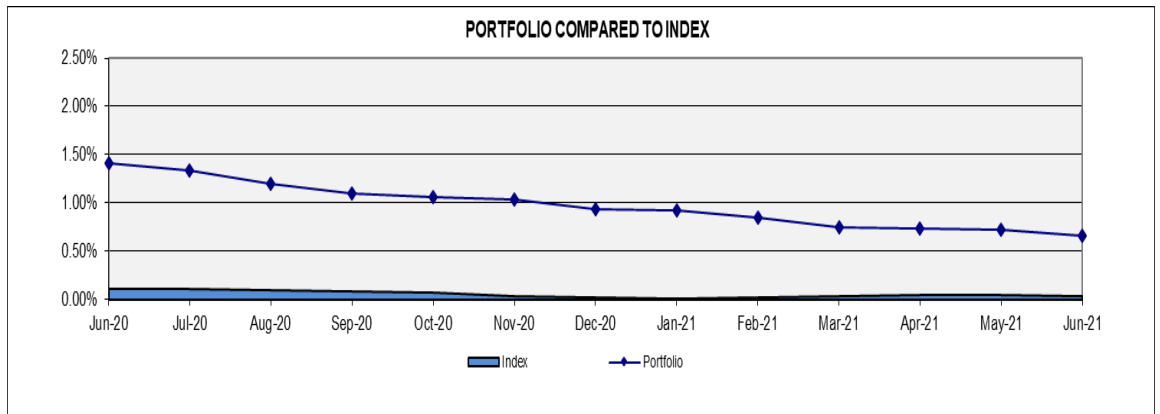
Eleven new investments were drawn totaling \$19 million including seven fossil fuel free term deposits (\$13 million) and two green deposits (\$3 million). Two term deposits were invested with the Bank of Queensland (BOQ) in accordance with section 13 of the Investments Policy. The interest rate offered by BOQ on that day was 0.15% above the rates quoted by two fossil fuel free institutions.

BOQ are progressing towards zero fossil fuel finance arrangements by the end of 2024. As at 31 August 2019, they stated "BOQ has no exposure to coal-fired power generators and has no appetite for lending to this sector." BOQ website provides additional information on their approach to sustainable lending at <https://www.boq.com.au>.

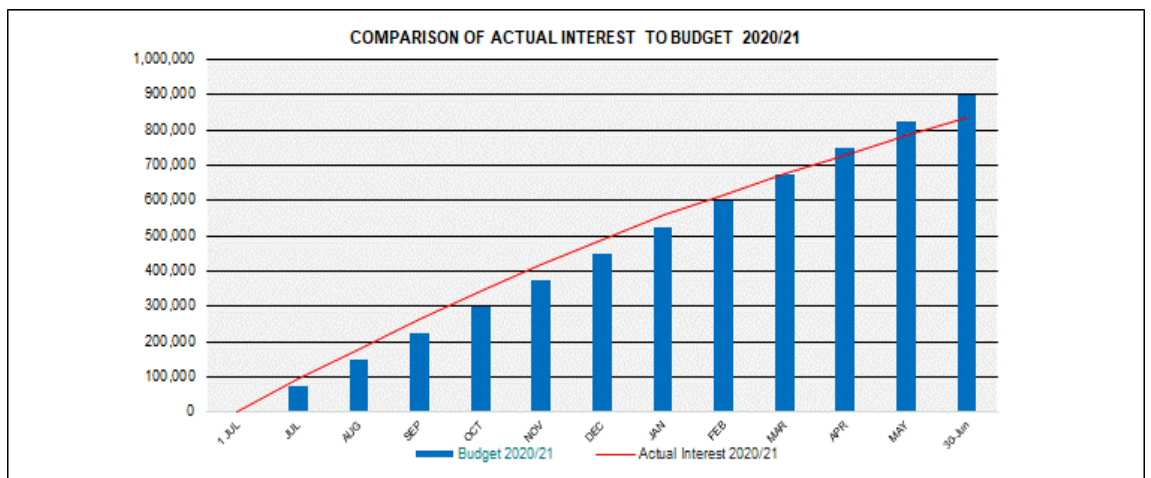
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



9.2 Investment Summary - June 2021

F. Investments held as at 30 June 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
3/08/2017	Westpac Banking Corporation	FRN	1.0917%	3/08/2022	2,000	2,000
18/08/2017	Westpac Banking Corporation	FRN	1.0900%	18/08/2022	1,000	1,000
6/02/2018	Newcastle Permanent Bld Society	FRN	1.4400%	6/02/2023	700	700
2/07/2018	Teachers Mutual Bank Limited	FRN	1.4051%	2/07/2021	700	700
30/07/2018	Westpac Banking Corporation	FRN	0.9700%	31/07/2023	1,000	1,000
31/07/2018	Westpac Banking Corporation	FRN	0.9700%	2/08/2023	1,000	1,000
6/09/2018	Great Southern Bank (formerly CUA)	FRN	1.2750%	6/09/2021	600	600
6/09/2018	Newcastle Permanent Bld Society	FRN	1.4400%	6/02/2023	1,000	1,000
10/09/2018	AMP Bank	FRN	1.1050%	10/09/2021	1,500	1,500
11/01/2019	Commonwealth Bank of Australia	FRN	1.1704%	11/01/2024	1,000	1,000
8/02/2019	Westpac Banking Corporation	FRN	1.0938%	6/02/2024	2,000	2,000
26/07/2019	Commonwealth Bank of Australia	FRN	1.0900%	26/07/2021	1,000	1,000
1/08/2019	AMP Bank	FRN	1.1050%	10/09/2021	2,000	2,000
26/08/2019	AMP Bank	FRN	1.1050%	10/09/2021	1,000	1,000
28/10/2019	Bank of Communications	FRN	0.9300%	28/10/2022	1,000	1,000
4/08/2020	National Australia Bank	TD	0.8500%	28/07/2021	2,000	2,000
4/08/2020	National Australia Bank	TD	0.8500%	3/08/2021	4,000	4,000
11/08/2020	Bendigo & Adelaide Bank	TD	0.7500%	5/08/2021	2,000	2,000
11/08/2020	Bank of Queensland	TD	0.8500%	10/08/2021	3,000	3,000
17/08/2020	AMP Bank	TD	0.8000%	17/08/2021	1,000	1,000
20/08/2020	Westpac Banking Corporation	TD	0.7500%	21/07/2021	4,000	4,000
27/08/2020	Defence Bank Ltd	TD	0.9000%	26/08/2021	1,000	1,000
31/08/2020	Westpac Banking Corporation	TD	0.7600%	3/09/2021	2,000	2,000
2/09/2020	Bendigo & Adelaide Bank	TD	0.7000%	1/09/2021	2,000	2,000
14/10/2020	Bendigo & Adelaide Bank	TD	0.6000%	13/10/2021	2,000	2,000
16/12/2020	Commonwealth Bank - Green	TD	0.4800%	15/12/2021	1,000	1,000
22/12/2020	Macquarie Bank Limited	TD	0.7000%	15/12/2021	1,000	1,000
28/01/2021	Commonwealth Bank - Green	TD	0.3700%	17/08/2021	4,000	4,000
4/02/2021	Auswide Bank	TD	0.5000%	18/01/2022	2,000	2,000
15/02/2021	Commonwealth Bank - Green	TD	0.4100%	8/02/2022	4,000	4,000
22/02/2021	IMB Bank	TD	0.3000%	23/08/2021	1,000	1,000
22/02/2021	Commonwealth Bank - Green	TD	0.4300%	15/02/2022	2,000	2,000
23/02/2021	Defence Bank Ltd	TD	0.4400%	22/02/2022	1,000	1,000
24/02/2021	Suncorp-Metway Limited	FRN	0.4906%	24/02/2026	1,300	1,300
1/03/2021	ME Bank	TD	0.4500%	14/09/2021	2,000	2,000
1/03/2021	ME Bank	TD	0.4500%	21/09/2021	1,000	1,000
2/03/2021	Suncorp-Metway Limited	TD	0.3000%	18/08/2021	1,000	1,000
2/03/2021	Defence Bank Ltd	TD	0.4500%	1/03/2022	1,000	1,000
2/03/2021	Defence Bank Ltd	TD	0.4500%	1/03/2022	2,000	2,000
4/03/2021	Newcastle Permanent Bld Society	FRN	0.6563%	4/03/2026	1,000	1,000
9/03/2021	Suncorp-Metway Limited	TD	0.3000%	14/12/2021	2,000	2,000
14/04/2021	Suncorp-Metway Limited	TD	0.3000%	20/07/2021	1,000	1,000
20/04/2021	ME Bank	TD	0.5000%	19/04/2022	2,000	2,000
27/04/2021	ME Bank	TD	0.5000%	26/04/2022	1,500	1,500
4/05/2021	My State Bank Ltd	TD	0.5000%	3/05/2022	1,000	1,000
11/05/2021	Suncorp-Metway Limited	TD	0.3300%	10/05/2022	3,000	3,000
18/05/2021	Westpac Banking Corporation-Green	TD	0.3000%	17/05/2022	2,000	2,000

9.2 Investment Summary - June 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
24/05/2021	ME Bank	TD	0.5000%	17/05/2022	1,000	1,000
2/06/2021	IMB Bank	TD	0.2300%	5/10/2021	3,000	3,000
8/06/2021	Westpac Banking Corporation-Green	TD	0.2800%	2/06/2022	1,000	1,000
8/06/2021	Suncorp-Metway Limited	TD	0.3300%	7/06/2022	2,000	2,000
15/06/2021	Suncorp-Metway Limited	TD	0.3000%	9/11/2021	2,000	2,000
18/06/2021	Bendigo & Adelaide Bank	FRN	0.6750%	18/06/2026	1,000	1,000
18/06/2021	Defence Bank Ltd	TD	0.3000%	30/11/2021	1,000	1,000
25/06/2021	Suncorp-Metway Limited	TD	0.3300%	22/06/2022	2,000	2,000
28/06/2021	Bank of Queensland	TD	0.3500%	1/12/2021	2,000	2,000
28/06/2021	Bank of Queensland	TD	0.3500%	1/12/2021	1,000	1,000
29/06/2021	Suncorp-Metway Limited	TD	0.3300%	28/06/2022	2,000	2,000
30/06/2021	Westpac Banking Corporation-Green	TD	0.3100%	14/06/2022	2,000	2,000
	Totals				98,300	98,300
	TD = Term Deposit	FRN = Floating Rate Note				

RECOMMENDATION

That Council notes the record of banking and investments for June 2021.

Attachment(s)

Nil

9.3 Councillor Expenses - 30 June 2021 Review

9.3 Councillor Expenses - 30 June 2021 Review

Delivery Program

Governance

Objective

To provide the annual report on Councillor Expenses for 2020/21.

Background

The Office of Local Government's model Councillor Expenses and Facilities Policy requires a report to be submitted to council every six months outlining the provision of expenses and facilities to each councillor. The information is also published on the council's website.

The purpose of this report is to comply with Clause 15.2 of the Policy.

Key Issues

- Overview of Councillor expenses and facilities expenditure
- Compliance with Council Policy

Discussion

This report details the expenditure incurred for the period 1 July 2020 to 30 June 2021. This expenditure excludes the Councillor and Mayor annual allowances and is based on claims submitted and paid.

Councillor Expenses and Facilities Expenditure (\$ excl GST)

Councillor	General Travel and Expenses	Prof Dev	ICT	Home Office	Incidentals/ Daily Telegraph	Mayor Vehicle (1)	RPP	Totals
Cadwallader	613	76	957	0	323	0	600	2,569
Johnson	0	0	745	0	245	0	0	990
Johnston	0	72	492	0	291	0	0	855
McCarthy	0	0	898	0	227	0	0	1,125
Meehan	217	0	1,209	104	281	0	0	1,811
Parry	68	0	0	0	297	0	0	365
Smith	0	0	301	136	227	0	0	664
Williams	0	0	778	0	227	0	0	1,005
Willis	0	0	299	0	0	0	0	299
Wright	0	61	372	0	227	12,000	1,200	13,860
Total								23,543

(1) Twelve month internal plant charge for the provision of the Mayoral vehicle.

In addition to these expenses, the Mayor has paid \$37.99 during this period for private fuel.

The Councillor Expenses and Facilities Policy provides the following limits:

- \$3,000 annual limit (excluding GST) on general travel arrangements expenses

9.3 Councillor Expenses - 30 June 2021 Review

- \$5,000 annual limit (excluding GST) on professional development and conferences (excluding induction training)
- \$80 per month for reimbursement of certain Information and Communication Technology (ICT) expenses, which is in addition to the cost of providing the Council ICT.
- \$1,000 on Home Office Expenses (excluding GST). (This limit has been changed to \$500 from the September 2021 election)
- There is no cap on corporate training subject to annual budget limits.

Delivery Program Strategy / Operational Plan Activity

Council has an approved budget allocation for this expenditure.

Community Consultation Policy

The Council Policy and annual Operational Plan are exhibited prior to adoption.

Financial / Risk Considerations

The expenditure outlined this report is within approved budgetary provisions.

Options

This report is for noting.

RECOMMENDATION

That Council notes the contents of this update on the Councillor expenses, as per the Councillor Expenses and Facilities Policy, for the period 1 July 2020 to 30 June 2021.

Attachment(s)

Nil

9.4 Donations - Rates and Charges - 2021/22

9.4 Donations - Rates and Charges - 2021/22

Section	Financial Services
Objective	To obtain Council approval to donate the 2021/22 rates and charges in accordance with the Donations - Rates and Charges policy.

Background

Council's Donations – Rates and Charges policy was developed to provide guidelines for the management of rates and charges donations to community based service organisations.

The policy, identifies the various categories of organisations that provide a community based service, which are located on Council or Crown Land controlled by Council, (there are some exceptions) and the level of assistance provided each year in respect to the Council's rates and charges.

This policy has undergone numerous reviews over the years to ensure that it reflects the sentiment of each Council.

Even though a policy has been adopted Council resolves annually to confirm the donation of the various rates and charges in accordance with Section 356 of the Local Government Act 1993 (LGA).

Key Issues

- Annual donation of rates and charges
- Equity
- Benefit and cost

Discussion

The following table provides details of specific fixed rates and charges to be donated for the 2021/22 rating year based on the policy.

All amounts have been rounded to the nearest dollar.

Table One – Donations – 2021/22 Rates and Annual Charges

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm-water	On Site Septic	Waste	Total (\$)
Category A - 100% of all rates and charges donated								
415027	Ballina Lighthouse SLSC	0	337	783	0	0	0	1,120
120347	Lennox SLSC	0	1,352	3,910	0	0	0	5,262
295613	Surf Life Saving FNC Branch Inc.	0	674	783	0	0	0	1,457
173390	Ballina CWA	0	216	783	0	0	387	1,386

9.4 Donations - Rates and Charges - 2021/22

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm-water	On Site Septic	Waste	Total (\$)
Category B - 100% of all fixed rates and charges donated (excludes measurable user pays charges)								
145397	Biala School	0	216	783	0	0	0	999
145363	Fox St Preschool	0	216	783	0	0	0	999
172661	Ballina Playgroup	0	216	783	0	0	0	999
172679	River Street Childrens Centre	0	216	783	0	0	0	999
213734	Lennox Preschool	0	216	783	0	0	0	999
418960	Wollongbar Preschool	0	216	783	0	0	0	999
151966	Rainbow Children's Centre	6,024	216	783	100	0	0	7,123
417590	Alstonville Community Preschool	0	216	783	75	0	0	1,074
115643	Alstonville Ag Society	4,482	890	3,107	300	0	0	8,779
235231	Meerschaum Vale Hall	1,223	216	0	0	67	0	1,506
254780	McLeans Ridges Hall	2,483	0	0	0	67	0	2,550
417338	Newrybar Hall	2,048	0	0	0	67	0	2,115
250663	Pearces Creek Hall	1,730	0	0	0	67	0	1,797
234170	Rous Mill Hall	2,099	0	0	0	67	0	2,166
230045	Tintenbar School of Arts Trustees	1,885	0	0	0	67	0	1,952
232013	Wardell Hall	3,892	216	783	50	0	0	4,941
186115	Wigmore Hall	0	216	783	0	0	0	999
264036	Alstonville RSL Sub Branch Hall	2,114	216	783	25	0	0	3,138
422684	Wollongbar Community Hall	0	216	783	50	0	0	1,049
213726	Lennox Scouts	0	216	783	0	0	0	999
253556	Alstonville Scouts	0	0	0	0	67	0	67
294243	Ballina Scouts	0	216	783	0	0	0	999
334289	Ballina Jetboat Surf Rescue	906	216	0	25	0	0	1,147
423070	Marine Rescue NSW	0	337	1,162	0	0	0	1,499
283527	Alstonville Plateau Historical Society	3,818	216	783	50	0	0	4,867
239675	Pimlico Hall	981	0	0	0	67	0	1,048
437477	Lennox Head Community Gardens Inc	0	216	0	0	0	0	216
410417	Ballina Community Gardens Inc	0	216	783	0	0	0	999
Totals (Category A, B)		33,685	7,910	23,056	675	536	387	66,249

9.4 Donations - Rates and Charges - 2021/22

The next table **provides estimates** of the water consumption based charges that are to be donated on a quarterly basis during 2021/22, in addition to the fixed annual charges provided in the previous table.

Actual amounts donated are determined by future quarterly water meter readings.

Table Two – Donations – 2021/22 Estimated Volumetric Based Charges

Assessment Number	Organisation	Estimated Water Consumption Bill (\$)	Estimated Wastewater Usage Bill (\$)	Estimated Total Bills (\$)
415027	Ballina Lighthouse & Lismore SLSC	607	330	937
120347	Lennox/Alstonville SLSC	1,872	1,330	3,202
295613	Surf Life Saving FNC Branch Inc.	2,011	632	2,643
173390	CWA of NSW (Ballina)	121	125	246
Totals (Estimated)		4,611	2,417	7,028

The next table provides a comparison between the 2020/21 and 2021/22 rates and charges donations.

Table Three – Donations – Comparison between 2021/22 and 2020/21

Rate or Charge Description	Proposed 2021/22 Donations	Actual 2020/21 Donations	Difference (\$)	Difference (%)
Ordinary Rates	33,685	28,381	5,304	18.69
Water Access Charges	7,910	6,973	937	13.4
Water Consumption Charges	4,611	42,324	-37,713	-89.1
Wastewater Access Charges	23,056	22,970	86	0.4
Wastewater Usage Charges	2,417	2,277	140	6.1
Waste or Recycling Charges	387	379	8	2.1
On Site Sewage Management Fees	536	455	81	17.8
Stormwater Management Charges	675	625	50	8.0
Totals	73,277	104,384	-31,107	-22.61

The proposed 2021/22 donations are lower than the actual 2020/21 charges due to significant water consumption charges incurred in 2020/21.

The Lennox Head/Alstonville SLSC had a major water leak during the June quarter 2021 which has resulted in higher than proposed 2020/21 water consumption and wastewater usage. This leak has been fixed.

The above explains the large decrease to the proposed donations, in comparison to the previous year actual charges.

Other movements between the proposed 2021/22 donations and the actual 2020/21 charges are:

9.4 Donations - Rates and Charges - 2021/22

- Council resolved at the July 2020 Ordinary Council meeting to include Alstonville Plateau Historical Society and Pimlico Hall.
- The Lennox Head/Alstonville SLSC assessment has been adjusted to 50mm water meter charges instead of 40mm charges, as the assessment was found to be incorrectly charged.

The above two changes resulted in small increases to the proposed donations.

The majority of assessments show an increase in line with rate pegging, as expected.

Delivery Program Strategy / Operational Plan Activity

The donations are funded in the 2021/22 Operational Plan.

Community Consultation Policy

The Council Policy and annual Operational Plan are exhibited prior to adoption.

Financial / Risk Considerations

Financial support to community organisations, allows them to spend more money on providing their specific service to the local community.

Options

The options are to approve, or not approve, the rates and charges donations for each of the assessments detailed within this report.

The donations as listed are consistent with Council policy.

RECOMMENDATION

That Council approves the donation of the 2021/22 rates and charges, as detailed within Tables One and Two of this report, which includes future estimated water consumption and wastewater usage charges, pursuant to Section 356 of the NSW Local Government Act 1993.

Attachment(s)

Nil

9.5 Donations - Community and Sporting Groups - 2021/22

9.5 Donations - Community and Sporting Groups - 2021/22

Section	Communications
Objective	To allocate the community and sporting groups donations for 2021/22

Background

Council has two policies where submissions are called from the community each year for funding assistance.

The two policies are:

- Donations - Financial Assistance for Community Groups
- Donations - Community Sporting Groups Capital Works Assistance

The 2021/22 Operational Plan includes the following funding allocations for these programs:

- Donations - Financial Assistance for Community Groups \$79,000
- Donations - Community Sporting Groups Capital Works Assistance \$31,000

In accordance with a resolution from the June 2021 Ordinary meeting, a number of Councillors met on 13 July 2021 to identify a preferred allocation of the available funds, based on submissions received during the preparation of the 2021/22 Operational Plan.

The purpose of this report is to consider the recommendations from that meeting and confirm the allocation of the donations for 2021/22.

Key Issues

- Fair and equitable allocation of Council monies

Discussion

Details of the submissions received for donations were distributed to all Councillor prior to the working party meeting.

The submissions are lengthy and have not been reproduced within this business paper.

A complete copy of all the submissions will be available at the Council meeting, or if a hard copy is required prior to the meeting, these can be arranged through the General Manager's office.

Donations Financial Assistance for Community Groups

Table one provides a summary of the various submissions for general donations and the final column is the recommendations for approval.

9.5 Donations - Community and Sporting Groups - 2021/22

Table One: Submissions for Community Donations

Ref	Applicant	Description	Amount Requested (\$)	Amount Approved (\$)
1	Community Sewing Group	Venue hire at the Northlakes Community Centre	913	450
2	Lennox Head Combined Sports Carols Comm	Lennox Head Carols in the Park event	6,000	5,000
3	St Andrews Village Ballina Ltd	Purchase of Christmas displays for the St Andrews Village Ballina	1,000	500
4	Lennox Head Playgroup	Purchase of portable shade for outdoor activities and children's tables and chairs	4,670	2,000
5	Ballina Lighthouse RSL Day Club	Venue hire at the Richmond Room	7,701	1,200
6	Lions Club of Lennox Head Inc.	Costs associated with fundraising for various charities	2,510	1,000
7	Ballina Breast Cancer Support Group (Bosom Buddies)	Venue hire at Kentwell Community Centre for monthly meetings	506	506
8	Police and Community Youth Club (PCYC) (Lismore)	Costs associated with running the Ballina Fit for Life Outreach Program	1,000	1,000
9	Ballina & District Historical Society	DA fees for proposed shipping container for storage at Pimlico Hall, shelving and internet provider for 12 months	1,000	500 (1)
10	Alstonville Orchid Society Inc.	Venue hire at the Alstonville Uniting Church Hall for meetings	300	150
11	Lennox Head View Club	Venue hire at the Lennox Head Cultural Centre for meetings	1,200	600
12	Shark Attack Response Inc.	Costs associated with running the organisation	8,000	Funded (2)
13	Rotary Club of Ballina on Richmond Inc.	Venue hire at the Ballina Indoor Sports Centre for the Walk Against Domestic Violence event	813	813
14	Ballina Ministers Association Inc.	Ballina Riverside Carols event	5,000	5,000
15	Ballina Jet Boat Surf Rescue Inc.	Costs associated with purchasing consumables for the rescue vehicles	3,000	3,000
16	Ballina Jet Boat Surf Rescue Inc.	Costs for insurances and renewals for emergency vehicles	6,500	6,500
17	Ballina Hot Meal Centre Inc.	Costs to provide meals	4,715	1,000
18	Tweed Byron and Ballina Community Transport Inc.	Venue hire at the Lennox Head Cultural Centre for bi-monthly meetings for two committees	1,050	0
19	East Ballina Lions Club Inc.	Cost of hiring portable toilets for use at the Ballina Community Markets	3,000	1,500
20	Ballina Coastcare Inc.	Costs associated with raising awareness and attracting new members to Ballina Coastcare	4,500	1,600

9.5 Donations - Community and Sporting Groups - 2021/22

Ref	Applicant	Description	Amount Requested (\$)	Amount Approved (\$)
21	Ballina Senior Citizens Inc.	Purchase and installation of a defibrillator for the Senior Citizens at the Wigmore Hall	2,399	2,399
22	CWA Ballina Branch	Venue hire and banners for fundraising events	947	500
23	Lennox Arts Board Inc.	Venue hire at the Lennox Head Cultural Centre and other locations to host shows for fundraising for charities	10,000	2,000
24	Lennox Head Residents' Assoc Inc. (Heritage Committee)	Venue hire at the Lennox Head Cultural Centre and costs associated with the Lennox Head Centenary celebrations	1,335	500
25	Ballina Community Gardens Inc.	Purchase of soil to top up garden beds	972	972
26	Rainbow Region Dragon Boat Club Inc.	Purchase of additional paddles for regattas and training sessions	1,200	1,000
27	Sprung!! Integrated Dance Theatre Inc.	Costs associated with the collaboration of 'Awakenings – The Making of Things Impossible' project	1,000	1,000
28	Rous Mill and District Memorial Hall Inc.	Building an outside deck for the use of patrons	9,500	6,000
29	Dementia Inclusive Ballina	Setting a website to promote Dementia Inclusive Ballina	1,000	500
30	Pearces Creek Hall Inc.	Annual insurance costs	3,500	1,000
31	Riding for the Disabled Association	Costs associated with travel and accommodation for coaches for ongoing training	3,000	3,000
32	Lennox Head Residents' Association Inc. Coast Care Committee	Materials, tools and equipment, plant replacement and insurance renewals	1,500	700
33	Lennox Head Residents' Association	Venue hire at the CWA for meetings and insurance	1,640	800
34	Lennox Head Residents' Association (Boomerang Bags)	Venue hire at the CWA for manufacture of reusable shopping bags	900	450
35	Ballina Hospital Auxiliary	Venue hire at the Jockey Club for annual craft show	2,500	1,200
36	Our Kids	Temporary fencing for the 'Our Kids Day Out' event held annually in May	1,000	500
37	Ballina Seagulls Football Club Inc.	Maintenance/cleaning of the grounds	4,160	0 (3)
38	North Coast Academy of Sport	Costs associated with holding an event for North Coast Academy of Sport coaches and local community coaches development.	1,000	1,000
39	Wardell Recreation Ground Management	Second hand mower	15,000	11,000
40	Ballina Coast High School	Wood chips for agriculture class activities	Not stated	0
	Total		125,931	66,840

9.5 Donations - Community and Sporting Groups - 2021/22

- (1) Ballina District Historical Society request includes a donation for DA fees. These fees can be funded from the Donations – Assistance with Council Fees for Community Groups policy and associated budget.
- (2) Shark Attack Response program is intended to be funded from the Open Spaces operational budget. This means there is no need for a donation.
- (3) Ballina Seagulls Football Club donation is for reimbursement of cleaning their amenities that are open for public use. Council will undertake a holistic review management of amenities available to the public to assist sporting clubs across the Ballina Shire.

Donations – Community Sporting Groups Capital Works Assistance

Table two outlines applications received for the community sporting groups capital works assistance program.

Table Two: Submissions for Community Sporting Groups

Ref	Applicant	Description	Amount Requested (\$)	Amount Approved (\$)
1	Ballina Croquet Club	Relocation and establishment of the club at Cawarra Park	5,000	0
2	Ballina Tennis Club	Reconfiguring fence to allow internal access to the toilet block	2,700	1,350 (1)
3	Ballina Rugby Union Club	Construction of a steel framed covered grandstand to include disabled access and viewing facilities	10,000	10,000
4	Ballina Little Athletics Club	Redeveloping the current long jump pit and runways at the Cumbalum Sports Fields	10,000	0
5	Ballina Sharks Baseball and Softball Club	Improve base pathways, install fencing and reimbursement of electricity costs for Cawarra Park	17,244	0
6	Ballina Hockey Club	Providing an outdoor shaded area for players, spectators and other patrons	9,606	6,000 (1)
7	Riding for the Disabled (Ballina District)	Costs towards connecting power to the 'Green Room' for lighting, computers and digital presentations during training and installation of solar panels to reduce power costs.	12,203	0
Total			63,621	17,350

- (1) Both the Ballina Tennis Club and Ballina Hockey Club's donations are subject to the two clubs' matching the donation funds provided by Council.

During the review of the community sporting group donation applications it was agreed that it would be beneficial for staff to provide a report to Council on the potential co-location of sporting associations at Cawarra Park and Chickiba Sports Fields. This would assist with the provision of support for the sporting groups.

Delivery Program Strategy / Operational Plan Activity

The provision of donations to community groups and sporting groups contributes to Delivery Program Strategies:

9.5 Donations - Community and Sporting Groups - 2021/22

- CC2.1 Create events and activities that promote interaction and education as well as a sense of place
- CC2.2 Encourage community interaction, volunteering and wellbeing
- CC2.3 Assist disadvantaged groups within our community
- CC3.2 Provide young people with a range of leisure activities
- CC3.3 Support improved health outcomes by providing equitable access to community facilities

Community Consultation Policy

The donations program was promoted in Council's community newsletter, Community Connect, our electronic newsletter and social media in May 2021. The community sporting groups were provided a letter outlining the donations process.

Financial / Risk Considerations

Council has allocated funds in the 2021/22 financial year of \$79,000 for Financial Assistance for Community Groups and \$31,000 for Community Sporting Groups Capital Works Assistance.

Options

The options are to either support or amend the recommendations from the meeting.

RECOMMENDATIONS

1. That Council approves the following Donations – Financial Assistance for Community Groups 2021/22.

Ref	Applicant	Description	Amount Approved (\$)
1	Community Sewing Group	Venue hire at the Northlakes Community Centre	450
2	Lennox Head Combined Sports Carols Committee	Lennox Head Carols in the Park event	5,000
3	St Andrews Village Ballina Ltd	Purchase of Christmas displays for the St Andrews Village Ballina	500
4	Lennox Head Playgroup	Purchase of portable shade for outdoor activities and children's tables and chairs	2,000
5	Ballina Lighthouse RSL Day Club	Venue hire at the Richmond Room	1,200
6	Lions Club of Lennox Head Inc.	Costs associated with fundraising for various charities	1,000
7	Ballina Breast Cancer Support Group (Bosom Buddies)	Venue hire at Kentwell Community Centre for monthly meetings	506
8	Police and Community Youth Club (PCYC) (Lismore)	Costs associated with running the Ballina Fit for Life Outreach Program	1,000

9.5 Donations - Community and Sporting Groups - 2021/22

Ref	Applicant	Description	Amount Approved (\$)
9	Ballina & District Historical Society	DA fees for proposed shipping container for storage at Pimlico Hall, shelving and internet provider for 12 months	500
10	Alstonville Orchid Society Inc.	Venue hire at the Alstonville Uniting Church Hall for meetings	150
11	Lennox Head View Club	Venue hire at the Lennox Head Cultural Centre for meetings	600
12	Shark Attack Response Inc.	Costs associated with running the organisation	Funded
13	Rotary Club of Ballina on Richmond Inc.	Venue hire at the Ballina Indoor Sports Centre for the Walk Against Domestic Violence event	813
14	Ballina Ministers Association Inc.	Costs associated with holding the Ballina Riverside Carols event	5,000
15	Ballina Jet Boat Surf Rescue Inc.	Costs associated with purchasing consumables for the rescue vehicles	3,000
16	Ballina Jet Boat Surf Rescue Inc.	Costs for insurances and renewals for emergency vehicles	6,500
17	Ballina Hot Meal Centre Inc.	Cost of staples to provide meals	1,000
18	Tweed Byron and Ballina Community Transport Inc.	Venue hire at the Lennox Head Cultural Centre for bi-monthly meetings for two committees	0
19	East Ballina Lions Club Inc.	Cost of hiring portable toilets for use at the Ballina Community Markets	1,500
20	Ballina Coastcare Inc.	Costs associated with raising awareness and attracting new members to Ballina Coastcare and trailer cover	1,600
21	Ballina Senior Citizens Inc.	Purchase and installation of a defibrillator for the Senior Citizens at the Wigmore Hall	2,399
22	CWA Ballina Branch	Venue hire and banners for fundraising events	500
23	Lennox Arts Board Inc.	Venue hire at the Lennox Head Cultural Centre and other locations to host shows for fundraising for charities	2,000
24	Lennox Head Residents' Assoc Inc. (Heritage Committee)	Venue hire at the Lennox Head Cultural Centre and costs associated with the Lennox Head Centenary celebrations	500
25	Ballina Community Gardens Inc.	Purchase of soil to top up garden beds	972
26	Rainbow Region Dragon Boat Club Inc.	Purchase of additional paddles for regattas and training sessions	1,000
27	Sprung!! Integrated Dance Theatre Inc.	Costs associated with the collaboration of 'Awakenings – The Making of Things Impossible' project	1,000
28	Rous Mill and District Memorial Hall Inc.	Building an outside deck for the use of patrons	6,000
29	Dementia Inclusive Ballina	Setting a website to promote Dementia Inclusive Ballina	500

9.5 Donations - Community and Sporting Groups - 2021/22

Ref	Applicant	Description	Amount Approved (\$)
30	Pearces Creek Hall Inc.	Annual insurance costs	1,000
31	Riding for the Disabled Association	Costs associated with travel and accommodation for coaches for ongoing training	3,000
32	Lennox Head Residents' Association Inc. Coast Care Committee	Purchase of materials, tools and equipment, ongoing plant replacement and insurance renewals	700
33	Lennox Head Residents' Association	Venue hire at the CWA for meetings and insurance	800
34	Lennox Head Residents' Association (Boomerang Bags)	Venue hire at the CWA for manufacture of reusable shopping bags	450
35	Ballina Hospital Auxiliary	Venue hire at the Jockey Club for annual craft show	1,200
36	Our Kids	Erection of temporary fencing for the 'Our Kids Day Out' event held annually in May	500
37	Ballina Seagulls Football Club Inc.	Maintenance/cleaning of the grounds	0
38	North Coast Academy of Sport	Costs associated with holding an event for North Coast Academy of Sport coaches and local community coaches development.	1,000
39	Wardell Recreation Ground Management	Second hand mower	11,000
40	Ballina Coast High School	Wood chips for agriculture class activities	0
Total			66,840

- The Ballina District Historical Society request for \$500 in point one (ref 9) is to be donated through the Donations – Assistance with Council Fees for Community Groups Policy and associated budget.
- That Council write to Shark Attack Response Inc. to advise the program will be funded from the Open Spaces operational budget.
- That Council approves the following Donations – Community Sporting Groups Capital Works Assistance Program 2021/22.

Ref	Applicant	Description	Amount Approved (\$)
1	Ballina Croquet Club	Relocation and establishment of the club at Cawarra Park	0
2	Ballina Tennis Club	Reconfiguring fence to allow internal access to the toilet block	1,350
3	Ballina Rugby Union Club	Construction of a steel framed covered grandstand to include disabled access and viewing facilities	10,000
4	Ballina Little Athletics Club	Redeveloping the current long jump pit and runways at the Cumbalum Sports Fields	0

9.5 Donations - Community and Sporting Groups - 2021/22

Ref	Applicant	Description	Amount Approved (\$)
5	Ballina Sharks Baseball and Softball Club	Improve base pathways, install fencing and reimbursement of electricity costs for Cawarra Park	0
6	Ballina Hockey Club	Providing an outdoor shaded area for players, spectators and other patrons	6,000
7	Riding for the Disabled (Ballina District)	Costs towards connecting power to the 'Green Room' for lighting, computers and digital presentations during training and installation of solar panels to reduce power costs.	0
Total			17,350

5. That Council write to the Ballina Tennis Club and Ballina Hockey Club to advise the donation is subject to matching funds from the respective Clubs.
6. That Council receive a further report on the potential co-location of sporting associations at Cawarra Park and Chickiba Sports Fields.

Attachment(s)

Nil

9.6 Policy (Review) - Councillor Expenses and Facilities - Adoption

9.6 Policy (Review) - Councillor Expenses and Facilities - Adoption

Section	Communications
Objective	To adopt the Councillor Expenses and Facilities Policy.

Background

At the May 2021 Ordinary meeting, Council considered a report on a review of the Councillor Expenses and Facilities Policy.

The changes to the policy related to improvements to information technology equipment in preparation for the Councillor Induction process following the election.

Council resolved as follows:

That Council approves the exhibition of the amended Councillor Expenses and Facilities Policy, as per Attachment 1 to this report, for public comment, with a report to be presented back to Council following the exhibition period.

This change in the Councillor Expenses and Facilities Policy required formal exhibition of at least 28 days, in accordance with Section 253 of the Local Government Act. This section also requires a Council to consider any submissions prior to adopting the policy.

The purpose of this report is to adopt the policy following the exhibition period.

Key Issues

- Ensuring the policy is equitable, fair and transparent

Discussion

The changes from the 27 May 2021 Ordinary meeting were included in the document as exhibited.

A copy of the exhibited document is included as Attachment 1.

The Policy was exhibited for a period of 28 days with no submissions received.

Delivery Program Strategy / Operational Plan Activity

The Councillors and Expenses and Facilities Policy aligns with Delivery Program Strategy EL2.2 – Use modern systems and equipment. The changes also support the following Operational Plan activities:

- EL2.2a Implement technology solutions that generate productivity gains
- EL2.2b Continuous improvement of Council's cyber security

9.6 Policy (Review) - Councillor Expenses and Facilities - Adoption

Community Consultation Policy

The policy was placed on exhibition between 9 June and 7 July 2021.

Financial / Risk Considerations

The exhibited policy is required to assist Council staff in delivering an improved level of service to support Councillors in their civic duties.

Options

The options are to adopt the policy as exhibited or again review the policy. The recommendation is to adopt the policy.

RECOMMENDATION

That Council adopts the Councillor Expenses and Facilities Policy, as exhibited, per Attachment 1, to this report.

Attachment(s)

1. Policy (Review) - Councillor Expenses and Facilities

9.7 Lennox Rise - Variation to Adjoining Owners' Deed of Agreement

9.7 Lennox Rise - Variation to Adjoining Owners' Deed of Agreement

Section Commercial Services

Objective To seek Council's consent to vary the apportionment of development costs in the existing Adjoining Owners' Deed of Agreement.

Background

A report was presented to the 25 July 2019 Ordinary meeting seeking consent to enter into an adjoining owners' deed of agreement ("DOA") with Lennox Rise Pty Ltd, owners and developers of a proposed residential estate known as "Lennox Rise".

Lennox Rise had purchased the residential estate site from Lennox Developments Pty Ltd and as such Council and Lennox Rise considered a new DOA was more appropriate rather than amending the existing DOA. All other terms and conditions remained unchanged. The main points of that new DOA are summarised as follows:

- Dedication of Council land for an access roadway
- Sharing of construction costs for an access road from Hutley Drive to Council's and Lennox Development's respective land holdings and
- An easement to drain stormwater over Council's land.

Lennox Rise also revised the layout of their proposed development and sought Council's consent, as landowner, to lodge an application to modify the current development consent (DA 2014/31). This was required as a very minor portion of Council's land was included in the DA modification relating to a road dedication and boundary adjustment/land swap between the parties.

Council resolved at the 25 July 2019 Ordinary meeting as follows:

1. *The General Manager is authorised to finalise negotiations with the Lennox Rise Pty Ltd and execute deeds of agreements, execute all easements, plans of subdivision etc. and all other relevant documentation required to satisfy the deed of agreements between Council and Lennox Rise Pty Ltd based on the contents of this report.*
2. *The General Manager is authorised to grant landowner's consent to lodge an application to modify DA 2014/31.*
3. *The Council seal is authorised to be attached to the documents, as required, in point one.*

Under the terms of the DOA that has since been executed, the proposed access road has now been designed, approved and tendered for construction. The developers of Epiq have also entered into a cost sharing arrangement for the cost of the access road

An amendment to the DOA is sought to reflect adjustments in cost sharing between the parties.

9.7 Lennox Rise - Variation to Adjoining Owners' Deed of Agreement

Key Issues

- Revised contribution amounts for infrastructure
- Planning for future development
- Landowner's consent to lodge an application to amend DA 2014/31

Discussion

In accordance with the DOA, the party (either Council or Lennox Rise) wishing to proceed first with their proposed development shall take responsibility for the design and construction of an access road from Hutley Drive up to the Council's and Lennox Rise's eastern boundary.

As Lennox Rise wish to proceed first, they have completed road and infrastructure design and run a tender for construction of same. Three proponents tendered for the works with prices ranging from \$808,817 to \$920,828. The contract has been awarded to Shadforths at their price of \$808,817, which is considered reasonable given the initial estimates ranged from approximately \$700,000 to \$800,000.

Each party's contribution to cost (excluding project management fees) based on respective lot yields (ETs) are provided for in the existing DOA and calculated as follows:

Table 1 – Contributions as per DOA (Council and Lennox Rise)

Proponent	Lot Yield (ETs)	Contribution %	Contribution \$
Council	50 (estimated)	23	186,028
Lennox Rise	167 (as per current DA)	77	622,789
Totals	217	100	808,817

Due to a change in circumstances, the contribution rates require adjustment for the following reasons:

- Epiq have signaled their intention to proceed with development of a portion of their site adjoining the proposed access road and have agreed to contribute towards the cost of the proposed road on a per lot basis
- A zoning amendment to the Lennox Rise site enables an increase in lot numbers and
- Council staff and consultants have been investigating development options for Council's land (residue of the Henderson Farm). Of the fifteen hectare site, about five hectares is zoned for residential development. Based on site area calculations the lot yield for this site was initially estimated to be about 50 lots (ETs).

9.7 Lennox Rise - Variation to Adjoining Owners' Deed of Agreement

More detailed investigations and recent changes in the residential housing market have led to consideration being given to a more intensive use of the site, including medium density, which may help to provide a range of more affordable (or attainable) housing options.

The reason for considering development options (in a very conceptual way) for the site is that the majority of the lots will need to be connected to a sewer pump station to be sited on Lennox Rise's land.

This pump station is in the design phase and needs to be sized to deal with the needs of Lennox Rise and Council. The costs will be apportioned on a per lot or Equivalent Tenement (ET) basis. To future proof development options it is proposed to increase the ET estimate for Council's site from 50 to 100 and contribute to costs accordingly.

Indicative cost estimates for the proposed pump station and rising main sized to include 100 ETs on Council's site is in the order of \$1 million (subject further geotech investigations). The additional cost to size the pump station to accommodate the increase from 50 ETs to 100 ETs on Council's site is about \$50,000.

This is a far more cost effective approach rather than possibly having to construct a second pump station at some point in the future to accommodate additional ETs.

Based upon these factors each party's contribution has been calculated as follows.

Table 2 – Revised access road cost contributions

Proponent	Lot Yield (ETs)	Contribution %	Contribution \$
Council	100 (estimaed)	28.60	231,322
Lennox Rise	189 (as per zoning amendment)	54.00	436,761
Epiq	61	17.40	140,734
Totals	350	100.00	808,817

Having Epiq enter into cost sharing arrangements will be beneficial to both Council and Lennox Rise. The recent proposal to double the number of ETs on the Council site will only increase Council's share by 24.35%. This is a good outcome.

Attachment 1 contains an aerial photo plan outlining the three landholdings.

The tendered amount of \$808,817 + GST is for access to the road only and excludes contributions to stormwater drainage and sewer pump costs which will be shared by Lennox Rise and Council (Epiq does not contribute as it will not benefit from these works).

The following table notes percentage cost contributions for sewer rising main and pump costs which will also apply for storm water channel works.

9.7 Lennox Rise - Variation to Adjoining Owners' Deed of Agreement

Table 3 – Sewer pump station and rising main cost contributions

Proponent	Lot Yield (ETs)	Contribution %	Contribution \$
Council	100 (estimated)	35	350,000
Lennox Rise	189 (as per zoning amendment)	65	650,000
Totals	289	100	1,000,000

Lennox Rise has also requested Council, as land owner, sign an application to amend DA 2014/31 to reflect Council's recent decision to amend the zoning for their site to increase the lot yield from 167 lots to 189 lots.

Delivery Program Strategy / Operational Plan Activity

The objectives within this report are consistent with Delivery Program Strategy PE3.2 - Facilitate residential land.

Community Consultation Policy

This a commercial negotiation between Council and the landowner relating to operational land.

Financial / Risk Considerations

An amount of \$275,000 is included in the Long Term Financial Plan for the 2021/22 financial year to cover Council's contribution for the access road. This amount will need to be increased once formal cost estimates are received for the proposed sewer pump station, rising main and stormwater channel.

The Council contribution is funded from the Property Development Reserve, albeit funds in that reserve are limited due to costs associated with other Council property development activities and Airport Boulevard.

Options

1. Council supports the amendment to the Adjoining Owners' Deed of Agreement to reflect the revised contribution rates payable by Council and Lennox Rise Pty Ltd in regards to the access road, sewer pump station, rising main and stormwater channel. The rates of contribution are as detailed above in this report.
2. Council agrees to grant land owner's consent to lodge an application to modify DA 2014/31.
3. Council does not support to the amended Adjoining Owners' Deed of Agreement to reflect the revised contribution rates payable by Council and Lennox Rise Pty Ltd, as noted above in this report.
4. Council does not agree to grant land owner's consent to lodge an application to modify DA 2014/31.

Options one and two are recommended as the proposed changes in contribution rates are fair and reasonable based upon proposed ETs for each party's site.

9.7 Lennox Rise - Variation to Adjoining Owners' Deed of Agreement

It also provides an opportunity for Council to fund infrastructure for future development of its site on a cost effective basis.

The request for land owner's consent to lodge an application to modify DA 2014/31 is also consistent with Council's recent decision to amend the zoning of the site.

Option three is not recommended as the proposed amendments to the Adjoining Owners' Deed of Agreement are for the mutual benefit of both Council and Lennox Rise Pty Ltd.

The request for land owner's consent to lodge an application to modify DA 2014/31 is also considered reasonable and consistent with Council's recent decision to amend the zoning of the site.

RECOMMENDATIONS

1. That Council authorises the amendment to the Deed of Agreement to reflect the revised contribution rates payable by Council and Lennox Rise Pty Ltd in regards to the access road, sewer pump station, rising main and stormwater channel, as per Tables Two and Three of this report.
2. The General Manager is authorised to finalise negotiations with the Lennox Rise Pty Ltd and execute a deed of amendment to the Adjoining Land Owners' Deed.
3. The General Manager is authorised to grant landowner's consent to lodge an application to modify DA 2014/31.
4. The Council seal is authorised to be attached to the documents, as required, in point two.

Attachment(s)

1. Aerial Photo - Lennox Head Land Holdings

9.8 Tuckombil Quarry Site - Byron Studios

9.8 Tuckombil Quarry Site - Byron Studios

Section Commercial Services

Objective To determine if Council wishes to enter into a Heads of Agreement and Licence Agreement at the Tuckombil Quarry with Byron Studios.

Background

Since 2018 Council has been engaging with Byron Studios on the potential establishment of a film studio on Council owned land, located within the Southern Cross Industrial Estate, adjacent to the Ballina-Byron Gateway Airport in Ballina ("Innovation Precinct"). This has included a number of presentations to Council and staff attending various meetings with representatives from Department of Regional NSW and Byron Studios.

In recognition of the social and economic development benefits, together with the significant financial costs in establishing a new industry, preliminary discussions with Byron Studios have focused on the potential to support the establishment of film / TV industry at Innovation Precinct, through a potential long term lease under a stepped rental arrangement.

To gain an understanding of the viability of this type of industry, Council at the Commercial Services meeting held on 18 August 2020 supported the allocation of \$30,000 from the Property Development Reserve towards the development of a feasibility study into the viability of the Byron Studio's movie studio and sound stage complex proposal at the Innovation Precinct. This study cost \$90,000 and was co-funded by the State Government, Council and the Private Sector proponents.

Due to the delays in progressing with the rezoning, masterplan and required civil works for the construction of the first five lots at Innovation Precinct, Council resolved at the 24 September 2020 Ordinary meeting to provide a licence agreement for Byron Studios to operate from the Alstonville Cultural Centre (excluding library space) for a period of two years.

The objective of the two year licence agreement, and co-contribution to the feasibility study, was to support Byron Studios in progressing with the establishment of this industry, whilst the rezoning and civil works were being completed at Innovation Precinct.

Byron Studios has now operated at the Alstonville Cultural Centre for a period of six months and this has identified that the proposed lots at the Innovation Precinct will not be large enough, with a much larger site required.

Byron Studios is committed to establishing this industry within Ballina Shire and have been actively pursuing alternative site locations in the Alstonville Plateau and Ballina Shire.

At a Councillor inspection of the Alstonville Cultural Centre on 10 May 2021, Byron Studios expressed their strong interest in the potential for the studios to be constructed at Council's Tuckombil Quarry site.

This was based on the understanding that Council's intentions were to examine other opportunities for that site.

At the 27 May 2021 Ordinary meeting Council resolved as follows:

- "1. That Council receive a report on the merits, costs and timeframes, to undertaking a rezoning of the Tuckombil Quarry Site to allow uses such as that being undertaken by Byron Studios at the Alstonville Cultural Centre.*
- 2. This report is to examine the benefits of this proposal, including consultation with key stakeholders, such as Byron Studios, NSW Planning and the current lessees (Boral and Ron Southon) to confirm whether the proposal can be fast tracked to coincide with the termination of the current licence agreement for Byron Studios at the Alstonville Cultural Centre".*

At the same meeting Council supported a budget allocation of \$50,000 from the Quarry Reserve to proceed with the engagement of a consultant to assess constraints and opportunities for the Tuckombil Quarry.

The Byron Studios proposal will form a key part of this review, with that work advancing through an external consultant.

Following the May 2021 Ordinary meeting, Byron Studios has been actively engaging with Create NSW, Hon Ben Franklin MLC and Hon Kevin Hogan MP to progress this project.

The outcomes from these discussions has identified the importance of securing a preferred site.

To enable Byron Studios to move forward, Byron Studios require Council to enter into a Memorandum of Understanding that can demonstrate Council's support in the potential use of the Tuckombil Quarry site.

In addition, Byron Studios is seeking Council's support in the establishment of a temporary licence agreement over a small section, at the front of the quarry site, for the parking of vehicles while the rezoning and planning processes are completed.

The purpose of this report is to provide an overview of the planning, key stakeholder consultation and consultancy process, and to seek Council's approval, or otherwise, in the establishment of a Memorandum of Understanding and licence over part of the Tuckombil Quarry site, whilst the consultancy and planning investigations are completed.

Key Issues

- Term of licence at the Alstonville Cultural Centre
- Existing leases at Tuckombil Quarry site
- Access constraints
- Request to formalise support to Byron Studios
- Required planning requirements and consultancy engagement
- Transparency and accountability in leasing and licensing Council land

Discussion

The focus for Byron Studios is to partner with Council to establish a viable and successful film industry in the Ballina Shire, which will generate employment, career and educational opportunities, as well as boost local businesses such as catering, accommodation, set making, costuming, make-up artists etc.

The support provided by Council in enabling Byron Studios to operate from the Alstonville Cultural Centre has allowed the first steps in the establishment of this industry within our Shire.

At the time of commencing at the Alstonville Cultural Centre, Byron Studios also entered into an agreement with the adjoining Agricultural Society for use of part of the showground.

The ability to use this land has proven essential, due to the limitations of parking and vehicular movements at the Alstonville Cultural Centre, and the need to accommodate the ancillary support services.

Byron Studios was successful in securing and commencing a major production in March 2021 with this current production concluding next month. Byron Studios are currently in discussions on a further production.

Securing a major production this year has provided Byron Studios with a clear understanding of the size of the land and support requirements needed for major productions, including the auxiliary land space required to cater for production deliveries and site parking.

In addition to filming activities at Alstonville Cultural Centre, Byron Studios has been successfully engaging with various local industries such as TAFE and local creative businesses to support educational opportunities in the film industry.

This has highlighted further opportunities to support education, tourism, employment and businesses growth within our Shire and the Northern Rivers Region.

At a meeting held on 1 July 2021, Byron Studios expressed a preference to undertake a staged development of the Tuckombil Quarry.

Stage 1 of their proposal would require a site area of about 15,500m².

Byron Studios has suggested that they require a long term lease, with stepped rental structure, to assist in establishing the business.

A similar suggestion was made when initial discussions were conducted for the Innovation Precinct proposal.

Attachment 1 (prepared by Byron Studios) identifies the intended construction and timeframes proposed at the Tuckombil Quarry site.

The proposed staged approach takes into consideration the consultancy, planning and required approval processes, and existing lease terms at the site.

Existing leases at Tuckombil Quarry site

As part of the May 2021 resolution, Council requested that consultation be undertaken with the existing lessees at the Tuckombil Quarry site, to identify if there was potential for the Byron Studios proposal to be fast tracked to coincide with the termination of the current licence agreement at the Alstonville Cultural Centre.

This was in recognition that the current licence agreement at the Alstonville Cultural Centre expires in December 2022 and the two leases at Tuckombil expire in December 2024.

A site inspection with Bitupave (Boral Asphalt) ("Boral") has identified that they will need to continue to operate from this site until December 2024. The current lease agreement with Boral requires Boral to complete any required rehabilitation works prior to cessation of the lease.

A site inspection with the Owner/Director of Ron Southon Pty Ltd, has identified that their strong preference is to remain on site due to the significant investment (both infrastructure and employment) made by this company since commencing at this site in 1999.

This business was relocated to this site by Council in 1998, to support the business to be able to operate. The requirement to relocate this operation again will likely result in the cessation of their business.

Preliminary investigations, including consultation with representatives from Ron Southon Pty Ltd and Byron Studios, has identified that there may be potential for this operation to continue at this location, and co-exist with other approved uses on the site, subject to being able to change their access to the site from Gap Road to Teven Road.

Council staff have asked the consultant engaged to include this option, as part of the overall review of the site.

Staged Options

Byron Studios current licence agreement at Alstonville Cultural Centre ceases in December 2022.

As a preliminary first step, Byron Studios are seeking support from Council to access the front part of the Tuckombil Quarry site (not currently leased by Boral) to park vehicles.

This would require Byron Studios to construct a new access point, which should be at their cost.

Subject to Council's approval, such use would commence as soon as possible.

The proposed stages in the Byron Studios attachment, have been developed in recognition of the need to progress with securing productions (subject to rezoning and planning approval processes being completed) following cessation of the licence agreement at Alstonville Cultural Centre.

9.8 Tuckombil Quarry Site - Byron Studios

The five stages proposed are:

Stage	Description	Proposed Timeframe	Key considerations
Stage 1	<p>Construction of buildings, shed and carpark area</p> <ul style="list-style-type: none"> • Studio space equivalent to Alstonville Cultural Centre. • 1,000 m² shed • Establishment of onsite parking 1) 	Oct-Dec 2022	<p>Rezoning and planning approvals are unlikely to be concluded within this timeframe.</p> <p>Current site access is through Boral leased site which requires strict work health and safety and security requirements and therefore a new access point would need to be constructed off Gap Road. Subject to a new access point being constructed, the current lease with Boral will not be impacted by this proposal.</p> <p>Current lease with Ron Southon may not be impacted by this proposal however this will need further and more detailed analysis in relation to potential land use conflict and setback requirements.</p>
Stage 1A	Use of quarry pit for filming		This may be undertaken through filming application process subject to meeting those requirements and not impacting on the safety of the site during the period Boral is in operation.
Stage 2	Construction of offices and temporary accommodation for workers.	July-Sept 2023	<p>Rezoning and planning approvals may not be concluded within this timeframe. Same access to site used for Stage 1 would be required. The offices are designed to support businesses relating to film industry such as costume, lighting and set design.</p> <p>The current shortage in residential rental accommodation has been further impacted by the film industry. The construction of temporary accommodation will reduce the impact on rental market during filming and production.</p> <p>Current lease with Ron Southon may not be impacted by this proposal however this will need further and more detailed analysis in relation to potential land use conflict and setback requirements. This will be addressed in the consultant's report.</p>

9.8 Tuckombil Quarry Site - Byron Studios

Stage	Description	Proposed Timeframe	Key considerations
Stage 3	Construction of one larger size studio space (to support expansion requirements)	Jan-March 2024	It is unlikely that the current lease with Ron Southon would be impacted by this proposal.
Stage 4	Construction of a creative precinct / education art space	Jan-March 2025	The establishment of a creative precinct is designed to support tourism and interaction with the film industry. Boral Lease ceases in December 2024 with all rehabilitation works being concluded. Vacation of site by Boral will enable the ability to progress with Stage 4.
Stage 4A	Establishment of Theatre	Jan-Mar 2026	As outlined in Stage 4.
Stage 5	Future planning expansion		Ron Southon has requested the ability to remain on this site and for alternative access to be approved to support the ability to continue to operate without impeding on any other proposed uses on this site.

Proposed interim use of part of Tuckombil Quarry site - parking

To reduce the current impact on traffic movement in the residential area adjacent to Alstonville Cultural Centre, Byron Studios is seeking support from Council to enable usage of the proposed Stage 1 site to park vehicles.

This would require Council to enter into a short term non-exclusive agreement or a lease (if terms can be agreed) over part of the site pending completion of the rezoning / planning process for the Tuckombil Quarry site.

Due to the current site safety requirements for Boral's operations, this will require Council to approve the construction of a separate access from Gap Road.

This separate access would then support Stage 1, Stage 2 and Stage 3 construction.

Subject to relevant approvals being obtained, construction costs for this access should be met by Byron Studios.

This is likely to be a substantial cost to meet traffic requirements.

Council staff and Byron Studios have not commenced negotiations on an appropriate fee for use of this land however based on the current lease fees by Boral and Ron Southon and the low risk use, it is estimated that this fee would be based on a rate of approximately \$1.80/m² p.a. + GST.

Consultancy engagement to assess site

At the 27 May 2021 Ordinary meeting Council resolved to proceed with the engagement of a consultant to complete a feasibility assessment on potential uses for the Tuckombil Quarry site with the potential use by Byron Studios to form part of that review.

The initial timeframe indicated for the consultant to complete the assessment was 14 weeks.

The consultant has commenced work and confirmed that they will be in a position to conclude their initial assessment on the viability of Byron Studios at this location by next month, with the final report on all options to be concluded by early November 2021.

This detailed report on the consultancy and master planning outcomes, to assist Council in determining if they wish to proceed with a Gateway Determination for this site is likely to be reported to the November 2021 Ordinary meeting.

Memorandum of Understanding

The objective of a Memorandum of Understanding (MOU) is to provide details of the key negotiating points for Council and Byron Studios to resolve prior to entering into any lease or licence agreement.

Byron Studios is seeking to enter into a MOU with Council to reflect Council's support for Byron Studios in the establishment of film / TV industry in the Northern Rivers region and to confirm that the Tuckombil Quarry site has been identified as a possible location to develop a film / TV complex.

Entering into a MOU, whilst the consultancy brief and planning process are being undertaken for the Tuckombil Quarry site, will enable Byron Studios to continue with the development of business plans and the stakeholder engagement process.

The key areas that would be included in the MOU include:

- (i) Statement to outline the objective being for Byron Studios Pty Ltd and Council to enter into a MOU with the objective to partner and jointly, and proactively promote business growth of the film / TV and associated industries with the purpose of making Ballina Shire the hub for movie making in the Northern Rivers region.
- (ii) Document that the parties acknowledge that:
 - a) Council will grant a non-exclusive right to use the quarry parking area for an amount to be agreed.
 - b) The quarry is a large site with complexities that will take time and further investigations to inform both parties of constraints and costs to be addressed prior to any large scale development taking place.

9.8 Tuckombil Quarry Site - Byron Studios

- c) An independent consultant's study is currently being undertaken to consider alternate uses for the quarry, including a movie studio complex.
- d) The quarry is subject to two leases that expire in December 2024.
- e) The quarry requires rezoning to permit development of a movie studio complex and ancillary uses. Council will need to initiate this process and fund the cost of relevant studies and investigations that may be required.
- f) Byron Studios will prepare a masterplan for the quarry for Council's consideration setting out proposed uses, staging of development and how site works are to be funded.

The masterplan should be endorsed by Council prior to rezoning of the quarry proceeding.

- g) Subject to rezoning of the quarry, or parts thereof, to permit a development of a movie studio complex, it is understood that Byron Studios wishes to lease a 15,500m² portion of the quarry for Stage 1.
- h) Subject to Council endorsing a masterplan for the quarry, the parties will enter in to an agreement for lease ("AFL") for the Stage 1 site and include:
 - i. Lease term that reflects a reasonable period of time to achieve payback and return on investment for building improvements constructed upon site
 - ii. Rental that takes into account, among other things, each party's contribution to site development costs and fees, as well as the demonstrated benefits to the local economy that the proposed development may bring
 - iii. Market rent reviews every five years
 - iv. Responsibility for payment of property outgoings
 - v. Insurances
 - vi. Lessor's works
 - vii. Lessee's works
 - viii. The Lessee's use of the balance of the quarry site, on a non-exclusive basis, for filming where such use does not conflict with other tenant's or Council's use of the quarry site.
- i) Subject to the quarry being rezoned to development of a movie studio complex and ancillary uses, Byron Studios will prepare and lodge a business plan and obtain the appropriate overall approval applications for consent for Stage 1.
- j) Upon Byron Studios gaining all relevant planning and construction approvals for Stage 1, and all conditions of the AFL being met, the lease shall come into effect and Byron Studios may commence development works.

- (iii) Subject to a masterplan being endorsed by Council for the whole quarry site, and Council being satisfied with Stage 1, Council and Byron Studios shall enter into negotiations for the balance of the quarry site, or parts thereof, at terms and conditions to be agreed.
- (iv) Until a lease is established for the proposed sites in Stage 2, 3 and 4, Council is entitled to use the quarry as it sees fit.

The MOU would be prepared by Council's Solicitor to ensure that Council's legal requirements and interests were fully addressed.

Required planning process

The Tuckombil Quarry site, including the quarry pit, and the areas leased to Boral Asphalt and Ron Southon Pty Ltd are currently zoned 1(e) Rural (Extractive and Mineral Resources) under the Ballina Local Environmental Plan 1987 (the land is a deferred matter under the Ballina Local Environmental Plan 2012).

This zoning also applies to the gap road sporting fields and Council's nursery area to the east of the quarry.

Under the 1987 LEP, the proposed land use may be defined as a commercial premises or an innominate use.

Both of these uses are permissible, as advertised development, with consent.

However, based on the information available at present, if use of the land as proposed can ultimately be characterised as above, it is likely such development would be in conflict with the primary zone objectives.

The primary zone objectives are to identify land with extractive industry, or mining potential, to prohibit development, which would result in withdrawal of actual or potentially productive mineral resources land and prohibit development which would be adversely affected by the operations of extractive or mineral resources development (particularly noise, vibration and dust).

The cessation of the use of the land for quarrying purposes may partly resolve the inconsistency with the zone objectives, but it does not fully resolve the issue of the potential of the resource available.

Further information in this regard may become available as the site investigation consultancy progresses.

In any case, if the land is no longer to be used for the purposes of a quarry, it is appropriate that the land is zoned to align with its future intended use.

If a film studio or the like is to be enabled on the land, special provisions to enable a particular set of land uses may also be appropriate. This also provides for a clear planning pathway for the use and future associated uses.

Another important consideration is that the land practically forms part of the Alstonville urban buffer area, with land zoned 7(i) Environmental Protection (Urban Buffer) surrounding the majority of the site.

There are two local environmental plan based options available, one being to rezone the land to apply a zone under the 2012 LEP (and possibly apply additional permitted uses) and the other being to apply a special provision and additional permitted uses to the land under the existing zone to specifically enable the proposed land use outcomes.

Under either approach a planning proposal to make an LEP amendment is required. This also needs to be considered in the context of integration of deferred matter areas into the 2012 LEP (some aspects of the deferred matter areas are anticipated to be the subject of reporting to Council in August 2021).

Of note, under the 2012 LEP, high technology industry is a land use definition under the Standard LEP Instrument that may suitably encapsulate the proposed film studio proposal.

With respect to process, an LEP amendment (through a planning proposal) to enable the land use sought would be expected to take approximately nine to 12 months to complete.

This process involves Council's consideration of the detail of the proposal, Department of Planning consideration and provision of a Gateway determination, technical assessment (including preparation and analysis of technical studies), public exhibition and completion of the plan making process (if the proposal is ultimately supported by Council and the Department of Planning).

An LEP amendment of this type is likely to cost in the order of \$100,000 to \$150,000 having regard for Council fees and the required studies (e.g. site contamination assessment).

Where Council seeks amendment to the LEP for commercial outcomes, the costs of the amendment are typically met by the Commercial Services Section, who are usually the proponent.

If the LEP amendment is successfully completed, a development application would then be required. Processing of an application is likely to have some complexities and attract community interest. In a case like this, the estimate for determination of a development application is six to twelve months.

There are a number of key technical issues relating to the site and its characteristics that will need to be considered in detail.

These include potential site contamination, access, land use conflict and extractive resources potential.

In relation to the extractive resources potential, Ministerial Direction 1.3 under the Environmental Planning and Assessment Act seeks to protect future extraction of State or regionally significant extractive materials.

To alter the zone of the land or enable additional uses on the site, the terms of this direction will need to be addressed to the satisfaction of the Minister for Planning (Department of Planning).

9.8 Tuckombil Quarry Site - Byron Studios

There may be objection to a proposal that sterilises or adversely impacts extractive resource potential at the site from the State agency responsible for mineral resources.

This could be a significant barrier to an LEP amendment. To address this, analysis of the remaining material and the viability of extraction will be important information.

In relation to land use conflict, whether or not Ron Southon stays at the site and the potential use of the area for other uses will be important considerations.

Required setback distances may impact the types of land uses that can be accommodated on the site.

The strategic planning context is also significant as a change to the intended land use outcomes should be considered in the context of the urban planning for Alstonville.

Urban use of the land is not currently envisaged under the Alstonville Strategic Plan, the Ballina Shire Growth Management Strategy, Council's Local Strategic Planning Statement or the North Coast Regional Plan.

The land is also designated as State Significant farmland, which is another matter subject to Ministerial direction.

In relation to the intended land use outcomes, this should also have regard for other uses that might be compatible at the site, such as community parkland and other recreational infrastructure.

Options for land use outcomes are expected to result from the site investigation consultancy that is currently being undertaken.

Delivery Program Strategy / Operational Plan Activity

The review of this site, including potential to support establishment of a TV/Film industry relates to Delivery Program Strategy PE2.3 Operate Council business activities that support economic development and Operational Plan Activity PE2.3b – Determine future of Tuckombil Quarry.

Community Consultation Policy

Council staff have notified representatives from Byron Studios, Bitupave (Boral Asphalt) and Ron Southon Pty Ltd regarding the proposed review of the Tuckombil Quarry site.

Consultation with the community will form part of the masterplan and rezoning process for this site.

Another matter in relation to consultation, is that there has been no expression of interest process conducted in respect to other potential users of the Tuckombil quarry site.

The consultancy report on options for the site may identify other viable options that should be market tested.

Financial / Risk Considerations

The consultant review of potential uses for Tuckombil Quarry has been funded from Council's internal Quarry Reserves.

Based on the planning advice in this report, the cost and timeframes for undertaking the rezoning process at the Tuckombil Quarry is estimated to be around \$150,000. Typically that would be funded by Council's Commercial Services Section (i.e. Property Development Reserve) however Council may need to negotiate with Byron Studios on this, as the rezoning is for a specific user.

This site is located on property classified as operational land under the provisions of the NSW Local Government Act 1993 (as amended) and as such Council is able to lease / licence or sell the property. The site is complex, as it has existing planning uses and leases that support extractive industry use.

Prior to Byron Studios being able to progress with TV / Film and creative arts space at this site, a site masterplan should be agreed upon between the parties to assist in the rezoning process. A site masterplan will assist in determining a staged development of the site and also assist in how the leasing of the site could be staged and structured to deal with site complexities and existing leases.

Legal advice provided by Council's Solicitor on the key considerations and processes that would need to be addressed is included as Attachment 2 to this report (marked as confidential).

Options

The available options are to support or not support a MOU and interim use agreement of part of the quarry site. As part of these options, Council will need to determine if it is supportive of a MOU over part or all of the Tuckombil Quarry site and if it is supportive of a second access point being investigated for this site.

A MOU will provide an opportunity to support Byron Studios to further establishing a vibrant and sustainable film industry in the Ballina Shire.

The approval of an interim use agreement for use of part of the quarry site (as identified as Stage 1 in the attached plan) will assist with addressing the current vehicular movement issues at the Alstonville Cultural Centre.

Council should also consider the requirement for Byron Studios to be responsible for all planning and construction costs.

In conclusion, even though there are concerns that Council has not conducted any form of an expression of interest or options report for this site, based on Council's previous support for this proposal, it is recommended that Council support the MOU and investigations into the potential for an interim use agreement on part of the quarry site (as identified as Stage 1 in the attached plan). This is subject to successful negotiation on usage fees and costs associated with approvals and construction of a new access point being the responsibility of Byron Studios.

RECOMMENDATIONS

1. That Council authorises the General Manager to proceed with the preparation of a Memorandum of Understanding, with terms to be agreed upon between Byron Studios and Council, based upon the contents of this report.
2. That Council authorises the General Manager to establish an interim use agreement, for part use of the front section of Tuckombil Quarry site, not currently under lease for the purposes of Byron Studios to park vehicles.
3. That a further update report be presented to Council in November / December 2021 at the conclusion of the consultancy and master planning process for the Tuckombil Quarry site.

Attachment(s)

1. Byron Studios - Staged Approach to Tuckombil Quarry Site
2. Legal Advice - Tuckombil Quarry Site (Confidential) (Under separate cover)

9.9 Shelly Beach Cafe - Alterations

9.9 Shelly Beach Cafe - Alterations

Section Commercial Services

Objective To seek Council's consent as landowner to lodge a development application for additions to the Shelly Beach Cafe.

Background

Shelly Beach Café Ballina Pty Ltd ("SBCB") hold a lease with Council over Lot 3 DP 1205999, No. 1 Shelly Beach Road, East Ballina. The property is generally known as the Shelly Beach Café. SBCB have requested Council provide landowner's consent to lodge a development application to undertake alterations to the existing café building for the purposes of weatherproofing.

The purpose of this report is to make Council aware of the proposed changes to the building and to determine if Council wishes to provide landowner's consent. A locality plan is included as Attachment 1 to this report.

Key Issues

- Landowners consent
- Changes to building design

Discussion

SBCB have been operating the Shelly Beach Cafe for six months since opening in December 2020. They have recently advised of the need to cater for interruptions to the business caused by adverse weather conditions.

Their proposal is to extend the existing roofline of the building over an outdoor dining area and enclose it with concertina doors and windows. A copy of the proposal is included as Attachment 2 to this report. The proposal allows for a constant number of seats during all weather conditions and assists in meeting social distancing requirements when COVID restrictions prevail.

Council in its capacity as landowner has only been requested to grant their permission to lodge a development application and is not being requested as regulator to grant consent to the application.

The application will be assessed by the Planning and Environmental Health Division and dealt with by delegated authority or referred to Council for determination in its capacity as regulator.

Delivery Program Strategy / Operational Plan Activity

This report can be linked to Delivery Program Strategy PE1.3 "Enhance the Image of the Local Economy", based on a benefit of "Increased resilience for our economy".

Community Consultation Policy

The request for landowner's consent does not require community consultation.

If landowner's consent is granted, SBCB will proceed to lodge a development application and be subject to the standard landowner notification requirements under the Development Application process.

Financial / Risk Considerations

There are no financial implications for Council in providing landowner's consent for the lodgment of a development application. All costs associated with the works, including the development application, will be borne by SBCB.

Options

The available options are to support or not support the granting of landowners consent for the lodgment of a development application to enable Shelly Beach Café Ballina Pty Ltd to undertake alterations and additions to the café at Lot 3 DP 1205999, No. 1 Shelly Beach Road, East Ballina

The granting of landowners consent to lodge the application will enable the café owners to proceed with obtaining development consent to make improvements to the building and increase the customer capacity during adverse wet weather periods.

This option is recommended as Council is only granting permission for the lodgment of a development application.

Alternatively, Council could resolve not to grant landowner's consent for the lodgment of a development application. This option is not recommended as it may be considered unreasonable to refuse such a request as the proposed works improve the current building usage capabilities and any changes are subject to determination under Council's development assessment process.

RECOMMENDATION

1. That Council notes the proposed changes to the Shelly Beach Café building at No. 1 Shelly Beach Road, East Ballina.
2. That Council grants landowner's consent for the lodgment of a development application at Shelly Beach Café Ballina Pty Ltd to undertake alterations and additions to the café at Lot 3 DP 1205999, No. 1 Shelly Beach Road, East Ballina.
3. The General Manager is authorised to sign all relevant documentation required for the lodgment of a development application.

Attachment(s)

1. Shelly Beach Cafe - Locality Plan
2. Shelly Beach Cafe - Proposed Plans

9.10 Land Sale - Compton Drive

9.10 Land Sale - Compton Drive

Section	Commercial Services
Objective	To determine if Council wishes to dispose of Part Lot 1 DP 781542, Compton Drive East Ballina.

Background

Council owns a parcel of land known as Lot 1 DP 781542, Compton Drive, East Ballina ("the site"). The site has area of 158.1m² and includes a concrete slab, retaining wall and sewer infrastructure. A public stairway running down from Pine Avenue to Compton Drive encroaches upon the site. A locality plan is included as Attachment 1.

In 2016 Council resolved to reclassify the land from Community to Operational as the majority of the site had been leased or occupied by former operators of the adjoining, and now vacant, Shaws Bay Café building. The reclassification provides the option of disposal should Council wish to do so.

Prior to disposing of the site, a boundary adjustment would be required to excise that portion of the site encumbered by the public stairs and sewer infrastructure. This would result in the saleable land size being reduced to 141m².

In 2018 Council received a request from the adjoining land owner (former Shaws Bay Café site, Lot 3 DP 525783) to include Council's site in a proposal to rezone both sites from Deferred Matter (DM) to R2 Low Density Residential under Ballina Local Environmental Plan 2012 (BLEP 2012). If the application was successful, the owner's intention at that time was to pursue acquisition of Council's Site.

Council at the 25 January 2018 Ordinary meeting resolved to include both sites in the planning proposal.

On 19 February 2021, approximately 108m² of the subject site was rezoned to R2 Low Density Residential whilst the balance, including the portion encumbered area by sewer and public stairs, remains a Deferred Matter.

Key Issues

- Need for Council to retain the land
- Sale price

Discussion

Council has been approached by two adjoining landowners seeking to acquire a portion of the site. A site survey has been undertaken to prepare a plan of subdivision that excludes that portion of the site affected by the sewer and public stairs. The revised site area is 141m².

9.10 Land Sale - Compton Drive

Existing improvements on the site include a concrete slab and retaining wall, both of which are in poor condition. The concrete slab requires removal as it poses a potential public liability risk as people currently use the area as an informal exercise area (see below photos). The retaining wall will require replacement in the near future.



Subject site – located between public stairway and old café building



White survey marker identifying front boundary of site



White survey marker defining rear boundary of site.

The adjoining landowner to the east (old Café) has advised Council that he proposes to demolish the old café building and has raised concerns regarding the potential impact this demolition may have on the concrete slab and retaining wall on Council's site.

Council staff have given consideration to the potential value of the site and made enquiries accordingly. Whilst the site enjoys excellent views over Shaws Bay it is constrained by a number of factors including environmental, topographical and access issues that may adversely affect its development potential and value.

Council could maximize the value of the site if it were to offer it for sale by expression of interest.

This would give potential buyers the opportunity to make conditional offers subject to satisfactory development consent for whatever development proposal they may have for the site.

Delivery Program Strategy / Operational Plan Activity

The outcomes proposed by this report relate to the following Delivery Program and Operational Plan strategy and action:

Strategy EL 2.1: Proactively pursue revenue opportunities, cost savings and/or efficiencies.

Community Consultation Policy

Community consultation was undertaken during the reclassification and rezoning proposal phases.

Financial / Risk Considerations

The sewer infrastructure and public stairs currently encumber the western portion of the site. If Council wishes to dispose of the site, the encumbered area would need to be excised.

Removal of the concrete slab and sale of the site would address the requirement for Council to continue to maintain the site, including funding of a new retaining wall.

Options

1. Proceed with selling the site.

This would involve removal of the existing concrete slab from the site and proceed with offering it for sale by way of an Expression of Interest (EOI) process.

A further report would be presented back to Council detailing offers received from the EOI process.

This option is preferred as it enables Council to dispose of land surplus to needs.

An EOI process provides the opportunity to consider conditional offers and improve the saleability of the site.

2. Retain the Site.

This option is not recommended as the site is identified as surplus to Council's needs.

RECOMMENDATIONS

1. That Council authorises the General Manager to proceed with an Expression of Interest process for the sale of Part 1 DP 781542 as detailed within this report.
2. That a further report be provided to Council on the outcomes of the Expression of Interest Process.

Attachment(s)

1. Locality Plan - Lot 1 DP 781542 Compton Drive East Ballina

9.11 Land Sale - Lots 2 and 3 Boeing Avenue, Ballina - EOI Update

9.11 Land Sale - Lots 2 and 3 Boeing Avenue, Ballina - EOI Update

Section Commercial Services

Objective To provide an update on the EOI process that closed recently for the possible sale of Lot 2 or Lot 3 Boeing Avenue, Ballina.

Background

At the Finance Committee meeting held 16 March, 2021 Council considered a report advising of options available to develop and sell or lease proposed Lots 2 and 3 Boeing Avenue, Ballina.

Interest had been expressed by a number of parties to lease or purchase proposed Lots 2 and 3 “as is” in an unsubdivided state.

The resolution arising from that meeting, as per the March 2021 Ordinary meeting, was as follows:

- 1. That Council proceed with an Expression of Interest process for Lots 2 and 3, Boeing Avenue, Ballina with only one lot to be sold through this process, with the outcomes of that process to be reported back to Council.*
- 2. That Council approves additional loan funding of \$2 million for the construction of the industrial lots on Lot 2 or 3, Ballina, subject to planning consent being obtained.*

An Expression of Interest (“EOI”) was issued on 9 June, 2021 and closed on 9 July, 2021. An aerial photo of Lots 2 and 3 is included as Attachment 1 to this report.

A confidential report has been included in this meeting agenda advising of the outcome of the EOI process.

Key Issues

- Supply of industrial land
- Whether to sell the land “as is” or subdivide and sell

Discussion

Information regarding potential sale options is discussed in the confidential report for this item in this agenda.

Delivery Program Strategy / Operational Plan Activity

The development and sale of industrial land is consistent with the Delivery Program Strategy – PE2.3 Operate Council business activities that support economic development and PE3.1 Facilitate commercially viable industrial precincts and Operational Plan action PE3.1b Progress availability of land at the Southern Cross Industrial Estate.

Community Consultation Policy

An expression of interest process was completed for both Lots 2 and 3 Boeing Avenue Ballina.

Financial / Risk Considerations

Currently Council's land development and subdivision activities require loan funding, which has increased the level of risk associated with the various projects. Council is reliant on the sale of lots to repay loans and other associated costs.

Options

This report is for information only to provide an overview of the confidential report.

RECOMMENDATION

That Council notes the contents of this report in respect to sale options for land at Boeing Avenue Ballina.

Attachment(s)

1. Lots 2 and 3, Boeing Avenue, Ballina - Aerial Photo Plan

9.12 Tender - Collection and Disposal of Waste and Recycling

9.12 Tender - Collection and Disposal of Waste and Recycling

Section	Resource Recovery
Objective	To report the outcomes of the tender evaluation for the Tender - Collection and Disposal of Waste and Recycling

Background

The works to be undertaken under this contract are collection and disposal of commercial waste and recycling services from various Council facilities for a three year period. Tenders were called in June 2021 and at the close of tenders on 22 June 2021, two tender submissions were received. This report outlines the results of the tender process.

Key Issues

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

Discussion

Eight companies downloaded the documentation with tenders received from:

- Cleanaway Operations Pty Ltd
- Eljo Pty Ltd and The Trustee for Rico Family Trust t/a Richmond Resource Recovery

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

- Insurance
- Work Health and Safety
- Satisfactory past experience
- Satisfactory WHS, Environment and Quality Systems
- Satisfactory Industrial Relations System
- Capability to meet specification requirements

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

- | | |
|----------------------------|-----|
| • Pricing Structure | 60% |
| • Method and Delivery Plan | 25% |
| • Local and Community | 15% |

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

Delivery Program Strategy / Operational Plan Activity

The services provided under this contract are part of the standard operations of Council.

Community Consultation Policy

Council has undertaken a public tender process in accordance with the Local Government (General) Regulation 2005.

Financial / Risk Considerations

The cost of the services is funded from the annual operational budgets for each Council facility serviced under the contract.

The contract is a schedule of rates contract and the expected cost of the preferred tender is \$330,000 excluding GST, in total over a three year period. In 2019/20 Council expended \$160,000 for these same services.

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 Eljo Pty Ltd and The Trustee for Rico Family Trust t/a Richmond Resource Recovery.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to Eljo Pty Ltd & The Trustee for Rico Family Trust t/a Richmond Resource Recovery (ABN 83 493 775 096) for the Tender - Collection and Disposal of Waste and Recycling for the total amount of \$330,000 (excluding GST) for a three year period.
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential memorandum - RFT1487 - Tender for Provision for Collection and Disposal of Waste and Recycling for Council Facilities (Under separate cover)

9.13 Tender - Ross Park Landscape Works

9.13 Tender - Ross Park Landscape Works

Section Open Spaces

Objective To report the outcomes of the tender evaluation for the Tender - Ross Park Landscape Works

Background

The works to be undertaken under this contract are Lennox Head Village Vision – Ross Park Landscape Works.

The tender was called to engage services to complete project works for the construction of landscaping works at Ross Park.

The works included in the tender were:

- Earthworks and drainage
- Installation of playground equipment
- Supply and installation of nature play and adventure play features
- Supply and installation impact attenuation surfaces
- Supply and installation of accessible unisex toilet and shade structures
- Supply and installation of hard and soft landscaping.

Tenders were called in June 2021 and at the close of tenders on 24 June 2021, one tender submission was received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Fifteen companies downloaded the documentation with one tender received from The Landscape Construction Company Pty Ltd.

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

- Insurance
- Work Health and Safety Management Systems
- Quality Management Systems
- Environmental Management Systems

The tender submission met the mandatory assessment and were assessed using the following weighted assessment criteria:

9.13 Tender - Ross Park Landscape Works

- Pricing Structure 55%
- Technical Capability 30%
- Local and Community 15%

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

Delivery Program Strategy / Operational Plan Activity

The Lennox Head Village Renewal project is identified in the Delivery Program strategy - PE3 Improve liveability in the shire and Operational Plan activity PE3.3 Deliver infrastructure that supports residential living.

Community Consultation Policy

Council has undertaken a public tender process in accordance with the Local Government (General) Regulation 2005.

Financial / Risk Considerations

The total capital expenditure allocated to the Lennox Head Village Renewal project in the Delivery Program and Operational Plan 2021-2025 is \$6,495,900 for financial years 2021/22 and 2022/23, with \$500,000 also allocated in 2020/21 and only \$106,000 expended.

In addition to this, Open Spaces also has allocated \$800,000 as the budget for the Lennox Head Ross Park landscape works (\$250,000 in 2020/21 with only \$8,000 expended and \$550,000 in 2021/22).

The tender pricing for Ross Park exceeds the available budget by a significant sum. The project team have identified several items within the submitted tender documentation where significant cost savings can be achieved without impacting the design intent or quality of the project. There are also some items that can be removed from the tender requirements and fabricated using Council resources or sourced from local manufacturers/suppliers.

If the budget for the Ross Park landscape of \$800,000 is exceeded it would impact on other elements of the Lennox Head Village Renewal project, which is not preferred.

The project team have carried out an analysis of the tender documentation and pre-tender cost estimate and consider the project budget of \$800,000 ± 10% to be an achievable goal. Therefore the intention of the proposed negotiations with the tenderer is to confirm the possible savings to enable the project to proceed with its current scope and budget.

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:

9.13 Tender - Ross Park Landscape Works

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

Based on the tender evaluation, it is recommended that Council declines to accept any tenders.

Sections 178(3) and (4) of the regulations provide direction in the circumstances where a Council declines to accept any tenders in accordance with section 178(1)(b); i.e.

- (3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
 - (a) postpone or cancel the proposal for the contract,*
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) carry out the requirements of the proposed contract itself.*
- (4) If a council resolves to enter into negotiations as referred to in subclause 3 (e), the resolution must state the following:*
 - (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
 - (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

This approach will enable staff, prior to the issue of a letter of award, to resolve any outstanding points in the contract, review the final scope of works with a preferred contractor and limit the overall change required to the adopted budget.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Tender - Ross Park Landscape Works as the tenders are in excess of the available budget.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with The Landscape Construction Company Pty Ltd and any other party (whether or not the person was a tenderer), with a view to enter into a contract for the Tender - Ross Park Landscape Works.
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with The Landscape Construction Company Pty Ltd and any other party (whether or not the person was a tenderer), with a view to entering into a contract in relation to the subject matter as the market indicated a strong initial interest, however only one formal response was received. Further cost savings and competitive pricing could be obtained by returning to the interested parties that did and did not submit a tender response.

Attachment(s)

1. Confidential memorandum - RFT1421 - Tender for Lennox Head Village Vision Ross Park Landscape Works (Under separate cover)

9.14 Tender - North Creek Hydrological and Water Quality Study

9.14 Tender - North Creek Hydrological and Water Quality Study

Section Public and Environmental Health

Objective To report the outcomes of the tender evaluation for the Tender - North Creek Hydrological and Water Quality Study

Background

The works to be undertaken under this contract is the Hydrological and Water Quality Study for North Creek.

Tenders were called in March 2021 and at the close of tenders on 15 April 2021, two tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Thirty two companies downloaded the documentation with tenders received from:

- The trustee for Howland Family Trust t/a Hydrosphere Consulting
- Wight Water Environmental Pty Ltd

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

- \$20m Public Liability Insurance Policy
- \$10m Professional Indemnity Insurance Policy
- Workers Compensation Insurance Policy

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

- Pricing Structure 50%
- Demonstrated experience and capability 25%
- Methodology 10%
- Local and Community 15%

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

Delivery Program Strategy / Operational Plan Activity

This project is identified in the Council adopted Delivery Program and Operational Plan under Healthy Environment 'HE1.2 Undertake and promote initiatives that improve our waterways'. These works have received grant funding from Department of Planning Industry and Environment (DPIE) under the Coast and Estuary Grants Program.

Community Consultation Policy

Council has undertaken a public tender process in accordance with the Local Government (General) Regulation 2005.

Financial / Risk Considerations

Depending on the outcome of further discussions with the tenderers there is potentially a funding shortfall between the project cost and available. Where there is a shortfall a grant variation will be requested from DPIE and additional funding can be applied from the Healthy Waterways program.

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 declines to accept any tenders.

Sections 178(3) and (4) of the regulations provide direction in the circumstances where a Council declines to accept any tenders in accordance with section 178(1)(b); i.e:

- (3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
- (a) postpone or cancel the proposal for the contract,*
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*

9.14 Tender - North Creek Hydrological and Water Quality Study

- (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subclause 3 (e), the resolution must state the following:*
- (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
 - (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

This approach will enable a third party peer review of the proposed hydrological modelling proposed by the tenderers. Based on the review, staff will then resolve any outstanding points in the contract, confirm the final scope of works and limit the overall change required to the adopted budget.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Tender - North Creek Hydrological and Water Quality Study as the tender submissions provided several inconsistencies in the pricing of the various stages of the works to enable a clear determination of the preferred tender.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with the preferred tenderer, as determined following a third party peer review, with a view to entering into a contract for the Tender - North Creek Hydrological and Water Quality Study .
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest and it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with the preferred tenderer, as determined following a third party peer review with a view to entering into a contract in relation to the subject matter.

Attachment(s)

1. Confidential memorandum - RFT1393 - Tender for North Creek Hydrological Study and Water Quality Monitoring (Under separate cover)

9.15 Tender - Design Services Alstonville Cultural Centre

9.15 Tender - Design Services Alstonville Cultural Centre

Section Facilities Management

Objective To report the outcomes of the tender evaluation for the Tender - Design Services Alstonville Cultural Centre

Background

The works to be undertaken under this contract are design services for the refurbishment of the Alstonville Cultural Centre and new library extension.

Tenders were called in May 2021 and at the close of tenders on 8 June 2021, four tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Thirty two companies downloaded the documentation with tenders received from:

- BKA Architecture Pty Ltd
- Complete Urban Pty Ltd
- The Trustee for KO & Co Architecture Trust t/a KO&Co Architecture Pty Ltd
- Powell Dods & Thorpe Pty Limited t/a PDT Architects

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

- Insurance
- Quality Management Systems

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

- Pricing Structure 60%
- Experience and Capability 25%
- Local and Community 15%

The Trustee for KO & Co Architecture Trust t/a KO&Co Architecture Pty Ltd has been assessed as the preferred tenderer based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Delivery Program Strategy / Operational Plan Activity

The Delivery Program and Operational Plan (DPOP) Section 6 outlines capital expenditure for 2021/22 to 2022/25 including that for the Alstonville Cultural Centre modifications.

The modifications to the Alstonville Cultural Centre, which will improve community accessibility to a modern library, multi-purpose hall and sports facilities, are extremely important to the Alstonville / Wollongbar area.

These works are further endorsed in the Community Strategic Plan (CSP) Outcome CC3 - There are services and facilities that suit our needs - CC3.3 Support improved health outcomes by providing equitable access to community facilities.

Community Consultation Policy

Council has undertaken a public tender process in accordance with the Local Government (General) Regulation 2005.

Financial / Risk Considerations

The current budget provision for the Alstonville Cultural Centre for 2021/22 is \$100,000 and \$813,000 for 2022/23.

The total cost of the preferred tender for the design works is \$294,074 (excluding GST). This means \$200,000 will need to be brought forward from 2022/23 to 2021/22.

These funds are available as the adopted Long Term Financial Plan includes a \$324,000 transfer to reserve for the Alstonville Cultural Centre in 2021/22.

This transfer to reserve will now be reduced to \$124,000 and \$200,000 can then be allocated to the design services for 2021/22, as per this tender.

In respect to risk, this has been mitigated by the inclusion of mandatory insurance criteria provided in the tender submissions to meet Council's Risk Management Framework.

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.*

9.15 Tender - Design Services Alstonville Cultural Centre

Based on the tender evaluation, it is recommended that Council accept the tender from The Trustee for KO & Co Architecture Trust t/a KO&Co Architecture Pty Ltd.

RECOMMENDATIONS

1. That Council, in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to The Trustee for KO & Co Architecture Trust t/a KO&Co Architecture Pty Ltd for the Tender - Design Services Alstonville Cultural Centre for the total amount of \$294,074 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.
3. That Council approves an amendment to the Long Term Financial Plan, with the allocation for the capital expenditure for the Alstonville Cultural Centre for 2021/22 being increased from \$100,000 to \$300,000, by reducing the transfer to reserve for the Centre from \$324,000 to \$124,000. This also results in the capital expenditure being available in 2022/23 for the refurbishment of the Alstonville Cultural Centre reducing from \$813,000 to \$613,000.

Attachment(s)

1. Confidential memorandum - RFT1460 - Tender for Design Services - Alstonville Cultural Centre (Under separate cover)

9.16 Tender - Airport Car Park Reconstruction

9.16 Tender - Airport Car Park Reconstruction

Section Commercial Services

Objective To report the outcomes of the tender evaluation for the Tender - Airport Car Park Reconstruction

Background

The works to be undertaken under this contract are the upgrade and reconstruction of the car park including the installation of solar panels situated on shade structures located in the long term car park area at the Ballina Byron Gateway Airport.

The works include creating a new ground transport area, expanded rental car area, creation of an undercover secured premium carpark and formalisation of a staff carpark. Currently one bay of the premium long stay car park is covered with a shade structure. These works will extend the shade covering to the remaining bays of the car park. Solar panels will be installed to act as shade covering over one complete bay of the carpark (approximately 30 parking spaces) and will generate electricity to assist in meeting the energy needs of the Airport.

The works will also facilitate installation of an access control management system (boom gates).

Tenders were called in June 2021 and at the close of tenders on 23 June 2021, four tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Nineteen companies downloaded the documentation with tenders received from:

- Civil Contractors (Aust) Pty Ltd t/a CCA Winslow
- Hazell Bros (QLD) Pty Ltd
- The Trustee for SK330 Trust t/a CD Excavations Pty Ltd
- GLC Civil Projects Pty Limited

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

9.16 Tender - Airport Car Park Reconstruction

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

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

- Pricing Structure 60%
- Capability and Experience 25%
- Local and Community 15%

Hazell Bros (QLD) Pty Ltd has been assessed as the preferred tenderer based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Delivery Program Strategy / Operational Plan Activity

The works proposed are consistent with the Delivery Program Strategy – Enhance connectivity to capital cities and Operational Plan activity PE2.2a – Implement Ballina Byron Gateway Airport Upgrades.

Community Consultation Policy

Council has undertaken a public tender process in accordance with the Local Government (General) Regulation 2005.

Financial / Risk Considerations

The total cost of the preferred tender is \$2,582,339 (excluding GST).

The current budget allocation, for this project and the boom gates, which is a separate tender report in this agenda, for 2021/22 is \$2,000,000 with a further allocation of \$2,700,000 for 2022/23.

It is intended that these works will be completed in the 2021/22 financial year and this means allocated funds for 2022/23 will need to be brought forward to fund these works and the tendered works for the supply and installation of the access control system. This adjustment can be made later in the financial year as the work progresses.

The upgrade and expansion works are proposed to be staged and will require careful management to minimise inconvenience to the travelling public and impacts on car parking revenue.

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:

9.16 Tender - Airport Car Park Reconstruction

- (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 Hazell Bros (QLD) Pty Ltd.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(a), accepts the tender and awards the contract to Hazell Bros (QLD) Pty Ltd (ABN 46 145 228 986) for the Tender - Airport Car Park Reconstruction for the total amount of \$2,582,339 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential memorandum - RFT1504 - Airport Car Park Reconstruction (Under separate cover)

9.17 Tender - Airport Car Park Access Control System

9.17 Tender - Airport Car Park Access Control System

Section Commercial Services

Objective To report the outcomes of the tender evaluation for the Tender - Airport Car Park Access Control System

Background

The works to be undertaken under this contract are the supply and installation and ongoing maintenance of an access control management system (ACMS) for the management of public parking (general / premium), car rental parking, ground transport parking and staff parking at the Ballina Byron Gateway Airport (BBGA).

An ACMS will involve the installation of boom gates and licence plate recognition cameras to manage vehicles entering and leaving the car park. Payment methods will include “tap and go” with credit cards and or QR codes.

An ACMS is a significant step forward in management and revenue collection for BBGA carpark. At present travellers pay upon arriving which creates problems for those travellers uncertain of how long they may be away.

The proposed ACMS requires payment upon leaving, removing potential anxiety and frustration caused by delayed or cancelled flights, etc.

The proposed ACMS will bring BBGA in line with other major airports who have similar car park management systems. Such systems provide a better user experience and reduce staff time in attending to problems associated with the existing revenue collection system.

Tenders were called in June 2021 and at the close of tenders on 30 June 2021, six tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Thirty companies downloaded the documentation with tenders received from:

- CDS Worldwide Pty Ltd
- Designa Australia Pty Ltd
- FAAC Australia Pty Ltd t/a Hub Parking
- Sensor Dynamics Pty Ltd
- SKIDATA Australasia Pty Ltd
- TMA Technology (Australia) Pty Ltd

9.17 Tender - Airport Car Park Access Control System

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

- Compliance with technical specification
- Minimum of two similar installations at Australian Airports in the last three years
- Insurance
- Quality Management system

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

- Pricing Structure 60%
- Experience and Capability 25%
- Local and Community 15%

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

Delivery Program Strategy / Operational Plan Activity

The works proposed are consistent with the Delivery Program Strategy – Enhance connectivity to capital cities and Operational Plan activity PE2.2a – Implement Ballina Byron Gateway Airport Upgrades.

Community Consultation Policy

Council has undertaken a public tender process in accordance with the Local Government (General) Regulation 2005.

Financial / Risk Considerations

The current budget allocation, for this project and the car park reconstruction and solar panels, which is separate report in this agenda, for 2021/22 is \$2,000,000 with a further allocation of \$2,700,000 for 2022/23.

It is intended that these works will be completed in the 2021/22 financial year and this means allocated funds for 2022/23 will need to be brought forward to fund these works and the tendered works for the reconstruction of the Ballina Byron Gateway Airport car park.

The total cost of the preferred tender is \$676,502 (excluding GST).

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:

9.17 Tender - Airport Car Park Access Control System

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

Based on the tender evaluation, it is recommended that Council declines to accept any tenders.

Sections 178(3) and (4) of the regulations provide direction in the circumstances where a Council declines to accept any tenders in accordance with section 178(1)(b); i.e.

- (3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
 - (a) postpone or cancel the proposal for the contract,*
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) carry out the requirements of the proposed contract itself.*
- (4) If a council resolves to enter into negotiations as referred to in subclause 3 (e), the resolution must state the following:*
 - (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
 - (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

This approach will enable staff, prior to the issue of a letter of award, to resolve any outstanding points in the contract, review the final scope of works with a preferred contractor and limit the overall change required to the adopted budget.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Tender - Airport Car Park Access Control System in order to finalise the scope of works and any outstanding contract terms and conditions.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with CDS Worldwide Pty Ltd (ABN 60 087 107 499), with a view to enter into a contract for the Tender - Airport Car Park Access Control System.
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest and it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with CDS Worldwide Pty Ltd (ABN 60 087 107 499) with a view to entering into a contract in relation to the subject matter as they are the preferred tender following assessment against the mandatory and weighted evaluation criteria established for the tender.

Attachment(s)

1. Confidential memorandum - RFT1505 - Tender for the Provision for the Supply and Installation of a Access Control Management System BBGA (Under separate cover)

9.18 Tender - Airport Design of Runway Overlay and Parking Bay

9.18 Tender - Airport Design of Runway Overlay and Parking Bay

Section Commercial Services

Objective To report the outcomes of the tender evaluation for the Tender - Airport Design of Runway Overlay and Parking Bay

Background

In March 2020, at the commencement of the aviation downturn created by COVID-19, the Federal Government announced a \$10 million grant would be made available under Round 4 of the Building Better Regions Fund (BBRF) to upgrade the Airport runway.

Following on from various investigations, consultation with key stakeholders and consultants' reports that considered various options for upgrading the runway (including widening, lengthening and strengthening) it was identified that a strengthening overlay be applied to the runway, upgrade runway lighting, construction of an additional passenger jet aircraft parking bay and strengthening and upgrading three of the four existing parking bays, would meet immediate operational needs and be the most cost effective use of the Federal Government grant and Council funds.

In response to the above, a tender process was undertaken for specialist expertise to complete the required design works. At the completion of the design works, a further tender process will be undertaken for the civil works.

The works to be undertaken under this contract are the Design of Ballina-Byron Gateway Airport Runway Upgrade and associated works including:

- Runway Asphalt Overlay
- Additional Aircraft Parking Bay (Bay 5)
- Aircraft Parking Bay Upgrades (Bay 1, Bay 3 and Bay 4)
- Runway Lighting Compliance Upgrade; and
- Airside Navigational Aid Upgrades.

Tenders were called in June 2021 and at the close of tenders on 30 June 2021, five tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Twenty three companies downloaded the documentation with tenders received from:

9.18 Tender - Airport Design of Runway Overlay and Parking Bay

- Airport Consultancy Group - Engineering Pty Ltd
- Beca Pty Ltd
- Pitt & Sherry (Operations) Pty Ltd
- SMEC Australia Pty Ltd
- Tonkin Consulting Pty Ltd t/a Tonkin Consulting

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

- Public Liability Insurance - \$20m
- Professional Indemnity Insurance - \$10m
- Workers Compensation Insurance

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

- | | |
|--------------------------------------|-----|
| • Pricing Structure | 40% |
| • Relevant Experience and Capability | 30% |
| • Resourcing | 15% |
| • Local and Community | 15% |

Pitt and Sherry (Operations) Pty Limited has been assessed as the preferred tenderer based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Delivery Program Strategy / Operational Plan Activity

The works proposed under contract for the upgrade and expansion of the Airport carpark are consistent with the Delivery Program Strategy PE2.2 Enhanced connectivity to capital cities and Operational Plan activity PE2.2b Ensure the ongoing viability of the Ballina Byron Gateway Airport.

Community Consultation Policy

Council has undertaken a public tender process in accordance with the Local Government (General) Regulation 2005.

Financial / Risk Considerations

The total cost of the preferred tender is \$422,010.00, excluding GST.

The cost for the Design works can be funded from the existing capital expenditure budget for the runway upgrade project.

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:

9.18 Tender - Airport Design of Runway Overlay and Parking Bay

- (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 Pitt & Sherry (Operations) Pty Ltd.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(a), accepts the tender and awards the contract to Pitt & Sherry (Operations) Pty Ltd for the Tender - Airport Design of Runway Overlay and Parking Bay for the total amount of \$422,010.00 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential memorandum - RFT1508 - Tender for Runway Overlay Apron Lighting Design (Under separate cover)

9.19 Delivery Program and Operational Plan - 30 June 2021 Review

9.19 Delivery Program and Operational Plan - 30 June 2021 Review

Section Governance

Objective To provide the quarterly and final update on the implementation of the 2020/21 to 2023/24 Delivery Program and 2020/21 Operational Plan.

Background

Background

Section 404 (5) of the Local Government Act states as follows:

Delivery Program

"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months".

The preferred approach is to provide quarterly reports to ensure the information is timely.

This report represents the fourth and final review of the 2020/21 to 2023/24 Delivery Program and the 2020/21 Operational Plan, with the information based on the entire 2020/21 financial year. The review is included as a separate attachment.

The attachment provides an overview of all the actions and indicators included in the Delivery Program and Operational Plan (DPOP), with comments provided by the Director and / or Section Manager. The current DPOP is available on Council's website and is also accessible on the Councillor iPads.

Key Issues

- Compare results to date against adopted goals and priorities

Discussion

The DPOP is the key corporate document that outlines Council's goals and priorities, with a four year forecast for the Delivery Program and a one year action list for the Operational Plan.

The attachment provides an update on all the adopted actions and indicators in the DPOP, with the information also linked to Council's Community Strategic Plan (CSP) objectives. The attachment has two main sections:

- Program Actions – Outlines the status of all the adopted actions in the Operational Plan
- Service Delivery Indicators – Measures actual results as compared to the adopted indicators in the Operational Plan.

All items are marked with a green (on track for this financial year) amber (behind schedule or trending below target) or red (off track or well below benchmark) traffic light.

There are 121 program actions listed in the Operational Plan and the following two tables provide an overview of the status of the actions on a number and percentage basis.

Program Actions Summary - By Division and Number

Division / Status	C&C	Civil	PEH	Total
Green	31	27	51	109
Amber	1	2	8	11
Red	0	0	1	1
Total	32	29	60	121

Program Actions Summary - By Division and Percentage

Division / Status	C&C	Civil	PEH	Total
Green	97	93	85	90
Amber	3	7	13	9
Red	0	0	2	1
Total	100	100	100	100

Overall every action has been largely progressed or completed, with the one exception being the Hampton Park Plan of Management, which has now been deferred to 2023/24 under Council's adopted Delivery Program for 2021/22 to 2024/25.

Items of interest for the quarter and year include:

- Release land at Council's Wollongbar residential land holding (page 2) – This work is largely complete.
- Implement consultation methods that increase community awareness and involvement in our activities (page 3) – There has been a number of key consultation activities undertaken in recent months including information sessions for the Draft Delivery Program and Operational Plan, ongoing information for residents and property owners of the River Street duplication, Tamarind Drive and Tintenbar Road Intersection Upgrade works.
- Implement Ballina Coastline Management Plan (page 7) – Council has been successful in obtaining grant funding to assist in updating the existing Ballina Coastline Coastal Zone Management Plan to a Coastal Management Plan (CMP). The adoption of a CMP helps secure additional grant funding.
- Deliver Ballina SES Headquarters (page 8) – There still remains some uncertainty in respect to the preferred site for this facility.
- Construct the Lennox Head Rural Fire Service (RFS) Shed at Byron Bay Road (page 9) – Council has approved a design and construction contract for this building.

9.19 Delivery Program and Operational Plan - 30 June 2021 Review

- Complete evaluation for constructing Barlows Road as a connection between Tamarind Drive and River Street (page 10) – The preliminary analysis supports this road as a viable traffic management option and funding has been included in the Long Term Financial Plan.
- Implement management plans for Killen and Tosha Falls (page 13) – The 2020/21 program of works has been completed.
- Implement Emigrant Creek Bank Stabilisation Project (page 15) - The initial project has been completed and has resulted in; the rehabilitation of 2.4 km of creek bank covering 4.8 hectares, planting of approximately 10,750 native plants, application of 310 bales of mulch, 385 days of bush regeneration labour, 1.1 km of fencing and bollards to protect planting, stabilisation of 100 metres of creek bank and the installation of ten fauna habitat holes.

The final report is currently being prepared and the grant should be acquitted shortly.

Two years of ongoing maintenance has also been arranged to ensure the sites continue to establish and maintain plantings.

- Implement Public Art Program (page 16) – There are a few notable projects underway with artists engaged to deliver the public art component of the Wollongbar District Park, which will involve engaging Alstonville High School students in the creation of the art over the next few months, and artists also engaged to create the interactive sculpture at Ross Park, as part of the implementation of the Lennox Village Vision project.
- Progress Lennox Head Town Centre Village Renewal (page 19) - Council was successful in receiving funding of \$995,904 through the NSW State Government's Your High Streets Grant program to help fund previously unfunded components of the Lennox Village Vision (LVV) in relation to Ballina Street.

Construction commencement of the first scheduled stages of the LVV is dependent on cultural heritage approvals being received from the State Government.

- Examine planning options to expedite the delivery of commercial and retail shops in the Ballina Heights Estate (page 20) – A draft Voluntary Planning Agreement (VPA) has been prepared and is being reviewed by the proponents of the planning proposal to rezone existing commercially zoned land to residential zoned land at Ballina Heights.

The objective of the Planning Agreement is to facilitate the dedication of land to Council to be used for future affordable rental housing, and to facilitate the timely development of the commercial centre within the Ballina Heights Estate. Once all parties have agreed to the VPA, a planning proposal for the rezoning of the land will be reported to Council.

In respect to Service Delivery there are a total of 100 indicators identified in the Operational Plan and the following two tables provide an overview of how the indicators are tracking against the benchmark, again on a number and percentage basis.

Service Indicators Summary - By Division and Number

Division / Status	C&C	Civil	PEH	Total
Green	34	12	16	62
Amber	12	9	10	31
Red	2	0	5	7
Total	48	21	31	100

Service Delivery Indicators Summary - By Percentage

Division / Status	C&C	Civil	PEH	Total
Green	71	57	52	62
Amber	25	43	32	31
Red	4	0	16	7
Total	100	100	100	100

The primary purposes of the indicator is to provide a guide as to how a service may be tracking compared to previous years, or against a preferred benchmark, with some indicators beyond the control of Council. Items of note include:

- Number of passengers for Airport (page 22) – After dropping to a cumulative 12 month figure of 370,900 for the September quarter the cumulative 12 month figure to June 2021 is 588,000. Revenue was also well above budget at \$7.9m.
- Facilities Management (pages 24 - 26) – Recent figures are showing increased demand for use of the Council facilities, although many ended up below the original targets set for 2020/21.
- Swimming Pools (page 26) – Overall attendance numbers remain high, particularly for Ballina.
- Development Services (pages 34 to 36) – Processing times are continuing to be below the preferred targets although some areas have improved. This is a reflection of the high volume of applications, as well as assessment staff having to dedicate a significant amount of time in respect to court cases (i.e. Intrapac developer contributions for Skennars Head, 404 Old Byron Bay Road, Tuckombil Lane etc). The next update on legal cases is scheduled for the August 2021 Ordinary meeting.

Additional development engineering, planning and building surveyor resources continue to be temporarily engaged to assist with the high workload.

Delivery Program Strategy / Operational Plan Activity

This report provides a status report on all the adopted activities in the 2020/21 Operational Plan.

Community Consultation Policy

This report provides the community with information on how Council is performing in respect to the Delivery Program and Operational Plan.

Financial / Risk Considerations

The Delivery Program and Operational Plan identify the allocation of Council's resources and finances.

Options

The report is for noting with the information highlighting the many and varied activities undertaken by Council.

Overall, recognising that there were many uncertainties when the Delivery Program and Operational Plan was adopted in June 2020, there has been a significant amount of work completed, particularly with respect to the high volume of economic activity that has occurred throughout the Ballina Shire.

RECOMMENDATION

That Council notes the contents of this report on the quarterly and final review of the implementation of the 2020/21 to 2023/24 Delivery Program and 2020/21 Operational Plan.

Attachment(s)

1. Delivery Program and Operational Plan - 30 June 2021 Review (Under separate cover)

9.20 Capital Expenditure Program - 30 June 2021 Review

9.20 Capital Expenditure Program - 30 June 2021 Review

Section Governance

Objective To provide the quarterly and final update on the implementation of the 2020/21 capital expenditure program.

Background

Council has a significant capital expenditure program included in the annual Operational Plan. As the program represents a key part of Council's operations, quarterly reports are provided outlining the implementation of the works schedule.

Current practice is to provide a quarterly status report on all the major projects and this report represents the final update for the 2020/21 financial year.

Key Issues

- Implementation of program

Discussion

To assist in understanding the delivery of the capital works program the attachments to this report provide information on the following items for the major capital projects:

- Total Project Value – As projects can be delivered over a number of financial years, this column identifies the total project value. This may include expenditure from previous financial years or estimated expenditure for future years.
- Original 2020/21 Estimate - Represents the original 2020/21 estimate as per the adopted Operational Plan.
- Carry Forwards - Includes budgets carried forward from the previous financial year, approved by Council at the August 2020 Ordinary meeting.
- Approved Variations – Other variations approved by Council, either through a Quarterly Budget Review, or a separate report on a project.
- 2020/21 Estimate - Sum of the original estimate plus variations.
- Expended This Year - Expenditure to 30 June 2021 on a cash basis. This figure excludes commitments and accruals.
- % Expended - Percentage of budget expended to 30 June 2021 based on the cash expenditure figures.
- Plus Committed – Total expenditure once commitments raised for works as well as actual cash expenditure are combined.
- % Total – Represents cash expenditure plus commitments as compared to budget.
- Milestone Dates - Target dates for the major milestones such as completion of design and / or planning approval, as well as construction commencement and completion dates.
- Status – Provides space for any additional comments.

The attachments are split into the areas undertaking the works: i.e. Planning and Environmental Health Division (Open Spaces, Strategic Planning, Public and Environmental Health), Corporate and Community Division (Commercial Services, Facilities Management) and Civil Services Division (Asset Management, Emergency Services, Resource Recovery, Water and Wastewater and Engineering Works). Points of interest are as follows.

Planning and Environmental Health Division

Open Spaces (attachment one)

Wollongbar Skate Park and District Park – The Skate Park component is largely completed and Council has approved a contract for the construction of the District Park.

Shelters and BBQs – There are three projects listed, that are funded in part or in full from the Federal Government’s Local Roads and Community Infrastructure (LRCI) grant program, with Council receiving \$880,000 in round one and \$1,760,000 in round two. Round one funds need to be expended by 30 June 2021 and round two by 31 December 2021.

Ross Park – This project is still waiting for all necessary State Government approvals. There are a number of other projects scheduled for Lennox Head that are still waiting for similar approvals before commencing.

Public and Environmental Health (attachment one)

Shaws Bay Coastal Management Program – Improvements complete, with expenditure being incurred during July 2021 on the transport and disposal of contaminated dredge material.

Once commitments are included, the capital expenditure program for the Planning and Environmental Health Division, is at 96% expended and committed.

Corporate and Community Division

Commercial Services (attachment two)

Airport - Runway widening / lengthening – In response to the recent advice from the airline industry surrounding the review of the airline strategic fleet requirements (removing the need for widening of the runway), Council has obtained the relevant planning approvals and submitted an amended application for the BBRF Round 4 funding to reflect the change in scope to the funding agreement.

The revised application identifies that previous requirements surrounding widening of the runway to 45 metres and the construction of runway end safety areas (RESAs) at each of the runway will now be replaced with design and construction of 80mm overlay of existing runway, strengthening of existing parking pays and construction of an additional aircraft parking bay (referred to as Bay 5).

All other elements of the existing grant application surrounding installation of compliant runway lighting, airside navigational aids remain unchanged.

The Department of Industry, Science, Energy and Resources has confirmed receipt of Council's amended application and are continuing to liaise with Council staff to enable this application to be fully processed.

Airport – Pilot Activated Light (PAL) – Lighting equipment room improvements and PAL equipment installed.

This had been deferred to 2021/22 however the funds can now be brought forward to 2020/21 to match the expenditure incurred.

Airport – Car Park, Solar and Boom Gates – Tender for works scheduled for reporting to the July 2021 Ordinary meeting.

Southern Cross – Boeing Avenue – Still awaiting planning consent for the proposed subdivision. Results of expression of interest process scheduled for reporting to the July 2021 Ordinary meeting.

Wollongbar Urban Expansion Area – Stage 3 – Project well advanced and scheduled for completion in September 2021.

Facilities Management (attachment two)

Community Facilities – Large number of community facility projects completed.

The tender for the design of the Alstonville Cultural Centre is scheduled for reporting to the July 2021 Ordinary meeting and based on forecast cash flows, it is likely that funding allocated in 2022/23 for this project, will need to be brought forward to 2021/22 to allow the concept plans and planning approvals to be finalised.

Depot – Council approved the construction contract with works commencing in July 2021.

Plant and Fleet – A large number of vehicles have been ordered however there are significant lead times before the vehicles are delivered.

Once commitments are included, the capital expenditure program for the Corporate and Community Health Division, is at 89% expended and committed.

Civil Services Division

Asset Management and Emergency Services (attachment three)

Lennox Head Rural Fire Service Shed – Council has approved the detail design and construction contract with civil and structural design works underway.

The civil works incorporate the common requirements for both the RFS Shed and the preschool, along with the bulk earthworks for the foundations of the preschool. The development application is being progressed and construction works can commence once the consent has been issued.

SES Building – Consultation is continuing with the SES in respect to the preferred site.

Water and Wastewater Operations (attachments four and five)

Approximately \$4.5m worth of expenditure during the year and once commitments are included 104% of the water budget is expended and 90% of the wastewater budget.

Any over or under expenditures are transfer to or back to the water and wastewater reserves.

Engineering Works (attachment six)

Roads and Bridges

Large number of projects completed with major projects such as River Street Four Laning and Airport Boulevard well advanced.

In respect to Airport Boulevard a significant variation to budget is required due to a number of factors.

At the 22 October 2020 Ordinary meeting, Council considered a tender assessment report for this project and authorised the General Manager to enter negotiations with Hazell Bros as the highest ranked tender. The scope of works proposed in the tender was for the whole of the project developed in three stages.

The resolution of Council also approved a maximum of \$740,000 in additional loan funds for this project. The significant variation required to complete this project means additional loan funds are needed.

Negotiations with Hazell Bros successfully resolved outstanding matters from the tender process. However, prior to issuing the letter of award, unexpectedly, a disturbed Aboriginal midden was discovered within the extent of works for Stage 3. This meant to complete the Stage 3 works an Aboriginal Heritage Impact Permit (AHIP) was required.

The Stage 3 works mainly comprise the roundabout and connection, generally between Airport Boulevard and North Creek Road. Stages 1 and 2 are nearing completion.

Due to the uncertainty and risk associated with the AHIP, to avoid contractual issues, the letter of award to Hazell was only made for Stages 1 and 2 of the project.

The preparation of an application for the AHIP was expedited, however approval was only received on 7 June 2021. This meant the tendered pricing for Stage 3 was no longer valid due to the elapsed time.

Hazell Bros has provided revised estimates for the works and following negotiations with staff a new price has been agreed. The new price for the works is approximately 13% more than the original price.

The time lost to achieve the AHIP approval has meant a loss of concurrency for Hazell Bros resulting in a longer program (with associated site establishment costs) and smaller quantities of isolated works, which has impacted on the schedule of rates costs.

9.20 Capital Expenditure Program - 30 June 2021 Review

Staff also considered the option of seeking tenders for Stage 3, however after considering the costs associated with a further delay, tendering in an open market with Hazell Bros already on site, and having regard to the site knowledge held by Hazell Bros, the preference to pursue best value for money was by direct negotiation for a project variation with Hazell Bros. Overall the additional cost of the Stage 3 works compared to the original budget is \$146,000.

At the time of tender, a provisional sum of \$50,000 was included in the contract for landscaping. Following detail design work, this budget was not adequate and a revised budget of \$360,000 is now required. As this is a provisional item, Hazell Bros are responsible for the procurement. Four quotations were assessed by Hazell Bros in consultation with Council staff.

Airport Boulevard is an entry statement road and the landscaping needs to reflect this status.

Unfavourable ground conditions have also resulted in additional costs. Initial attempts to construct the pavement profile in accordance with the design were unsuccessful and could not meet the specified quality requirements. This meant a deeper pavement and additional pavement treatment works were required resulting in additional costs of approximately \$270,000.

Other significant items in excess of the original budget include:

Item	Amount (\$)
Artworks (for the Southern Cross Drive roundabout)	60,000
Offset planting	100,000
Maintenance tracks	60,000
Construction activities (design amendments, energy utilities, landscape design, geotechnical)	117,000
Heritage management (site monitoring, archaeological advice etc)	50,000

The proposed amended budget also includes a contingency of \$140,000 resulting in a total variation of \$1.26m.

The current funding for Airport Boulevard has been sourced as follows, with the budget variation to be funded from loans.

Table One – Airport Boulevard – Funding Summary

Financial Year	Expenditure / Budget (\$)	Source of Funding (\$)		
		Reserve	Grant	Loan
2017/18	53,000	53,000	0	0
2018/19	382,000	382,000	0	0
2019/20	3,309,000	3,309,000	0	0
2020/21	3,256,000	256,000	1,500,000	1,500,000
2021/22	3,740,000	0	1,500,000	2,240,000
Total	10,740,000	4,000,000	3,000,000	3,740,000
Variation	1,260,000	0	0	1,260,000
Revised Total	12,000,000	4,000,000	3,000,000	5,000,000

The 2020/21 and 2021/22 expenditure figures are estimates with 2020/21 in the process of being finalised.

The reserve funding source is from the Property Development Reserve.

9.20 Capital Expenditure Program - 30 June 2021 Review

Based on the proposed variation, it will be necessary to increase the loan funding proposed for 2021/22 from \$2,240,000 to \$3.5m, resulting in total borrowings for the project of \$5m.

The 2020/21 loan funding of \$1.5m was taken up prior to 30 June 2021, with Council able to secure a loan, based on a 20 year term, with a three year fixed interest rate of 0.80%.

The \$2,240,000 in the adopted 2021/22 Long Term Financial Plan is forecast at an interest rate of 1.2% and annual repayments of approximately \$127,000.

An additional loan of \$1.26m will increase those repayments by approximately \$72,000 per annum based on a 20 year term.

As Council has previously been advised, Airport Boulevard has always been a problematic project, in that typically a road that opens up industrial land is built in stages, with adjoining land then sold in stages to finance the construction cost.

Airport Boulevard is actually a combination of an entry statement road for the Airport and an access road to industrial land.

However, there has been no immediate industrial land developed as part of the construction of the road, with the only income to date being a grant of \$3m on a \$12m project.

Also, the project is not eligible for Section 7.11 funding, as it is not a road that is essential to match increased residential development.

The \$9m shortfall in funding between the total project cost and the grant funds has drained Council's Property Development Reserve, which is typically used for industrial and residential land development activities, and resulted in Council having to loan fund a number of development projects.

The magnitude of loan borrowings currently being incurred, or planned, for property development activities is as follows.

Table Two – Property Development Loan Funding (\$)

Project	Actual	Estimated	Total
WUEA – Stage 3 – Lot Construction	4,400,000	0	4,400,000
Boeing Avenue – Lots 2 and 3 – Earthworks	3,600,000	1,000,000	4,600,000
Boeing Avenue – Lots 2 and 3 - Construction	0	4,130,000	4,130,000
Innovation Precinct – Earthworks and Construction	0	5,000,000	5,000,000
Airport Boulevard - Revised	1,500,000	3,500,000	5,000,000
Total	9,500,000	13,630,000	23,130,000

As per these figures the loan borrowings are significant and carry a reasonable level of risk in respect to the projects being dependent on market demand, which is currently strong, albeit property markets can turn quickly.

On the positive side sales from the WUEA – Stage 3, could generate in excess of \$9m, and a separate report in this agenda, outlines the response to the expression of interest process for Boeing Avenue – Lots 2 and 3.

9.20 Capital Expenditure Program - 30 June 2021 Review

If Council does proceed with selling one of the Boeing Avenue lots, this will help to substantially reduce the loan debt and also reduce the level of property loan funding required as loan funds will only be needed for Lot 3.

The future sale of smaller lots created from the remaining Boeing Avenue lot 3 development, will also need to be applied to reducing total loan debt to help eliminate the total debt owing.

In summary, Council is in a position to finance the additional loan funds required for Airport Boulevard, recognising that a large proportion of the income generated from future sales of Boeing Avenue – Lots 2 and 3, and possibly WUEA – Stage 3, will be required to immediately pay off significant loan debt.

Currently these loan repayments are being financed, in the short term, through property rental income that is transferred to the Property Development Reserve, from the 89 Tamar Street, Cessna Crescent (ARC) and Fawcett Park Café properties.

This means that funds are not accumulating to finance other property projects, therefore it is important that the loan debt is paid off promptly, when possible.

Summary

Total expenditure for 2020/21 was approximately \$30m on a cash basis, and pleasingly a large number of contracts and orders have been placed, meaning that once commitments are recognised, the total figure is close to \$40m as per the following summary.

Capital Works Summary – 30 June 2021 (\$'000)

Section	Budget (\$)	Cash Expenditure (\$)	Cash Expenditure (%)	Plus Commitments (\$)	Total Budget (%)
Open Spaces	3,988,000	2,187,400	55%	3,915,200	98%
Strategic Planning	234,000	237,300	101%	237,300	101%
Public and Env Heath	1,232,000	1,060,800	86%	1,060,800	86%
Commercial Services	3,432,000	2,512,700	73%	4,372,700	127%
Facilities Management	4,749,900	2,681,500	56%	2,916,000	61%
Asset Mgmt/Emerg Services	360,000	162,000	45%	1,239,300	344%
Resource Recovery	80,000	78,200	98%	78,200	98%
Water Operations	2,643,000	2,396,600	91%	2,759,300	104%
Wastewater Operations	3,602,200	2,063,100	57%	3,259,300	90%
Engineering Works	20,339,500	16,350,300	80%	20,546,300	101%
Total	40,660,600	29,729,900	73%	40,384,400	99%

Delivery Program Strategy / Operational Plan Activity

The Operational Plan includes a number of references to infrastructure delivery including

EL3.3i - Monitor capital works to ensure they are completed on time and within budget

Community Consultation Policy

This report is presented for public information.

Financial / Risk Considerations

The report provides financial information on the capital expenditure program. All of the projects carry a degree of risk, with risk management forming a major component of the preparation and management of the construction work.

Options

This report provides an update on the capital expenditure program for 2020/21 and recommends known budget variations. The recommendations reflect the budget variation information as per the information section of this report.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the implementation of the Capital Expenditure Program for 2020/21.
2. That Council approves additional loan funding of \$1,260,000 for Airport Boulevard in 2021/22, based on the variations required, as per the information section of this report.

Attachment(s)

1. Planning and Environmental Health Division
2. Corporate and Community Division
3. Asset Management, Emergency Services and Resource Recovery
4. Water Operations
5. Wastewater Operations
6. Engineering Works

10.1 Pat Morton Precinct - Car Park and Shared Path Concept Design

10. Civil Services Division Reports

10.1 Pat Morton Precinct - Car Park and Shared Path Concept Design

Section	Engineering Works
Objective	To obtain approval to exhibit a draft concept plan for the Pat Morton Car Park Precinct.

Background

A draft car park and shared path concept design (the concept design) planning document has been prepared to guide the future direction of the Pat Morton car park precinct and adjacent lookout area.

This draft document considers options for the layout for an upgraded car park together with the integration of the shared path 'missing link', connecting the shared paths north and south of the car park. Currently users of the shared paths must either navigate the car park itself or cross through the open space area of the lookout precinct.

A landscape architect was contracted to prepare the draft document and a copy of the draft concept design planning document is attached to this report. The draft document includes four different layout options and gives consideration to landscape features, constraints, embellishments and other items as relevant.

Council considered a Car Parks – Upgrade Program at the August 2020 Ordinary meeting and resolved to proceed with initial funding (\$100,000) under this program for the Pat Morton Lookout car park.

The funds allocated for the car park upgrade do not include a budget for the shared path works and these funds will need to be sourced from Council's shared path / footpaths budget.

The concept design planning document has been used to initiate consultation with the Aboriginal community regarding the car park upgrade and also to consider the further stage of the Aboriginal Cultural Ways project.

It is also appropriate to seek broader community input, which can be incorporated into a final proposal.

The purpose of this report is to seek endorsement for public exhibition of the concept design.

The concept design will also assist Council is planning for future works at this location and should assist Council with obtaining grant funding.

Key Issues

- Options
- Balance between parking, recreation, environmental and amenity

Discussion

Pat Morton Lookout is located adjacent to The Coast Road, west of the crest of the Lennox Headland. The elevated position offers extensive scenic vistas to the north and west.

The site is a popular location for tourists, as well as residents, and supports recreational activities such as whale watching, access to a National Surfing Reserve, walking, hang-gliding, paragliding, bike riding, exercising, picnicking and the occasional small function (weddings, birthday parties, etc.).

The Lookout is also the location at which a number of pathways converge, including:

- Coastal walk which follows the coastline south and connects to beaches, recreation nodes, access points and lookout areas
- The northern side shared path, which connects to the Lennox Head village
- The southern side shared path, which connects Skennars Head, East Ballina and through to Ballina.

The concept design planning document, in part, seeks to define the missing link between the two shared paths (north and south), which are intended to support commuting and access to residential areas, schools and sports facilities.

The primary challenge for the concept design is ensuring that an appropriate amount of access and connectivity is provided whilst maintaining and enhancing the existing natural aesthetics and amenity of the site.

Some of the key objectives that underpin the draft plan are:

- Maintain the natural aesthetics and the opportunities for informal use of the open grass area
- Retention of existing panoramic views
- Retention of predominantly natural look when viewed from Lennox Village
- Achieves the connectivity of the shared path network
- Provides areas of open space with panoramic views which are assessable to most users
- Provides car parking to at least the same capacity as currently exists
- Provides safe egress/access and parking for tourist coaches
- Protects the ecology of the site/surrounding area and respects community bushland regenerations activities
- Educates the community of the history and importance of the area including cultural heritage, marine park, geology etc.

The draft plan includes four concept design options that seek to achieve the connection of the shared paths whilst offering improvements to facilities and features. The four options are summarised as follows:

Option 1

This option provides a new path north of the car parking area. The edge of the car park area would be pulled back to the south to give more grassed area and to make provision for the path. The pathway is 2.5m wide and separated from the car parking pavement by a narrow grass verge.

Option 2

This option provides for a 2.5m path with pathway along the northern edge of the car parking area. The pathway would be defined and separated from vehicles by wheel stops and pavement colour/patterning treatment. (Both Option 1 and Option 2).

Option 3

Provides for a 2.5m wide pathway that passes through the car parking area leaving the northern edge of the car park as a grass surface.

Option 4

This option provides for a reconfiguration and reconstruction of the car parking area. It includes a 2.5m wide pathway that passes through the car park area leaving the northern edge of the car park as a grass surface.

It is anticipated that community feedback, once obtained, would be used to further develop a preferred concept design option to enable Council to progress with a more detailed design.

Delivery Program Strategy / Operational Plan Activity

This project is consistent with Strategy PE1.1 - Promote our area as an attractive place to visit and Strategy PE3.3 - Deliver infrastructure that supports residential living.

Community Consultation Policy

The draft car park and shared path concept design planning document will be used to seek further community input. Consultation with Registered Aboriginal Parties has already commenced as part of the car park works program.

Financial / Risk Considerations

The draft plan is not linked to existing projects or funding sources other than the Car Park - Upgrade Program. Funding and approvals can be further progressed following the adoption of a preferred concept design. An adopted concept design plan can increase opportunities for grant funding.

Options

The options open are as follows:

1. Council may choose to endorse the draft car park and shared path concept design planning document for public exhibition.

10.1 Pat Morton Precinct - Car Park and Shared Path Concept Design

2. Council may decline to proceed with the plan, or may nominate changes to be incorporated into the plan.

There are four options considered in the draft plan. Typically, for the purposes of public exhibition, to provide the public with an understanding of Council's initial views, Council indicates a preferred option.

On this occasion, there is likely to be support for all four options, as they are similarly balanced in respect of benefits and issues. Therefore it is recommended the exhibition process be used to seek the community's feedback without Council first nominating a preference.

RECOMMENDATIONS

1. That Council endorse the draft Pat Morton Precinct - Draft Car Park and Shared Path Concept Design for the purposes of public exhibition and community comment.
2. That following the exhibition period, a further report is presented to Council which assesses the response to the exhibition.

Attachment(s)

1. Pat Morton Precinct - Car Park and Shared Path Concept Design (Draft)
(Under separate cover)

10.2 Lennox Head Village Renewal - Works on Private Land

10.2 Lennox Head Village Renewal - Works on Private Land

Section Project Management Office

Objective For Council to approve private works associated with the Level 2 underground electrical and paving work for Lennox Head Village Renewal.

Background

A major project in the adopted Delivery Program and Operational Plan is the Lennox Head Village Renewal works. This project includes:

- Upgrading of the main street electrical distribution system
- Ross Park amenity and landscaping
- Renewing the potable water and stormwater networks
- Renewing and upgrading the road pavement and footpaths and
- Streetscape amenity improvements.

There are two elements of the Lennox Head Village Renewal scope of work that require Council to carry out work on private land:

- Level 2 electrical scope of work, connecting each consumer to the new electrical underground network and
- Supply and installation of some paving works to improve the street aesthetics.

It is proposed that Council will not charge a fee to the property owners for carrying out the Level 2 electrical works and minor paving work, as part of this project, as the works are an integral part to achieving the six place directions from the community consultation.

Key Issues

- Resolution required for Private Works to be undertaken, at no charge, under section 67, Private Works, of the Local Government Act 1993.

Discussion

Electrical Work

A Contract has been awarded to install the new underground electrical supply network in Ballina Street Lennox Head from Byron Street to Park Lane and remove the existing overhead electrical network.

In order to carry out the works, the electrical contractor will be required to carry out Level 2 electrical works with the approval of the property owner.

The Level 2 work includes supply, installation and connection of underground consumers mains from the electrical feeder pillars located in the street to the property main switchboard.

10.2 Lennox Head Village Renewal - Works on Private Land

The following scope of work will be undertaken for each property:

- Trenching from the feeder pillar to the property main switchboard
- Installation of electrical conduit and cables in accordance with AS3000
- Electrical connections to the feeder pillar and property main switchboard
- Testing and commissioning in accordance with AS3000 and Essential Energy requirements.

Paving Work

Minor paving work will be carried out on private property, with the approval of the property owner, to enhance the aesthetics of the interface between the public and private spaces, and to coordinate with the street landscaping works. The scope of electrical and paving work for each property is included as Attachment 1 to this report.

For the Level 2 electrical and minor paving works to proceed, Council needs to authorise the private works by resolution in accordance with section 67 of the Local Government Act which is reproduced below:

67 Private works

(1) A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.

Note—

Examples of the kind of work that a council might carry out under this section include—

- *paving and roadmaking*
- *kerbing and guttering*
- *fencing and ditching*
- *tree planting and tree maintenance*
- *demolition and excavation*
- *land clearing and tree felling*
- *water, sewerage and drainage connections*
- *gas and electricity connections.*

(2) A council must not carry out work under this section unless—

(a) it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or

(b) if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.

(3) A council must include details or a summary of any resolutions made under this section and of work carried out under subsection (2)(b) in its next annual report.

(4) A report of work to which subsection (2)(b) applies must be given to the next meeting of the council after the work is carried out specifying—

- *the person for whom the work was carried out*
- *the nature of the work*
- *the type and quantity of materials used*
- *the charge made for those materials*
- *the total of the number of hours taken by each person who carried out the work*
- *the total amount charged for carrying out the work (including the charge made for materials)*
- *the reason for carrying out the work.*

10.2 Lennox Head Village Renewal - Works on Private Land

- (5) *This section does not apply to work carried out by a council, or by two or more councils jointly, for another council or for a public authority.*
- (6) *This section does not apply to any graffiti removal work carried out by a council in accordance with Part 4 of the Graffiti Control Act 2008.*

Delivery Program Strategy / Operational Plan Activity

This project is noted in the Delivery Program as Activity PE1.2a - Deliver Lennox Head Town Centre Village Renewal.

Community Consultation Policy

Council completed a community consultation program for the Lennox Head Village Renewal in 2018. This provided Council with an understanding of the community's priorities for the renewal works in the Lennox Head village centre.

A community stakeholder design charrette process was undertaken in March 2020 which was attended by Council staff, representative stakeholder groups, and randomly selected local residents. A key theme from the engagement was the undergrounding of electrical power and consistency in streetscape design.

In June 2021 a letter was sent to all affected property owners providing a basic scope of work for the project, and offering landowners the opportunity to discuss the electrical scope of work with Council and a representative from the electrical contractor.

A second letter was sent in June 2021 seeking expressions of interest from relevant property owners interested in upgrading the paving within their property boundary, to match the new paving being laid by Council.

This scope of paving would be supplied and installed by Council on a cost reimbursement arrangement

The same letter also advised the relevant property owners that Council wished to supply and install some minor paving works within their property boundary at Council's cost.

Follow up face to face discussions have been had with interested property owners that registered interest.

Further public discussion forums are scheduled to be held on 29 July 2021 with residents, property owners and business operators that will be affected by the scheduled works.

Financial / Risk Considerations

The tender that has been awarded for the underground electrical work provides a fixed cost of \$514,700.00 (excl. GST) for the whole of the works which includes a tender amount of \$57,983.85 (excl. GST) for the Level 2 scope of work that will be carried out on private lands.

The minor paving works that will be carried out at Council's cost have an estimated value of \$42,000.

10.2 Lennox Head Village Renewal - Works on Private Land

The total estimated cost to Council of work to be carried out on private land for the Lennox Head Village renewal project will be in the order of \$100,000.

Options

The recommendation is to authorise the electrical and minor paving work to be carried out on private land, as described in this report.

An electrical underground network provides significant benefits to the Lennox Head Village community.

An underground network is less susceptible to the impacts of severe weather events, has lower maintenance costs, and is less visually intrusive.

The paving work to be carried out at Council cost on private land will blend the existing paving with the new public realm paving and landscaping work.

RECOMMENDATIONS

1. In accordance with Section 67 (Private Works) of the Local Government Act, Council approves the undertaking of Level 2 electrical underground and paving works on private land associated with the Lennox Head Village Renewal project, at no charge to the landowner, as detailed within this report.
2. That Council record the cost of the private work from point one is estimated to be \$100,000 and the reasons for not charging the property owners is to achieve long term benefits to the community as the work is part of the overall design to achieve the objective of improving the visual amenity of the area from the infrastructure upgrade.

Attachment(s)

1. Lennox Village Vision - Scope of Electrical and Paving Work

10.3 Roads Contribution Plan - Barlows Road Amendment

10.3 Roads Contribution Plan - Barlows Road Amendment

Section Infrastructure Planning

Objective To assess the public submissions on the exhibited amendment to the Ballina Shire Roads Contribution Plan.

Background

Council resolved at the 27 May 2021 Ordinary meeting to publically exhibit a draft amendment to the Ballina Shire Roads Contribution Plan, which adds the Barlows Road Link to the Works Schedule.

This amendment would enable partial funding of the Barlows Road Link through developer contributions. Planning regulations require Council to consider submissions and decide on the future of the amendment.

Key Issues

- Consider submissions, issues and impacts raised
- Consider methods by which identified adverse impacts can be mitigated
- Determine if the draft amendment is to be adopted, adopted with changes or rejected

Discussion

Provision of the Barlows Road Link has been considered by Council at meetings held on 26 September 2019, 28 November 2019, 17 December 2020, 25 March 2021 and 27 May 2021.

The Barlows Road Link proposal has been seen as a lower cost, interim (until the high cost, long lead time Western Arterial can be constructed) means of obtaining a shorter link between West Ballina and Cumbalum/North Ballina that avoids travelling through Ballina Island and has associated benefits of relieving congestion on Tamarind Drive and Kerr Street.

Modelling (presented to the 25 March 2021 Ordinary meeting) has shown that even when the Western Arterial is completed, the Barlows Road Link will continue to deliver significant congestion relieving benefits to the network.

Amending the Ballina Shire Roads Contribution Plan, to include the Barlows Road Link, is a means of obtaining funds from future traffic generating development to partially fund the project.

Public exhibition of the Contributions Plan amendment has provided a means of informing and consulting with the public regarding amenity and traffic impacts of the proposal.

The submissions from residents have assisted in identifying the major impacts and possible management options to minimize, or eliminate, these impacts.

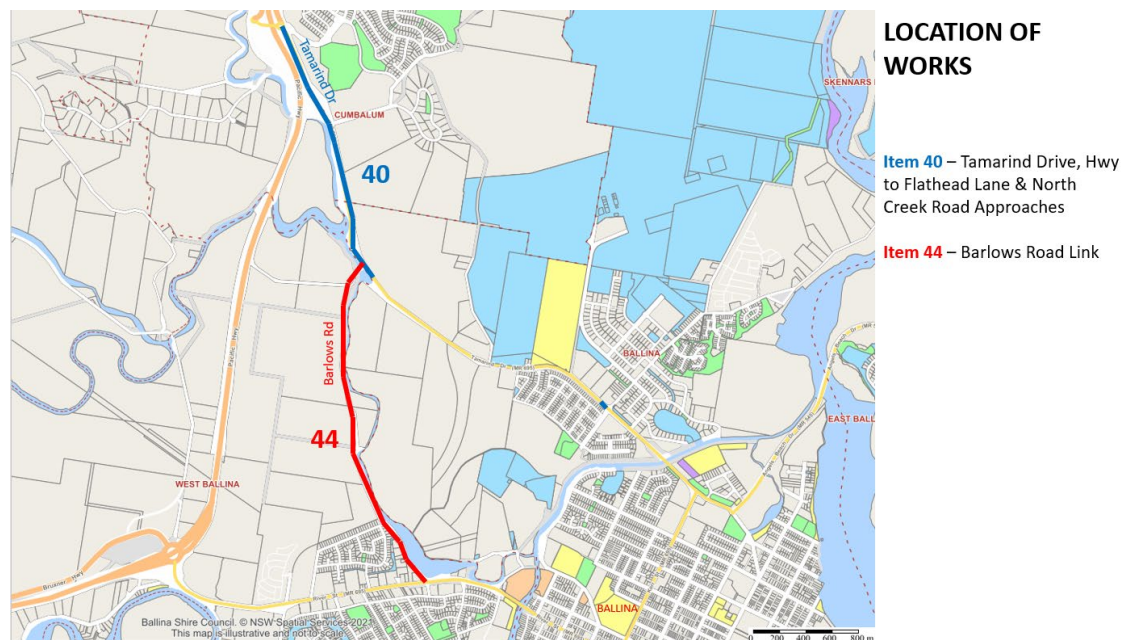
10.3 Roads Contribution Plan - Barlows Road Amendment

Exhibited Draft Ballina Roads Contribution Plan Version 4.2

Draft Version 4.2 proposes to amend the existing Version 4.1 by:

- Inserting Item 44, the Barlows Road Link estimated to cost \$7.56M into the Works Schedule
- Amending Item 40 of the Works Schedule, Tamarind Drive Four Lanes by reducing estimated cost from \$10.6M to \$2.9M and deleting most of the four lane duplication between Flathead Lane and North Creek Road (facilitated by reduced traffic volumes on Tamarind Drive due to diversion to Barlows Road)
- Adjustment of estimated costs in Works Schedule in line with ABS NSW Road and Bridge Construction Index
- Reducing contribution rates by approximately 2% (having regard to the net cost reduction to Items 40 and 44)

The locations of the works affected by the amendments are illustrated on the following map.



The Barlows Road Link delivers major improvements to the road network through reduced trip times (in flood free periods) between West Ballina/Ballina Island and Cumbalum/North Ballina with the transfer of traffic from congested sections of Tamarind Drive, Bangalow Road and Kerr Street.

In the absence of any devices to inhibit through traffic accessing the Barlows Road Link via Horizon Drive, increased traffic volumes would cause negative impacts on the trafficability and residential amenity of Horizon Drive.

Draft Version 4.2 was publically exhibited from 2 June to 30 June 2021. A statutory notice and the draft plan as required by EP&A Regulations was exhibited on Council's website together with explanatory information and a facility to make submissions. An explanatory letter was also delivered to residents of West Ballina north of River Street and along Barlows Road and Flathead Lane.

Public Exhibition

The draft amended contributions plan was publically exhibited from 2 to 30 June 2021. At the close of exhibition, 79 written submissions were received and there were 15 related phone calls. The majority of submissions were through Council's web based facility. Geographically, the majority of submissions were received from residents of West Ballina, north of River Street, where there was notification by mail.

Submissions

The written submissions are included as Attachment 2 to this report. There were also 15 related phone calls.

A wide variety of submissions were received. Approximately 28 were generally supportive of the Barlows Road Link, but a number of these also raised concerns about increased traffic on Horizon Drive. Around 25 submissions advised the extra traffic on Horizon Drive and elsewhere is a major reason they are against the project.

A number of submissions expressed their desire for alternative projects, including construction of the Western Arterial now, provision of south facing freeway ramps at the Cumbalum interchange and use of the Ballina Bypass service road instead of Barlows Road.

During past exhibitions of contribution plan amendments, submissions are usually received from stakeholders of the development industry regarding levels of contributions and/or the suitability of items in the Works Schedule. This type of submission has been absent on this occasion.

Table 1 is a summary of the key issues raised in the submissions and responses to these issues.

Table 1 – Summary of Issues Raised in Submissions

Issue	Response	Proposed Action
1. Against proposal as it will cause unacceptable increases in traffic on Horizon Drive	Accessing the Barlows Road Link from the south via Horizon Drive is 500 m shorter than accessing via the River St/Barlows Rd roundabout. If through traffic is allowed to use Horizon Drive as a short cut to access the Barlows Road Link, it will cause significant negative impacts on congestion, local access and residential amenity in Horizon Drive. The impacts near Emanuel Anglican College would be particularly severe. These negative impacts would compound traffic congestion, already a serious concern to residents and the school, at school drop off and pick up times.	Prevent additional through traffic using Horizon Dr by configuring Horizon Dr/Barlows Rd intersection to prevent left turn from Horizon Dr and right turn from Barlows Rd North. This will force through traffic to avoid Horizon Dr and access the Barlows Rd Link via the River St/Barlows Rd roundabout.
2. Against proposal. Western	The Barlows Road Link is estimated to cost \$7.8M and able to be constructed	Note

10.3 Roads Contribution Plan - Barlows Road Amendment

Issue	Response	Proposed Action
<p>Arterial should be constructed instead.</p>	<p>in the short to medium term to provide a more convenient link between West Ballina and Cumbalum/North Ballina.</p> <p>It will also reduce congestion on Tamarind Dr and Kerr St.</p> <p>The Western Arterial is estimated to cost \$34.8M, has two bridges, and significant environmental and property issues.</p> <p>It cannot be constructed in the short to medium term due to funding and substantial preconstruction approval issues.</p>	
<p>3. Against proposal. Ballina Bypass service road route should be used instead.</p>	<p>The service road option was considered and rejected by Council 28 November 2019 due to unwillingness of RMS to sell land to Council, alignment, flooding and southern access issues.</p>	<p>Note</p>
<p>4. South facing freeway ramps should be provided at Cumbalum interchange.</p>	<p>Council has always supported this proposal, has lobbied the NSW Government to provide south facing freeway ramps at the Cumbalum Interchange and continues to do so.</p> <p>Construction of the Barlows Road Link and south facing freeway ramps are not incompatible projects, however provision of the freeway ramps would provide direct access for Cumbalum residents to the Bruxner Highway and Pacific Highway south, minimise their trip times and congestion impacts on Ballina Island, thus reducing some of the need for the Barlows Road Link.</p> <p>Given the unlikely prospect of the NSW Government agreeing to provide the freeway ramps in the short to medium term, provision of the Barlows Road Link is considered a worthwhile interim proposal.</p> <p>TfNSW have advised a high level budget for the project is \$40-50 million which is beyond the capacity of Council to finance.</p>	<p>Continue to lobby NSW Government to provide south facing freeway ramps at the Cumbalum interchange.</p>
<p>5. Against proposal as it will cause unacceptable levels of extra traffic in local (West Ballina) area</p>	<p>The Barlows Road Link will cause additional traffic on some parts of River Street and Barlows Road.</p> <p>Provided the Horizon Dr/Barlows Rd intersection is configured as per proposed action for Issue 1, no additional through traffic will be</p>	<p>Prevent extra through traffic using Horizon Dr by configuring Horizon Dr/Barlows Rd intersection to prevent left turn from Horizon Dr and</p>

10.3 Roads Contribution Plan - Barlows Road Amendment

Issue	Response	Proposed Action
	<p>attracted to Horizon Drive or the adjacent local area (Westland Dr/Pl, Quail Pl, Casey Pl, Newland St, Claire Ct, Amy Pl or Sunset Ave).</p> <p>Barlows Road itself would still have additional traffic, a substantial portion is semi industrial, but there are 6 residences near Horizon Dr and a caravan park at the corner of Barlows Rd and River St which would suffer negative amenity impacts from additional traffic on Barlows Road.</p> <p>Intersection modelling has shown the additional traffic on Barlows Road will require provision of an additional 150 m of southbound lane on Barlows Rd approaching the River St/Barlows Rd roundabout to enable the roundabout to manage these extra movements.</p> <p>This additional lane has already been allowed for in the project cost estimate. Noise impacts on Barlows Road will also need to be managed.</p>	<p>right turn from Barlows Rd North.</p> <p>During the pre-construction phase conduct noise assessments regarding impacts on residences and caravan park on Barlows Road together with consideration of appropriate management measures.</p>
<p>6. River Street dual laning should not have proceeded.</p>	<p>Current traffic volumes and predicted traffic volumes for River Street are higher than the capacity of a single lane (in either direction) road.</p> <p>Dual laning of River Street from the Teven Interchange to Kerr St has been identified as necessary to reduce congestion to acceptable levels in all traffic studies commissioned by Council.</p> <p>Council is well advanced on dual lane construction of the section from Burns Point Ferry Rd to Barlows Rd.</p> <p>Preconstruction works are progressing on the section from Brampton Ave to Tweed Street.</p> <p>Completion of the Barlows Road Link will increase existing traffic volumes on parts of River St. The River Street project is entirely complementary to the Barlows Road project,</p>	<p>Note</p>
<p>7. Council should consider starting from Riverbend and constructing around the suburb.</p>	<p>This route would result in high additional cost and have significant amenity, flooding and environmental impacts. It has not been considered as an option in this proposal. Part of this route was considered by Council some years ago when reviewing Western Arterial route options.</p>	<p>Note</p>

10.3 Roads Contribution Plan - Barlows Road Amendment

Issue	Response	Proposed Action
8. Unacceptable impact on Riverbend Drive residents	<p>There was a drafting error on one of the sketches on exhibition that showed a link from Barlows Road via Riverbend Dr to the Roundabout on River Street.</p> <p>There is no current proposal or option to construct such a link.</p>	Confirm there is no current Council proposal to link Barlows Road to Riverbend Dr.
9. Concern proposal will create traffic problems at Tamarind Drive/North Creek Road/Ferngrove roundabout	<p>Traffic modelling indicates the Barlows Road Link will reduce traffic volume using Tamarind Dr/North Ck Rd/Ferngrove roundabout.</p> <p>Intersection modelling indicates this reduced traffic volume will reduce congestion at this roundabout.</p>	Note
10. Prefer route further east to Tamarind/North Ck Rd/Ferngrove roundabout	This route is similar to the adopted Western Arterial Route. The response for Issue 2 also applies.	Note
11. Does not support proposal, want safe access across River Street.	The current dual lane works on River Street will upgrade existing pedestrian refuge crossings. In addition a formal application has been made to Transport for NSW (TfNSW) for approval of a signalised pedestrian crossing on River Street between Quays Drive and Riverview Avenue.	Note
12. Supports, but local area should be "Local Traffic Only"	"Local Traffic Only" arrangements are not possible to effectively enforce. The action proposed for Issue 1 will achieve the same result and be more failsafe than designating the local area "Local Traffic Only".	As per Proposed Action for Issue 1.
13. Considers noise mitigation should be provided for Horizon Drive	Management of through traffic as per response for Issue 1 will prevent through traffic using Horizon Drive, and therefore prevent additional traffic noise on Horizon Drive	Note
14. Local residents should not be disadvantaged by development generated traffic, development should pay	<p>The draft amendment to the Contributions Plan will enable funding for the Barlows Road Link to be part provided by developers.</p> <p>The apportionment of cost between the existing population and future growth is managed by the statutory framework and Council has limited discretion in this regard.</p> <p>The action proposed for issue 1 would minimise impacts on local residents.</p>	Approve draft Contributions Plan Amendment and implement Action for Issue 1 above.
15. Concern that Barlows Road Link will be flood liable	The Barlows Road Link has been conceived as a relatively low cost route	Note. Detailed design will minimise the level of flood

10.3 Roads Contribution Plan - Barlows Road Amendment

Issue	Response	Proposed Action
	<p>that will, on occasions, be closed due to flood inundation.</p> <p>The level/frequency of flood inundation is likely to be similar to that already occurring on Tamarind Drive in the Cumbalum area.</p> <p>Barlows Road is likely to be trafficable 360 days per year. This level of availability is still considered worthwhile given the valuable network connectivity and congestion relief to be provided to Ballina Island.</p> <p>Alternative routes are available when Barlows Road is closed.</p> <p>The proposed Western Arterial is to have a flood free route, however its cost is estimated at \$34.8M and requires construction of high road embankments and two significant bridges.</p>	<p>impacts, consistent with the lower cost design criteria for the project.</p>
<p>16. Concerns that additional through traffic will lower property values and lead to people selling up and leaving the area</p>	<p>Impacts on residential amenity and property values will be minimised if through traffic on Horizon Drive is prevented as per proposed action for Issue 1.</p>	<p>Note</p>
<p>17. Want all traffic to go to Good Guys roundabout and not use Horizon Drive</p>	<p>Can be achieved by the proposed action for Issue 1.</p>	<p>Implement action proposed for Issue 1 above.</p>
<p>18. Concern about adequacy of turning paths for heavy vehicles at Horizon Dr/Barlows Rd intersection</p>	<p>The detailed design of the intersection will allow for turning paths for heavy vehicles including school busses.</p>	<p>Allow for appropriate vehicle turning paths in future detailed design process.</p>
<p>19. Support proposal</p>	<p>Submissions supporting the proposal have included a number of reasons including: more direct link between Cumbalum and Bruxner Highway; improved trip times between West Ballina and Cumbalum/North Ballina; ability to avoid travelling via Ballina Island; reduction of congestion in Kerr St and Tamarind Dr; facilitates growth of Ballina; benefits workers transit times to employment locations in North Ballina.</p>	<p>Note</p>

Consideration of Submissions

10.3 Roads Contribution Plan - Barlows Road Amendment

The local area of West Ballina, north of River Street was the subject of a letter mail out summarising the proposal, how to obtain additional information and make submissions, as this is the area most impacted.

The remainder of the community and the general public were able to view the proposal and use the submission facility on Council's website. Mail and email submissions were also received.

Around 60% of submissions were from this local area and 85% of these did not support the proposal.

Whilst there were a number of reasons given for not supporting the proposal, an overwhelming majority gave their reason as the unacceptable increase in traffic and amenity impacts on the residents and school in Horizon Drive.

A significant minority of the total number of submissions supported the project for a variety of reasons, principally the improved network connectivity and trip times between West Ballina and Cumbalum/North Ballina, the ability to avoid travel on Ballina Island and associated reduction in congestion on Kerr Street and Tamarind Drive.

Amongst those who supported the proposal, many considered that action needed to be taken to minimise the traffic impacts on Horizon Drive.

Given that the majority of objections to the project, especially from the local area, were based on concerns about additional traffic impacts on Horizon Drive and the nearby local area, if this project is to proceed without unacceptable community impacts, it would be imperative that traffic be managed to redirect and prevent through traffic using Horizon Drive.

Managing Through Traffic on Horizon Drive

The traffic modelling commissioned earlier this year by Council, indicated that if the Barlows Road Connection is constructed and no additional traffic management devices are installed, there will be significant increase in through traffic using Horizon Drive to access the Barlows Road Link.

This could increase the total traffic volume of local and through traffic up to 6,695 vehicles per day (vpd). The traffic model assumes that vehicles will choose the route that takes least time.

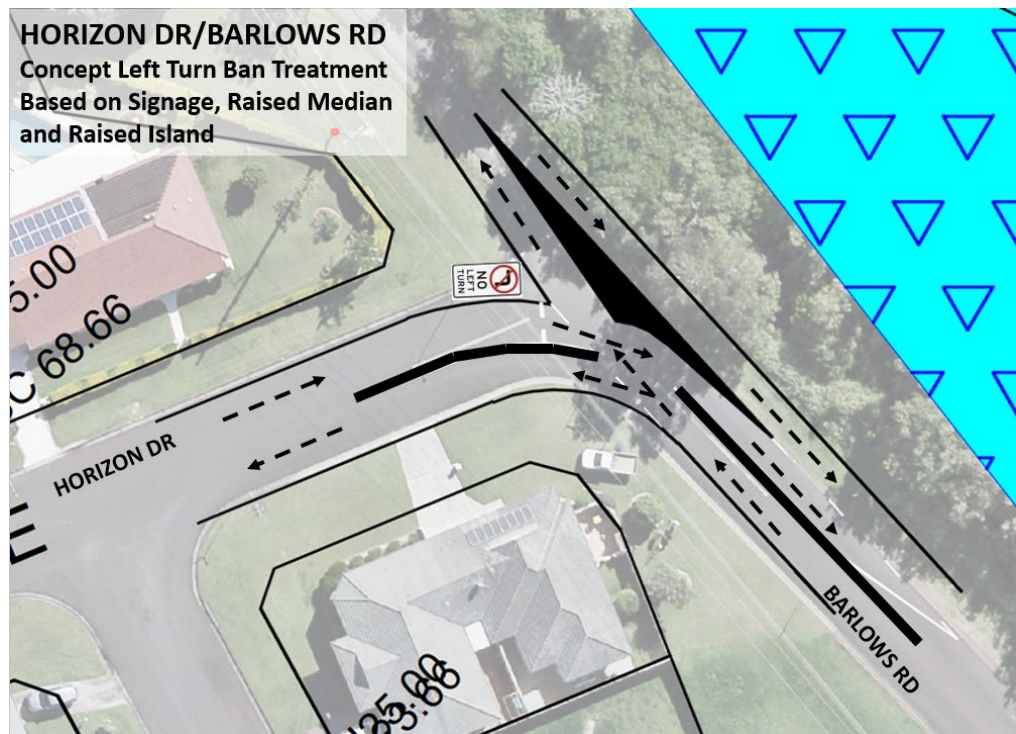
For eastbound traffic on River Street wishing to access the Barlows Road Link (and beyond to Cumbalum and North Ballina), the model assumes traffic would choose Horizon Drive over travelling all the way to the Barlows Road/River Street roundabout then back up Barlows Road because the Horizon Drive route is 500 m shorter and a proportionately quicker route.

To minimise/prevent through traffic using Horizon Drive some form of traffic management is required.

10.3 Roads Contribution Plan - Barlows Road Amendment

Horizon Drive Traffic Management options include:

- a) Do nothing and the congestion on Horizon Drive, particularly at school drop off and pick up times will be sufficient to discourage use by through traffic at these times
- b) Regulate Horizon Drive to be one way traffic westbound/southbound
- c) Install NO LEFT TURN signage on Horizon Drive approach to the Barlows Road/Horizon Drive intersection and NO RIGHT TURN signage on the north approach of Barlows Road to the Barlows Road/Horizon Drive intersection. Provide signage at the River Street/Horizon Drive intersection advising of no access ahead to Barlows Road North.
- d) Provide above signage and turn restrictions, but also configure the Barlows Road/Horizon Drive intersection to physically enforce the above turn restrictions (see example sketch below).



Option (a) is likely to be ineffective and Option (b) would cause unacceptable restrictions on local and school traffic. Option (c) would require driver compliance which could easily be avoided.

Option (d) would effectively eliminate additional through traffic wishing to use the new Barlows Road Link north from Horizon Drive, but still provide the existing level of functionality and access for local and school traffic.

Its main disadvantage is that local traffic from West Ballina, north of River Street would not be able to directly access the new Barlows Road Link, but would need to access the link by River Street.

Response to Submissions

Apart from the impacts from the inclusion of the Barlows Road Link into the Works Schedule, no other significant issues regarding the Draft Ballina Road Contribution Plan Version 4.2 have been raised in submissions.

In regard to the impacts of the Barlows Road Link, the adoption of Horizon Drive Traffic Management Option (d) would enable the Draft Contributions Plan to be approved whilst ensuring subsequent construction of the Barlows Road Link would not result in an increase in the volume of through traffic on Horizon Drive.

Approval of Draft Ballina Shire Roads Contribution Plan Version 4.2 will provide a part source of funding for the Barlows Road Link from traffic generating development. The project itself is still at an early stage.

If the Contributions Plan is approved, work can commence on more detailed survey, concept design, footprint identification, environmental/planning assessment/approvals, land acquisition, detailed design/cost estimates and then followed by construction.

Delivery Program Strategy / Operational Plan Activity

The Ballina Roads Contribution Plan is a major source of funding for capital road works items in the Delivery Program and Operational Plan. If the draft amendment is adopted, it would facilitate 64.5% of the cost of the Barlows Road Link being funded from developer contributions.

Community Consultation Policy

Public exhibition of draft contributions plans must be in accordance with the specific requirements of the Environmental Planning and Assessment Regulation 2000.

Placing the draft plan on public exhibition has enabled the public and key stakeholders to assess the proposed contributions plan and associated works program changes and make submissions which Council can now assess, post exhibition.

Financial / Risk / Legal Considerations

Cost estimates for the Barlows Road Link are at a strategic level based on desktop analysis only. The future design process will result in more accurate quantity schedules being produced, enabling more accurate cost estimates.

Amendment of the Road Contributions Plan to include the Barlows Road Link will enable part funding for this project to come from developer contributions, with the balance to be funded in the Long Term Financial Plan (LTFP) from loan funds and internal reserves.

10.3 Roads Contribution Plan - Barlows Road Amendment

Even though the inclusion of the Barlows Road Link project in the Roads Contribution Plan eliminates Tamarind Drive works estimated at \$7,736,521 with the Barlows Road project estimated at \$7,756,000 there is still a negative financial impact on Council. This is because the Tamarind Drive works are 100% funded by developer contributions, meaning there is no financial liability for Council, whereas the Barlows Road apportionment is 64.5% to development, which leaves a \$2,753,400 liability to Council for the remaining 35.5%.

The Barlows Road funding currently in Council's LTFP is sourced as follows:

Year	Budget (\$)	Sec 7.11	Loan	Reserves
2021/22	200,000	129,000	0	171,000
2022/23	3,000,000	1,935,000	1,000,000	65,000
2023/24	3,000,000	1,935,000	1,000,000	65,000

Expenditure in 2022/23 and 2023/24 is subject to there being sufficient Section 7.11 contributions available, with a number of other Section 7.11 projects also underway (River Street Four Lanes, Angels Beach Drive / Bangalow Road Lane Extensions).

The current cost estimate in the LTFP is based on the March 2021 Ordinary meeting estimate and it is important to acknowledge that the estimate for this project has rapidly increased from preliminary estimates of around \$2m to \$4m (December 2020), to \$6m at the March 2021 Ordinary meeting, to the latest estimate exhibited of \$7.756m as reported to the May 2021 Ordinary meeting.

Constructing roads, or any infrastructure, in soft soil locations is extremely problematic and carries a significant amount of financial risk.

The continual increases in cost for the Airport Boulevard project, which is outlined in the Capital Expenditure Review report earlier in this agenda, is a prime example of how costs can increase.

There is a real risk the Barlows Road project cost could increase up to \$10m, and Council needs to balance whether the works should be a priority based on this level of expenditure, for a road that did not initially form part of Council's Long Term Road Network Plan.

Even at \$7.756m, this represents a significant amount of funding that is then unavailable for other road priorities.

Assuming Barlows Road remains a priority, the current LTFP should be amended as follows to reflect the latest estimate;

Year	Budget (\$)	Sec 7.11	Loan	Reserves
2021/22	200,000	129,000	0	71,000
2022/23	3,000,000	1,935,000	1,000,000	65,000
2023/24	4,556,000	2,938,000	1,500,000	118,000

The increase in loan borrowings in 2023/24 equates to approximately \$30,000 per annum in extra loan repayments. Council finances additional road loan repayments by reducing the recurrent funding available for road reconstruction projects.

10.3 Roads Contribution Plan - Barlows Road Amendment

The loan funds that Council is required to take up to finance the non-developer contribution apportionment of the Works Schedule in the Roads Contribution Plan, is impacting negatively on the funding available for recurrent road reconstruction works and other funding sources, such as grants, are ideally needed to ensure that Council's overall financial position does not deteriorate.

Council has recently resolved to write to the Federal and State Governments to seek funding for the works in the Roads Contribution Plan, with no success to date, and there is a real lack of grant programs available for these types of projects.

Options

Clause 31 of the Environmental Planning and Assessment Regulation 2000 directs that after public exhibition of a draft contributions plan and consideration of submissions:

(1) After considering any submissions about the draft contributions plan that have been duly made, the council—

- a) may approve the plan in the form that it was publicly exhibited, or*
- b) may approve the plan with such alterations the council thinks fit, or*
- c) may decide not to proceed with the plan*

(2) The council must publish notice of its decision on its website within 28 days after the decision is made.

(3) Notice of a decision not to proceed with a contributions plan must include the council's reasons for the decision.

(4) A contributions plan comes into effect on the date that notice of the council's decision to approve the plan is published on its website, or on a later date specified in the notice

Option 1

1. Council approves Draft Ballina Shire Roads Contribution Plan Version 4.2 as exhibited to repeal and replace Ballina Shire Roads Contribution Plan Version 4.1
2. The Horizon Drive/Barlows Road intersection be designed and constructed generally in accordance with Horizon Drive Traffic Management Option (d) described in this report, to prevent through traffic accessing the Barlows Road Link via Horizon Drive.
3. Publish a notice of the decision on Council's website within 28 days

Option 2

Do not proceed with adoption of the Draft Ballina Shire Roads Contribution Plan Version 4.2.

For this option as well as publishing Council's decision, Council would also need to provide reasons in the notice for the decision as required by EP&A Regulation CI 31(3)

10.3 Roads Contribution Plan - Barlows Road Amendment

Option 1 is the preferred option as it supports the objective of providing a quicker, more direct road link between West Ballina and Cumbalum/North Ballina, thereby reducing congestion on Ballina Island, whilst ensuring that additional through traffic is prevented from using Horizon Drive.

The recommendation also amends the funding allocated in Council's LTFP for this project.

RECOMMENDATIONS

1. That Council adopts the Draft Ballina Shire Roads Contribution Plan Version 4.2, as exhibited, to repeal and replace Ballina Shire Roads Contribution Plan Version 4.1.
2. The Horizon Drive / Barlows Road intersection is to be designed and constructed generally in accordance with Horizon Drive Traffic Management Option (d), as outlined in this report, to prevent through traffic accessing the Barlows Road Link via Horizon Drive.
3. That a notice is published of the decision for item one on Council's website within 28 days.
4. That Council amend the adopted Long Term Financial Plan as follows to reflect the latest estimates for the Barlows Road Link Project.

Year	Budget (\$)	Sec 7.11	Loan	Reserves
2021/22	200,000	129,000	0	71,000
2022/23	3,000,000	1,935,000	1,000,000	65,000
2023/24	4,556,000	2,938,000	1,500,000	118,000

Attachment(s)

1. Ballina Shire Roads Contribution Plan - V4.2 (Draft) (Under separate cover)
2. Submissions - Roads Contribution Plan (Barlows Road Amendment) (Under separate cover)

10.4 Policy (Review) - Water Metering

10.4 Policy (Review) - Water Metering

Section	Water and Wastewater
Objective	To seek Council approval for a new policy to replace the existing Water Metering Policy.

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to present a new policy called Water and Wastewater Connections that is proposed to replace the existing Water Metering policy.

The new policy provides the framework for managing connections to Council's water and wastewater networks.

Council first adopted the Water Metering policy in 2007.

Key Issues

- Whether the policy meets the requirements of Council and current legislation
- Documenting the requirements for wastewater connections

Discussion

Information on wastewater connections is not currently documented and eligibility is made on a case by case basis.

Further, many of the requirements for reductions in non-residential access charges and requests for changes in meter size have no formalised basis to enable consistency in their application.

This review of the existing policy identified changes to format and content as follows:

- The policy scope has been expanded to include wastewater connections.
- Content included in the Containment Backflow Prevention Policy has been removed
- Content included in the Dual Water Supply Plumbing Policy has been removed
- Policy detail has been reorganised to mirror the enquiry, application and connection process with special circumstances at the end
- Connection eligibility requirements have been defined based on distances in the Not Connected access charge

10.4 Policy (Review) - Water Metering

- The existing exemption of rural connections from paying capital contributions has been removed. Traditionally rural customers were exempt from paying a capital contribution because the connection was considered opportunistic and somewhat temporary however in practical terms once rural customers have a connection they are unlikely to relinquish the service or a drop in its standard
- Detail has been provided on calculation of access and volumetric charges as well as the reduction of charges for certain situations, particularly relating to situations where a fire service comes off a domestic meter. For fire services, water access charges will generally be levied based on the required service size inclusive of fire hose reels whereas wastewater access charges will be levied on the required service size exclusive of all fire services. This is to reflect the common usage of fire hose reels for activities other than fire-fighting but acknowledging that this usage will generally not be discharged to sewer
- Provision for licenced plumbing contractors to perform work on Council infrastructure in certain circumstances under supervision has been made
- Subtract meters will no longer be supplied by Council for a charge. Instead they are to be procured by a licenced plumber and comply with Council's specification
- The situations where relocation of water meters, or location of meters in inaccessible locations will be considered has been clarified
- Provision for Council to instruct a property owner to obtain a hydraulic report confirming the required water service size where there is evidence that the meter is undersized has been made
- The minimum meter size that requires smart metering has been increased from 25mm to 32mm to be consistent with the requirements for hydraulic reports
- A section on water pressure has been added
- Penalties related to inaccessible meters has been clarified. Customers will now receive one warning followed by a special read fee if the meter cannot again be read in the subsequent billing quarter
- Council's responsibilities in relation to payment of the costs for private plumbers for repairing blocked sanitary drains has been clarified
- The situations where master/subtract metering arrangements are permitted has been increased to three or more tenancies. Granny flats and duplexes will need to have separate services where two meters are required
- Minimum requirements for the hand-over of private meters to Council have been defined and the process clarified
- The requirement for all rural connections to have a tank and pressure pump system has been removed. This will now be assessed on a case-by-case basis.

The changes have been presented in a new policy renamed Water and Wastewater Connections. A copy of the existing and new policy are included as Attachments 1 and 2 to this report.

Delivery Program Strategy / Operational Plan Activity

This policy is consistent with Community Strategic Plan outcome, EL2 – Council's finances and assets are well managed.

Community Consultation Policy

As the changes reflect current practice and are relatively minor in intent, even though substantial in format, 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.

Financial / Risk Considerations

Provision of services and full cost recovery through appropriate water and wastewater fees and charges is achieved through the policy framework. The maintenance cost of Council's infrastructure is not significantly increased as a result of the policy.

Changes to this policy have no additional legal, resource or financial implications on Council.

The proposed changes ensure that Council meets its legal obligations relating to water services, fire services, reclaimed water services and wastewater services, and merely clarify and formalise existing practice.

Options

Council may accept or amend the proposed changes to the policy. The changes included merely clarify and formalise existing practice 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 Water and Wastewater Connections Policy, as per Attachment 2 to this report, with this policy superseding the Water Metering Policy.
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 (Existing) - Water Metering
2. Policy (New) - Water and Wastewater Connections

11.1 Notice of Motion - Support for Aboriginal Cultural Centre

11. Notices of Motion

11.1 Notice of Motion - Support for Aboriginal Cultural Centre

Councillor

Cr Jeff Johnson

I move

That Council include the construction of an Aboriginal Cultural Centre in the updated Ballina Shire Open Space and Community Facilities Contributions Plan.

Councillor Comments

The Ballina Shire has a significant Aboriginal cultural history and the construction of a centre for the viewing and story-telling of this history is well overdue.

With the Contributions Plan now under review it is timely for Council to confirm its support for the construction of a centre.

The current consultant engagement for the Contributions Plan provides an opportunity for engagement with the Aboriginal community to ensure that the centre proposed for the Contributions Plan meets the needs of the local community.

Staff Comments

The review of the Ballina Shire Open Space and Community Facilities Contributions Plan (i.e. the Section 7.11 plan for developer payments for open space and community facilities) is an existing Delivery Program and Operational Plan action, with GLN Planning Pty. Ltd. engaged to undertake that work for Council.

GLN is in the process of reviewing the existing facilities within the Shire, recognising that a significant amount of works have been completed in recent years, along with consulting staff on priorities for the next ten years. A Councillor briefing will be held as part of this review, with the draft plan, once prepared, subject to formal community consultation.

The provision of an Aboriginal Cultural Centre already forms part of those discussions, and the final program of works, will be dependent on factors such as affordability, the developer contribution cap of \$20,000 (or \$30,000 in certain cases) and Councillor determined priorities.

COUNCILLOR RECOMMENDATION

That Council include the construction of an Aboriginal Cultural Centre in the updated Ballina Shire Open Space and Community Facilities Contributions Plan.

Attachment(s) – Nil

11.2 Notice of Motion - Support for Croquet Facility at Cawarra Park

11.2 Notice of Motion - Support for Croquet Facility at Cawarra Park

Councillor

Cr Jeff Johnson

I move

1. That Council acknowledges that a key action of the recently completed Ballina Shire Council Sport and Recreation Plan was to establish a Croquet facility at Cawarra Park.
2. The 'Sport and Rec' plan acknowledged that the Ballina Shire's existing Croquet facilities were inadequate to meet the current needs and future growth of the sport within the Ballina Shire.
3. That Council provide a letter of support for the Ballina Croquet Club's grant submission for the Club Grants Category 3 Infrastructure Grants - Sport and Recreation

Councillor Comments

The volunteers at the Ballina Croquet Club are requesting a letter of support from Council to support a grant application they will submit as part of 'Club Grants Category 3 Infrastructure Grants Sport and Recreation' for \$300,000 towards the planning and construction of a croquet facility at Cawarra Park.

Cawarra Park was identified in the Ballina Shire Council Sport and Recreation Facilities Plan 2019/21 as the recommended location for a new croquet facility in Ballina that would cater for existing and future demand of this fast growing sport.

The same planning document also recommended that the Baseball Club be relocated to Chickiba Park to co-locate with the Softball Club as that location is large enough for their space requirements, unlike Cawarra Park.

The Ballina Croquet Club was first established in 1936 and is one of the oldest and continually operating sporting groups in the Ballina Shire.

Remarkably, they have not relied on any funding from Council to construct or maintain their existing facility (which is currently being managed and maintained by the Cherry Street Bowling Club).

The main purpose of the proposed building is to service older people, particularly women, for an outdoor organised sport, being Croquet. 70% of the existing croquet members are elderly women, which is also the fastest growing population cohort in regional NSW, which includes a combination of "older retirees, pre-retirees, empty nesters, retirees, seniors and elderly"

The application being put together by the Ballina Croquet Club is supported by both croquet clubs that currently share the Hampton Park lawns. It complies with the Office of Responsible Gambling application guidelines and isn't reliant on a financial contribution from Council to be successful. A grant of \$300,000 will be applied for.

11.2 Notice of Motion - Support for Croquet Facility at Cawarra Park

The Ballina Croquet Club is a not-for-profit sporting group that would be responsible for operating and maintaining the proposed club house and future lawns.

The clubhouse would be multi-use enabling access by the croquet community, seven days per week, with other users also able to use the facility when not being used by croquet.

Justification for additional Croquet Facilities in Ballina

Ballina Shire has three croquet clubs with a total membership of 173 and three courts (two in Ballina and one in Alstonville).

The ratio is 54.6 players per court, which is well above the recommended 22 players ratios set by Australian Croquet Association and World Croquet Association.

Ballina Croquet and Cherry Street Croquet currently share the Hampton Park facility and have a combined membership of 136. With two courts that equates to 68 players per court (NSW average is 22 players per court).

Ballina Croquet has previously provided submissions to Council including a Business Case for a regional Croquet facility in support of the recommendations of the Ballina Shire Council Sport and Recreation Facilities Plan 2019/21 and addressing the urgent need for additional toilets, change rooms, a meeting room for up to 100 people to address overcrowding, all weather protection, visibility of courts, safe storage of croquet equipment, WHS needs for the elderly including disabilities including railings etc.

Croquet in Ballina is growing. Catering for potential demand is restricted due to limited facilities.

The wider Ballina community should feel very proud of the remarkable achievements of the Ballina croquet players in 2021 who have won the Victorian AC Singles Championship, the Gold Coast Singles AC Championship, the Queensland AC Open Championship Doubles, have had players selected in the NSW State Team for Golf Croquet, a runner up in the NSW GC Singles Championship, won the NSW Open Ricochet Singles Championship, placed 3rd in the NSW Open Doubles Ricochet and runners up in the Queensland Open Doubles Ricochet Championship.

The NSW State Golf Tournament was held in Ballina recently and attracted players from around the state, providing a welcome financial boost for many local businesses, particularly during the middle of winter.

The tournament was jointly organised and managed by Ballina Croquet and Cherry Street Croquet. It was a five day event with interstate competitors.

Due to the lack of a regional facility, the events had to be spread between Ballina, Byron Bay and Lismore venues. Ballina could have hosted all events with a regional croquet centre.

11.2 Notice of Motion - Support for Croquet Facility at Cawarra Park

This current grant application if successful would provide a major boost towards the construction of a regional croquet facility in Ballina and allow the sport to expand and in doing so provide a vital social and sporting activity for our aging population.

Staff Comments

The relevant extracts from the Ballina Shire Sport and Recreation Facilities Plan 2020, in respect to croquet, are as follows:

Croquet - supply overview

Existing Croquet facilities and associated clubs in the Ballina Shire are as follows:

Ref	Locality	Venue	Club/Association	Facilities	Facility hierarchy
1	Alstonville	Gap Road Fields	Alstonville Croquet Club Inc	One Court, player shelter	Local
2	Ballina	Hampton Park - Cherry Street Croquet Court	Ballina Croquet Inc Ballina Cherry Street Croquet Club	Use of clubhouse, two Courts	District

Croquet membership

Membership details for Croquet in the Ballina Shire are:

Club/organisation	2014/2015	2017/2018	Club's projected participation	Analysis of growth in relation to State and National trends
Alstonville Croquet Club Inc	22	21	Increase	At a State level, Croquet is experiencing a slight decline. At a local level it is thought that the sport is steady, due to the large proportion of residents aged above 60, in conjunction with an ageing population.
Ballina Croquet Inc	44	44	Increase	
Ballina Cherry Street Croquet Club	84	84	Increase	

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Croquet recommendations

Based on the facility needs assessment, the recommendations for Croquet within the Ballina Shire are:

Item	Recommendation
1	Undertake a cost-benefit analysis of establishing and maintaining two new croquet facilities within the Shire prior to finalising options for the relocation of Ballina Croquet Club, and the expansion of the Alstonville Croquet Club. Following the outcomes of the analysis, potential options are outlined in the following recommendations
2	Amend the Plan of Management for Hampton Park, assessing the need for additional Tennis Courts. Options to consider include the provision of additional Croquet Courts within Hampton Park, as well as upgraded clubhouse facilities
3	Based on the outcomes of the cost benefit analysis, undertake a basic master plan for the relocation of the Ballina Croquet Club to Cawarra Park. Allow the development of two Courts initially, with the capacity for expansion to four Courts into the future (when demand and funding allow)
4	Should the relocation of the Club to Cawarra Park be the preferred option, Council to establish growth targets and demonstrated financial capacity of the club prior to the future development of the 3rd and 4th Courts at Cawarra Park
5	Based on the outcomes of the cost benefit analysis, options exist to Master Plan the Gap Road site to provide improved access to clubhouse facilities and the development of a second Court
6	Ballina Cherry Street Croquet Club to negotiate with the Cherry Street Sports Club to retain use of the two Courts.

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A link to the Sport and Recreation Plan, which is available on Council's website, is as follows:

https://ballina.nsw.gov.au/files/Ballina-Shire-Sport-and-Recreation-Plan_Final-Document-March-2020-web-resized.pdf

Council has engaged a consultant to complete the cost benefit analysis, as per recommendation 1, with that report close to being finalised.

11.2 Notice of Motion - Support for Croquet Facility at Cawarra Park

Once received, the outcomes from the report will be presented to Council to determine how to proceed in respect to recommendations 3, 4 and 5 of the Sport and Recreation Plan.

One complication, is that feedback from the current Executive of the Ballina Sharks Baseball Club, is that there is now a reluctance for their club to move from Cawarra Park, to another location, as recommended in the Sport and Recreation Plan.

With respect to Cawarra Park, the preparation of a management plan in line with action EL1.2b of the 2021-2025 Delivery Program and Operational Plan is in its initial stages and is expected to progress during this financial year.

This management planning process provides for broader community and stakeholder engagement regarding the future of Cawarra Park.

COUNCILLOR RECOMMENDATIONS

1. That Council acknowledges that a key action of the recently completed Ballina Shire Council Sport and Recreation Plan was to establish a Croquet facility at Cawarra Park.
2. The 'Sport and Rec' plan acknowledged that the Ballina Shire's existing Croquet facilities were inadequate to meet the current needs and future growth of the sport within the Ballina Shire.
3. That Council provide a letter of support for the Ballina Croquet Club's grant submission for the Club Grants Category 3 Infrastructure Grants - Sport and Recreation

Attachment(s)

Nil

11.3 Notice of Motion - Royal Commission into Housing Affordability

11.3 Notice of Motion - Royal Commission into Housing Affordability

Councillor

Cr Cadwallader

I move

That Council write to the State and Federal Governments seeking their support for the establishment of a Royal Commission into the affordability and future of housing in Australia as outlined in the report titled Housing: Taming the Elephant in the Economy, from the University of NSW (June 2021).

Councillor Comments

Attached is the four page summary of this recent report that was prepared by the University of NSW, University of South Australia and University of Glasgow. Copies of the full report are easily found on the web as the report and recommendations have generated a significant amount of debate on housing affordability.

One of the key recommendations in the report is to establish a Royal Commission into housing, as this issue is so complex that it crosses over many boundaries for all levels of government.

The five key points listed at the start of the attached summary, highlight the need for State and Federal Governments to take this issue seriously. This report also highlights the need for local government to push for a Royal Commission to address the ever increasing inequality that is occurring in respect to housing.

Ballina Shire like many other cities and towns, has a growing housing shortage escalated by the unaffordability of increasing rents and property market sales. In particular, families, front line service personnel and hospitality workers within our local community are unable to compete with current trends and as such are being left unable to fill positions with a 6-12 month rental waiting list and others struggling to enter the homeowner market. Community groups are being stretched to their limits as they try to assist organisations in supporting the homeless.

Council needs to support this recommendation and work with all agencies to establish a clear pathway to resolve this issue, not only for this generation, but future generations of our Shire

COUNCILLOR RECOMMENDATION

That Council write to the State and Federal Governments seeking their support for the establishment of a Royal Commission into the affordability and future of housing in Australia as outlined in the report titled Housing: Taming the Elephant in the Economy, from the University of NSW (June 2021).

Attachment(s)

1. Housing: Taming the Elephant in the Economy (summary)

11.4 Notice of Motion - Crown Land Management Act

11.4 Notice of Motion - Crown Land Management Act

Councillor

Cr Cadwallader

I move

1. That Council work in partnership with the Minister for Water, Property and Housing (including Crown Lands), the Hon Melinda Pavey and Surf Life Saving Far North Coast Branch to escalate the urgent establishment of a Lease for the Surf Life Saving Far North Coast Branch over the Shelly Beach Surf Club building at 11 Shelly Beach Road, East Ballina NSW 2478.
2. That Council make representations to the Minister for Water, Property and Housing (including Crown Lands), the Hon Melinda Pavey, in respect to the on-going difficulties that Council is facing in providing leases and licences under the Crown Land Management Act, that is stopping organisations such as the Surf Life Saving Far North Coast Branch being able to secure tenure over the Shelly Beach Surf Club building.

Councillor Comments

The Far North Coast Surf Life Saving Branch is applying to be granted tenure of 11 Shelly Beach Road, East Ballina, as a safety and training centre. This tenure process has been ongoing for in excess of 7 years.

Council has an obligation to assist the Surf Life Saving Far North Coast (SLSFNC) Branch to establish tenure, as Council advised the SLSFNC Branch to defer the lease process to (occur) post Crown Land Management Act changes (July 2018). Advice which prevented the establishment of tenure prior to the Native Title clause, that is now in effect.

It has been noted that Native Title may affect tenure going forward and for this reason no lease has been granted to the SLSFNC Branch.

I question this hurdle – as the said building was previously a Surf Life Saving Club (Shelly Beach Surf Life Saving Club) with tenure granted under exclusive-type leases listed in Schedule 1 of the Native Title Act 1993, it is the Branch's opinion from research, that:

NSW land currently or previously covered by one of the exclusive-type leases listed in Schedule 1 of the Native Title Act 1993 cannot be claimed, as native title has been extinguished by the grant of these tenures.

Once native title has been extinguished it cannot be revived. This means that, even if the current tenure would not extinguish native title, if an extinguishing event occurred in the past the interest holders will not be affected by native title.

Regardless of hurdles, Council needs to intervene and give high priority to resolving this matter and granting tenure the SLSFNC Branch for the ongoing safety and stability of emergency services on our beaches and within our Shire.

Staff Comments

It is important to note that although Council as Crown Land Manager is unable to finalise lease arrangements, as per Reserve Trust Resolution (27 October 2016) SLSFNC have been occupying the Shelly Beach facility for a period of nine years.

In the absence of tenure, there has been no restriction or impact on the ability of SLSFNC undertaking its core operations that have been highlighted to Council and SLSFNC has continued to be supported through the provision of facilities at Shelly Beach.

The difficulty in completing the lease arrangements is a direct result of the changes to the Crown Land Management Act, which came into effect on 1 July 2018.

Council has received a detailed briefing from both staff in addition to formal advice from Dr Lindsay Taylor (Lindsay Taylor Lawyers) on the issues associated with tenure in relation to the Act. Council has continued to make representation to various Ministers and NSW Government representatives including:

- Minister for Local Government
- Minister for Lands & Forestry
- Local Government NSW
- Parliamentary Secretary for Renewable Energy, Northern NSW
- Crown Land Commissioner Richard Bush
- Office of Local Government
- Director – Native Title Department Planning Industry & Environment

Representations regarding this matter have continued, with Council having written to the Minister for Local Government in March 2021, highlighting continued concerns and seeking further assistance in obtaining a resolution. This response is currently outstanding.

With respect to the reference regarding extinguishment of Native Title, this is inconsistent with the aforementioned legal advice from Dr Lindsay Taylor.

Staff are not aware of any historically exclusive 'Schedule 1' Lease that has been issued to prior occupants of the Shelly Beach facility that would enable new tenure in compliance with the Crown Land Management Act and Native Title requirements.

If the SLSFNC feel that the absence of formal tenure is impacting its operation it may be beneficial to consider an alternative site or at the very least, informing Council what those impacts are.

The 2016 report to Council identified that there is no necessity in SLSFNC being located adjacent to the beach, with its functions predominately of an administrative nature.

A move elsewhere would open up opportunities for Council to consider alternative uses of the building, that are more beneficial to the broader community, rather than having administrative services provided from the building.

COUNCILLOR RECOMMENDATIONS

1. That Council work in partnership with the Minister for Water, Property and Housing (including Crown Lands), the Hon Melinda Pavey and Surf Life Saving Far North Coast Branch to escalate the urgent establishment of a Lease for the Surf Life Saving Far North Coast Branch over the Shelly Beach Surf Club building at 11 Shelly Beach Road, East Ballina NSW 2478.
2. That Council make representations to the Minister for Water, Property and Housing (including Crown Lands), the Hon Melinda Pavey, in respect to the on-going difficulties that Council is facing in providing leases and licences under the Crown Land Management Act, that is stopping organisations such as the Surf Life Saving Far North Coast Branch being able to secure tenure over the Shelly Beach Surf Club building.

Attachment(s)

Nil

12. Advisory Committee Minutes

12. Advisory Committee Minutes

Nil Items

13.1 General Manager - Performance Review and Contract

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

13.1 General Manager - Performance Review and Contract

Councillor

David Wright

Background

The General Manager's Performance Review Committee (PRC) comprises the Mayor, Deputy Mayor, Cr Parry and Cr Smith, as resolved by Council. The PRC met with the General Manager on Monday 12 July 2021 to perform the twelve monthly performance review for the 2020/21 financial year. The General Manager's contract renewal falls due shortly and options in respect to that contract were also discussed. This report confirms that a confidential report has been included later in this agenda in respect to these two matters

Key Issues

- Compliance with the General Manager's contract conditions

Discussion

Council is legally obliged to fulfil its contractual obligations with the General Manager. This includes a 12 monthly appraisal. Council has a number of options in managing the appraisal process. Some councils use the whole council to conduct the appraisal while other councils vary this from the Mayor only to any sub-component of the elected council. The Council and/or General Manager also have the option of utilising an external consultant to assist. The current process involves a small sub-committee (i.e. Mayor, Deputy Mayor and two Councillors) with all the Councillors then having an opportunity to comment when this report is presented to Council.

The contract renewal negotiations must also be carried out in accordance with the contract conditions, which require Council to provide notice of the contract renewal, or termination, at least six months prior to the termination date, which is 13 April 2022.

Community Consultation Policy

The performance appraisal and contract renewal discussions have been listed as confidential as they involves personnel matters.

Options

This report is for noting only with the confidential report providing the details of the performance appraisal and contract discussions.

RECOMMENDATION

That Council notes the contents of this report providing an overview of the General Manager performance appraisal process and contract renewal negotiations.

13.1 General Manager - Performance Review and Contract

Attachment(s)

Nil

13.2 Mayoral Meetings

13.2 Mayoral Meetings

Councillor David Wright

Activities I have attended, or propose to attend, as at the time of writing this report, since the June 2021 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
21/6/21	Plastic Free July and Love Your Lunch Workshop
21/6/21	Meeting – Lyn Walker
1/7/21	Teams Meeting – Local Government
4/7/21	Commemoration Park Markets
8/7/21	'C' Ward Committee
11/7/21	Commemoration Park Markets
11/7/21	Ballina Community Garden Open Day
12/7/21	General Manager - Annual Review
13/7/21	BSC Donations Working Party
14/7/21	NSW Croquet Championship
14/7/21	Briefing – Kingsford Smith Reserve Master Plan
15/7/21	Meeting – Lenkunar Hickling
15/7/21	Meeting – Mr Brice
15/7/21	Alstonville/Wollongbar Chamber of Commerce AGM
18/7/21	Ballina Markets
18/7/21	Commemoration Park Markets
19/7/21	Opening of Building Project – Richmond Christian College
19/7/21	'B' Ward Committee
20/7/21	'A' Ward Committee
22/7/21	Council Meeting
25/7/21	Commemoration Park Markets

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

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

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

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

14.1 Land Sale - Lots 2 and 3 Boeing Avenue, Ballina - EOI Update

Refer to Item 9.11 of this agenda.

14.2 General Manager - Performance Review and Contract (Confidential)

Refer to Item 13.1 of this agenda.

RECOMMENDATION

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

14.1 Land Sale - Lots 2 and 3 Boeing Avenue, Ballina - EOI Update

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

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 ongoing discussions and negotiations and the inclusion of commercial in confidence information relating to the proponents.

14.2 General Manager - Performance Review and Contract (Confidential)

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors)

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it will relate to personal matters regarding the employee's performance and contract conditions.