

# Agenda

## **Ordinary Meeting** **24 June 2021**

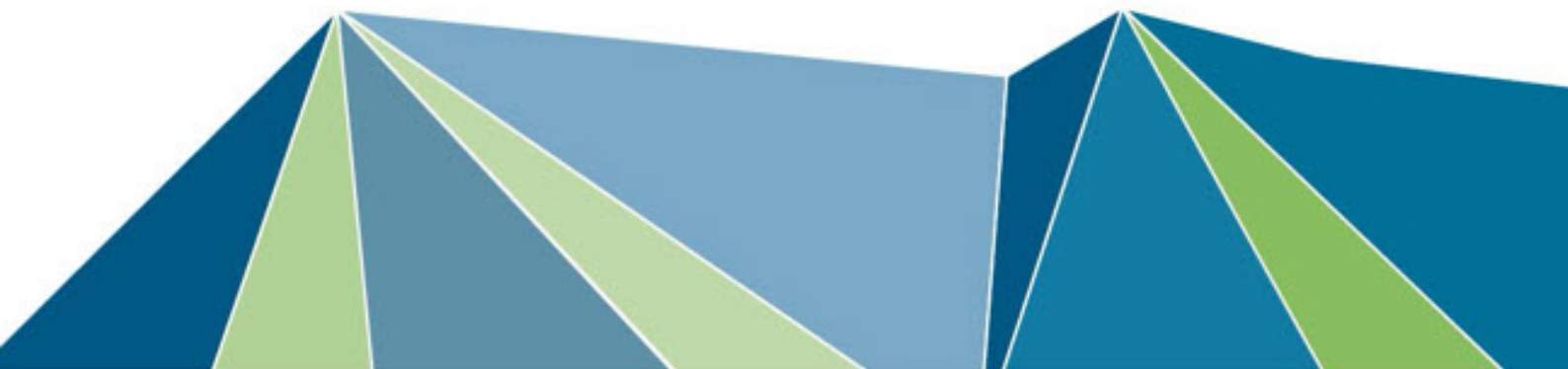
An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **24 June 2021 commencing at 9.00am.**

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 - Social distancing applies in the Public Gallery.  
You may access this meeting via our Live Streaming link  
[ballina.nsw.gov.au/agendas-and-minutes](https://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.

## Table of Contents

1.	Australian National Anthem .....	1
2.	Acknowledgement of Country .....	1
3.	Apologies.....	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations.....	1
6.	Deputations .....	1
7.	Mayoral Minutes .....	1
8.	Planning and Environmental Health Division Reports .....	2
8.1	Development Control Plan 2012 Amendment - Mosquito Management	2
8.2	LEP Amendments and Planning Proposals - Status	6
8.3	Dangerous Dog Declaration - Review	10
8.4	Development Applications - Works in Progress - June 2021	14
9.	Corporate and Community Division Reports .....	29
9.1	Use of Council Seal	29
9.2	Investment Summary - May 2021	31
9.3	Debtor Write-offs	37
9.4	Tender - Waste Transfer Centre Roof Replacement	41
9.5	Tender - Marom Creek Water Treatment Plant Upgrade	43
9.6	Tender - Pop Denison Park Playground and Park Infrastructure	47
9.7	Delivery Program and Operational Plan - Adoption	51
10.	Civil Services Division Reports .....	98
10.1	Bike Plan Projects - Priorities	98
11.	Notices of Motion.....	102
11.1	Rescission Motion - Lennox Head Lions Club Shed	102
11.2	Notice of Motion – 4WD Permits on Seven Mile Beach	107
11.3	Notice of Motion - Affordable Housing Initiative	108
11.4	Notice of Motion - Marom Creek Water Treatment Plant	110
12.	Advisory Committee Minutes .....	112
13.	Reports from Councillors on Attendance on Council's behalf.....	113
13.1	Mayoral Meetings	113
14.	Confidential Session.....	114

**DISCLAIMER ©NSW Spatial Services 2021. Although all care is taken in the preparation of plans within Council's business paper (both agendas and attachments), Ballina Shire Council accepts no responsibility for any misprints, error, omissions or inaccuracies. The information contained within each plan is for pictorial representation only and not to scale. Accurate measurements should be undertaken by survey.**

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

**1. Australian National Anthem**

The National Anthem will be played.

**2. Acknowledgement of Country**

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

**3. Apologies**

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 May 2021 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 May 2021.

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

**6. Deputations**

**7. Mayoral Minutes**

Nil Items

## **8.1 Development Control Plan 2012 Amendment - Mosquito Management**

---

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

#### **8.1 Development Control Plan 2012 Amendment - Mosquito Management**

**Section** Public and Environmental Health

**Objective** To inform Council of the outcomes of the public exhibition of proposed amendments to Mosquito Management provisions in Chapter 2 Part 3.6 of the Ballina Shire Development Control Plan 2012 and seek direction on the adoption of amendments.

---

#### **Background**

Council, at the 25 February 2021 Ordinary meeting, considered a report on draft amendments to mosquito management provisions in Chapter 2 Part 3.6 of the Ballina Shire Development Control Plan (DCP).

The review had regard for the operation of current provisions, ongoing development of new urban release areas, conservation of local wetland environments and other ecologically sensitive areas, and predicted climate change impacts.

Council subsequently resolved as follows:

- 1. That Council undertake the public exhibition of the draft amendments to the Ballina Shire Development Control Plan 2012 relating to mosquito management (as contained in Attachment 1 to this report), in accordance with the terms of the Environmental Planning and Assessment Act 1979 and the associated Regulation.*
- 2. That a further report be submitted to Council following the public exhibition of the draft amendments to the Ballina Shire Development Control Plan 2012.*

The draft amendments to the DCP were publicly exhibited for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulation.

The purpose of this report is to provide an overview of the public exhibition of the DCP amendments and seek direction on the adoption of the changes to the DCP.

Attachment 1 contains a copy of the exhibited draft DCP amendments with minor changes as a result of staff feedback.

#### **Key Issues**

- Outcomes of the public exhibition and consultation process

## **8.1 Development Control Plan 2012 Amendment - Mosquito Management**

---

- Implementation of planning provisions to reflect current understandings of mosquito risk and mitigation to minimise nuisance biting and public health risks

### **Discussion**

The review of the DCP provisions was undertaken in association with mosquito specialist Associate Professor Cameron Webb.

The key aspects of the draft amendments include:

- Combining planning objectives.
- Identification of additional development types captured by the provisions.
- Clarifying locations where buildings require screening and the need for maintenance of screening.
- Clarifying controls for development located on Coastal Plains and Lowlands, Elevated Lands and High Risk Areas as identified on the Mosquito Management Maps.
- Including the need for mosquito awareness and avoidance programs for high risk developments.
- Requirements to consider mosquito exposure when designing and locating playgrounds and other recreational facilities.
- Identification of requirements to minimise mosquito habitat when designing and constructing stormwater management devices/infrastructure and other water features such as dams and ponds.
- Requiring consistent water holding times for stormwater management devices/infrastructure of 48 hours.
- Identification of mosquito management options considered unacceptable such as the operation of an adult mosquito trapping program and the use of adult mosquito control agents (insecticides).
- Identification of permitted mosquito buffer locations and composition. This will help to ensure an unreasonable maintenance burden is not placed on Council.
- Identifying composition of mosquito impact assessments.

One public submission was received along with comments from Council staff. This submission is contained in Attachment 2. The submission was from the Mosquito Control Association of Australia, which supports and commends the DCP revision and Council for its proactive approach to mosquito management.

Staff feedback was also received during the exhibition period.

As a result of the feedback the following changes are proposed to the exhibited version of Chapter 2 Part 3.6 of the DCP. These proposed changes are shown in red in Attachment 1 of this report.

- Reference to allowing self-closing doors as an alternative to screening in high traffic areas in non-residential developments.

## **8.1 Development Control Plan 2012 Amendment - Mosquito Management**

---

- Addition of a minimum 100m wide mosquito buffer as a control measure for applicable developments on “Elevated Lands” outside the “High Risk Areas”.
- Minor changes to improve clarity of text.

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

The DCP review has been undertaken in line with Delivery Program and Operational Plan Action HE3.1u – *Review Mosquito DCP requirements and mosquito presentation measures.*

The DCP review and proposed provisions also relate more broadly to the implementation of the following Delivery Program strategies:

CC1.2 - Ensure relevant public health and safety standards are being met

HE1.1 - Our planning considers past and predicted changes to the environment

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

### **Community Consultation Policy**

The draft amendments to the DCP were publicly exhibited between 17 March and 16 April 2021 in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and associated Regulation, and Council’s Community Participation Plan.

Notification of amended DCP exhibition was included in:

- Council’s website under Council Notices and Documents on Exhibition
- Council’s e-news dated 26 March sent to 1112 recipients and posted on Council’s Facebook page
- an all staff email on 16 March
- Community engagement through a question and answer session with Associate Professor Cameron Webb on 28 March on Council’s Facebook page.

### **Financial / Risk Considerations**

The review of the DCP has been undertaken in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulation.

The amendment can be completed within existing staff and financial resources.

### **Options**

*Option 1 - Adopt and implement the draft amendments to the DCP with minor changes as exhibited.*

This approach is recommended as the comprehensive review and proposed amendments provide further direction for development outcomes to minimise nuisance biting and public health risks associated with mosquitoes.



## **8.1 Development Control Plan 2012 Amendment - Mosquito Management**

---

Under this approach, staff would proceed to incorporate the amendments into the DCP and notify the public of the date for commencement of the amended provisions.

*Option 2 – Adopt and implement draft amendments to the DCP with modifications as determined by Council.*

Council may modify the draft amendments to the DCP as presented in Attachment 1.

As outlined in the report, various amendments in response to the public exhibition have been recommended (option 1).

This option is not recommended.

*Option 3 – Decline adoption of the draft DCP provisions.*

Council may elect not to adopt and implement the proposed amendments. Given that the amendments are intended as an enhancement of the current provisions and that there are no outstanding issues arising from the submissions, this approach is not recommended.

*Option 4 – Defer a decision on the draft DCP amendments.*

Council could defer this matter in order to seek additional information. Given the nature of the submissions received and the approach taken to the construction of the amendments, including expert advice from Associate Professor Cameron Webb, this approach is not recommended.

### **RECOMMENDATIONS**

1. That Council adopts the draft amendments to the Ballina Shire Development Control Plan 2012 relating to mosquito management, as per Attachment 1 to this report.
2. That Council provide public notice of the adoption of the amendments to the Ballina Shire Development Control Plan 2012, with the amended Development Control Plan provisions to take effect from the date of publication on Council's website.
3. That Council provide a copy of the amended Ballina Shire Development Control Plan 2012, once it comes into effect, to the NSW Department of Planning, Industry and Environment as required by the Environmental Planning and Assessment Regulation.

### **Attachment(s)**

1. Draft Ballina Shire Development Control Plan Chapter 2 Part 3.6 Mosquito Management Amendments After Public Exhibition
2. Mosquito Control Association of Australia - Feedback on Ballina Shire Council Chapter 2 Part 3.6 Mosquito Management Amendments

## 8.2 LEP Amendments and Planning Proposals - Status

---

### 8.2 LEP Amendments and Planning Proposals - Status

<b>Section</b>	Strategic Planning
<b>Objective</b>	To report on the status of Local Environmental Plan amendment requests and planning proposals that are currently under consideration.

---

#### Background

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

#### Key Issues

- Status of rezoning and LEP amendment requests.

#### Discussion

##### *LEP Amendment Requests and Planning Proposals Status*

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

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

**Table 1: Status of LEP amendment requests and planning proposals**

Item	Name and Status	Summary and Notes	Completion Due
17/012	Compton Drive (No. 23), East Ballina (Complete)	Proposal to rezone part of Lot 3 DP 525783 and part of the adjacent Council owned land (Lot 1 DP 781542) on Compton Drive East Ballina from 7(d) Environmental Protection (Scenic/Escarpment) to R2 Low Density Residential, apply a 600m <sup>2</sup> minimum lot size to part of Lot 3 and 6m maximum building height to the land being rezoned R2.  This amendment was completed via Amendment No. 49 to the Ballina LEP 2012 on 19 February 2021.	Completed 19/02/2021

## 8.2 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
18/004	Reservoir Hill Site, 20 North Creek Road, Lennox Head (Stage 6)	Proposal to amend the Ballina LEP 2012 to make minor zone boundary adjustments to reflect an amended subdivision design.  Following determination of DA 2018/51, which approved the residential subdivision and associated subdivision works, the planning proposal was amended to reflect the approved subdivision layout design.  It is anticipated the matter will be reported to the July 2021 Ordinary meeting.	12/08/2021
18/005	Function Centres in Rural Areas (Stage 7)	Proposal to amend the Ballina LEP 2012 to incorporate special provisions for function centres on land within the RU2 zone and reduce the time period allowable for a temporary use under clause 2.8 Temporary Use of Land.  The planning proposal was publicly exhibited from 27 November 2020 until 15 January 2021.  The LEP amendment is currently being finalised through Parliamentary Counsel under delegation.	25/05/2021
19/002	Lennox Rise, Lennox Head (Complete)	Proposal to amend the Ballina LEP 2012 minimum lot size standard applying to parts of the site zoned R3 Medium Density zone from 600m <sup>2</sup> (currently) to 450m <sup>2</sup> (proposed).  The planning proposal was publicly exhibited from 26 November until 24 December 2020.  The amendment was completed via Amendment No. 48 to the Ballina LEP 2012 on 7 May 2021.	Completed 07/05/2021
20/001	Dwelling Entitlement Reinstatement, Teven Road, Teven (Stage 5)	Proposal to transfer a dwelling entitlement on Lot 3 Section 1 DP 758964 to an adjacent aggregation of lots through identification of these lots on the "Dwelling Opportunity Reinstatement Map" as having one dwelling opportunity. The dwelling entitlement transfer will enable a suitable development site for a dwelling.  In response to an objection lodged by the DPIE's Biodiversity and Conservation Division (BCD), the proponent has submitted a flood impact assessment. Council's engineers have reviewed the assessment and advised that further information is required to adequately address the potential impacts of flooding.  An extension of time to complete the planning proposal has been requested.	4/06/2021
20/002	6-20 Fitzroy Street, Wardell (Stage 5)	Proposal to amend the LEP to rezone the land from RU1 Primary Production to R3 Medium Density Residential and to apply a minimum lot size of 800m <sup>2</sup> .  DPIE has issued a Gateway determination allowing the planning proposal to proceed subject to conditions.  The planning proposal will be publicly exhibited from 9 June 2021 until 25 June 2021. Government agency consultation has also commenced.	09/09/2021

## 8.2 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
20/003	Stage 1 – Southern Cross Expansion, Ballina (Stage 4)	<p>Ballina Shire Council proposal for the rezoning of land northward of the existing Southern Cross Industrial Estate from its current rural zoning to enable a mixture of industrial and employment-type land uses.</p> <p>In response to advice from the Department of Planning, Industry &amp; Environment (DPIE) that no further extension of time would be granted beyond 30 January 2021, Council withdrew the 2013 planning proposal (BSCPP 13/005).</p> <p>The DPIE subsequently issued a new Gateway determination in respect to the Stage 1 rezoning of the Southern Cross Industrial Estate expansion area. This planning proposal is required to be finalised by 30 June 2021. A Gateway extension request (for a further 6 months) has been made.</p> <p>Council resolved at its May 2021 Ordinary meeting to proceed to public exhibition, following update to the flood assessment reporting.</p>	30/06/2021
21/001	46 Lindendale Road, Wollongbar (Stage 3)	<p>Proposal to amend the Ballina LEP 1987 to permit with consent a veterinary hospital, and an information and educational facility on part Lot 237 DP 755745, 46 Lindendale Road, Wollongbar.</p> <p>At its Ordinary meeting held in April 2021, Council resolved to prepare a planning proposal and submit the planning proposal to the DPIE for a Gateway determination.</p> <p>The planning proposal has been submitted to the Department of Planning, Infrastructure and Environment seeking a Gateway determination.</p> <p>Currently awaiting Gateway determination and additional information to be submitted by the proponent before the matter can be progressed to exhibition.</p>	#
<p><b>LEP Amendment Request/Planning Proposal Processing Stages</b></p> <ol style="list-style-type: none"> <li>1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council.</li> <li>2. Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council).</li> <li>3. Gateway Determination - DPIE determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination).</li> <li>4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation.</li> <li>5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment.</li> <li>5a. Public Hearing - Public Hearing held, where required.</li> <li>6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal.</li> <li>7. Finalisation - DPIE finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning and Public Spaces may finalise, alter or terminate the amendment.</li> </ol> <p># Denotes proposal number and due date subject to Gateway determination.</p> <p>The completion due date is a date determined by the Department of Planning, Industry and Environment.</p>			

## **8.2 LEP Amendments and Planning Proposals - Status**

---

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

Assessment of LEP amendment requests and planning proposals is a central part of the work program for the Strategic Planning Section.

Assessment and processing of LEP amendment requests and planning proposals is identified as an activity in Council's adopted Delivery Program and Operational Plan as follows:

- HE3.1 - Implement plans that balance the built environment with the natural environment.
- HE3.1j - Manage LEP amendment requests.

### **Community Consultation Policy**

Community engagement (including Government agency referrals) in accordance with Council's Community Participation Plan and Gateway determinations issued by the Department of Planning Industry and Environment has been, or will be, undertaken in relation to individual planning proposals.

### **Financial / Risk Considerations**

The work program associated with LEP amendment requests and planning proposals is being undertaken within existing resources. Fees are applied in accordance with Council's adopted fees and charges in relation to external requests for amendments to the LEP and processing of subsequent planning proposals.

### **Options**

The status of the LEP amendments and planning proposals outlined is provided for information.

### **RECOMMENDATION**

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

### **Attachment(s)**

Nil

### 8.3 Dangerous Dog Declaration - Review

---

### 8.3 Dangerous Dog Declaration - Review

**Section** Public and Environmental Health

**Objective** To determine whether or not a Dangerous Dog Declaration made under section 34 of the Companion Animals Act 1998 should be revoked.

---

#### **Background**

Council has received a request to revoke a dangerous dog declaration that was made under the Companion Animals Act 1998 (the Act). The declaration relates to a Bull Terrier (Staffordshire) named "Daisy" with Microchip No. 982000356639941. The request for the declaration to be revoked has been made by Daisy's current owner.

In relation to a dog, the meaning of "dangerous" is defined under Section 33 of the Act and is outlined below:

#### **33 Meaning of "dangerous"**

- (1) *For the purposes of this Act, a dog is **dangerous** if it—*
  - (a) *has, without provocation, attacked or killed a person or animal (other than vermin), or*
  - (b) *has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin), or*
  - (c) *(Repealed)*
  - (d) *is kept or used for the purposes of hunting.*
- (2) *A dog is not, for the purposes of subsection (1) (d), to be regarded as being kept or used for the purposes of hunting if it is used only to locate, flush, point or retrieve birds or vermin. **Vermin** for the purposes of this subsection includes small pest animals only (such as rodents).*

Daisy was declared to be a dangerous dog by Campbelltown City Council on 12 August 2016 following an incident involving another dog and the death of a cat (Attachment 1). There have been no further attacks involving 'Daisy' on record despite it appearing she was not kept in compliance with the dangerous dog requirements.

In January 2020 'Daisy' was seized by the RSPCA following cruelty and neglect concerns and complaints about roaming. It appears that the RSPCA did not include the dangerous dog declaration on Daisy's file and following veterinary treatment Daisy was assessed as a good candidate for rehoming.

Daisy passed the veterinary and temperament checks and was subsequently adopted by the current owner. The current owner only became aware of the dangerous dog declaration when he tried to change Daisy's registration into his name.

The RSPCA has been trying to assist the owner resolve this matter since, (see Attachments 2, 3, 4 and 5 for various statements and temperament assessment information). Daisy came to Council's attention when she was found roaming and was impounded by Council's Rangers on 16 April 2021.

### 8.3 Dangerous Dog Declaration - Review

---

Council has now received a representation from the dog owner requesting the declaration be revoked. Council can revoke the declaration under the terms of the Act as follows.

#### **Section 39 Council can revoke declaration**

- (1) *The owner of a dog that has been declared a dangerous dog or a menacing dog under this Division can apply to the council of the area in which the dog is ordinarily kept (whether or not it is the council whose authorised officer made the declaration) for the declaration to be revoked.*
  - (1A) *An application under subsection (1) cannot be made until after the period of 12 months following the date on which the dog was declared to be a dangerous dog or a menacing dog.*
  - (2) *The council to which the application is made may revoke the declaration but only if satisfied that:*
    - (a) *it is appropriate to do so, and*
    - (b) *if the council determines that it is necessary—the dog has undergone appropriate behavioural training.*
  - (2A) *In making a determination under subsection (2) (a) in relation to a menacing dog declaration, the council is to have regard to the nature and extent of any behavioural training that the dog has undergone.*
- (2) *The council must, as soon as practicable, give notice to the owner of the dog that the declaration has been revoked or that the council has refused to revoke the declaration.*

The current application is supported by the submission of Daisy's owner, (Attachment 5), a letter from the RSPCA (Attachment 2), and two temperament assessments from qualified canine assessors (Attachments 3 and 4).

The purpose of this report is to provide an outline of the circumstances and determine whether to revoke the declaration of Daisy as a dangerous dog.

#### **Key Issues**

- Public safety and public interest
- Potential injury should declaration be lifted and there is an incident
- Ongoing implications for the dog and owner in complying with the requirements of keeping a dog declared dangerous

#### **Discussion**

Dangerous dog declarations impose mandatory requirements on the owners of such dogs. The requirements are designed to protect public safety and the safety of other animals. The requirements substantially restrict the freedom of the dog and hence the lifestyle of the owner and the ability to enjoy the dog.

A dangerous dog declaration can only be revoked by a resolution of council and not until after the expiration of a period of 12 months following the date on which the dog was declared to be dangerous.

Section 39(2) of the Act stipulates that the council must be satisfied that it is appropriate to revoke a dangerous dog declaration before doing so.

### **8.3 Dangerous Dog Declaration - Review**

---

The owner of a dog can appeal to the Local Court against a refusal by a council to revoke a declaration that a dog is dangerous within 28 days of the notice by the council that it has refused to revoke the declaration.

With respect to the current declaration, Council has issued a "Compliance Certificate" as required under the Act for the enclosure that Daisy must be kept in, whilst the declaration is in force. That is, Council is presently satisfied that Daisy's enclosure is suitable in relation to the requirements for the keeping of a dangerous dog.

Other than roaming complaints prior to the RSPCA seizure, there are no further incidents associated with Daisy since the one recorded on 9 July 2016. As she was with another dog at the time of the incident there appears to be some uncertainty as to what involvement each dog had in the death of the cat.

In terms of lifting the declaration, the RSPCA also point out in their letter that Daisy's living conditions are now vastly different to those at the time of the dangerous dog declaration and she appears to now be kept by responsible owners.

In summary, it is recommended that the dangerous dog declaration applying to Daisy be revoked having regard for the following:

- Two satisfactory temperament assessments.
- Support of the NSW RSPCA in revoking the declaration.
- Council Ranger support for revoking the declaration.
- The statement from the owner of Daisy.

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

This matter relates to the following aspects of Council's Delivery Program and Operational Plan:

CC.1.1 actively promote safety and wellbeing strategies.  
CC1.1e Provide rapid responses to reported dog attacks.  
CC1.2 Ensure relevant public health and safety standards are being met.

#### **Community Consultation Policy**

Consultation has occurred with the canine behaviour assessors, RSPCA, Council Rangers and the dog owner in seeking information for this report.

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

The imposition of a dangerous dog declaration has a significant impact on the life of both a dog and its owner.

Dangerous dogs are a risk to other animals and the public and the companion animal legislation was created in response to the number, frequency, and severity of dog attacks across the State.

If Council is inclined to revoke the declaration, it is important to be satisfied that there is sufficient information to form the basis for this decision.



### **8.3 Dangerous Dog Declaration - Review**

---

Information supporting the applicant's request is contained in Attachments 2, 3, 4 and 5.

Should Council not revoke the declaration, the applicant may appeal the decision in the Local Court.

#### **Options**

The options available to Council are to revoke the declaration, refuse the request or defer a decision to seek additional information.

Based on the available information, including that provided by the RSPCA and the current owner, the recommendation is to support the revocation of the declaration.

Under the recommended approach, there is a notification requirement under the Companion Animals Act 1998.

Conformity with this requirement is embodied in the recommendations, along with a recommendation for the issue of educational information to Daisy's owner in connection with the revocation of the declaration.

#### **RECOMMENDATIONS**

1. That based on the evidence presented in this report, Council endorses the revocation of the Dangerous Dog Declaration dated 12 August 2016 issued to Daisy, microchip No. 9820000356639941.
2. That the owner of Daisy and the Director General for Local Government be advised that the declaration has been revoked in accordance with the requirements of Section 40 of the Companion Animals Act 1998.
3. That Council issue a letter to the owner of Daisy highlighting their responsibilities as a dog owner under the Act.

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

1. Dangerous Dog Declaration 'Daisy' 15 August 2016
2. Report from RSPCA 'Daisy O'Sullivan' history
3. D Cole Temperament Assessment 'Daisy O'Sullivan'
4. G Casper Temperament Assessment 'Daisy O'Sullivan'
5. Statutory Declaration - Owner - 'Daisy O'Sullivan'

## 8.4 Development Applications - Works in Progress - June 2021

### 8.4 Development Applications - Works in Progress - June 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](http://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	New amended proposal received 9 June 2021  To be re-exhibited
2018/554	13/9/2018	Ardill Payne & Partners	Change of Use to Establish a Depot – Removalist Business and Associated Signage – 6 Waverley Place, West Ballina	Awaiting additional information
2018/630	16/10/2018	Ardill Payne & Partners	To establish a detached dual occupancy and associated works involving the change of use of an existing shed to a dwelling (retrospective). The application is supported by a variation to a development standard request to enable the proposed dual occupancy to be detached rather than attached to the existing dwelling house as required by Clause 14 of the Ballina Local Environmental Plan 1987 – 218 Old Byron Bay Road, Newrybar	Determination pending
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

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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
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 <sup>2</sup> each and Proposed Lot 3 with an area 1,092m <sup>2</sup> ), 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

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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
2020/244	23/4/2020	Northern Rivers Land Solutions	Three Lot Torrens Title Subdivision to create one x 800m <sup>2</sup> , one x 860m <sup>2</sup> and one x 1,084m <sup>2</sup> allotments, filling and retaining works, vegetation removal, riverbank stabilisation works, infrastructure servicing and associated works – 23 Richmond Street, Wardell	Being assessed
2020/306	21/5/2020	Town Planning Alliance Pty Ltd	Demolition of a dwelling, tree removal and construction of a two storey dwelling and associated earthworks, a swimming pool and a tennis court including works forward of the rural building line - 172 Old Byron Bay Road, Newrybar	Determination pending
2020/364	12/6/2020	Ardill Payne & Partners	Boundary adjustment subdivision of two lots to create two modified lots comprising one proposed 1.3ha and one 17.3 ha allotments - 13 Kamala Place, Tintenbar	Determination pending
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
2020/450	20/7/2020	Ray Cavill	Establishment of an information and education facility (art gallery and studio) comprising conversion of existing church building to gallery space, erection of pottery studio, kiln shed, ancillary amenities including caretaker's accommodation and associated infrastructure works – 36 Rous Mill Road, Rous Mill	Being assessed  To be determined by Council Resolution No: 270820/10
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

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Awaiting additional information
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	Awaiting additional information
2020/591	14/9/2020	Newton Denny Chapelle	Subdivision comprising the creation of 25 industrial lots ranging in size from 1,181m <sup>2</sup> to 4,493m <sup>2</sup> , one residue lot of 4.13hectares and associated infrastructure servicing and bulk earthworks – 25-39 Boeing Avenue and Corks Lane, Ballina	Awaiting additional information
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	Being assessed
2020/641	20/9/2020	Northern Rivers Land Solutions	Two lot boundary adjustment subdivision to create one x 17.1ha and one x 36.7 ha allotments – 9 Houghlahans Creek Road and 1668 Eltham Road, Teven	Determination pending
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
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
2020/743	9/11/2020	Richmond Hill Holdings Pty Ltd	Construction of carport, new driveway and 1.8m high boundary fence – 42 Riverside Drive, West Ballina	Referred to Government Department

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Being assessed
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
2020/779	24/11/2020	A J Sharpe	Alterations and additions to a dwelling comprising of a second storey addition, a swimming pool and front boundary fencing, 31 Daintree Drive, Lennox Head	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.	Awaiting additional information
2020/789	26/11/2020	Ardill Payne & Partners	Construction of a carport – 55 Survey Street, Lennox Head	Referred to Government Department
2020/797	30/11/2020	R N Lloyd	Construction of a carport – 106 Riverside Drive, West Ballina	Being assessed
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	Awaiting additional information

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Being assessed
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	Awaiting additional information
2020/869	24/12/2020	Newton Denny Chapelle	Relocation of heritage items including Croquet clubhouse from Lumley Park to the Alstonville Showgrounds, construction of new shed for storage of relocated heritage items at the Alstonville Showgrounds and associated works – 2 Pearces Creek Road and 22-40 Commercial Road, Alstonville	Determination pending
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
2020/876	24/12/2020	C Heath	Construction of a carport – 25 Richmond Street, Wardell	Awaiting additional information
2021/10	7/1/2021	Tim Fitzroy & Associates	Construction of a Storage Premises Comprising Six Storage Units and Associated Works – 11 Simmons Street, Ballina	Determination pending

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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
2021/26	14/1/2021	W Meyers	Construction of a carport – 58-60 Riverview Avenue, West Ballina	Awaiting additional information
2021/24	13/1/2021	SJ Templeton & N Goodwin	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 – 32 Rainforest Way, Lennox Head	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	Awaiting additional information
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	Awaiting additional information
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	Being assessed
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



## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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
2021/62	29/1/2021	Victor Holmes Town Planning	Erection of a single storey dual occupancy (attached) for the purposes of providing accommodation for persons with a disability under the provisions of State Environmental Planning Policy (Housing for Seniors and Persons with a Disability) 2004, demolition of existing buildings, earthworks and vegetation removal – 39 Kerr Street, Ballina	Awaiting additional information
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
2021/77	3/2/2021	Town Planning Alliance Pty Ltd	Construction of three storey dwelling and a swimming pool and associated earthworks and retaining walls – 50 Seaside Avenue, Skennars Head	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
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
2021/117	22/2/2021	Newton Denny Chapelle	Two lot Torrens title subdivision to create one 2.56 hectare and one 2,000m <sup>2</sup> allotments – 419 Hinterland Way, Knockrow	Awaiting additional information
2021/129	25/2/2021	Newton Denny Chapelle	To increase alfresco dining area – 63-65 Ballina Street, Lennox Head	Awaiting additional information

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/134	01/03/2021	S P Post	Alterations and additions to existing building – 5 River 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	Awaiting additional information
2021/150	4/3/2021	R Walsh	Subdivision of three existing lots to create two modified lots comprising one 1,461m <sup>2</sup> and one 1,578m <sup>2</sup> 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
2021/158	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
2021/165	04/03/2021	Ardill Payne & Partners	Change of Use – General Industry to Recreation Facility – 29 Cessna Crescent Ballina	Determination pending
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	Awaiting additional information
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	Awaiting additional information
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
2021/210	22/03/2021	Ardill Payne & Partners	Strata title subdivision of an existing attached dual occupancy – 20 Calnan Crescent Cumbalum	Awaiting additional information

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Awaiting additional information
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 Gallens Road, Ballina	Being assessed
2021/231	30/3/2021	Ardill Payne & Partners	Earthworks to establish two fill pad sites and the erection of a shed upon one of the proposed fill sites – 12 River Drive, East Wardell	Determination pending
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	Awaiting additional information
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

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/261	12/4/2021	A N Goldie	Two lot Strata Title subdivision to create one 457m <sup>2</sup> lot containing the existing dwelling house (Proposed Lot 1) and one 294m <sup>2</sup> vacant lot (Proposed Lot 2) – 30 Chilcott Circuit, Cumbalum	Awaiting additional information
2021/264	12/4/2021	B F Wappett	Vegetation Management Works comprising the removal of one tree – 30B Teven Road, Alstonville	Being assessed
2021/270	13/4/2021	Ardill Payne & Partners	Change of use to establish a Recreation Facility (Indoor) – 20-22 De-Havilland Crescent, Ballina	Awaiting additional information
2021/281	16/4/2021	Ardill Payne & Partners	Earthworks to establish two fill pad sites and the erection of a shed upon one of the proposed fill sites – 4 Hunter Street, East Wardell	Determination pending
2021/282	16/4/2021	Ardill Payne & Partners	Earthworks to establish two fill pad sites and the erection of a shed upon one of the proposed fill sites – 8 River Drive, East Wardell	Determination pending
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
2021/288	20/4/2021	Northern Rivers Sheds	Erection of 15m x 33m Farm Shed - 46 Red Lane, Rous	Awaiting additional information
2021/297	22/4/2021	Northern Rivers Surveying Pty Ltd	Change of use from an approved farm building to a dwelling to create a Dual Occupancy development - 119 Ellis Road, Alstonville	Awaiting additional information
2021/299	22/4/2021	BASEC Engineering	River bank stabilization works – 168 Pearces Creek Road, Alstonville	On Exhibition and Referred to Government Departments
2021/300	22/4/2021	GM Project Development & Management	Subdivision to create one 1364m <sup>2</sup> and one 659m <sup>2</sup> allotments and associated works – 33 Midway Avenue, Wollongbar	On exhibition

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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	On exhibition
2021/302	22/4/2021	Benoof Pty Ltd	Erection of a farm shed and associated use – Lot 11 Pimlico Road, Pimlico	Awaiting additional information
2021/303	23/4/2021	Certifiers 2U	Establishment of a Dual Occupancy (detached) involving the relocation of a second dwelling and associated works – 41 Dalwood Road, Dalwood	Awaiting additional information
2021/304	23/4/2021	Ballina Slipway & Marine Services Pty Ltd	Boat Ramp and Pontoon – 34 Smith Drive, West Ballina	On exhibition
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
2021/308	23/4/2021	Evolve Planning Services Pty Ltd	Erection and Strata Title Subdivision of an attached Two Storey Dual Occupancy – 46 Habitat Way, Lennox Head	Being assessed
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	Referred to Government Departments
2021/321	29/4/2021	Ocean Shire Development s Pty Ltd T/A Stroud Homes	Erection of a detached Dual Occupancy and associated works – 72 Habitat Way, Lennox Head	Being assessed
2021/324	30/4/2021	Newton Denny Chapelle	To establish a liquid fuel depot – Lot 228 Teven Road, West Ballina	On exhibition
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	On exhibition
2021/328	3/5/2021	Planners North	Alterations and Additions to Existing Golf Driving Range Facility – 119 Smith Drive, West Ballina	On exhibition and Awaiting additional information
2021/332	3/5/2021	Ardill Payne & Partners	Erection of a Farm Shed and associated works – 267 Alcorn Road, Knockrow	Being assessed

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/335	3/5/2021	Newton Denny Chapelle	To establish a dual occupancy comprising the erection of a second dwelling and garage and associated works - 313 Marom Creek Road, Meerschaum Vale	Being assessed
2021/336	3/5/2021	Newton Denny Chapelle	Erection of an attached two storey dual occupancy and Strata Title subdivision including demolition of existing dwelling house and shed – 4 Fern Street, Lennox Head	On exhibition
2021/338	4/5/2021	Ardill Payne & Partners	To establish a dual occupancy comprising the change in use of an existing shed to a dwelling and associated works – 276 Friday Hut Road, Tintenbar	Being assessed
2021/341	4/5/2021	Balanced Systems Planning Consultants	Alterations and additions to existing dwelling house and erection of a shed and associated works - 51 Old Byron Bay Road, Newrybar	Being assessed
2021/344	5/5/2021	J McBurney	Vegetation Management Works comprising the removal of four trees – 1 Mimosa Court, Wollongbar	Being assessed
2021/347	6/5/2021	S Davis	Erection of Farm Shed with toilet and shower – Lot 2 Wardell Road, Wardell	Awaiting additional information
2021/350	7/5/2021	B Thomas	Erection of a Farm Building – greenhouse - 901 Wardell Road, Meerschaum Vale	Being assessed
2021/352	10/5/2021	Stroud Homes	Erection of an attached dual occupancy and associated works – 38 Habitat Way, Lennox Head	Awaiting additional information
2021/353	10/5/2021	Metricon Homes Qld P/L	Construction of a single storey dwelling and associated earthworks – 1248 Wardell Road, Wardell	Being assessed
2021/355	11/5/2021	H Joris	Vegetation Management Works comprising the removal of one tree – 43 Chickiba Drive, East Ballina	Being assessed
2021/356	11/5/2021	I Newton	Erection of a detached dual occupancy – 51 Dou-jea Lane, Lynwood	Being assessed
2021/361	12/5/2021	D Pollock	Vegetation Management Works comprising the removal on one tree – 22 Valley Drive, Alstonville	Being assessed
2021/364	14/5/2021	Perry Homes	Erection of an attached single storey dual occupancy and associated works – 12 Darcey Avenue, Cumbalum	Being assessed
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	Being assessed
2021/370	17/5/2021	Kokin Family Pty Ltd	Partial change of use from restaurant to retail premises – 37-41 Cherry Street, Ballina	Being assessed
2021/378	20/5/2021	Newton Denny Chapelle	Change of use / internal building works – 133 Hutley Drive, Lennox Head	Being assessed

## 8.4 Development Applications - Works in Progress - June 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/379	20/5/2021	Planit Consulting Pty Ltd	Change of use within Shops 9 and 10 from a recreation facility (indoor) to commercial premises and associated building alterations – 90-92 Ballina Street, Lennox Head	Being assessed
2021/380	20/5/2021	C Steinmann	Vegetation Management Works comprising the removal of one tree - 8 Fig Tree Place, East Ballina	Being assessed
2021/384	20/5/2021	M Hajjar	Strata Title subdivision of an Approved Dual Occupancy – 107 Crane Street, Ballina	Being assessed
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	On exhibition
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	On exhibition
2021/391	24/5/2021	Vision Town Planning	Change of use to establish a veterinary hospital - 102/274 River Street, Ballina	Being assessed

### 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

#### 8.4 Development Applications - Works in Progress - June 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 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/10	<p>That Council, as Crown Land Manager ('CLM') for the Lumley Park Reserve (R57670), the Ballina Saunders Park Reserve (R83963), Williams Reserve (82927) and the Kingsford Smith Reserve (R82164) affix the Common Seal to the following:</p> <p><b>Crown Temporary Licences:</b></p> <p>12 month short-term Licence between Council as CLM (R57670) and the Alstonville Tennis Club for part Lot 333 in DP755745 and whole Lot 7004 in DP92641, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p> <p>12 month short-term licence between Council as CLM (R83963) and The Ballina Community Gardens Inc for part lot 4 DP1153430, at a statutory minimum rental, commencing 27 August 2021 to 26 August 2022.</p> <p>12 month short-term licence between Council as CLM (R83963) and Ballina Devils Archers Inc for part lot 495 DP729297, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p> <p>12 month short-term Licence between Council as CLM (R82927) and Lennox Combined Sports Association Inc for part lot 473 in DP 729088, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p> <p>12 month short-term Licence between Council as CLM (R82164) and the Ballina Seagulls Rugby League Club (or other incorporated entity as directed by the Club) for lot 153 DP1098090, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p> <p>12 month short-term Licence between Council as CLM (R82164) and the Ballina Netball Association Inc for part lot 7064 DP 1118403, at a statutory minimum rental, commencing 19 June 2021 to 18 June 2022.</p> <p>12 month short-term Licence between Council as CLM (R82164) and the Tintenbar East Ballina Cricket Club (or other incorporated entity as directed) for part lot 7064 in DP 1118403, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p>
-------	---

## 9.1 Use of Council Seal

	<p>12 month short-term Licence between Council as CLM (R82164) and Ballina RSL Club Marine Modellers for part lot 7064 DP 1118403, at a statutory minimum rental, commencing 1 July 2021 to 30 June 2022.</p> <p><b>Explanation</b> The NSW State Government has provided a 12 month transition period for councils managing Crown reserves under the Crown Land Management Act 2016, which commenced on 1 July 2018. Under the new framework, Council as Crown Land Manager can issue a short-term licence under s 2.20 of the Act for a maximum period of 12 months.</p>
US/11	<p>Short-term licence agreement between Council as Crown Land Manager of Reserve 82164 and Ms Cornelia Burless (trading as Ballina Farmers Market) to operate a weekly (Sunday) farmers' market at Commemoration Park, Ballina for the period 1 July 2021 to 30 October 2021.</p> <p><b>Explanation</b> Council endorsed the current market management arrangements for the Ballina Farmers Market at the Ordinary meeting held 23 February 2017 for a three year period ending June 2020.</p> <p>In June 2020, at the request of the manager of the market, an extension to the current license period due to the impacts of the COVID-19 pandemic was granted for a period of 12 months.</p> <p>In order to enable time for the re-issue of the EOI process, the extension of the current market management license arrangements for a period of a further three months is requested, and considered reasonable under the circumstances.</p>

### Attachment(s)

Nil

## 9.2 Investment Summary - May 2021

---

### 9.2 Investment Summary - May 2021

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

---

#### **Background**

In accordance with the Local Government Financial Regulations, the Responsible Accounting Officer of a Council must provide a monthly investments report setting out Council's cash and investments.

The report is to be presented at the Ordinary Council meeting, immediately following the end of the respective month. This report has been prepared for the month of May 2021.

#### **Key Issues**

- Compliance with Investment Policy

#### **Discussion**

As at 31 May 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 31 May 2021 was \$89,300,000, consistent with the balance as at 30 April 2021.

Council's investments as at 31 May were invested at an average (weighted) interest rate of 0.726%, which was 0.686% above the May average 90 Day Bank Bill Index of 0.040%.

The balance of the Commonwealth Bank business account as at 31 May 2021 was \$11,678,642.

The net movement in the investment portfolio and bank account balances since 30 April was an increase of \$6.39 million. This was partially due to the receipt of a number of large developer contributions payments and the quarter four Financial Assistance Grant payment. Whilst there was also an intention to increase liquidity in readiness for loan repayments totaling \$2.854 million in June 2021, the end-of-month balance was still higher than initially forecast.

On 31 May 2021, Council's cash position enabled an investment of \$3.0 million for a term of 120 days. The Investment Officer requested quotations from the market, receiving declines to quote from four fossil fuel free institutions; a quoted interest rate of 0.10% from one fossil fuel free building society, and quoted rates of 0.30% and 0.10% from two fossil-fuel aligned banks. Whilst the investment in the fossil fuel aligned term deposit at 0.30% was permitted by the Investment Policy (due to the rate being more than 0.05% higher than the highest fossil fuel free investment rate), Council staff decided to hold from investing and re-see quotations over the next two days. Consequently, this meant a higher bank account balance at month-end.

## 9.2 Investment Summary - May 2021

On Tuesday 2 June 2021, Council invested the \$3 million at 0.23% in a term deposit with IMB Ltd. In addition to explaining the bank account balance at month-end, this detailed account has been included in this report to highlight the current difficulties faced in obtaining quotes from the market, particularly from fossil fuel free institutions.

TCorp's Weekly Economic Report for the week ending 31 May 2021 can be reviewed online using the following link:

<https://www.tcorp.nsw.gov.au/resource/310521.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.

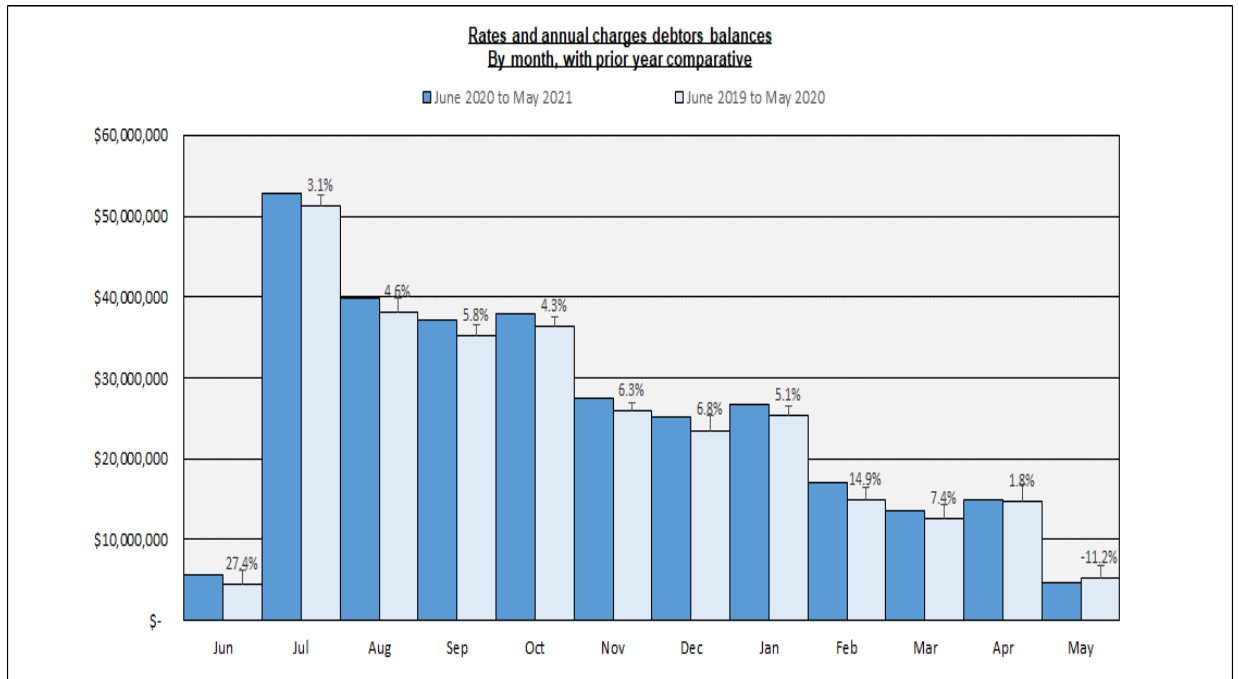
Reserve Name	Restriction	% Portfolio*
Wastewater (incl developer contributions)	External	13.3%
Water (incl developer contributions)	External	21.9%
Section 7.11 Developer Contributions	External	13.4%
Bonds and Deposits	External	4.6%
Other External Restrictions	External	1.9%
Carry Forward Works	Internal	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%
<b>Total</b>		<b>100.00%</b>

\* Reflects reserves updated as at 30 June 2020.

The following chart shows the monthly balance of rates and annual charges debtors for the 12 month period ended 31 May 2021 and the percentage variance, in comparison to the prior 12 month period ended 31 May 2020.

Debtors as at 31 May 2021 were 11.2% lower than the balance as at 31 May 2020.

## 9.2 Investment Summary - May 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%	6.2%
Auswide Bank	Yes	BBB	Baa2	3,000	2,000	10%	2.2%
Bank of China	No	A	A1	5,000	5,000	20%	5.6%
Bank of Communications	No	A-	A2	1,000	1,000	20%	1.1%
Bank of Queensland	No	BBB+	A3	6,000	6,000	10%	6.7%
Bendigo & Adelaide Bank	Yes	BBB+	A3	6,000	6,000	10%	6.7%
Commonwealth Bank	No	AA-	Aa3	4,000	4,000	20%	4.5%
Commonwealth Bank (Green)	Yes	AA-	Aa3	11,000	11,000	20%	12.4%
Credit Union Australia	Yes	BBB	Baa1	600	600	10%	0.7%
Defence Bank Ltd	Yes	BBB	Baa1	5,000	5,000	10%	5.6%
IMB Ltd	Yes	BBB	Baa1	4,000	1,000	10%	1.1%
ME Bank	Yes	BBB	Baa1	6,500	7,500	10%	8.4%
Macquarie Bank Limited	No	A+	A2	1,000	1,000	20%	1.1%
My State Bank Ltd	Yes	BBB+	Baa1	-	1,000	10%	1.1%
National Australia Bank	No	AA-	Aa3	9,000	6,000	20%	6.7%
Newcastle Perm Build Society	Yes	BBB	A3	2,700	2,700	10%	3.0%
Suncorp Limited	Yes	A+	A1	5,300	8,300	20%	9.3%
Teachers Mutual Bank Ltd	Yes	BBB	Baa1	700	700	10%	0.8%
Westpac Bank Corp	No	AA-	Aa3	13,000	13,000	20%	14.6%
Westpac Bank Corp (Green)	Yes	AA-	Aa3	-	2,000	20%	2.2%
<b>Total</b>				<b>89,300</b>	<b>89,300</b>		<b>100%</b>

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value Previous	Value Current	% Previous	% Current
	%	Value				
A- or Higher	100%	89,300	49,300	51,300	55.2%	57.4%
BBB	60%	53,580	40,000	38,000	44.8%	42.6%
<b>Total</b>			<b>89,300</b>	<b>89,300</b>	<b>100%</b>	<b>100%</b>

## 9.2 Investment Summary - May 2021

### 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	44,500	49	41,500	46
Fossil Fuel Free Investments	33,800	39	34,800	39
Green Investments	11,000	12	13,000	15
<b>Total</b>	<b>89,300</b>	<b>100</b>	<b>89,300</b>	<b>100</b>

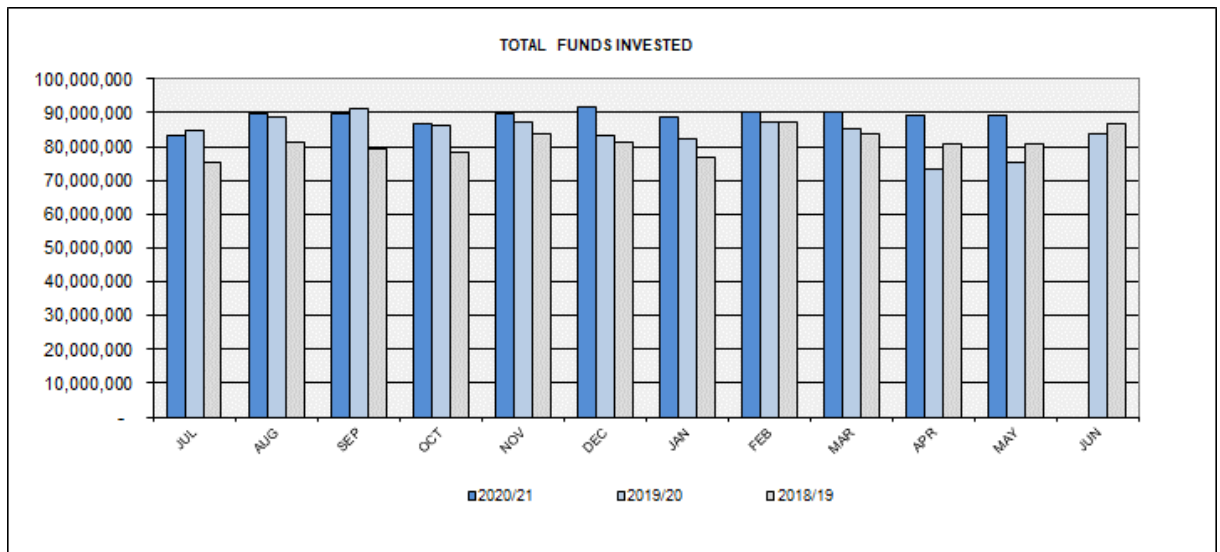
In May 2021, investments totaling \$7.0 million reached final maturity, including one fossil fuel aligned term deposit of \$3.0 million.

Four new investments were drawn totaling \$7.0 million and comprised three investments in fossil fuel free term deposits and one new green deposit.

During the month, seven Floating Rate Note (FRN) investments totaling \$10.0 million rolled. This included \$7.0 million invested with fossil fuel aligned institutions.

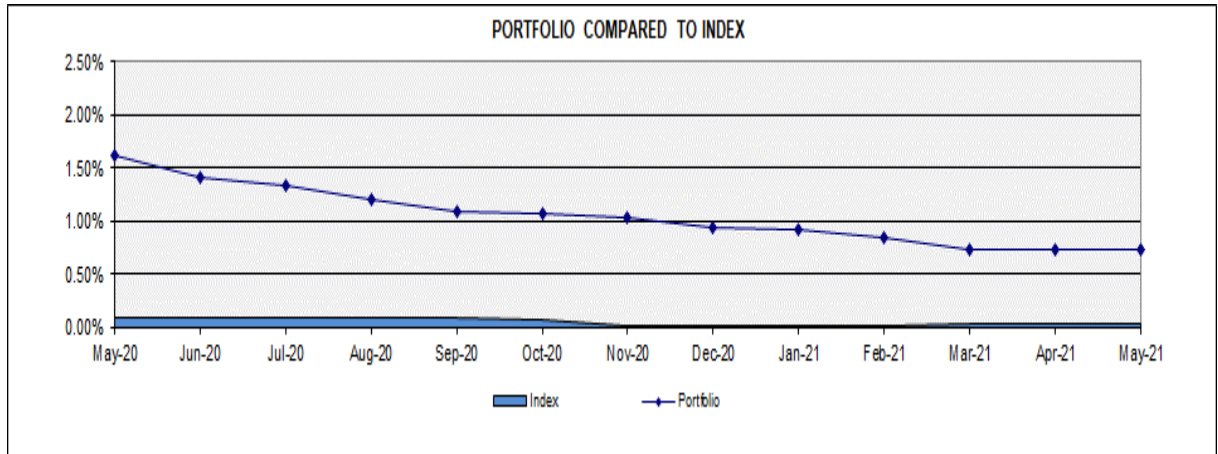
The rolled FRNs will be held until their final maturity dates which are between September 2021 and February 2026.

### C. Monthly Comparison of Total Funds Invested

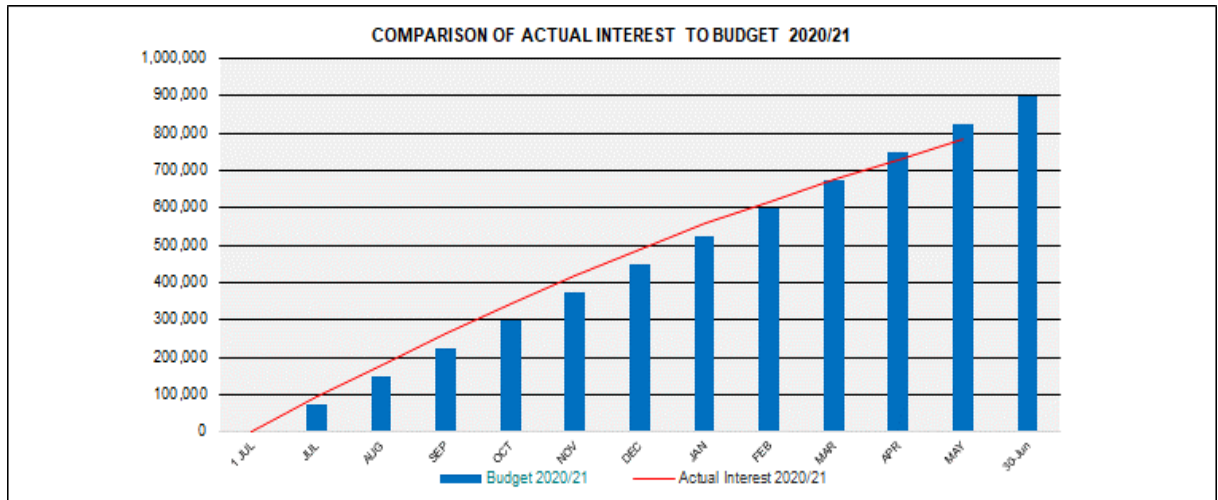


## 9.2 Investment Summary - May 2021

### D. Comparison of Portfolio Investment Rate to 90 Day BBSW



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



### F. Investments held as at 31 May 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
17/06/2016	Commonwealth Bank of Australia	FRN	1.0800%	17/06/2021	1,000	1,000
30/06/2016	Commonwealth Bank of Australia	FRN	1.0700%	30/06/2021	1,000	1,000
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	1.41%	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	Credit Union Australia	FRN	1.29%	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	1.12%	10/09/2021	1,500	1,500
11/01/2019	Commonwealth Bank of Australia	FRN	1.17%	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	1.12%	10/09/2021	2,000	2,000
26/08/2019	AMP Bank	FRN	1.12%	10/09/2021	1,000	1,000
28/10/2019	Bank of Communications	FRN	0.9300%	28/10/2022	1,000	1,000

## 9.2 Investment Summary - May 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
4/06/2020	Bank of China	TD	0.9500%	1/06/2021	2,000	2,000
10/06/2020	Bank of China	TD	0.9200%	8/06/2021	1,000	1,000
24/06/2020	Bank of China	TD	0.9500%	23/06/2021	2,000	2,000
29/06/2020	Bank of Queensland	TD	1.0500%	22/06/2021	1,000	1,000
29/06/2020	Bank of Queensland	TD	1.0500%	28/06/2021	2,000	2,000
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	0.6300%	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
24/05/2021	ME Bank	TD	0.5000%	17/05/2022	1,000	1,000
	<b>Totals</b>				<b>89,300</b>	<b>89,300</b>
	TD = Term Deposit	FRN = Floating Rate Note				

### RECOMMENDATION

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

### Attachment(s)

Nil



### 9.3 Debtor Write-offs

---

#### 9.3 Debtor Write-offs

<b>Section</b>	Financial Services
<b>Objective</b>	To obtain Council approval to write off debts considered uneconomical to pursue.

---

#### **Background**

There are two matters presented in this report, with Council staff assessment being that these debts are considered uneconomical to pursue.

#### *Matter One – Individual Private Works Debtor*

The first matter relates to a private works debtor.

In November 2019, Council responded to a motor vehicle accident on Headlands Drive in Skennars Head, where street signs had been damaged by the driver.

Council issued a private works invoice for the replacement of the street signs. The invoice remains unpaid and the total debt is \$1,026.72.

Council staff have been unsuccessful in attempts to recover this debt and the purpose of this report is to obtain approval to write-off the debt.

#### *Matter Two – Ballina Seagulls Rugby League Football Club Ltd*

This matter was previously reported to the Finance Committee Meeting of 7 April 2021 where it was recommended as follows:

*That in respect to matter two, being the rates and charges arrears for the Ballina Seagulls Rugby League Football Club Ltd, Council approves a write-off of interest charges only, being \$92.24 for Assessment 109210, with the General Manager authorised to provide the Club with the opportunity to enter into a suitable payment plan, including possible debt write-off.*

This recommendation was adopted at the April 2021 Ordinary meeting.

Further opportunity was provided to Club representatives to collate and provide financial information to support a request for further write-off.

Club representatives have now provided additional information, including an overview of the current financial position of the Club.

The purpose of this report is to obtain approval for a partial write-off of the amount outstanding, based on an assessment of the Club's ability to meet this debt.

#### **Key Issues**

- Debt recovery costs and likelihood of success

**Discussion**

*Matter One – Individual Private Works Debtor*

In November 2019, Ballina Police contacted Council to advise of damaged road signs on Headlands Drive caused by a motor vehicle accident by a suspected drug affected driver.

A Police report was then submitted to the relevant Council officer, including contact details for the driver, for invoicing purposes.

The outstanding debt, totaling \$1,026.72, was administered by Council's Financial Services section. The internal debt recovery actions to date have been unsuccessful.

Reminder letters have been returned to sender (with 'not at this address' noted), and the contact mobile phone number has been disconnected.

The additional costs to Council in pursuing external paid debt recovery services, including skip tracing and legal proceedings, would likely exceed the value of the debt. These may not be recoverable. Accordingly, it is recommended that the debt be written off.

*Matter Two – Ballina Seagulls Rugby League Football Club Ltd*

Club representatives had previously provided Council with information, including audited financial statements, for the period up to 30 September 2019.

With limited information provided for the period subsequent to 30 September 2019, Council staff and Councillors were unable to properly assess the current financial status of the Club.

For this reason, the resolution from April 2021 provided the Club an opportunity to submit further information to allow an assessment of the Club's current financial status.

A significant amount of Club volunteer time, including that of the Club's accountant, has been invested in order to compile the current financial status of the Club.

This information is included as Attachment 1.

Although this information is not audited, Council staff are confident that the representations made by the Club representatives are reliable.

The Balance Sheet presented states that it is at 30 September 2021, however it really represents the financial position as at the time of this report.

Similarly, the Income Statement presented represents all income and expenditure for the period of 1 October 2020 to the time of this report (essentially represents all income and expenditure up to 31 December 2020).

### 9.3 Debtor Write-offs

---

Following the incorporation of a not-for-profit entity, the Ballina Seagulls Football Club Incorporated, all functions previously undertaken by the Ballina Seagulls Rugby League Football Club Ltd have been undertaken by the new entity since 1 January 2021.

The cash assets available to the Ballina Seagulls Rugby League Football Club Ltd are \$8,515.98, which includes the bank account balance of \$7,601.27 and a GST refund due to the Club of \$914.71.

The accounts payable represents the rates and charges owed to Council, with the amount of \$15,579.70 prior to the write-off of interest of \$92.24. The current balance owed to Council, following the interest write-off, is \$15,487.46.

Club representatives' proposal to Council is that the amount of \$8,515.98 be paid to Council, with the balance of the debt owed to Council, being \$6,971.48, to be written-off by Council.

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

The content of this report relates indirectly to the financial sustainability of Council. This is identified within Council's adopted Delivery Program, under Direction 4: Engaged Leadership.

#### **Community Consultation Policy**

For Matter One, there has been consultation between management in Civil Services and Financial services in the debt recovery action to date and the likelihood of recovery.

For Matter Two, there has been consultation with Club representatives, including the Club's qualified accountant.

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

Any write-off of private works debt is revenue foregone from the General Fund.

Any financial relief provided to a ratepayer for water or wastewater charges is treated as a write-off, with that amount of revenue foregone from the Water Fund or Wastewater Fund.

Any financial relief provided to the ratepayer for rates or interest is treated as a write-off, with that amount of revenue foregone from the General Fund.

#### **Options**

In respect to Matter One, the individual private works debtor, the following options are available:

1. Approve the request for write-off of the debt of \$1,026.72.

This option is recommended as proceeding with further debt recovery action will incur costs to Council that are likely to exceed the current debt balance and such action may not be successful.

### 9.3 Debtor Write-offs

---

2. Refuse the request for a write-off of the debt and refer the matter to Council's debt recovery agency to proceed with further debt recovery action. This option is not recommended as this will incur further costs than those that may be recovered.

In respect to Matter Two, the Ballina Seagulls Rugby League Football Club Ltd, the options available to Council are:

1. Approve the request for partial write-off from Ballina Seagulls Rugby League Football Club Ltd, Assessment 109210, of the rates and charges arrears amount of \$6,971.48, conditionally on receipt of payment to Council of \$8,515.98.

Section 131 (4) of the Local Government (General) Regulation states that rates and charges can only be written off as follows:

*(4) An amount of rates or charges can be written off under this clause only—*

- (a) if there is an error in the assessment, or*
- (b) if the amount is not lawfully recoverable, or*
- (c) as a result of a decision of a court, or*
- (d) if the council or the general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.*

Therefore Council needs to be of the opinion that an attempt to recover the amount would not be cost effective.

This option is recommended, as it proposes that the total available assets of the entity are paid to Council.

2. Refuse the request for write-off from Ballina Seagulls Rugby League Football Club Ltd, Assessment 109210 and proceed with formal debt recovery action.

This option is not recommended as this will incur further costs and it is not believed that the amount that can be recovered will exceed the amount of recovery anticipated from Option One.

#### **RECOMMENDATIONS**

1. That in respect to Matter One, being the private works debt, Council approves the write-off of the \$1,026.72 debt as per the details of this report.
2. That in respect to Matter Two, being the rates and charges arrears for the Ballina Seagulls Rugby League Football Club Ltd, Council approves a write-off of \$6,971.48, conditionally on receipt of payment to Council of \$8,515.98, and failing that, for Council to proceed with formal debt recovery.

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

1. Ballina Seagulls Rugby League Football Club - Current Financial Information

## 9.4 Tender - Waste Transfer Centre Roof Replacement

---

### 9.4 Tender - Waste Transfer Centre Roof Replacement

**Section** Resource Recovery

**Objective** To report the outcomes of the tender evaluation for the Tender - Waste Transfer Centre Roof Replacement

---

#### **Background**

The works to be undertaken under this contract are the Waste Transfer Centre roof and solar PV system.

In addition to the removal and replacement of the deteriorated roof, the works also include the removal of the existing 10kw solar PV system and the design and installation of a new 50kw solar PV system.

Tenders were called in May 2021 and at the close of tenders on 25 May 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**

Eight companies downloaded the documentation with one tender received from AGS Commercial 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
- Quality management systems
- Environmental management
- All returnable schedules completed

The tender submission met the mandatory assessment and were assessed using the following weighted assessment criteria:

- Pricing structure 70%
- Local and community 15%
- Technical criteria 15%

AGS Commercial 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.

## 9.4 Tender - Waste Transfer Centre Roof Replacement

---

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

The Waste Centre roof replacement and solar upgrade is part of the allocated Delivery Program budget for 2021/22 (carried forward from the 2020/21 budget) of \$450,000 (\$375,000 for the roof replacement and \$75,000 for the solar component).

### **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 \$356,962, excluding GST. This is below the funding allocated for this project.

The key risk to this project is minimising impacts on the operations of the Waste Transfer Centre. To manage this risk, expediting the programming of the works with the preferred tender is a critical component of the negotiation process, with anticipated works to commence in July / August during the Waste Centre low season.

### **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 AGS Commercial 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 AGS Commercial Pty Ltd for the Waste Centre Roof Replacement and Solar Upgrade for the total amount of \$356,962, excluding GST.
2. That Council authorises the General Manager to sign the contract documents.

### **Attachment(s)**

1. Tender Evaluation - Waste Transfer Centre Roof Replacement (Confidential Memorandum) (Under separate cover)

## 9.5 Tender - Marom Creek Water Treatment Plant Upgrade

---

### 9.5 Tender - Marom Creek Water Treatment Plant Upgrade

**Section** Water and Wastewater

**Objective** To report the outcomes of the tender evaluation for the Tender - Marom Creek Water Treatment Plant Upgrade

---

#### **Background**

The works to be undertaken under this contract are the Marom Creek Water Treatment Plant upgrade. The purpose of the works is to address issues regarding:

- Insufficient chemical systems to assure good quality treated water
- Chemical systems non-compliant with current work health and safety requirements
- Inadequate flocculation process prior to settling process
- Minimal levels of online monitoring and control

Tenders were called in April 2021 and at the close of tenders on 15 May 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**

Sixty five companies downloaded the documentation with one tender received from Fewster Brothers Contracting Pty Ltd.

A number of companies that downloaded the tender documentation were component suppliers only and would not have been capable to undertake the works as detailed in the tender specification.

The one tender submission was assessed to ensure conformance with the conditions of tender and the mandatory criteria, being:

- Insurance
- Work health and safety
- Capability and experience
- Key personnel, skills and expertise
- Suitability of materials and equipment tendered for supply in the data schedules
- Submission of a complete and conforming tender

The tender submission did not meet all of the mandatory assessment. The following was the weighted assessment criteria:

## 9.5 Tender - Marom Creek Water Treatment Plant Upgrade

---

- Pricing Structure 70%
- Local and Community 15%
- Project Understanding and Method of Delivery 15%

Fewster Brothers Contracting Pty Ltd was assessed as failing to meet mandatory assessment criteria.

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

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

The upgrade of the Marom Creek WTP is part of Council's adopted Delivery Program and Operational Plan, specifically CC1.2d Minimise notifiable Drinking Water Health Incidents at Marom Creek Water Treatment Plant.

### **Community Consultation Policy**

Council has undertaken a public tender process in accordance with the Local Government (General) Regulation 2005.

### **Financial / Risk Considerations**

The tender price from Fewster Brothers Contracting Pty Ltd is \$1.32M above the 2020/21 pre-tender estimate.

The proposed methodology prescribed by Fewster Brothers Contracting Pty Ltd would delay Council's intended delivery time by 25 weeks and cost an additional \$1.0M in operating costs, due to the need to buy additional drinking water from Rous County Council.

### **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 the tender.

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).*

The proposal is to enter into direct negotiations with suitable civil contractors to obtain pricing more aligned to the budget and provide for a more suitable construction methodology.

#### **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 - Marom Creek Water Treatment Plant Upgrade as the tendered price is 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 any person / organisation, with a view to enter into a contract for the Tender - Marom Creek Water Treatment Plant Upgrade.
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 failed to attract a suitable pool of tender submissions and it is unlikely that inviting fresh tenders would achieve the desired outcome due to the nature of the contract and the difficulty in attracting experienced suppliers due to the high level of economic activity currently occurring in the construction industry.

## **9.5 Tender - Marom Creek Water Treatment Plant Upgrade**

---

4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with suitable persons / organisations with a view to entering into a contract in relation to the subject matter as the public tender process failed to provide an acceptable tender.
5. That Council receive a further report assessing the outcomes achieved from the direct negotiations proposed in point 2.

### **Attachment(s)**

1. Tender Evaluation - Marom Creek Water Treatment Plant Upgrade (Confidential Memorandum) (Under separate cover)

## 9.6 Tender - Pop Denison Park Playground and Park Infrastructure

---

### 9.6 Tender - Pop Denison Park Playground and Park Infrastructure

**Section** Open Spaces

**Objective** To report the outcomes of the tender evaluation for the Tender - Pop Denison Park Playground and Park Infrastructure

---

#### **Background**

The works to be undertaken under this contract are to complete the construction of a new playground and associated community park facilities at Pop Denison Park.

Tenders were called in May 2021 and at the close of tenders on 31 May 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**

Twenty three companies downloaded the documentation with one tender received from Synergy Resource Management Pty Ltd.

A number of companies that downloaded the tender documentation were equipment suppliers only and would not have been capable of undertaking the full scope of works as detailed in the tender specification.

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

- \$20M public liability insurance policy, for the contractor and all nominated subcontractors
- Workers compensation insurance policy

The tender submission met the mandatory assessment and was assessed using the following weighted assessment criteria:

- Pricing structure 60%
- Local and community 15%
- Experience and capability 15%
- Works program / delivery timing 10%

Synergy Resource Management Pty Ltd has been assessed as a suitable contractor 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**

Implementation of the Pop Denison Park Master Plan is identified as Operational Plan Activity CC3.3h in the Delivery Program and Operational Plan.

### **Community Consultation Policy**

Council has undertaken a public tender process in accordance with the Local Government (General) Regulation 2005.

### **Financial / Risk Considerations**

The total budget allocated in the capital expenditure plan for the 2020/21 financial year for the implementation of the Pop Denison Park Master Plan is \$945,000. This includes \$252,000 of grant funding from the Stronger Country Communities Fund, administered by the NSW Department of Industry.

Project works completed to date include site investigation and planning approval requirements as well as procurement of the specified playground equipment for the junior playground.

The current project cost estimate to complete the junior playground construction is \$1,090,623 (to be incurred in 2021/22). This project cost consists of the tender value of \$826,123.82 (exclusive of GST) as submitted and \$264,500 of works to be completed by Council.

This places the current project cost to complete the junior playground at an additional \$340,623 more than the the current budget of \$750,000 allocated for the 2021/22 year.

The risks of not completing the project in 2021 are the loss of the Stronger Country Community Funds and not completing a priority project for the community.

Pop Denison Park is also funded from developer contributions, with the apportionment being 100% to development. There should be open space developer contribution funds held in reserve, as at 30 June 2021, which will allow additional funds to be allocated to the project.

The direct negotiations with the tenderer will balance the need to try and achieve savings while at the same time recognising additional funds will be available to complete the project in full.

### **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.*

## 9.6 Tender - Pop Denison Park Playground and Park Infrastructure

---

Based on the tender evaluation, it is recommended that Council decline 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).*

It is recommended that Council declines to accept any tenders, as the tender price is greater than the project budget, and enter into negotiations with the preferred tenderer with a view to entering into a contract in relation to the subject matter of the tender at a reduced contract price.

**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 - Pop Denison Park Playground and Park Infrastructure as the tender price is 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 Synergy Resource Management Pty Ltd, with a view to enter into a contract for the Tender - Pop Denison Park Playground and Park Infrastructure .
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 Synergy Resource Management Pty. Ltd. with a view to entering into a contract in relation to the subject matter as they are the preferred tenderer following assessment against the mandatory and weighted evaluation criteria established for the tender.

**Attachment(s)**

1. Tender Evaluation - Supply and Install Playground and Associated Park Infrastructure - Pop Denison Park (Confidential Memorandum) (Under separate cover)

## 9.7 Delivery Program and Operational Plan - Adoption

---

### 9.7 Delivery Program and Operational Plan - Adoption

#### **Delivery Program**

Communications

#### **Objective**

To consider the submissions received during the exhibition period for the draft 2021/22 to 2024/25 Delivery Program and Operational Plan and to adopt the documents prior to 30 June 2021.

---

#### **Background**

The draft 2021/22 to 2024/25 Delivery Program and 2021/22 Operational Plan (including the supporting documents such as the Fees and Charges, Long Term Financial Plan (LTFP), Budget, and Workforce Plan) were placed on exhibition following two Finance Committee meetings held during March and April.

Council held one online and two public meetings as part of the exhibition process and invited submissions during the period from Wednesday 28 April to Friday 28 May.

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

As the documents are extensive, they have not been reproduced for this report. Copies of the documents, as exhibited, have been loaded to the Councillor hub, for reference purposes, under the title of Integrated Planning and Reporting documents. Additional hard copies are available from Council if needed.

#### **Key Issues**

- Contents of submissions
- Additional amendments

#### **Discussion**

This report has three main sections being:

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

#### **A. Submissions**

The submissions can be categorised under three main headings:

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

### 1. Submissions for Funding Assistance

The draft LTFP includes the following allocations for funding assistance / donations for 2021/22:

<b>Donation Description</b>	<b>Budget (\$)</b>
Donations – Community Groups	79,000
Capital Works Assistance - Sporting Groups	31,000
Donations - Rates and Charges	31,000
Assistance with Council Fees - Community Groups	4,000
Richmond Room – Donation for Chair Set Up (RSL Lighthouse Day Club)	6,000
Southern Cross University – Scholarship	7,500
<b>Total</b>	<b>158,500</b>

All of these items, excluding the Richmond Room, are supported by Council policies. Council has revoked the Southern Cross University Scholarship policy, however funding is still included in the LTFP for 2021/22 to finalise existing scholarships.

The Richmond Room item reflects a standing resolution where Council has approved an annual donation to the Ballina Rotary Club for help setting up the chairs in the Richmond Room.

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

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

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

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

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

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

#### **General Donations – Community Groups**

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



## 9.7 Delivery Program and Operational Plan - Adoption

**Table One: Submissions for Community Donations**

Ref	Applicant	Description	Request (\$)
1	Community Sewing Group	Venue hire at the Northlakes Community Centre	913
2	Lennox Head Combined Sports Carols Committee	Lennox Head Carols in the Park event	6,000
3	St Andrews Village Ballina Ltd	Purchase of Christmas displays for the St Andrews Village Ballina	1,000
4	Lennox Head Playgroup	Purchase of portable shade for outdoor activities and children's tables and chairs	4,670
5	Ballina Lighthouse RSL Day Club	Venue hire at the Richmond Room	7,701
6	Lions Club of Lennox Head Inc	Costs associated with fundraising for various charities	2,510
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	Ballina & District Historical Society	DA fees for proposed shipping container for storage at Pimlico Hall, shelving and internet provider for 12 months	1,000
10	Alstonville Orchid Society Inc	Venue hire at the Alstonville Uniting Church Hall for meetings	300
11	Lennox Head View Club	Venue hire at the Lennox Head Cultural Centre for meetings	1,200
12	Shark Attack Response Inc	Costs associated with running the organisation	8,000
13	Rotary Club of Ballina on Richmond Inc	Venue hire at the Ballina Indoor Sports Club for the Domestic Violence event	813
14	Ballina Ministers Assoc 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 (eg salt, pepper, etc) to provide meals	4,715
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
19	East Ballina Lions Club Inc	Cost of hiring portable toilets for use at the Ballina Community Markets	3,000
20	Ballina Coastcare Inc	Costs associated with raising awareness and attracting new members to Ballina Coastcare	4,500
21	Ballina Senior Citizens Inc	Purchase and installation of a defibrillator for the Senior Citizens at the Wigmore Hall	2,395
22	CWA Ballina Branch	Venue hire and banners for fundraising events	947
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
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
25	Ballina Community Gardens Inc	Purchase of soil to top up garden beds	972

## 9.7 Delivery Program and Operational Plan - Adoption

Ref	Applicant	Description	Request (\$)
26	Rainbow Region Dragon Boat Club Inc	Purchase of additional paddles for regattas and training sessions	1,200
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	9,500
29	Dementia Inclusive Ballina	Funding for setting a website to promote Dementia Inclusive Ballina	1,000
30	Pearces Creek Hall Inc	Annual insurance costs	3,500
31	Riding for the Disabled Assoc	Costs associated with travel and accommodation for coaches for ongoing training	3,000
32	Lennox Head Residents' Assoc Inc Coast Care Committee	Purchase of materials, tools and equipment, ongoing plant replacement and insurance renewals	1,500
33	Lennox Head Residents' Assoc	Venue hire at the CWA for meetings	440
34	Lennox Head Residents' Assoc (Boomerang Bags)	Venue hire at the CWA for manufacture of reusable shopping bags	900
35	Ballina Hospital Auxiliary	Venue hire at the Jockey Club for annual craft show	2,500
36	Our Kids	Erection of temporary fencing for the 'Our Kids Day Out' event held annually in May	1,000
37	Ballina Seagulls Football Club Inc	Costs associated with maintenance/cleaning of the grounds	4,160

### Donations - Capital Works for Community Sporting Groups

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

**Table Two: Submissions for Community Sporting Groups**

Ref	Applicant	Description	Request (\$)
1	Ballina Croquet Club	Relocation and establishment of the club at Cawarra Park	5,000
2	Ballina Tennis Club	Reconfiguring fence to allow internal access to the toilet block	2,700
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	10,000
5	Ballina Sharks Baseball and Softball Club	Improve base pathways, install fencing and reimbursement of electricity costs for Cawarra Park	17,244
6	Ballina Hockey Club	Providing an outdoor shaded area for players, spectators and other patrons	9,606
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

## 9.7 Delivery Program and Operational Plan - Adoption

---

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

Submissions have been loaded to the Councillor Hub, under the title of Donations Working Party with a meeting date of 29 June 2021.

### **2. Submissions Fees and Charges**

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

#### Aircraft Parking Charges

A submission was received from White Star Aviation, in relation to the charges for aircraft parking charges.

The submission related to the charging of parking fees for the area directly outside the hanger used by White Star Aviation.

It was noted within the submission that this area would not otherwise be used and the charges were considered above industry standard and would place pressure on the profitability of a program entered into for the provision of flight training services.

#### *Staff response:*

Airport management have considered this submission and agree that the charges proposed are not commercially viable.

An amendment has been recommended to the Fees and Charges document, for adoption, to include additional wording:

<b>Aircraft Parking – GA</b>	<b>2021/22</b>
Light Aircraft Parking fee – per aircraft, per night (light aircraft only with maximum wingspan of 12 metres) *	\$18.00

*\* free same-day overnight parking for aircraft registered to BBGA on airport commercial businesses who have conducted at least one landing at BBGA on that day. Parking of aircraft is to be at the direction of authorised BBGA airport staff.*

This amendment provides a nil charge to apply under the particular conditions noted, i.e. for overnight parking for the aircraft of airport commercial businesses whom have conducted a landing that day.

### **3. Submissions to Works and Services**

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

#### Bulwinkel Park, Alstonville

An early submission was received (23 February 2021) from the Bulwinkel Landcare Group, on behalf of the Bulwinkel Landcare Group and the Alstonville Lions Club. The submission references the Bulwinkel Park Heritage Report completed in October 2020 and lists a number of improvements as per recommendations of that report, with a request that these works be included in the 2021/22 program of works.

## 9.7 Delivery Program and Operational Plan - Adoption

---

### *Staff response:*

This matter was considered at the 25 February 2021 Ordinary meeting where Council resolved as follows:

*That Council allocate \$25,000 from the \$382,000 allocated to community halls / facilities / BBQs and shade shelters, through the Local Roads and Community Infrastructure (LRCI) Program, to the removal of the existing structure and provision of a new shelter and seating at Bulwinkel Park, Alstonville.*

*That Council's landscape architect provide assistance in regards to a plan of the park and in particular the riparian zone.*

Therefore funds have been allocated, with these works to be completed by December 2021.

Council also has \$80,000 allocated in 2022/23, for an upgrade to the Bulwinkel Park toilets.

### The Coast Road – road noise, drainage and safety issues

An early submission was received (5 February 2021) from Chris and Margaret Leddy, in relation to the section of The Coast Road north of the roundabout at Headlands Drive.

The submission refers to high road noise, drainage issues and safety issues and proposed works to include continuation of the cutting north around the bend, installation of drainage and having the road sealed with an asphalt seal.

### *Staff response:*

Mr and Mrs Leddy have previously written (4 January 2021) about the traffic along The Coast Road immediately north of Headlands Drive, and have requested for The Coast Road to be realigned through the cutting north of Headlands Drive with the excavated soil to be also used as a noise mitigation barrier along The Coast Road. The request has also asked for resurfacing of the road with an asphalt surface for noise reduction.

Previous advice to Mr and Mrs Leddy (25 January 2021) has stated there are no plans under the current road reconstruction program for the realignment of The Coast Road, or for the construction of an adjoining noise mound along The Coast Road.

Included in that advice has been information about the annual public exhibition of Council's Delivery Program.

At this stage resources have not been allocated to determine the scope of works associated with this request, however, a short section of The Coast Road reconstruction (approximately 450m) undertaken during early 2020 (and located south of Pat Morton Lookout) cost approximately \$450,000. The advice remains unchanged at this point, with this section of The Coast Road currently not ranked as a priority for renewal under the road reconstruction program.

## 9.7 Delivery Program and Operational Plan - Adoption

---

With respect to resurfacing of the road surface, this section of The Coast Road will be included in the annual review of the 2021/22 heavy patching and resealing program, and staff will make a technical assessment regarding the extent of resurfacing required for maintenance of the asset.

### Serpentine Car Park

An early submission was received (29 March 2021) from Margaret and Garry Stanger, requesting Council to seal the surface of The Serpentine car park.

#### *Staff response:*

The draft Delivery Program and Operational Plan includes an allocation of \$50,000 for The Serpentine Carpark for 2021/22, with funding for this particular project sourced from the Local Roads and Community Infrastructure Program Round Two, with construction to be completed by December 2021.

### Alston Avenue and Mellis Circuit Footpaths

An early submission was received (23 March 2021) from Christine and Hans Kremser, requesting an extension of the footpath on Alston Avenue beyond the Alstonville Swimming Pool.

The submission notes a number of observations relating to safety and advises that a footpath along the whole of Alston Avenue and Mellis Circuit would improve the safety of residents and visitors.

#### *Staff response:*

The request from the residents of Alston Avenue is to provide a footpath along the whole of Alston Avenue by extending the existing footpath from the Alstonville Aquatic Centre through to the intersection with Mellis Circuit. The request also asks for a footpath along Mellis Circuit.

A section of footpath along Mellis Circuit is currently listed for construction during the 2024/25 financial year.

This particular section along Mellis Circuit is identified between Robertson Street and the intersection with Alston Avenue, comprising some 670m of path with a budget estimate of \$120,000.

This provides an extension to the existing footpath network along Wardell Road, Robertson Street and Green Street, Alstonville.

The development of Council's footpath capital works program, as listed in the DPOP, is derived from the Pedestrian Access and Mobility Plan (PAMP), which has been developed through extensive community consultation, along with a separate public exhibition process during 2018.

The numerous projects listed in the PAMP are ranked in accordance with a priority rating system, and this has consistently been used to prioritise the PAMP ten year footpath program.

## 9.7 Delivery Program and Operational Plan - Adoption

---

In respect to this request, the additional path along Alston Ave is of similar length to the existing PAMP project, and is estimated to cost approximately \$120,000.

With the second part of the request to include Mellis Circuit, the length of additional path to complete Mellis Circuit is estimated to cost approximately \$95,000.

These two additional path projects are not listed in the PAMP and are not recommended for inclusion in the DPOP.

### Rayner Lane, Lennox Head

An early submission was received (9 April 2021) from Ray Roberts on behalf of residents and landowners of Rayner Lane.

The submission requests consideration be given to a complete bitumen reseal, the introduction of speed restrictions and additional speed humps.

#### *Staff response:*

Mr Roberts, on behalf of the residents of Rayner Lane, wrote to Council (9 April 2021) regarding the condition of the lane and has requested resurfacing, speed restrictions and speed humps for the lane. A response to this dated 26 April 2021 advised that Rayner Lane is not included in the current four year road reconstruction program, due to other higher priority road renewal works.

However, an option was also presented to Mr Roberts where Rayner Lane may be suitable for asphalt resurfacing, without reconstruction. This asphalt resurfacing work would be undertaken within the annual allocation of the recurrent resealing program of approximately \$1m.

Mr Roberts has further responded (24 May 2021) to the public exhibition of the draft DPOP and notes that Rayner Lane is not included in the road reconstruction program and seeks confirmation that Rayner Lane is included in the recurrent resealing program.

Due to the historic redevelopment, which has occurred along parts of the lane there has been significant disturbance to the existing infrastructure.

A detailed survey is required to check that an appropriate road design can be achieved with asphalt, and in particular that old and new drainage infrastructure can be integrated with the design. This survey and design work has not been completed to date.

This means a commitment cannot be made for the asphalt resurfacing option, as yet, and requires the results of the investigation and design. When this is complete the information can be reported to Council.

### Shared Pathway Owen Street to Skate Park Ballina Shire Council

A submission has been received from Klaus Kerzinger, requesting consideration to the reconstruction of this shared pathway, given its poor condition, noting the path's usage by numerous disabled and aged persons.

## 9.7 Delivery Program and Operational Plan - Adoption

---

### *Staff response:*

The submission from Mr Kerzinger refers to the condition of the existing shared path located between Owen Street and the skate park at Missingham Bridge, Ballina. This path is an older asphalt path and at this stage is being maintained as necessary following the regular inspections undertaken as part of the footpath inspection and maintenance program.

Where existing paths have been identified for renewal, additional reporting has usually taken place to inform Council of this necessary work, and the PAMP program has been amended to accommodate the work.

Later in this business paper, a separate report deals with the priorities for funding Council's Bike Plan projects.

This reporting also provides the opportunity for Council to consider the renewal of some of these older shared paths when needed in the future, and to provide for these renewals within the footpath DPOP program.

No change is recommended.

### Cedar Street, Wardell footpath and timeframes for other Wardell footpaths

A submission has been received from the Wardell and District Progress Association Inc (WPA).

In particular, the submission notes the draft program of works includes an allocation of \$50,000 for Cedar Street footpath in 2022/23, and requests that this be moved forward to 2021/22.

The submission discusses a number of reasons for the request to prioritise the Cedar Street works and proposes a reallocation of funds from the Old Pacific Highway Newrybar.

The submission further requests a review of the time frames for Lindsay Crescent, Wardell and River Drive, East Wardell also.

### *Staff response:*

The WPA has made a submission to bring forward the construction of the footpath along Cedar Street (\$50,000) from 2022/23 to 2021/22. To facilitate this request WPA has suggested a swap with a project of similar scope in the 2021/22 program, being a proposed footpath on the Old Pacific Highway, Newrybar (\$65,000).

Councillors may recall that a previous request from the WPA in 2019 has already brought forward the construction of the Cedar Street footpath.

The initial Pedestrian Access and Mobility Plan (PAMP) priority ranking for the proposed Cedar Street footpath listed construction in 2024/25, and this was brought forward to 2022/23.

This was achieved by replacing a proposed 2022/23 footpath project in Cawarra Street, Ballina (\$37,000).

## 9.7 Delivery Program and Operational Plan - Adoption

---

Later in this report, Section B, deals with a resolution from the April 2021 Council meeting, with information on the timing of the footpath works for Cedar Street, Wardell and Cawarra Street, Ballina.

In making the 2019 changes to the footpath program, the Cawarra Street project was subsequently overlooked, and not replaced within the PAMP footpath program. Section B deals with options for reinstatement of the Cawarra Street project.

In addition to the request for bringing forward the Cedar Street project, the WPA has also requested that Council urgently review the time frame for delivery of the proposed footpaths for Lindsay Crescent, Wardell and River Drive, East Wardell.

These two projects are included in the PAMP 10 year program, but are currently placed outside the four year DPOP timeframe, with forecast construction being:

- Lindsay Crescent, Wardell – 2027/28
- River Drive, East Wardell – 2028/29

The PAMP uses a Weighted Criteria Scoring System to prioritise works in the program. A number of criteria for assessment have been developed under the categories of Land Use, Traffic Impact, Safety, Facility Benefits, Continuity of Routes and Priority.

The weighted scoring does have some subjective elements and the outcomes are not a prescriptive determination. However, the assessment and ranking process has served Council well and is useful and consistent as the predominant information for setting priorities.

No change is recommended.

### Road between Stewart and Gibbons Streets, Lennox Head

A submission has been received from John Bowell OAM, requesting the sealing of this road section, of approximately 50 metres in length.

#### *Staff response:*

Mr Bowell has previously made requests for the sealing of a small section of lane (50metres) in Lennox Head, which is located immediately north of Byron Street and in between Gibbon Street and Stewart Street.

It appears most of the lane has been sealed as a result of development occurring adjacent to the lane, however a short 50m section of the lane at the western end remains gravel.

Previous advice has been that this section of the lane would be assessed under the annual resealing program.

The benefit of sealing this small section of gravel lane would be to eliminate the call-out of gravel road maintenance equipment when dealing with minor maintenance issues, and to also improve the amenity in this urban setting. The cost of this sealing work would be approximately \$5,000.



## 9.7 Delivery Program and Operational Plan - Adoption

---

The project has not been completed to date as Council has not been able to coordinate the work with the limited availability of the sealing contractor.

The next opportunity for this to be efficiently achieved is to coordinate this project with the Gibbon Street and Stewart Street road reconstruction projects, which are both scheduled for 2021/22.

The aim will be to undertake this work in conjunction with that reconstruction program.

### Coast Road from North Creek roundabout to Skennars Head roundabout

A submission has been received from Stan Ruch, in relation to this section of road.

The submission outlines a number of observations and requests the refinishing of the existing surface, the provision of traffic calming and reduction of the speed limit.

#### *Staff response:*

The submission from Mr Ruch makes a number of requests in regard to the section of The Coast Road between the North Creek Road roundabout and the Skennars Head Road roundabout, Lennox Head.

#### *Road surfacing*

A request for asphalt surfacing is made for the section of The Coast Road immediately south of the North Creek Road roundabout and along the residential area of Pinnacle Row.

At this stage there is no resurfacing work planned for this section of road, as a majority of this section was resealed with a bitumen spray seal to renew the existing aged sprayed seal in early 2020. The request for resurfacing with asphalt, and for the associated speed reduction along The Coast Road, appears to be associated with reducing the noise generated by The Coast Road traffic.

The cost for asphalt surfacing of approximately 800m of The Coast Road adjacent Pinnacle Row is approximately \$200,000.

No change is recommended.

#### *Formalising casual car parks*

The request also describes the need to formalise three casual car parks (having no controlled egress) along the section of The Coast Road between the North Creek Road roundabout and the Skennars Head Road roundabout, Lennox Head.

This request also describes the need for traffic calming elements on The Coast Road before and after each of the three car parking sites. This request would relate to the three existing roadside car parking areas as follows:

## 9.7 Delivery Program and Operational Plan - Adoption

---

- Sealed parking area between North Creek Road roundabout and Pat Morton Lookout
- Gravel parking area south of Pat Morton Lookout providing access to Boulder Beach – north
- Gravel parking area north of Skennars Head Road roundabout providing access to Boulder Beach – south

Council has recently considered a car parking upgrade program and this was most recently reported to the August 2020 Ordinary meeting.

Subsequent reporting of Round Two of the Local Roads and Community Infrastructure Program (LRCIP) in January 2021 brought forward some of the works adopted in the August 2020 program.

The car park upgrade program currently provides for line marking in 2023/24 for the sealed car park located between North Creek Road roundabout and Pat Morton Lookout to improve operation.

The request for traffic calming elements along The Coast Road, a key arterial road link and Regional Road, would not be approved.

No change is recommended to the adopted car parking program.

### *Speed limit reduction*

The request for a reduction of the speed limit along The Coast Road is a matter, which is regulated and approved by Transport for NSW (TfNSW).

For any changes to speed zones TfNSW would undertake a formal speed zone review assessment, which would provide a technical determination and recommendation. This advice would then be forwarded to the appropriate council with necessary approval documentation for implementation, should it be approved.

If Council wishes to make this submission to the TfNSW it will need to be included in the recommendations for this report.

### Upgrade Intersection of Ainsworth Close and Jameson Avenue, East Ballina

A submission was received from Mr Neil Hoolihan, on behalf of Ainsworth Close residents.

### *Staff response:*

Mr Hoolihan has previously written on behalf of residents of Ainsworth Close (June 2020) about the intersection of Ainsworth Close and Jameson Avenue, East Ballina.

Ainsworth Close is the most northern intersection along Jameson Avenue before reaching the entry to the Ballina Golf Course further north along Jameson Avenue.

The request from the residents is for realignment of the Ainsworth Close intersection to form a 90<sup>o</sup> intersection with Jameson Avenue due to difficulty looking north towards the Ballina Golf Club (through an acute angle).

## 9.7 Delivery Program and Operational Plan - Adoption

---

Currently the intersection of Ainsworth Close aligns at approximately 60° with the northern section of Jameson Avenue.

Current design standards describe desirable intersection angles to be between 70° to 90°.

The current sealed intersection is not constrained and allows for parallel parking along Jameson Avenue.

There are no recent TfNSW records of accidents at this intersection.

There is sufficient room for vehicles exiting Ainsworth Close, to manoeuvre and realign closer to a 90° position if needed, prior to exiting Ainsworth Close.

Funds for this request (estimated at \$40,000 and including stormwater modifications) are not considered a higher priority than the other works in the road reconstruction program.

### Extension of Bike / Walking Path to Ross Lane and Sanctuary Village and Fig Tree Hill Drive

Three submissions were received, from Martin Corben, Jen Derricott and James Raggatt, requesting the extension of a bike or walking path to Ross Lane and Sanctuary Village and Fig Tree Hill Drive.

#### *Staff response:*

This project has previously been reported to Council, with resolutions already in place to advance the progress of the investigation of design options and to also seek opportunities for grant funding.

The current Council resolution in place (250620/25) was passed at the June 2020 meeting of Council:

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

An update on the project was provided to Councillors with the 2 October 2020 Councillor Bulletin.

This described the preliminary design work, a preferred option plus identified a number of constraints.

This update was provided following the early design work being undertaken for the Byron Bay Road and Ross Lane Upgrade project (under the TfNSW Safer Roads Program).

## 9.7 Delivery Program and Operational Plan - Adoption

---

It was also reported in the Councillor Bulletin that it would be beneficial to confirm funding for the planning pathway, along with the scope of work, as a planning approval will assist with grant applications.

Later in this business paper, a separate report deals with the priorities for funding Council's Bike Plan projects.

This provides an opportunity for Council to consider the further development of this project, along with other projects identified in the Bike Plan and the PAMP.

### Roundabout at intersection of Byron Street and Byron Bay Road, Lennox Head

The submission from Martin Corben included a point requesting that Council build or lobby for a roundabout at this intersection.

#### *Staff response:*

The issue of improving the intersection at Byron Bay Road and Byron Street, Lennox Head was investigated and reported to the Local Traffic Committee (LTC) at the 10 June 2020 meeting.

This resulted in an upgrade of the intersection, through the construction of separate left and right turn lanes from Byron Street onto Byron Bay Road.

The provision of the extra lane, which is in effect the left turn lane, has helped to reduce queuing at the intersection, albeit the overall level of traffic appears to have increased substantially during the past 12 months.

Council has, over a number of years, been very successful with receiving grants under the Safer Roads Program. This has resulted in numerous roundabout projects being funded by the State Government, including the Links Avenue, Skennars Head Road, Ross Lane and Cherry Street roundabouts.

The traffic and accident data used to prepare these grant applications, and to satisfy important project criteria like benefit/cost ratio, has been applied to this intersection and the results show that benchmarks are not achieved.

It is unfortunate that historic accident data is used, as this is needed to satisfy the selection criteria to justify the projects.

There are insufficient accident numbers to secure grant funding for a roundabout at the Byron Bay Road and Byron Street intersection at this stage.

Also, the future planning for the road network is presented in the Roads Contribution Plan.

This document is supported by extensive modelling, where future predictions of demands on the existing road network has been identified, with proposed road upgrading options presented. This has resulted in some \$160m of road upgrade projects being listed for construction through to 2036.

The intersection of Byron Bay Road and Ballina Street has not been listed as an intersection for upgrade, partly due to the alternative roundabout connection at the intersection of Ballina Street and Byron Bay Road / The Coast Road.

## 9.7 Delivery Program and Operational Plan - Adoption

---

### Ross Lane Flooding

The submission from Martin Corben included an enquiry as to whether there are plans for improvement to reduce the flooding that occurs on this road.

#### *Staff response:*

Following the receipt of the TfNSW Safer Roads grant for road safety improvements along Byron Bay Road and Ross Lane, it was determined that a separate flood study assessment was also needed to better inform the future design for Ross Lane to examine potential flood immunity options.

This flood study assessment does not form part of the Safer Roads Program, and has been separately funded using Regional Roads Block Grant funds.

The intent of this study was to investigate the scope of possible future flood immunity options along Ross Lane, and to ensure works under the Safer Roads Program would be appropriately integrated with any future potential bridge structures or road raising options.

This study was completed in May 2021 and included a cost/benefit assessment for a number of flood immunity options.

Later in this report, Section B, deals with this initial study, the preferred option and the next steps in progressing the investigation and detailed design and cost estimates for the preferred flood protection option for Ross Lane.

### Public Exercise Equipment

The submission from Martin Corben also requested that Council consider the provision of public exercise equipment at a number of locations within the Shire.

The Children's swings area near the carpark at Lennox Head beach, was proposed as one location.

#### *Staff response:*

Council has recently installed a fitness equipment facility at Commemoration Park. Further consideration of fitness equipment in the coastal reserve will be undertaken as part of the Ballina Coastal Reserve Plan of Management review, scheduled to be completed in 2021/22. This will then inform future budgets.

### Moon Street Public Toilets

A submission was received from Amanda Gorvin, on behalf of the Ballina Chamber of Commerce, requesting the Moon Street public toilets in Fawcett Park be upgraded as a matter of urgency.

#### *Staff response:*

Upgrade works at Moon Street public amenities are scheduled for the 2021/22 financial year.

## 9.7 Delivery Program and Operational Plan - Adoption

---

### Saunders Oval Clubhouse Upgrade

A submission was received from Ballina Touch, outlining their proposals for future works in various stages.

The correspondence refers to a budget of \$190,000 included within the draft (exhibition) documents, understood by the Club to represent the cost of replacing the roof on the clubhouse.

#### *Staff response:*

The submission references \$190,000 identified in the Open Spaces capital program in 2023/24 for roof replacement. This project is actually for playground installation as part of Council's Playground Improvement Plan.

For sports fields, there is an amount of \$30,000 allocated in 2021/22 for irrigation improvements at Saunders Oval.

Council has already confirmed funding for the Local Roads and Community Infrastructure Program at the January 2021 Council meeting, with \$261,000 allocated towards sporting facilities maintenance/improvements.

This includes funding for urgent repair work identified on the Saunders Oval Clubhouse.

The figure of \$190,000 is beyond Council's current financial resources and will need to be allocated, potentially, from future grant programs.

### Wollongbar Progress Association – Various matters

A submission was received from the Wollongbar Progress Association in relation to a number of matters.

#### *Item One:*

Item one proposes that, given the Alstonville Cultural Centre (ACC) has been leased out, Council should consider making alternative indoor space available. The submission proposes that Wollongbar Hall and alternatives be considered.

#### *Staff response Item One:*

Council is endeavouring to ensure that it manages community facilities to meet the needs of the entire community.

The ACC has reached a point in its life when the building requires major maintenance works with Council staff progressing with completing the design plans and approval processes. This will enable Council to apply for grant funding to support the redevelopment of this facility.

The redeveloped ACC will provide the Alstonville and Wollongbar community with a new contemporary library sized to meet the current and future needs of the community.

## 9.7 Delivery Program and Operational Plan - Adoption

---

The building will be fully renovated and will provide the community with accessible sports, performance, meeting spaces and amenities, all refurbished to meet current Australian Standards.

The Wollongbar Hall is operated by a proactive committee who are supportive of enabling new user groups to use this facility.

### *Item Two:*

Item two notes the review of both the Alstonville and Wollongbar Strategic Plans is scheduled to occur in 2024/25, and requests that both Plateau communities will be actively involved in this process.

### *Staff response Item Two:*

Community engagement will be undertaken as part of the review of the strategic place plans, in accordance with Council's Community Consultation Policy and Community Participation Plan.

### *Item Three:*

Item three is a request for footpath works for the whole of Rifle Range Road to be included in the 2021/22 program of works.

### *Staff response Item Three:*

A section of footpath along Rifle Range Road is currently listed in the DPOP for construction during the 2021/22 and 2022/23 financial years.

This particular section along Rifle Range Road is identified between Simpson Avenue and Plateau Drive, and connects the existing paths in Rifle Range Road and in Simpson Avenue with the existing path in Plateau Drive.

The DPOP lists this section of path for construction in the 2021/22 and 2022/23 financial years and is accommodated over two financial years to facilitate the delivery of the numerous projects listed in the PAMP.

The section of path further along Rifle Range Road between Plateau Drive and Avalon Estate / Ramses Street is not shown in the PAMP program due to the adjacent land development comprising the Wollongbar District Park.

This project includes the embellishment of the streetscape including tree planting and path works along Rifle Range Road. Due to the construction activities associated with the site development it is appropriate for the path construction to be finalized as part of the District Park works during 2021/22.

### *Item Four:*

Item four enquires of Council's use of expected returns from the future sales of WUEA (Wollongbar Urban Expansion Area) Stage Three.

## 9.7 Delivery Program and Operational Plan - Adoption

---

### *Staff response Item Four:*

The revenue generated from these sales is for repayment of loan funding and replenishment of Council's Property Development reserves due to Council having significant borrowings scheduled for its property development activities.

Dependent on the overall debt position, it is likely that any surplus funds will be transferred to the Community Infrastructure Reserve, with the major community infrastructure projects requiring additional funding being the Ballina SES building and the ACC redevelopment.

### *Item Five:*

Items five notes a request, from the C Ward meeting, for Council staff attendance at a Wollongbar Progress Association meeting to outline how amounts per the Plan will be expended.

### *Staff response Item Five:*

Staff will provide further information at the next C Ward meeting.

### Lighting for Tamarind Drive and Deadmans Creek Road

Submissions were received from Mr Bout (30 May 2021 and 31 May 2021), requesting lighting be improved for these roads.

### *Staff response:*

One solar light was installed at the intersection of Tamarind Drive and Deadmans Creek Road in December 2019. This was undertaken as a trial to assess the effectiveness of the solar lights and to align with budgetary provisions at that time. Council has received positive feedback from residents following this installation.

The request for Council to proceed with upgrading the lighting is a matter that has recently been raised at the A Ward committee meeting held 11 May 2021 and the B Ward committee meeting held 17 May 2021.

The issues expand further than the intersection of Tamarind Drive and Deadmans Creek Road and relate to animals being hit and water across the road during storm events.

The request seeks support to upgrade the lighting at both the intersection Tamarind Drive and Deadmans Creek Road and Tamarind Drive to improve the situation for motorists. A copy of the response included in the minutes of the B Ward meeting held 17 May 2021 is as follows.

*“Recently approval was provided to install advisory warning signs for animals crossing Deadman's Creek Road. The installation of these signs is now included in the work program for our road maintenance section. This approval, in part, was supported because of the unique aspect of Deadman's Creek Road being rural and immediately adjacent to wetland areas and an urban estate.*



## 9.7 Delivery Program and Operational Plan - Adoption

---

*The lighting and flooding for Tamarind Drive was also raised by members at the A Ward committee meeting. The information provided to A Ward was that Council's current roads program and street lighting program does not include a project for the illumination of Tamarind Drive. The draft works program approved by Council is currently on public exhibition for comment.*

*Staff are currently liaising with TfNSW in respect of a study examining aspects of the drainage in this area. This study may assist to identify options to improve the drainage, reducing the tide and flood impacts on Tamarind Drive.*

*Staff are also finalising environmental approvals to adjust the drain and weir immediately north of the Deadman's Creek Road intersection as this proposed work has been identified to provide improvements. This work will commence after final environmental approval and when ground conditions allow.*

*In respect of the risks associated with the water on the road, Council manages these risks through warning signage and when the circumstances require, traffic control officers are deployed to increase the warning with flashing lights etc. The deployment of these resources is not limited to day times.*

*During the recent period of wet weather, the response also included closing Tamarind Drive to non local traffic."*

There is currently no budget allocation for additional lighting for Tamarind Drive and Deadmans Creek Road. The DPOP does include a street lighting program, however the scale of this project exceeds the types of projects delivered from this budget. Therefore to fund this project, the capital works program for roads would be the appropriate program area and an existing project would need to be deleted or deferred.

The roads program typically targets asset renewal, with safety and capacity upgrades achieved through grant programs.

If Council was inclined to adjust this program to deliver safety improvements, such as the project proposed in the submission, as there would be other candidate locations, Council should assess information for the road network on a holistic basis to ensure project priorities are ranked having regard to risk, cost/benefit and other relevant criteria.

### Bridge over North Creek into the Industrial Estate from North Creek Road

Submissions were received from Mr McIlhatton expressing disappointment that the Delivery Program does not include plans for a bridge over North Creek into the Industrial Estate from North Creek Road.

#### *Staff response:*

The future planning for the road network through to 2036 is presented in the Roads Contribution Plan (RCP). This document is supported by extensive modelling where future development and growth predictions for additional traffic using the road network is presented.

This has resulted in some \$160m of road upgrade projects being identified for construction to ensure the overall level of service of the road network is maintained.

## 9.7 Delivery Program and Operational Plan - Adoption

---

A road upgrade along North Creek Road, including a bridge across North Creek, is identified as a proposed future project in the RCP. This project is identified as a medium-term project within the RCP, where the timeline for medium-term projects is forecast as 2019-2028.

The actual delivery will be subject to ongoing monitoring of traffic demand and availability of developer contribution funds.

The DPOP shows early funding for this project for development and investigations commencing 2021/22 with \$200,000 allocated, and with follow-up funding in subsequent years of the DPOP of \$50,000.

This preliminary work is commencing now in preparation for the delivery of the road upgrade by the forecast date of 2028.

### Section 7.11 works

A submission was received with comment provided on the section 7.11 road works. The person's details have been redacted, on request of the submitter, with appropriate reasoning provided.

The submission has been dissected into items to allow appropriate staff response.

#### *Item One:*

The submitter listed a number of roads and questioned whether they should be removed from the section 7.11 plan, given that they were all being implemented as a single project under the banner of "Bangalow Road/Angels Beach Drive Roundabout".

#### *Staff response Item One:*

All of the projects listed separately in the Roads Contribution Plan (RCP) are individual road and traffic improvements listed and documented as part of the road network analysis and assessment identified during preparation of the RCP.

The Delivery Program and Operational Plan (DPOP) shows a project known as Bangalow Road / Angels Beach Drive upgrade, which comprises the above individual road improvements as one 'package' due to geographic location and efficiency for delivery. There is no need to delete the individual projects from the RCP.

#### *Item Two:*

The submitter noted that the programming proposes the extension of North Creek Road before the duplication of Tamarind Drive.

Comment was made that should this section of North Creek Road be opened before the duplication, there is likely to be a lot more traffic wanting to use Tamarind Drive while it is being duplicated (at a reduced capacity). It was proposed that this does not seem like logical sequencing.

## 9.7 Delivery Program and Operational Plan - Adoption

---

### *Staff response Item Two:*

The current RCP includes the Tamarind Drive four laning project and the North Creek Road and Bridge project as medium-term projects. The timeline for medium-term projects within the RCP is forecast as 2019-2028.

The actual delivery will be subject to ongoing monitoring of developer contribution funds and actual traffic demand.

The preliminary funding for both projects shown in the DPOP provides for development and investigations commencing 2021/22 with \$200,000 allocated for each project.

### *Item Three:*

The submitter notes they have reviewed the modelling undertaken to support the construction of Barlows Road and does not think it is likely that this section of road will take the majority of the North Creek Road traffic given the distance from the area it is.

### *Staff response Item Three:*

The traffic modelling, which was undertaken for the assessment of the Barlows Road feasibility study, was reported to the March 2021 Ordinary meeting.

This included traffic modelling information and a consultant's report.

The comment from the writer is correct and the above reporting can be viewed on Council's website as part of the March 2021 Ordinary meeting agenda.

### *Item Four:*

Is the banning of the right hand turn into Southern Cross Drive from Tamarind Drive still warranted?

Given the significant amount of traffic expected to be using the North Creek Road / Tamarind Drive roundabout in the future, and the existing issue caused by the right turning vehicles in the AM peak from Tamarind Drive into North Creek Road causing congestion coming into Ballina, the removal of an alternative to this movement will likely cause additional delays and issues at this intersection.

The provision of this right turn currently, although somewhat restricted by the relatively constant stream of traffic from the fore mentioned roundabout, provides a relief valve for the roundabout and its removal will likely result in a worsening of traffic flow in this area.

Realistically, instead, this movement should be investigated to be formalised as a part of the upgrade of this section of road either through signals or other control measures, as having all traffic access North Creek Road / the industrial area from the single roundabout is not going to work and it is likely going to save Council money in the longer term by retaining it / upgrading it instead of removing it and then needing to reinstate it.

## 9.7 Delivery Program and Operational Plan - Adoption

---

### *Staff response Item Four:*

The planning for the Tamarind Drive four laning project, currently considers the closure of the right turn movement into Southern Cross Drive, due to the proposed development of four travel lanes (two lanes in each direction) plus the duplication of the Canal Bridge.

As projects within the RCP are progressively delivered, there is the opportunity to monitor and assess traffic demand and growth and check the traffic modelling.

There may ultimately be an option to retain the right hand turn based on further modelling.

### Ballina Environment Society – Various Matters

A submission was received from the Ballina Environment Society (BES) with comment made on the four Directions per the draft DPOP.

The submission acknowledges that whilst the draft DPOP does offer a number of initiatives which support environmental improvement, BES regards these as scattered, insufficient and lacking in integration.

### *Staff response:*

The DPOP includes a number of strategies, actions and targets that align with the directions set out in Council's Community Strategic Plan (CSP). Environmental considerations are fundamental to the CSP and DPOP, with these considerations spanning across Council's functional areas.

Strategies, actions and targets that relate to environmental outcomes are closely monitored with Council receiving progress updates through an established reporting process, each quarter. Examples include:

- Implement the Climate Change Action Policy
- Reducing CO<sub>2</sub> emissions from our built assets
- Increase renewable energy generated on council sites
- Reduce the energy consumption from our built assets
- Implement water loss reduction program
- Minimise light fleet greenhouse gas emissions
- Implement proactive street tree planting program
- Maintain and implement contemporary vegetation management plans.
- Prepare a biodiversity strategy.

There are also a series of actions associated with preparation and delivery of key strategic and management plans such as those relating to floodplain management, coastal management and place based strategic planning. These types of plans include more detailed strategies and actions to achieve the intended outcomes of the plans, many of which relate to environmental outcomes.

With respect to climate change in particular, Council has prepared and publically exhibited a new Climate Change Policy. The policy sets clear targets for Council operations and the exhibition sought feedback from the community about community based initiatives.

## 9.7 Delivery Program and Operational Plan - Adoption

---

The outcomes from the exhibition process are currently being collated for reporting to Council.

Council policies are also reviewed and exhibited, at a minimum of every four years, to ensure that they are contemporary and align with our goals and objectives.

### Arts Northern Rivers

Two submissions were received in relation to Council's proposal to discontinue membership of the Arts Northern Rivers.

These submissions were from Peter Wood, the Executive Director of Arts Northern Rivers and from Caroline Wales, of Ballinala.

#### *Staff response:*

The direct return on investment to the Ballina Shire over the last 10 year period has been extremely limited in consideration of the accumulative investment of \$226k to the Regional Arts Board during this time.

The region wide approach to Arts Northern Rivers (ANR) activities is considered an appropriate framework for supporting artist led initiatives through funding, advocacy and promotion but there has been inequity to date in ANR led funded projects delivered within the Ballina Shire and particularly projects that align with Council's strategic arts and cultural priorities.

For example, based on ANR's Forward Plans for the periods 2019 through to 2021 there is an inequity of ANR led funded projects delivered within the Ballina Shire compared to other LGAs contributing to the Regional Arts Board, particularly Lismore.

The core funding from Create NSW of \$1.8 million allocated to ANR is the established funding structure of the NSW Government for RADOs (Regional Arts Development Organisation's) in combination with contributing LGAs for the provision of arts and cultural development services in regional locations of NSW.

The \$1.5 million in project funding enables ANR to deliver a range of arts and cultural development projects across the region serviced by ANR, but as evidenced by the projects outlined in ANR's forward plans little of this funding has been directly injected into projects taking place or benefitting arts and cultural development activities or individual artists for the Ballina Shire in the last 10 years.

Council staff have consulted with Create NSW to confirm withdrawal from the Regional Arts Board will not impact Ballina Shire Council's, NRCG's or individual artists' eligibility to apply to Create NSW directly for future funding opportunities for arts and cultural development projects.

For example, the Country Arts Support Program (CASP) small grants program serviced through the 13 RADO networks can still be applied for directly with Create NSW by councils and individuals not participating in a Regional Arts Board.

## 9.7 Delivery Program and Operational Plan - Adoption

---

Create NSW advised this funding program is under review as part of a broader Regional Arts NSW Review however this year the funding pool for this program consisted of \$17k provided to each of the 13 RADOs to service multiple LGAs within their regions and \$19k managed by Create NSW for the 10 LGAs and individuals within those LGAs not serviced by a RADO. Additionally any other State or Federal funding is separate and not associated in any way with Council's participation within a RADO.

NRCG, if resourced appropriately, has demonstrated capacity to deliver programs with direct return on investment for the Ballina Shire whilst still supporting artists/creatives across the region.

NRCG has matured and is well positioned to manage robust arts and cultural development activities for the Ballina Shire, particularly with the future plan scoped in our Creative Action Plan.

### Lennox Head Chamber of Commerce – Various matters

An early submission (6 April 2021) was received from the Lennox Head Chamber of Commerce in relation to a number of matters.

#### *Item One: Capital Expenditure Proportionality*

The submission noted a low capital expenditure % for Lennox Head/Skennars Head in comparison to the relative increase in residential population.

#### *Staff response Item One:*

The analysis of the capital expenditure distribution is of interest and, at times, Council has conducted similar reviews.

When doing this sort of analysis it is important to examine funding sources as, for example, there are a number of planned projects that are funded from grants or developer contributions, where Council has no discretion in respect to the works program. Major examples include:

- River Street Four Laning and Fishery Creek Bridge duplication – approximately \$24m largely funded from Section 7.11 developer contributions for roads
- Pearces Creek Bridge - \$4.3m almost fully grant funded
- Kingsford Smith Reserve Upgrade - \$3.5m fully grant funded
- Byron Bay Road / Ross Lane Improvements - \$3.4m fully grant funded

These types of large, one off, expenditures can distort this type of analysis.

The Section 7.11 Developer Contribution Program for road works also represents a major part of Council's capital works program for the next ten years.

For the next five years the focus is on Ballina, through the River Street and Tamarind Drive four laning works, however for the second five year period the focus is on the North Creek Road Bridge reinstatement and further improvements to Ross Lane and North Creek Road, with the estimated value of those works, at approximately \$56m.

## 9.7 Delivery Program and Operational Plan - Adoption

---

Therefore a similar analysis in five years' time will reflect a far greater level of expenditure on Lennox Head related works.

When looking at major infrastructure expenditure, four years is a relatively short timeframe, and a longer period, such as the ten year period of the LTFFP, is probably a better indicator.

Further to note, the locality population figures from Council's website, as per the following link, and the latest figures available have Lennox Head / Skennars Head at 8,475 out of a total population of 45,217, which represents 19% inclusive of Skennars Head.

<https://profile.id.com.au/ballina/home>

This percentage is not too dissimilar to the 18% total expenditure program noted in the submission.

In summary, the recommended work priorities in the four year plan reflect technical condition assessments, alignment with adopted Council strategies and plans, or existing Council resolutions. Ultimately it is a matter for Councillors to re-order any priorities based on the staff recommendations and community feedback.

### *Item Two: Roads Spending*

The submission noted low roads expenditure for the Lennox Head / Skennars Head area.

### *Staff response Item Two:*

As per comments for the previous item, any analysis needs to take into account external funding sources, such as grants and developer contributions.

The actual road reconstruction program for existing infrastructure reflects engineering assessments on the condition of the roads, and this is a far more appropriate method to manage infrastructure renewal, rather than trying to split funding equally based on population numbers.

That sort of approach would likely result in infrastructure, that may be in a relatively poorer condition, deteriorating to an extent that would then require increased investment from Council to ensure the infrastructure is renewed to an adequate standard.

### *Item Three: Lennox Village Vision (LVV)*

The submission noted substantial parts of the LVV not fully funded.

### *Staff response Item Three:*

The submission is correct in that the entire LVV project is not funded in the LTFFP.

The major segments unfunded related to Lennox Park, Park Lane and Byron Street.

## 9.7 Delivery Program and Operational Plan - Adoption

---

It is not unusual for Council projects of this scale not to be fully funded, and it is normal for Council to review the planned infrastructure priorities each year, to determine whether funding opportunities have arisen to complete adopted priorities.

Council undertook a similar process for the River Street, Ballina beautification works, with additional segments completed as funds became available.

As noted later in this report, Section B, Council has recently been successful in securing additional grant funding of \$995,900 for the LVV project, through the “Your High Street” State Government program.

### *Item Four: Ballina Street Retaining Wall*

The submission requests that the town entry treatment be included in the four year Delivery Plan.

#### *Staff response Item Four:*

This matter was raised in the Finance Committee agenda for the meeting held 7 April 2021 in the report titled “Community Infrastructure Projects – Recurrent Expenditure”.

The works have not been recommended as a priority by Council’s engineering staff over other road or footpath works.

It is then a matter for Councillors to re-order the recommended priorities, either by replacing an existing project with these works, or identifying another funding source.

At this point in time there has been no change to the recommended order of works.

### *Item Five: Greenfield Place / Sunrise / Banksia Shared Path*

The submission requests the inclusion of this shared path project within the Delivery Program.

#### *Staff response Item Five:*

These works are actually in the 2020/21 Operational Plan at an estimated cost of \$93,000.

The delivery of the infrastructure has been delayed as the preference has been to include all the works planned for Lennox Head in the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) for Lennox Head.

Virtus Heritage Pty. Ltd. was engaged by Council in November 2020 to undertake this assessment, as the information provided will then assist Council in applying for an Aboriginal Heritage Impact Permit (AHIP) from the Department of Planning, Industry and Environment (DPIE), if required.

The ACHA and AHIP are needed to ensure that any infrastructure works undertaken by Council do not adversely impact on the local Aboriginal heritage.



## 9.7 Delivery Program and Operational Plan - Adoption

---

Works that have been included in this process are:

- Lennox Head Village Centre Renewal and Ancillary Works, including Ross Park, Lennox Park, Park Lane and Rayner Lane (north)
- Stewart Street Road Works
- Lennox Street Stormwater
- Megan Crescent Street Lights
- Gibbon Street Road Works and Drainage
- Byron Bay Road and Ross Lane Road Works
- Banksia Avenue, Sunrise Crescent and Greenwood Place Footpath Works

A large number of these projects have been delayed due to this process and once all relevant approvals and permits are in place, Council is committed to delivering the works as quickly as possible.

### *Item Six: Lennox Strategic Plan*

The submission notes that community consultation with key stakeholders will lead to productive outcomes and proposes a workshop group including an independent facilitator, similar to that done for LVV.

### *Staff response Item Six:*

The Strategic Planning section is currently preparing a project scope and engagement strategy for the Strategic Plan. This will include components of face to face community engagement during the strategy preparation process.

Council staff are also considering a facilitated workshop, however, it will not be held at the beginning of the strategy process like it was for the LVV, due to many of the broader strategic planning issues having been already identified.

It is considered that it will be more useful and efficient to hold a workshop to gain community feedback once we have drafted preliminary themes and identified issues and considerations for discussion.

### Street Lighting Daley Street, Alstonville

Attachment 2 to this report is correspondence from Dr Robyn Fitzgerald requesting Council install improved street lighting adjacent to her veterinarian business.

The correspondence was not received as a submission to the DPOP, however it is included as the request is directly related to a program in the exhibited documents.

The submission is concerned about security in Daley Street and notes the nature of a veterinarian business means the site can be attended outside of normal business hours.

The DPOP currently programs work to be done in 2023/24 with \$14,000 allocated.

The Street Lighting program in the exhibited documents includes the following allocations.

## 9.7 Delivery Program and Operational Plan - Adoption

---

### 2021/22

Riverside Drive, West Ballina	\$12,000
Daydream Avenue / Sunnybank Drive, West Ballina	\$7,000
Hackett Lane, Ballina	\$36,000

### 2022/23

Hackett Lane, Ballina	\$55,000
-----------------------	----------

### 2023/24

Hill Street / Pine Avenue, East Ballina	\$42,000
Daley Street Alstonville	\$14,000

If Council is inclined to support the request to move the works forward, the preferred candidate project would be to defer Riverside Drive, West Ballina.

The submission is concerned about security and refers to incidents reported or managed by Police in Daley Street.

Council did not receive advice or request for action from Police following those incidents.

The street lighting program does aim to improve security, however the program also aims to improve pedestrian safety and amenity by reducing the risk from trips and falls.

No recommendation has been made in response to the correspondence, albeit the priorities can be amended as part of this report, if that is the preferred position of Council.

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

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

#### ***Additional Grant Funding for Lennox Village Vision***

Council has now executed a funding agreement for the State Government funded "Your High Street" program, with funding of \$995,900 approved for the Lennox Village Vision - Ballina Street.

The total 2021/22 and 2022/23 budget for the Lennox Head Village Renewal has been increased to \$6,495,900.

The project completion date for this funding is May 2022.

#### ***Additional Grant Funding for Fixing Local Roads Round Two***

Council has also been successful in securing funding of \$336,672 under the Fixing Local Roads Round Two. This funding is for the following projects:

- Houghlahans Creek Road Sealing - \$117,179
- Friday Hut Road Rehabilitation - \$105,570
- Brooklet Road Patching and Sealing - \$113,923

### ***Compliance Levy and Information Service Fee Income***

The State Government has completed a review of council compliance levies, with the intention to create a more certain, consistent and transparent planning system. The review included a new levy structure for compliance levies.

Regulation changes, expected to be effective 1 July 2021, prohibit compliance levies on development applications for all councils.

A six-month transition period has been provided to allow councils that already charge compliance levies on development applications to continue doing so until 31 December 2021.

Under the current State Government approach, effective from 1 January 2022, compliance levies on development applications are no longer able to be charged by any Council.

This announcement has a significant detrimental impact on the forecast operating results for the LTFP. The draft 2021/22 budgets, on exhibition, included \$535,000 for compliance levy income and \$150,000 for information fee (IT) income, and this income was recurrent for all years in the LTFP.

The income budgets for 2021/22 have now been reduced to 50%, and subsequent years reduced to nil.

A proposed new compliance position had been funded from the compliance levy income. As a consequence of the revision of the compliance levy income, salaries budgets have been revised to remove this position.

Staff are currently undertaking a review of development related fees and charges in light of the State Government's current position on the compliance and IT levies.

This review was initially commenced in response to Council's April 2021 resolution to receive a report modelling an increase to fees and charges for planning to assist in funding additional resources.

However, the review is now also taking into account the loss of income associated with the State Government's position on compliance levies.

A large proportion of development related fees are regulated by the State Government with these fees being fixed.

There has been some growth in certain income areas, as some fees are charged as a percentage of the cost of works, but fees typically do not cover the full cost of the development assessment process, or post consent work undertaken, for each application.

Areas where Council has discretion to increase fees include plumbing and drainage and building certification functions. Before making recommendations regarding changes in these areas, beyond those already identified in the draft fees and charges, staff are undertaking wider benchmarking with other local government areas.

**Fees and Charges – Lennox Head Community Hall**

Council will soon be handed over a community facility located on the corner of Hutley Drive and Caloola Drive on the sporting fields in the Epiq residential estate in Lennox Head. This handover is set to occur in July 2021.

The facility is multi-purpose and includes amenities for sporting clubs, a kitchen, a meeting room, a multipurpose room and bathrooms.

It is anticipated the facility will be operated like other Council community facilities, where the community can book the facility for a fee. It is proposed that exemptions for fees be in place for sporting groups that use the adjacent sporting fields as their home ground.

Fees and charges would be applied at a Community rate, Regular Community Based Activities (RCBA) rate or Commercial rate, as is the case for all other council operated community facilities.

The fees and charges have been calculated using the same formula as other community facilities and based on a square metre rate.

**Table Three – Draft Fees and Charges for Lennox Head Community Hall**

<b>Lennox Head Community Hall</b>	<b>2021/22 Fees (\$)</b>
<b>Meeting Room Only – 20 m2</b>	
Commercial Hire Fee – Hour	40
Commercial Hire Fee – ½ Day	144
Commercial Hire Fee – Full Day	240
Commercial Hire Fee – Overnight	360
RCBA Hire Fee – Hour	30
RCBA Hire Fee – ½ Day	108
RCBA Hire Fee – Full Day	180
RCBA Hire Fee – Overnight	270
Community Hire Fee – Hour	20
Community Hire Fee – ½ Day	72
Community Hire Fee – Full Day	120
Community Hire Fee – Overnight	180
<b>Multipurpose Room Only – 90 m2</b>	
Commercial Hire Fee – Hour	72
Commercial Hire Fee – ½ Day	259
Commercial Hire Fee – Full Day	432
Commercial Hire Fee – Overnight	648
RCBA Hire Fee – Hour	54
RCBA Hire Fee – ½ Day	194
RCBA Hire Fee – Full Day	324
RCBA Hire Fee – Overnight	486
Community Hire Fee – Hour	36
Community Hire Fee – ½ Day	130
Community Hire Fee – Full Day	216
Community Hire Fee – Overnight	324
<b>Combined (Meeting/Multipurpose)</b>	
Commercial Hire Fee – Hour	90
Commercial Hire Fee – ½ Day	323
Commercial Hire Fee – Full Day	538
Commercial Hire Fee – Overnight	806

## 9.7 Delivery Program and Operational Plan - Adoption

<b>Lennox Head Community Hall</b>	<b>2021/22 Fees (\$)</b>
RCBA Hire Fee – Hour	67
RCBA Hire Fee – ½ Day	242
RCBA Hire Fee – Full Day	403
RCBA Hire Fee – Overnight	605
Community Hire Fee – Hour	45
Community Hire Fee – ½ Day	161
Community Hire Fee – Full Day	269
Community Hire Fee – Overnight	403
<b>Kitchen Only</b>	
Commercial Hire Fee – Hour	35
Commercial Hire Fee – ½ Day	126
Commercial Hire Fee – Full Day	210
Commercial Hire Fee – Overnight	315
RCBA Hire Fee – Hour	26
RCBA Hire Fee – ½ Day	94
RCBA Hire Fee – Full Day	156
RCBA Hire Fee – Overnight	234
Community Hire Fee – Hour	18
Community Hire Fee – ½ Day	65
Community Hire Fee – Full Day	108
Community Hire Fee – Overnight	162

### ***Ross Lane Flood Study Assessment – Review of Options***

Following the receipt of the TfNSW Safer Roads grant for road safety improvements along Byron Bay Road and Ross Lane, a separate flood study assessment was also needed to better inform the future design for Ross Lane, and in particular to consider potential flood immunity options.

This flood study assessment does not form part of the Safer Roads Program, and was separately funded by Council under the Regional Roads Block Grant.

The intent of this study was to investigate the scope of possible future flood immunity options along Ross Lane, and to ensure works under the Safer Roads Program would be appropriately integrated with any future potential bridge structures or road raising options.

This study was completed in May 2021 by BMT and included a cost/benefit assessment (by sub consultant Planit) considering a number of flood immunity options.

The flood immunity options comprised:

Option One: Improve the nuisance effect of flooding with a 10m long bridge and raise the road by 200mm for approximately 150m. (Approximately half of the capacity of Option 2). Estimated construction cost \$0.5m.

Option Two: Improve the effect of flooding with 20% AEP (1 in 5 year) immunity with a 10m long bridge and raise the road by 400mm for approximately 300m. Estimated construction cost \$0.8m.

Option Three: Improve the effect of flooding with 10% AEP (1 in 10 year) immunity with a 10m long bridge and raise the road by 650mm for approximately 500m. Estimated construction cost \$1.3m.

## 9.7 Delivery Program and Operational Plan - Adoption

---

Option Four: Improve the effect of flooding with 5% AEP (1 in 20 year) immunity with a 10m long bridge and raise the road by 1200mm for approximately 1200m. Estimated construction cost \$4.0m.

Based on the hydraulic assessment of the above, the preferred option is Option Two where the highest road flood immunity is achieved without causing sizable flood level impacts.

Option Three and Option Four show adverse flood impacts at upstream house locations.

From a cost benefit perspective Option Two and Option Three provide the best outcomes. Option Three should be investigated further and if adverse impacts are unacceptable then Option Two should be considered.

With Option Two and Option Three the flood report has also identified overtopping of Ross Lane further east of North Creek and this would need to be included in the assessment.

It is recommended, Council allocate further funding, next financial year, of \$75,000 to progress the concept design, which will include, geotechnical investigations, structural design, road design, services investigation and land acquisition requirements. This funding would be sourced through the Regional Roads Block Grant, by reducing a number of maintenance budgets.

The recommendations amend the exhibited Roads Program to include the Ross Lane Concept Design, with a budget of \$75,000 funded from the Regional Roads Block Grant.

### ***Community Infrastructure Projects – Recurrent Expenditure – Footpaths Cedar Street, Wardell and Cawarra Street, Ballina***

At the April 2021 meeting Council resolved as follows:

*That the report on the adoption of the Delivery Program to the June Ordinary meeting, include information on the timing of the construction of the footpath works in Cedar Street, Wardell and Cawarra Street, Ballina.*

The draft DPOP includes an allocation of \$50,000 for Cedar Street for 2022/23. There is no allocation for Cawarra Street in the four year program.

At the June 2019 meeting Council resolved as follows:

*That Council swap the scheduled footpath works for Cedar Street, Wardell and Cawarra Street in the Delivery Program.*

The draft DPOP that was advertised in 2019 included a proposed allocation of \$37,000 for Cawarra Street in 2022/23. Cedar Street was not included in the exhibited program.

The adopted DPOP published for 2019/20 to 2022/23 included the change as per the resolution.

This direction was maintained for the adopted 2020/21 to 2023/24 DPOP, with Cedar Street again listed for completion in 2022/23.

## 9.7 Delivery Program and Operational Plan - Adoption

However, Cawarra Street continued to be excluded and this is likely because staff have not picked up on the change and have continued to assess the projects listed in priority under the PAMP.

This programming was again retained in the information for the current draft for the 2021/22 to 2024/25 DPOP.

The draft 2021/22 to 2024/25 Footpath Program is reproduced as follows.

**Table Four: Draft Footpath Program per Exhibited Documents (\$)**

Description	2021/22	2022/23	2023/24	2024/25
<b>Footpaths and Shared Paths</b>	<b>776,000</b>	<b>510,000</b>	<b>520,000</b>	<b>530,000</b>
Coastal Walk Structure 5	120,000			
Grandview Street, East Ballina	70,000			
Bike Plan Projects		100,000	100,000	100,000
Bike Plan – Eyles, John Sharpe, Links Avenue		100,000		
Owen Street, Ballina	15,000			
Tamarind Drive, Ballina North	10,000			
Old Pacific Highway, Newrybar	65,000			
Grandview Street, East Ballina	110,000			
Manly Street, East Ballina	22,000			
Moon Street, Ballina	13,000			
Williams Street, Lennox Head	50,000			
Kerr Street, Ballina	20,000			
North Creek Road, Ballina	15,000			
Quays Drive, West Ballina	80,000			
Greenwood Place, Sunrise Crescent, Lennox Head	54,000			
Camoola Avenue, Ballina		35,000		
River Street, Ballina		45,000		
Fox Street, Ballina		90,000		
Tamar Street, Ballina		35,000		
Coral Street, Alstonville		5,000		
Cedar Street, Wardell		50,000		
Rifle Range Road, Wollongbar	100,000	45,000		
Burnet Street, Ballina			35,000	
Owen Street, Ballina		5,000		
Skennars Head Road, Skennars Head			20,000	
Westland Drive, West Ballina			5,000	
Green Street, Alstonville			15,000	
Canal Road, Ballina			40,000	
Chickiba Drive, East Ballina			70,000	
Martin Street, Ballina			80,000	
Banksia Avenue, Lennox Head	32,000			
Montwood Drive, Lennox Head			155,000	35,000
Jameson Avenue, East Ballina				100,000
Anderson Street, Ballina				5,000
Stewart Street, Lennox Head				70,000
Martin Street/Fox Street, Ballina				10,000
Horizon Drive, West Ballina				90,000
Mellis Circuit, Alstonville				120,000

The Pedestrian Access and Mobility Plan (PAMP) uses a Weighted Criteria Scoring System to prioritise works in the program.

A number of criteria for assessment have been developed under the categories of Land Use, Traffic Impact, Safety, Facility Benefits, Continuity of Routes and Priority.

## 9.7 Delivery Program and Operational Plan - Adoption

The next table summarises the scored weighting for a selection of projects from the program above. The list excludes projects already noted by Council as priorities in previous resolutions, projects that are linked to grants or other special factors, and projects of a different scale/cost have been excluded.

**Table Five – Selected PAMP Scores**

Project	Scored Assessment	Year	Estimate (\$)
Cedar Street	50	2022/23	50,000
Cawarra Street	57	N/A	50,000
Old Pacific Highway Newrybar	60	2021/22	65,000
Manly Street	60	2021/22	22,000
Kerr Street	62	2021/22	20,000
Quays Drive	58	2021/22	80,000
Camoola Ave	N/A	2022/23	35,000
River Street	N/A	2022/23	45,000
Fox Street	58	2022/23	90,000
Tamar Street	58	2022/23	35,000

Camoola Avenue and River Street are not new PAMP projects. These are existing paths that need to be renewed.

The PAMP originally prioritised Cawarra Street for 2021/22.

The options depend on Council's preferred strategy from one or more of the following directions;

- Adopt the Plan as exhibited - The disadvantage of this option is Cawarra Street, which has been assessed as a priority, will not proceed in the four year program.
- Move Cedar Street to 2021/22 - This option responds to the Wardell Resident's Association.
- Reinstate Cawarra Street into the program - This direction supports consistency with the PAMP priorities.

The weighted scoring does have some subjective elements and the outcomes are not a prescriptive determination. However, the process has served Council well and is certainly useful and consistent as the predominant information for setting priorities.

The projects listed in the draft program for 2023/24 have scores within the range of 54-50 and for the 2024/25 projects the range is 52-50.

For Cedar Street, following the previous decisions of Council and having regards to the project's ranked score of 50, the recommendation to this report is not to change the program and continue with the project being scheduled 2022/23.

For Cawarra Street, ideally this project should be included in 2021/22 due to the project's weighted score. However, as the program has been exhibited, it is suggested the return of Cawarra Street to the program is best undertaken in the fourth year, 2024/25.



## 9.7 Delivery Program and Operational Plan - Adoption

---

The Stewart Street project in that year is the only project of a similar scale and cost and it is recommended that Cawarra Street replace the Stewart Street project, noting that the DPOP is reviewed on a regular basis and the program for 2024/25 is likely to be adjusted again in the future.

The recommendation is to amend the exhibited Footpath Program by replacing the Stewart Street project scheduled in 2024/25 with the Cawarra Street project, noting the Cawarra Street project was originally programmed for 2021/22 based on an assessed priority.

### ***Community Infrastructure Projects – Recurrent Expenditure – Shared Path, Skennars Head Road / Coast Road***

There has been significant on-going maintenance issues with respect to maintenance of the costs of planting, weeding and spraying of these segments of the shared path network. To assist in reducing maintenance works, \$50,000 has been included, funded from internal footpath reserves, to complete sections of the path network to then reduce on-going maintenance.

### ***Community Infrastructure Projects – Non-recurrent Expenditure – Pool Shade Structure***

At the April 2021 meeting Council resolved as follows:

*That the report on the adoption of the Delivery Program to the June Ordinary meeting, include information on funding options to provide a waterproof shade structure for the full width of the northern end of the Alstonville 50 metre pool (estimated cost \$40,000).*

The Pool Contractor initially suggested a design that would involve a 20m long x 4m wide structure that would provide a water proof shade sail over the front of the 50 metre pool at the amenities end of the facility. This would provide a mirror version of the shade structure at the top end of the 50m pool. The costings obtained for this construction is approximately \$52,000.

A review of the site with Council staff and the pool contractor has identified that the preference is to install a 20m long x 7m wide structure to provide optimal shade over the concrete at the amenities and kiosk end of the 50m pool. This structure is wider than the structure at the top end of the pool.

Council staff have been liaising with contractors to obtain a quotation for these preferred works and have been provided with an estimate construction price of \$90,000. This includes engineering designs however excludes costs associated with required planning approvals. Confirmed quotes for these works is anticipated to be received by end of June 2021.

There is no readily identifiable source for this work, with the Community Infrastructure Reserve largely allocated to future projects such as the Ballina SES building.

The recurrent funding for Community Facilities is also largely allocated to the Alstonville Cultural Centre refurbishment, albeit that project is unlikely to be funded in full until 2022/23 or later.

## 9.7 Delivery Program and Operational Plan - Adoption

If Council is committed to providing this infrastructure during 2021/22, the recommendation would be to reallocate \$100,000 from the Alstonville Cultural Centre refurbishment to the shade shelter at the Alstonville Aquatic Centre.

### C. Other Matters

#### **Ordinary Rate Revenue**

Council needs to adopt the ordinary rates to be levied for the 2021/22 financial year.

The rates in the dollar and base amounts in the following table reflect an increase of 2.0%, based on the IPART approved rate peg for 2021/22.

**Table Six - Rates in the Dollar and Base Amounts – 2021/22**

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.1570150	572	49.86
Business	0.7378120	572	14.85
Farmland	0.1298200	572	32.25
Mining	0.7378120	572	0.00

This provides a rating structure with 19.20% of the total rate yield sourced from business category properties, as recommended at the April 2021 Finance Committee meeting.

The recommendations include the making of the rates and the various annual charges (i.e. waste, water etc) included in the fees and charges.

#### **Maximum Interest Rate for Outstanding Fees and Charges**

In accordance with Section 566(3) of the Local Government Act, the Minister for Local Government has determined that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2021 to 30 June 2022 (inclusive) will be 6.0% per annum.

With the exception of the Mayoral Minute – Financial Assistance from the 23 April 2020 Ordinary Meeting, which resolved to apply a nil interest rate for the period of 1 April 2020 to 30 June 2021 due to the COVID-19 pandemic, Council has historically applied the maximum rate of interest payable, as published in the NSW Government Gazette.

The draft budgets, as exhibited, are inclusive of budgeted interest income of \$50,000, based on an assumption that a maximum interest rate would be applied.

#### **Paid and Smart Parking Options**

Council resolved at the 22 April 2021 Ordinary meeting as follows:

*That Council receive a report on the installation of paid parking and/or smart sensors for improved parking management, with any additional revenue generated to assist in funding increased resources and increased capital infrastructure renewal, with an exemption for Shire residents.*

Following the meeting staff have completed a high level assessment, which has included undertaking a comparison of approaches undertaken by similar coastal council areas.

### *Smart Parking Trial*

As part of the Lennox Village Vision project, an option to trial in-ground parking sensors in Park Lane was examined.

The objective of this trial would be to analyse data from the in-ground parking sensors to assess whether improved parking management results of their introduction and whether the introduction of paid parking measures should be also considered.

The information can also be used to inform a broader investigation and review of the current parking demand levels across all of the town centres.

A key element of a smart parking trial is the use of sensors to register if a parking space is occupied. This provides real-time parking occupancy information to both the customer and to Council's rangers.

In-ground sensors are able to be installed in existing infrastructure, without the need to reconstruct the road network.

Parking sensors can facilitate more effective and efficient parking enforcement activities as rangers can remotely monitor compliance with time limit restrictions and then help distribute parking demand more evenly across the town centre.

Some technology also allows drivers to access information on available spaces.

In summary the benefits of having in-ground sensors include:

- real time information on each and every parking space
- the ability to guide drivers to available spaces and reduce congestion through the use of accessible smart phone applications; and
- instant information on parking overstays to support improved enforcement

An estimate of \$232,000 to purchase 274 in-road sensors for Park Lane (and associated smart sensor connectivity and software costs) to operate these sensors for one-year was identified as part of this analysis

Council will need to determine, at a later date, whether it wishes to proceed with that proposal, recognising that the entire scope of works for the Lennox Village Vision project is currently not funded.

### *Similar councils*

Staff made enquiries and conducted research of other councils parking management strategies, specifically focusing on local government areas with similar profiles to Ballina Shire, with respect to having coastal popular tourist town centres.

## 9.7 Delivery Program and Operational Plan - Adoption

---

The councils examined included:

- Byron Shire
- Tweed Shire
- Port Macquarie-Hastings
- Coffs Harbour
- Port Stephens

The information sourced identified the following:

- Byron Shire Council and Port Stephens City Council have paid parking meters
- Tweed Shire Council, Port Macquarie-Hastings Council, Port Stephens-Hastings Council and Coffs Harbour City Council have smart parking sensors in their main town centres
- Councils with paid parking meters use any net parking revenue to fund local infrastructure improvements in an open and transparent way. As part of the implementation of the paid parking, the reinvesting of revenue back into the town centres was promoted. One council has a policy specifically pertaining to parking meters on Crown land whereby 50% of the revenue earned is allocated to the Town Centre Masterplan and the rest is allocated to the town.
- Both councils with paid parking meters have resident and local business owner schemes.
- There is a wide variation in the extent and level of parking technology used across councils reflecting the ageing of each council's infrastructure.

One council has the latest technology, including vehicle-mounted licence plate recognition systems, which allow the enforcement of parking restrictions to be undertaken much faster than traditional methods.

If a vehicle is found to be non-compliant, evidence is then gathered by the systems and distributed back to Council for assessment purposes.

The system also collects high volumes of accurate parking occupancy data.

- On-going costs of paid parking meters include: maintenance of parking meters, merchant fees, transaction fees, cash collection expenses, employee costs (including staff to manage the parking schemes), smart parking connectivity and technology costs, smart parking vehicle operating costs and costs of mobile device compliance system access.
- One council highlighted the extensive research and development work undertaken to design the paid parking scheme. This involved identifying and assessing a range of solutions with supplier based enquiries and enquiries of other councils. The solutions chosen were customised and based on multiple reports from the Council's Traffic and Parking Studies and their Independent Citizens Parking Panel report.

## 9.7 Delivery Program and Operational Plan - Adoption

---

### *Smart Parking Schemes*

As per the earlier comments on the Lennox Village Vision Project, smart parking schemes can help influence transport mode choice and prioritise efficient travel in areas where there is a high demand for parking on roads and road related areas. Generally, smart parking schemes are intended to:

- a) ensure both safety and traffic efficiency within the overall context of travel demand management and the management of traffic on the road system
- b) provide equitable access to parking spaces through increased parking turnover in areas where demand for parking exceeds the available parking spaces
- c) help manage the competition between short-medium term parking and all day parking to ensure that any parking demand strategy is consistent with any land transport strategy for the area, and to
- d) support and complement the transport objectives, especially public and active transport, rather than working against them to enable revenue capture to ensure establishment and administration of the scheme and the provision of infrastructure.

Transport for NSW concurrence must be sought for the implementation of a smart parking scheme. This is because parking signs, meters / machines and certain pavement marking are prescribed traffic control devices.

### *Parking Studies*

#### *Ballina CBD Parking Performance Review (November, 2004)*

In November 2004, Council commissioned a review of on and off street parking within the Ballina central business district (CBD). The study was an update to the 2003 parking review which had resulted in some parking limit changes within the Ballina CBD to free up more spaces for customer parking demands. The 2004 review recommended that parking time limits be further reduced in some areas of high demand to displace long term parking demands to the peripheries of the core CBD and to private car parks.

#### *Lennox Village Vision Parking and Pedestrian Collection and Analysis*

In order to better understand parking demand, capacity, and pedestrian crossing movements within the Lennox Head village centre, parking and pedestrian audits were undertaken throughout the village centre in December 2019 and January 2020.

The key findings of the parking audit was included in the Lennox Village Vision Draft Concept Plan, presented to Council on 28 May 2020.

### *Parking - Financial Implications*

There is currently no standalone budget for researching, developing and implementing a shire-wide parking strategy.

## 9.7 Delivery Program and Operational Plan - Adoption

---

Ideally, detailed financial modelling is required as part of a broader feasibility on smart parking sensors (and potentially paid parking). This would include:

- Preliminary costs for undertaking a detailed traffic consultancy study to identify smart parking areas and options based on research that models parking demand in town centres
- Installation costs, incorporating all line marking, asphaltting and concreting works to for the required road and ancillary construction and technology assets
- Complete costing of the on-going operating expenses (annualised) including any associated connectivity and software costs
- Capital and operating costs to fund complementary technology-based enforcement activities, such as licence plate recognition systems.

When considering paid parking and smart parking measures from a revenue perspective, best practice is for any revenue collected to be reinvested back into the town centre in an open and transparent way.

In summary there are three main options that could be considered:

- Develop a Parking Pricing and Investment Policy as a key action in the Operational Plan for 2021/22. The policy would clearly identify how any parking funds would be reinvested back in the community where they were collected; the types of projects that would be suitable for funding; how projects subject to funding are identified and prioritised; and how the funds will be managed, including any recoupment of operational and administrative costs.
- Focus on Smart Parking as a key action in the Operational Plan for 2021/22 – If there is not strong support for paid parking, a more detailed analysis of smart parking options could be undertaken. Council already has information available on smart parking and this could be further investigated during 2021/22.
- Take no further action.

On balance there is considered to be merit in smart parking as it can help to ensure that the parking spaces, along with staff time, are used more efficiently and effectively.

With limited resources (and sometimes car parking spaces) available, the use of technology may provide efficiencies, without the need, at this point in time, to move to paid parking.

The recommendation is to include this as an action in the 2021/22 Operational Plan.

### ***Councillor Fees and Superannuation***

Section 248 of the Local Government Act requires a council to set an annual fee for payment to the Councillors for acting in their role as a Councillor. The Mayor is also paid an additional fee as Mayor.

## 9.7 Delivery Program and Operational Plan - Adoption

---

The maximum fee payable is determined each year by the Local Government Remuneration Tribunal and Council practice is to adopt the maximum fee. The Tribunal has released the 2021 Annual Report and Determination on the fees payable to councillors and mayors. The Tribunal granted a 2.0% increase in the fees payable, effective from 1 July 2021.

Also, a number of recent amendments have been made to the Local Government Act 1993, with the Local Government Amendment Act 2021 assented to on 24 May 2021. One of the key changes, under section 254B of the Local Government Act, provides that councils may now make superannuation contribution payments to councillors. Under Section 254B(4), councils must first pass a resolution to make superannuation contribution payments to its councillors.

Councils are able to make superannuation contributions for Councillors starting from 1 July 2022. This matter will now form part of the Delivery Program and Operational Plan report to the June 2022 Ordinary meeting.

### **Deferral of Capital Expenditure Program**

The exhibited draft Operational Plan included over \$77m worth of capital works for delivery in 2021/22. Council is not resourced to deliver this level of works, with capital expenditure typically averaging around \$40m per annum.

It is also technically impossible to deliver all the works included in the draft Operational Plan as many have significant lead times for planning approvals, permits, detailed design, tendering etc.

A review of the entire program has been completed to confirm what is likely to be expended during 2021/22 and what is likely to be expended during 2022/23. This has resulted in approximately \$24m worth of expenditure being transferred to 2022/23. Importantly this does not mean projects are not being delivered, rather it is a better reflection of the likely cash flows for the projects.

The preference is also to under-sell and over-deliver as projects can always be brought forward during the year.

A summary of this information is included as Attachment 3, for the General Fund, Water and Wastewater Funds, along with comments, where necessary.

The column titled "Draft LTFP" represents the exhibited information and the column titled "Recommended" reflects the likely timing of the expenditure.

In the column titled "Draft LTFP - 2022/23", there are occasionally budgets included. This typically represents a project that was already allocated across 2021/22 and 2022/23 and in a number of instances the entire 2021/22 budget is transferred to 2022/23, as the project cannot be completed in part during 2021/22. Two year's funding is required to allow the project to proceed.

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

The adoption of the draft Delivery Program and Operational Plan establishes the priorities and key actions for the next four years, with a specific focus, in this case, on 2021/22.

### Community Consultation Policy

Council advertised the draft Delivery Program and Operational Plan for public comment during May.

In addition, one online meeting and two public meetings were held.

#### *Online Meeting: 4 May 2021*

The online meeting held on 4 May was viewed by 11 persons, excluding staff, Mayor David Wright, Cr Ben Smith and Cr Sharon Cadwallader.

No questions were received from the public.

#### *Wardell Community Hall: 5 May 2021*

There were 14 people in attendance excluding staff, and Mayor David Wright.

A summary of discussion points is as follows:

- Health of the Richmond River – a community member raised a question on how Council plans to improve the health of the Richmond River, given the various jurisdictions involved in waterways. The General Manager advised that Council has an ongoing budget to improve waterways, and we have undertaken a number of works already, however acknowledged more needs to be done in respect to the overall governance structure and management of waterways.
- Fitzroy Park Playground Upgrade, Wardell – a question was asked as to who determines the type of equipment for the playground upgrade. The General Manager advised that community consultation will be undertaken with the Wardell community to decide the most appropriate playground equipment. Council's Open Spaces section will make contact with the Wardell Progress Association.
- Moylans Lane, Road Reconstruction (Segment 10) – a question regarding how much of Moylans Lane will be upgraded as part of this project, as there appears to be a significant budget available. A response was given on the night by Manager Engineering Works (by telephone) that it will depend on the condition of the road and road base. It was estimated that the cost of works would be approximately \$130/square metre.
- Cumbalum Off Ramps – why they haven't been constructed or funded? The General Manager and Mayor responded to advise Council have lobbied the Government over a number of years to Transport for NSW, and raised the matter with the Member for Ballina, Tamara Smith. The response has always been that they will consider additional works to the highway once the dual carriageway is complete.
- General Maintenance - Wardell boardwalk / planter boxes / mud on footpaths – several matters were raised regarding the general maintenance of Wardell Village. The General Manager will follow up with Council's Open Spaces section.



## 9.7 Delivery Program and Operational Plan - Adoption

---

*Lennox Head Community and Cultural Centre: 6 May 2021*

There were 17 people in attendance excluding staff and Mayor David Wright.

A summary of discussion points is as follows:

- Recycled Water Program – questions were raised as to whether the recycled water program was continuing into all new (greenfield) developments and also as to whether the use of recycled water as drinking water was a possibility. The General Manager confirmed that all new developments are inclusive of recycled water. The use of recycled water as drinking water is not on the agenda currently.
- Query on level of Development Reserves, from Council's commercial operations. The General Manager confirmed that the reserves were quite low and loan borrowings were now needed.
- Henderson Farm capital expenditure, query as to what that expenditure related to. The General Manager noted the expenditure represents Council's sharing of infrastructure costs related to the access road.
- Spoonbill Reserve was noted as not being included within the capital expenditure section of the delivery program. The General Manager noted that a masterplan is required prior to consideration of inclusion of any capital works.
- North Creek works – who has been appointed for these works? The General Manager noted the contract has been awarded to Hydrosphere Pty Ltd.
- Rayners Lane - noted as not included with the four year delivery program. The General Manager noted that staff are currently assessing whether this road requires heavy patching or full reconstruction works.
- Council recently received further grant funding, was it \$1million? And what is this to be allocated to? The General Manager confirmed additional funding to be used towards the Lennox Village Vision works for components not previously funded.
- Ross Lane – who is responsible for this road? The General Manager confirmed that Ross Lane is a regional road, but Council looks after it and receives funding. The General Manager noted that Council has confirmed funding for improvements to Byron Road and Ross Lane, with Council wanting to re-do flood modelling first.
- River Street Four Lane – what is Council's logic around doing the four lanes first, with a two lane bridge still in place? The General Manager commented on the necessity, from a funding perspective, to spread these works over a number of years.
- Barlows Road – discussion was had in general around the Barlows Road connection and the Western Arterial. The General Manager commented on traffic modelling completed, which has confirmed benefits of proceeding with Barlows Road option. The Western Arterial works, per traffic modelling, are much later on in Council's planned works.

## 9.7 Delivery Program and Operational Plan - Adoption

- North Creek Bridge Reinstatement – a question was raised about when this work occurs, will that enable more land to be developed / re-zoned along North Creek Road, Lennox Head? The General Manager advised this issue should be addressed with the development of the Lennox Head Strategic Plan.
- Four Wheel Drive Permits – general discussion over the level of fees, restrictions, level of fines.
- Paid Parking – Council’s resolution from the April 2021 Ordinary meeting, to receive a report on paid parking, was noted to the attendants as part of the general commentary of Fees and Charges. Comment from attendees indicated that paid parking would not be wanted for Lennox Head.

### Financial / Risk Considerations

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

It is important to reinforce that Council’s General Fund is facing significant financial pressures, with a large deficit forecast for 2021/22, albeit that the working capital deficit has been substantially reduced, primarily due to the deferral of a road reconstruction project, valued at \$460,000.

The State Government decision to not allow compliance levies, and the information services levy, has also negatively impacted the outlook for the General Fund.

Based on the latest available information the ten year forecast for the General Fund is as per the following table.

**Table Seven - Forecast General Fund Operating Result (\$'000)**

Year	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
Operating Revs	75,325	76,014	77,765	79,516	81,390	83,271	85,452	87,418	89,589	91,743
Operating Exps Excl Non-Cash	60,021	59,445	61,225	62,330	63,384	64,232	65,783	67,261	68,248	69,849
<b>Result before Non-Cash items</b>	<b>15,304</b>	<b>16,568</b>	<b>16,540</b>	<b>17,186</b>	<b>18,006</b>	<b>19,039</b>	<b>19,669</b>	<b>20,157</b>	<b>21,341</b>	<b>21,894</b>
Depreciation/Loss on sale	18,565	18,787	19,130	19,482	19,839	20,203	20,576	20,956	21,342	21,737
<b>Result (Deficit)</b>	<b>(3,261)</b>	<b>(2,219)</b>	<b>(2,591)</b>	<b>(2,296)</b>	<b>(1,833)</b>	<b>(1,165)</b>	<b>(907)</b>	<b>(799)</b>	<b>(1)</b>	<b>157</b>
WC Result	(6)	(780)	(841)	(720)	(513)	(300)	(101)	240	493	731
<b>WC Balance</b>	<b>3,937</b>	<b>3,157</b>	<b>2,316</b>	<b>1,596</b>	<b>1,083</b>	<b>783</b>	<b>683</b>	<b>923</b>	<b>1,415</b>	<b>2,147</b>

Pleasingly there is an operating surplus forecast at the end of the ten years and working capital remains at higher levels than initially forecast, albeit that capital works may need to be again deferred to reduce the forecast working capital deficit, unless improvements are made to the operating result.

This has been an extremely difficult financial plan to formulate, with the following items impacting negatively on the General Fund, the majority of which were reported to the April 2021 Finance Committee meeting:

## 9.7 Delivery Program and Operational Plan - Adoption

---

- Removal of compliance levy and information services levy income – net loss of close to \$700,000 income, with small offset for the removal of the additional compliance officer
- Legal expenses budgeted for \$300,000, whereas in previous years the budget was estimated at \$200,000, albeit that the budget has increased significantly during the year, for the last three years. There is a real risk that this budget may be insufficient
- Hazard Reduction expenditure is no longer eligible for reimbursement from the NSW Rural Fire Service. This expenditure has averaged approximately \$60,000 per annum for the last four years
- Public Risk insurance increases of \$65,000, well in excess of CPI
- Interest on investments. The average income for the 2017/18 to 2019/20 years for the General Fund was \$880,000. Due to the significant decline in the cash rate, this income is now forecast at \$320,000
- Information Services expenditure budgets have increased by well above CPI to reflect the organisation size and needs
- Forecast dividends to the General Fund for 2021/22 consist of \$150,000 from Commercial Property, \$50,000 from Flat Rock Tent Park, \$70,000 from Cemeteries and \$50,000 from Landfill and Resource Management (LRM). Total dividends to the General Fund from Commercial Property had traditionally been significantly higher. Loan repayments, in relation to property projects, have necessitated that the dividend available to the General Fund is now significantly lower. A new dividend of \$50,000 from LRM has been added to help improve the working capital result
- Council's contribution to Rous County Council for Floodplain Management has increased by \$28,000, an increase of 13%
- Council's contribution to the Richmond Tweed Regional Library has increased by 6%.
- Main Street paving cleaning budgets, averaging approximately \$70,000 have been created for 2021/22 onwards. This regular cleaning is needed to maintain the paving provided as part of the main street upgrades and to reduce the risk of slips and falls.
- A \$30,000 recurrent budget has been created to help maintain the Coastal Walk and Coastal Path precinct, including the vegetation, in the Boulder Beach / Sharpes Beach Head precinct.
- Forecast Non-cash expenditure (Depreciation and Loss on Disposal of Assets) is \$18.6 million, including \$1.8m in the forecast loss on disposal of assets. These amounts are difficult to forecast and represent a major component of operating expenses.

On the positive side, lower interest rates on loan borrowings has helped to reduce the estimated interest paid on future loans. For example, the interest rate on a loan for the 2020/21 financial year, which is in the process of being finalised with the Bank, is forecast to be 0.80%, albeit fixed for three years.

Overall, on balance, Council needs to look at saving around \$500,000 to \$1 million in recurrent operating expenses for the General Fund to improve our overall financial viability, or find a similar level of revenue, or a combination of both.

Council has little in the way of discretionary expenditure programs so one option to be investigated is rather than selling off our residential land holdings, Council retains part of the land and develops income generating assets (i.e. residential accommodation). This will be subject to further reporting to Council and will form part of the discussion on housing affordability.

**Options**

Council has a legal obligation to adopt the Operational Plan and Delivery Program. The options available include amending the recommendations and / or varying the works and services and / or the proposed fees, charges and rates.

The recommendations reflect the contents of the report.

**RECOMMENDATIONS**

1. That Council adopts the 2021/22 to 2024/25 Draft Delivery Program and 2021/22 Operational Plan, which includes the Long Term Financial Plan (budget), Workforce Plan and Fees and Charges, as exhibited, inclusive of any amendments arising from this meeting.
2. That Council approves the formation of a Working Party, consisting of a minimum of one Councillor from each Ward plus the Mayor, to review the submissions received for Community Donations and Capital Works Assistance for Sporting Groups, as per Tables One and Two of this report. The recommended allocation of the funding available from the Working Party is to be reported to the July 2021 Ordinary meeting. The Ward Council representatives are to be determined at this meeting.
3. That Council notes the contents of this report in respect to the submissions received on the proposed fees and charges.
4. That Council approves the following amendment to the Aircraft Parking – GA Fees

<b>Aircraft Parking – GA</b>	<b>2021/22</b>
Light Aircraft Parking fee – per aircraft, per night (light aircraft only with maximum wingspan of 12 metres) *	\$18.00

*\* free same-day overnight parking for aircraft registered to BBGA on airport commercial businesses who have conducted at least one landing at BBGA on that day. Parking of aircraft is to be at the direction of authorised BBGA airport staff.*

5. That Council approves the draft fees and charges outlined in Table Three for the community facility referenced in the report as the Lennox Head Community Hall.
6. That Council notes the contents of this report in respect to the submissions received for works and services.
7. That Council amends the exhibited Roads Program, to include the Ross Lane Concept Design, with a budget of \$75,000 funded from the Regional Roads Block Grant and offset by savings in operating expenses.
8. That Council amends the exhibited Footpath Program, as per Table Four of this report, by replacing the Stewart Street project scheduled in 2024/25 with the Cawarra Street project, noting the Cawarra Street project was originally programmed for 2021/22 based on an assessed priority.

## 9.7 Delivery Program and Operational Plan - Adoption

9. That Council amends the exhibited Footpath Program, to include the Shared Path, Skennars Head Road / Coast Road, with a budget of \$50,000 funded from internal reserves.
10. That Council resolves to make a base rating structure applicable to all rateable land in the Shire for the levy of the 2021/22 Ordinary Rates as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.1570150	572	49.86
Business	0.7378120	572	14.85
Farmland	0.1298200	572	32.25
Mining	0.7378120	572	0.00

The rate in the dollar for 2021/22 applies to the land value of all rateable land in the Shire within the relevant category.

11. That Council resolves to make the annual charges for 2021/22 as detailed in the Fees and Charges document that forms part of the Delivery Program and Operational Plan for Domestic Waste Management, Stormwater, Waste Management Operations, Water Services, Wastewater Services and Onsite Septic Management.
12. That Council adopts the maximum interest payable on overdue rates and charges for the period 1 July 2021 to 30 June 2022 (inclusive) of 6.0% per annum as determined by the Minister for Local Government.
13. That Council notes that the Compliance Levy and Information Services Levy will not be able to be charged on development applications from 1 January 2022 onwards, resulting in the loss of approximately \$700,000 in recurrent revenue and the removal of an additional compliance officer from the Workforce Plan.
14. That Council include as an action in the 2021/22 Operational Plan for “the investigation and analysis of the application of smart parking”, with the indicator being the completion of the analysis.
15. That Council adopts the maximum Councillor and Mayoral fees for 2021/22 as determined by the Local Government Remuneration Tribunal.
16. That Council approves the revised cash flows for the capital expenditure program for 2021/22, as per Attachment 3 to this report, for inclusion in the 2021/22 to 2024/25 Delivery Program and Operational Plan.

### Attachment(s)

1. Submissions - Draft Delivery Program and Operational Plan - 2021/22 to 2024/25
2. Daley Street - Street Lighting
3. Capital Expenditure Program - Exhibited and Revised (General Fund, Water Fund, Wastewater Fund)

## 10.1 Bike Plan Projects - Priorities

---

### 10. Civil Services Division Reports

#### 10.1 Bike Plan Projects - Priorities

<b>Section</b>	Engineering Works
<b>Objective</b>	To consider a program of works for the Bike Plan projects.

---

#### **Background**

The Bike Plan was adopted by Council at the April 2017 Ordinary meeting. It is the primary strategic document that outlines Council's direction for establishing a bicycle friendly environment. The Plan is scheduled for renewal after 10 years hence this is a mid-term review.

The Plan provides a coordinated approach to improve the condition of the existing bike network and deliver future bicycle routes and connections, including the provision of cycling infrastructure and education.

The Plan's vision is to provide a network of on-road and off-road bicycle routes that connect key destinations, and to identify cycling infrastructure requirements (i.e. cycle lanes and parking) and behavioral incentives (i.e. education and promotional activities).

The Bike Plan's focus is on shared paths. The Plan relates to cycling for recreation, sport, commuting, touring and utility (e.g. shopping). It excludes BMX, mountain bike riding, and track riding.

Numerous bike paths are identified as shared paths in the Plan and for this reason they may also appear in the program of works under Council's Pedestrian Access and Mobility Plan (PAMP) (adopted July 2018).

The PAMP is a fully-costed 10-year program with projects prioritised year-on-year to align with an allocated annual budget. The PAMP provides a comprehensive and integrated framework for developing coordinated, convenient and safe pedestrian networks.

Where shared paths appear in the PAMP's works program, their cost estimates are for construction to a footpath standard, not a fully constructed shared path.

The current Long Term Financial Plan (LTFP) has a recurrent annual budget of \$100,000 for implementing Bike Plan projects, commencing in the 2022/23 financial year.

With competing demands such as the Coastal Shared Path Project and the Coastal Recreational Walk Project, funding for the Bike Plan has not been provided other than through PAMP projects and traffic facilities funding.

However, unlike the PAMP, there is currently no prioritised program of works for implementing Bike Plan projects, rather they are simply prioritised as 'high', 'medium' and 'low'.

## 10.1 Bike Plan Projects - Priorities

---

As per Council's normal practice, it is desirable to indicate to the community the preferred priorities for projects proposed to be completed under the LTFP.

Hence, the aim of this report is to consider the adoption of a program of works that prioritises Bike Plan projects over the remaining years of the Plan's life.

This is effectively a five-year program of works, since the Plan is scheduled for review in 2027. The PAMP will be reviewed around the same time.

This review has also attempted to increase the level of integration between the Bike Plan and the PAMP. Ideally, future reviews will facilitate the full amalgamation of the two plans.

### Key Issues

- Priorities and costings for LTFP funding allocation
- Connection between the Bike Plan and PAMP
- Connection of the shared path / cycleway network

### Discussion

The recurrent \$100,000 funding in the LTFP has formed the basis for developing the Bike Plan program of works, as per Attachment 1.

Only "high" priority Bike Plan projects have been considered, since these alone are estimated to exceed the Bike Plan's budget allocation.

The program recognises that where Bike Plan projects are shared paths, the corresponding PAMP priorities and funding sources are taken into account, recognising that shared paths may be subject to co-funding from the Bike Plan and PAMP funding streams.

Several Bike Plan projects have been, or will be, funded from other revenue sources, as indicated in the program, e.g. signage to be installed under the local traffic facilities works programs

Projects have been prioritised taking into account operational efficiencies, resource scheduling and the Bike Plan's recurrent annual budget. PAMP priorities have also been considered where co-funding is applicable.

The proposed program is a five-year program, reflecting the remaining life of the plan.

If the program of works outlined in this report is the preferred direction of Council, more detailed project scoping and cost estimating will need to be undertaken. The outcomes from this further work may mean reconsideration of the timing for some projects.

The program, as per Attachment 1, summarises the numerous "high" priority Bike Plan projects.

For more details on these and other (medium and low priority) projects, refer to the Ballina Shire Council Bike Plan, May 2017.

## 10.1 Bike Plan Projects - Priorities

---

A link to the Plan on Council's website is as follows:

<https://ballina.nsw.gov.au/bike-plan>

The following projects do not feature in the current Bike Plan but are considered priorities for other reasons:

- Preliminary concept design investigations - Ross Lane and Old Byron Bay Road. This inclusion is in response to the following resolution at the 25 June 2020 Council meeting:
  1. *That Council confirm a preferred design for a cycleway connection to Lennox Head from Sanctuary Village / Fig Tree Hill Drive.*
  2. *That as part of this investigation the use of Cooper Close and the existing fire trail / road reserve, which has a hotmix surface be considered.*
  3. *That Council seek grant funding for this cycleway through State Government grant programs, as opportunities arise.*
- Path upgrades and renewals on Compton Drive and Angels Beach Drive. These inclusions are in response to extensive public concerns being raised in respect to their condition.

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

This program is an effective step towards delivering a sustainable program of creating new bike paths and maintaining and upgrading existing bike paths. It includes the provision of cycling infrastructure and education.

It also has potential to fund more substantial expansion/upgrade projects as they arise, albeit two or more years of funding maybe required for some projects.

Any adopted program would be subject to annual review when preparing the Operational Plan and four-year Delivery Program.

### **Community Consultation Policy**

Extensive community consultation was undertaken during the preparation of the PAMP and the Bike Plan.

### **Financial / Risk Considerations**

The current Delivery Program and Operational Plan includes the following allocations for Bike Plan projects:

<b>Amount</b>	<b>(\$)</b>
2021/22	0
2022/23	100,000
2023/24	100,000
2024/25	100,000



## 10.1 Bike Plan Projects - Priorities

---

Only “High” priority projects have been considered in developing the proposed program of works, since these alone are estimated to exceed the Bike Plan’s current LTFP budget allocation.

The overall cost of all Bike Plan projects (high, medium and low) amounts to \$4,758,287. A number of these projects have already been completed using other funding sources, e.g. PAMP funding and the local traffic facilities works programs.

Once completed projects and those projects eligible for other funding sources are discounted from the overall cost of the Bike Plan, then the cost of the outstanding “High” priority Bike Plan projects is substantially reduced, amounting to \$1,233,700.

Several of these outstanding “High” priority projects have now been included in the proposed five-year program of works (as per Attachment 1), amounting to \$495,000, representing five years of recurrent funding at \$100,000 per annum.

### Options

The options available to Council are:

- Option 1 – adopt the proposed program in Attachment 1.
- Option 2 – amend the proposed program in Attachment 1.
- Option 3 – not adopt a program.

As per Council’s normal practice, it is preferred to indicate to the community its preferred priorities for projects proposed to be completed under the LTFP.

These priorities can be reviewed annually when updating the Delivery Program and Operational Plan.

Option 1 is recommended as it improves the forward planning of works.

Option 1 also improves the connection between the PAMP and Bike Plan until these plans are the subject of a full review in the future, which should aim to amalgamate the two documents.

### RECOMMENDATION

That Council adopts the five-year priority program (commencing in 2022/23) for Bike Plan projects, as per Attachment 1 to this report, for inclusion in the 2021/22 to 2024/25 Delivery Program and Operational Plan.

### Attachment(s)

1. Bike Plan - Prioritised Program of Works

## 11.1 Rescission Motion - Lennox Head Lions Club Shed

---

### 11. Notices of Motion

#### 11.1 Rescission Motion - Lennox Head Lions Club Shed

**Councillor** Cr Jeff Johnson  
Cr Stephen McCarthy  
Cr Phillip Meehan

---

We move

That Point 3 of Resolution 270521/5, as follows, be rescinded:

#### **Land Classification - Western Side of Hutley Drive North Extension**

1. *That Council, in respect to Part Lot 1 DP 1270999, continue to maintain the land in its current state and take no action to change the operational classification of the land.*
2. *That Council confirms that it considers the land unsuitable for the construction of service club storage facilities due to unsatisfactory site access arrangements for such a purpose and a preference to hold the land in a manner that provides for a variety of future land use options*
3. *That Council offer the Ocean Breeze Reserve site to the Lennox Lions Club.*
4. *That Council staff write to the grant funding body to support the Lennox Lions Club in seeking a further extension to the grant.*

In the event that the above rescission motion is carried, we intend to move the following alternative motion:

1. *That Council staff work with the Lennox Lion's Club to submit a DA for the expansion of their current main shed/garage at the Skennars Head Sports Fields.*
2. *That the expanded shed be of sufficient size to accommodate their trailer and fridges/freezers, etc.*

#### **Staff Comments**

The following provides some background to the request from the Lennox Head Lions Club for land on which to erect a shed for use as a storage space (including housing of the club's fundraising BBQ trailer).

The trailer has dimensions of 2.1m in height by 2.1m in width by 4.8m in depth.

The Club has also sought a shed of a size capable of parking its towing vehicle.

## 11.1 Rescission Motion - Lennox Head Lions Club Shed

---

Staff have indicated to the Club that the accommodation of the vehicle on public land is not preferred (as this is not normally provided for by Council) and since the May 2021 resolution staff have focused on the storage of the trailer and other Club materials (rather than accommodating the vehicle).

The size of the proposed storage shed has varied as designs have been worked on. In this regard the Lions Club has proactively worked with Council in adjusting the shed design as different siting scenarios have been considered.

At present the proposed shed design is a rectangular structure of 9m and 4m in floor area dimension (the 4m width being required to house the Club's current BBQ trailer in a way that it can be opened inside).

The Club's plans also indicate that the shed needs to be around 3m in height.

The Club received a grant under the 2020 Community Building Partnership for the construction of a storage shed to accommodate a trailer and tow vehicle.

The Club currently has existing storage spaces at Skennars Head Sporting Fields, however the Club has advised that their current size/area no longer meets their requirements.

Staff have assessed various locations that may be suitable for the Club's needs. This has included detailed review of some 14 public land sites in Lennox Head and on the northern side of Ballina.

The analysis of potential sites for a storage shed has been undertaken based on a number of factors including zoning, the applicable public land management framework, existing and planned use of land, operating needs, site constraints and land use compatibility.

Two sites identified as having potential for the location of the shed through this process are the Ocean Breeze Reserve and the Skennars Head Sports Fields.

In relation to this, Council resolved at the January 2021 Ordinary meeting as follows:

*That Council notes that the Lennox Head Lions Club's preferred site for the construction of a new shed is Ocean Breeze Reserve, with the alternative site being the Skennars Head Sports Fields. Both options require a development application to be lodged with Council.*

Earlier this year, staff met with representatives from the Lions Club and Lennox Head Community Garden to discuss a shared facility or agreement (wholly or partly) within the Community Garden licensed area at Ocean Breeze Reserve (generally being in the south east corner of the site behind the noise wall constructed along Hutley Drive North).

This was to try and achieve a shared shed facility for both groups in a manner that aligned with the principles of the Ocean Breeze Reserve Master Plan.

This approach has not resulted in an agreed outcome for a shared facility.

## 11.1 Rescission Motion - Lennox Head Lions Club Shed

In response, the Lions Club renewed its request for Council to identify a site for the requested storage facility, with this debated by Council at the May 2021 Ordinary meeting.

With respect to the Skennars Head Sports Fields, this site has not been preferred for the establishment of a new shed or an enlargement of the existing shed on the side of the soccer club's storage building (adjacent to Skennars Head Road) due to the need to cross the property boundary into the road reserve.

One issue with both sites, and the accommodation of the Club's request overall, is that the request is seeking the construction of a shed on public land that is not planned within Council's current management framework for its land holdings.

The difficulty is striking a balance between supporting a community based organisation and the positive outcomes it achieves with the planned use of public land and different interests for the use of limited space within the public land network.

With respect to both the Ocean Breeze Reserve and the Skennars Head Sporting Field sites, key procedural and site characteristic considerations in relation to the provision of a storage shed as requested by the Lions Club are listed below.

	<b>Considerations</b>	
<b>Site</b>	<i>Management/Procedural</i>	<i>Site Characteristics</i>
<i>Ocean Breeze Reserve (south eastern corner of the site)</i>	<ul style="list-style-type: none"> <li>• Ocean Breeze Reserve Master Plan (and Plan of Management for Community Land) needs to be amended to incorporate the shed structure as a planned use – estimated timeframe 3-4 months including public exhibition, public hearing and neighbor consultation.</li> <li>• Development consent is required (DA to be prepared and assessed) – estimated timeframe 3-4 months including neighbour notification process.</li> <li>• Licence for occupation of the shed required – estimated timeframe 1 month.</li> </ul>	<ul style="list-style-type: none"> <li>• Suitable land area available.</li> <li>• Shed can be constructed behind noise wall with minimal impact on open space area within the reserve.</li> <li>• Suitable access off Hutley Drive is available.</li> <li>• Power and water not connected to the location.</li> <li>• Additional hard stand area required to provide for suitable vehicle maneuvering space.</li> <li>• To meet access requirements, shed would be located within the community gardens licence area which is now planted out as an orchard.</li> </ul>

## 11.1 Rescission Motion - Lennox Head Lions Club Shed

	Considerations	
Site	Management/Procedural	Site Characteristics
<p><i>Skennars Head Playing Fields (augmentation or reconstruction of existing shed on side of soccer storage building on Skennars Head Road)</i></p>	<ul style="list-style-type: none"> <li>Plan of Management for Community Land should be amended as the land is categorised as a sporting field. This would then enable a suitable licence to be issued – estimated timeframe 3-4 months including public exhibition and public hearing.</li> <li>Development consent is required (DA to be prepared and assessed) – estimated timeframe 2-3 months.</li> <li>Licence for occupation of the shed required – estimated timeframe 1 month.</li> </ul>	<ul style="list-style-type: none"> <li>Power and water available to the shed site in close proximity.</li> <li>Existing shed already located on the land.</li> <li>Limited land area available (being the area where the current shed on the side of the soccer storage facility is located).</li> <li>Extension of the shed will result in an encroachment into the Skennars Head Road Reserve (such encroachments and construction of buildings over boundaries are not typically supported in the planning process). Expected encroachment is at least 1m.</li> <li>Modifications likely required to the existing soccer club storage facility to accommodate the shed (e.g. guttering, air circulation vents).</li> <li>Extension of shed will likely require removal of vegetation along Skennars Head Road including a large Tuckeroo.</li> <li>Additional hard stand area will likely be required in front of the shed to facilitate access.</li> <li>Sewer infrastructure located along Skennars Head Road (may impact available extension width).</li> <li>Soccer club is large in terms of participation and has ongoing storage needs.</li> </ul>

Beyond the Ocean Breeze Reserve and Skennars Head Sporting Field sites, options available to Council are to identify an alternative land parcel for the storage facility or to decline the Lions Club's request for a site on the basis that, at this time, no suitable Council owned or managed sites for the storage facility have been identified.

**COUNCILLOR RECOMMENDATION**

That Point 3 of Resolution 270521/5, as follows, be rescinded:

**Land Classification - Western Side of Hutley Drive North Extension**

1. *That Council, in respect to Part Lot 1 DP 1270999, continue to maintain the land in its current state and take no action to change the operational classification of the land.*
2. *That Council confirms that it considers the land unsuitable for the construction of service club storage facilities due to unsatisfactory site access arrangements for such a purpose and a preference to hold the land in a manner that provides for a variety of future land use options*
3. *That Council offer the Ocean Breeze Reserve site to the Lennox Lions Club.*
4. *That Council staff write to the grant funding body to support the Lennox Lions Club in seeking a further extension to the grant.*

**Attachment(s)**

Nil

## **11.2 Notice of Motion – 4WD Permits on Seven Mile Beach**

---

### **11.2 Notice of Motion – 4WD Permits on Seven Mile Beach**

**Councillor**                      Cr Johnson  
   Cr Parry  
   Cr Willis

---

We move

1. That Council only issue 12 month 4WD permits for Seven Mile Beach at Lennox Head.
2. That these permits are only issued at Council's Administration Centre.
3. That Council implement a system such as a gate and electronic key at the 4WD entrance to stop vehicles without a permit from going onto the beach.

#### **Staff Comments**

A similar motion was lost at the 27 May 2021 Ordinary meeting. This means that to consider this matter again, within a three month period, a notice of motion must include three signatures. This notice complies with the requirements of the Local Government Act. If the motion is again lost it cannot be re-considered for three months.

#### **COUNCILLOR RECOMMENDATIONS**

1. That Council only issue 12 month 4WD permits for Seven Mile Beach at Lennox Head.
2. That these permits are only issued at Council's Administration Centre.
3. That Council implement a system such as a gate and electronic key at the 4WD entrance to stop vehicles without a permit from going onto the beach.

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

Nil

### **11.3 Notice of Motion - Affordable Housing Initiative**

---

### **11.3 Notice of Motion - Affordable Housing Initiative**

**Councillor**

Cr Jeff Johnson

---

I move

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.

#### **Councillor Comments**

There has been a dramatic increase in rents in the Ballina Shire over the last couple of years. This has been driven by a few factors including an increase in property prices, property owners seeking a greater return on their investments, the rise in properties being made available for holiday rentals (site such as air BnB), and more people wanting to move to our area since the COVID pandemic began early last year. This has created a critical shortage in affordable rental properties that are available and a greater sense of insecurity for those currently renting.

Recent statistics highlight this with a rental vacancy rate of less than 1%. Increasingly, when a home does become available for rent it is not uncommon for up to 50 applicants to apply. Often people are offering to pay over and above the listed rental price in order to secure the property, which drives the market increasingly higher.

The COVID pandemic in particular has increased the number of people moving to our area from the capital cities. This has led to this perfect storm which is resulting in couples and families who have stable employment and a long rental history suddenly being pushed out of the market.

This is causing a massive increase in not only rental stress, but also an inability of many local businesses to find staff, simply because there is no affordable housing available. To highlight this point, the Ballina post code (2478) recorded among the lowest private rental market vacancy rate in the SQM Research survey at 0.2% in January 2021.

When local businesses and organisations that work in the health, hospitality and service industries can't find staff due to there being no affordable housing then we know the situation has reached a crisis point.

Following a workshop on this issue with Council representatives and local housing and support providers Social Futures and North Coast Community Housing, the idea of working collaboratively with these organisations and the State Government to search for a meaningful solution was proposed.



### **11.3 Notice of Motion - Affordable Housing Initiative**

---

This motion seeks to formalise discussions on this matter and for Council to work collaboratively with organisations such as Social Futures and North Coast Community Housing and the State Government.

One possible solution that needs to be explored further is for the use of appropriate Crown Land holdings within the Ballina Shire (and beyond) to be converted into affordable or community housing.

#### **COUNCILLOR RECOMMENDATIONS**

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.

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

Nil

## **11.4 Notice of Motion - Marom Creek Water Treatment Plant**

---

### **11.4 Notice of Motion - Marom Creek Water Treatment Plant**

**Councillor**

Cr Meehan

---

I move

That the General Manager ensure that the report in respect to resolution 270820/17 (copy below) is submitted to the July or August 2021 Ordinary meeting of Council.

#### **270820/17 RESOLVED**

*That Council advise Rous County Council that in response to the draft Future Water Project, Council endorses the concurrent investigation of the following two options for the management and asset ownership of the Marom Creek Water Treatment Plant:*

- *A long term deed of agreement where the asset continues to be owned by Ballina Shire Council and the supply is formally included in the management of the regional water supply and its secure yield.*
- *An agreement for the transfer of ownership of the Marom Creek Water Treatment Plant to Rous County Council.*

#### **Councillor Comments**

It is important that the current Council receive a report and consider the matter of the future use of the Marom Creek Water Treatment Plant and associated ground water licences on the Alstonville Plateau.

It is this Council that resolved to investigate potential use of the plant by Rous County Council as part of the Future Water Strategy on a short term basis. Council has received two briefings from Rous County Council on the Future Water Strategy and the Alstonville Plateau Aquifers. Council has toured the water treatment plant.

Council staff have investigated the matter with Rous County Council and we have been informed in previous Council meetings that a report on a potential deed of agreement is at the ready stage.

However Council has not been given the opportunity to consider the detail of a potential deed of agreement, nor its interaction with social and environmental factors that concern farmers, land holders and residents of the Alstonville Plateau and Ballina Shire in general.

#### **Staff Comments**

Council staff can provide a report to the July or August Ordinary meeting, although finalization of this matter does require Rous County Council to confirm its position in respect to the on-going negotiations and for agreement to be reached.

Therefore the one risk with the July or August Ordinary meeting report is that it may not have a confirmed position from Rous County Council.

#### **11.4 Notice of Motion - Marom Creek Water Treatment Plant**

---

##### **COUNCILLOR RECOMMENDATION**

That the General Manager ensure that the report in respect to resolution 270820/17 is submitted to the July or August 2021 Ordinary meeting of Council.

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

Nil

12. Advisory Committee Minutes

---

**12. Advisory Committee Minutes**

Nil Items

## 13.1 Mayoral Meetings

---

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

#### 13.1 Mayoral Meetings

**Councillor** David Wright

---

Activities I have attended, or propose to attend, as at the time of writing this report, since the May 2021 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
21/5/21	Meeting – Alstonville Resident
28/5/21	Northern RPP – Teams – 67 Skennars Head Road
1/6/21	Video – North Coast Land Services – 127 Teven Road
2/6/21	Social Housing Proposal – Wollongbar
3/6/21	Public Art Advisory Panel
3/6/21	Changeover Dinner – Ballina on Richmond RSL
5/6/21	Presentation – Lennox Head-Alstonville Surf Club
6/6/21	Commemoration Park Markets
6/6/21	SES and Marine Rescue – Meet and Greet BBQ
7/6/21	Candidate Information Night – BISC
8/6/21	Meeting – Elle Moore SCU
8/6/21	Citizenship Ceremony
9/6/21	Local Traffic Committee
10/6/21	Covid – 2,000 doses – Celebration Morning Tea
11/6/21	Meeting Ashley Stafford – Lennox Smoke n Barrell
11/6/21	Meeting – Byron Studios
15/6/21	Audit Risk and Improvement Committee
15/6/21	Ignite Youth Animator – Stop Motion Program
16/6/21	Wardell Progress Association
18/6/21	School Talk – Ballina Public
19/6/21	United Hospital Auxiliaries Annual Craft Show Opening – Jockey Club
19/6/21	Awards of Excellence – Far North Coast Surf Lifesaving – RSL
20/6/21	Commemoration Park Markets
20/6/21	Ballina Markets
21/6/21	Meeting Roslyn Walsh – Wardell Sports Club
24/6/21	Council Meeting
27/6/21	Commemoration Park Markets
29/6/21	BSC Donations Working Party

#### **RECOMMENDATION**

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

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

Nil

14. Confidential Session

---

**14. Confidential Session**

Nil Items