

Agenda

Ordinary Meeting **25 March 2021**

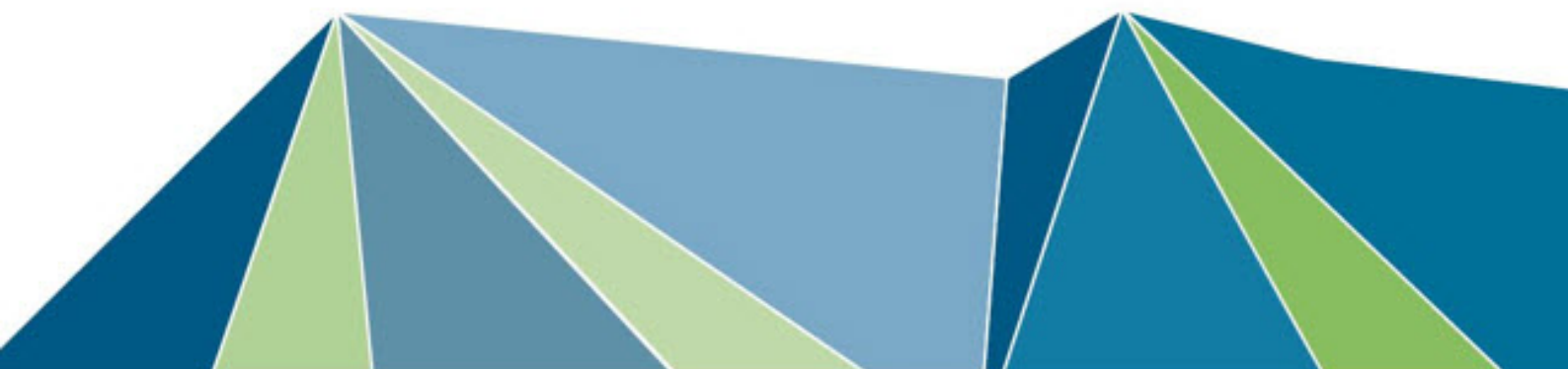
An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 25 March 2021 commencing at 9.00am.**

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.
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ballina.nsw.gov.au/agendas-and-minutes**



Deputations to Council – Guidelines

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

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

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

Recording and Livestreaming of Council Meetings

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

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1. Australian National Anthem

The National Anthem will be played.

2. Acknowledgement of Country

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

3. Apologies

An apology has been received from Cr Nathan Willis.

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 February 2021 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 February 2021.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2020/242 - Medium Density Residential Development - Aureus

8. Planning and Environmental Health Division Reports

8.1 DA 2020/242 - Medium Density Residential Development - Aureus

Applicant	Planners North
Property	Lot 234 DP 1266854 The Coast Road, Skennars Head
Proposal	Two-storey Multi Dwelling Housing Development comprising the erection and Strata Title subdivision of 44 dwellings and associated works
Effect of Planning Instrument	The land is zoned R3 Medium Density Residential under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plan in Attachment 1.

Introduction

Council is in receipt of Development Application DA 2020/242 for the construction of a two-storey multi dwelling housing development comprising the erection and Strata Title subdivision of 44 dwellings within the Aureus Estate at Skennars Head. This application is being reported to Council for determination due to the scale of the development and the number and nature of public submissions.

To assist Council in its consideration and determination of this application, this report outlines the background of the broader residential subdivision (Aureus) and provides an assessment of the relevant matters of the proposal under Section 4.15 of the Environmental Planning and Assessment Act (EP & A Act) 1979.

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

Background

Development Application 2017/244 – ‘Aureus’

On 20 February 2019 development consent was issued by the Northern Regional Planning Panel to DA 2017/244. The development involves Stage 1 of a residential subdivision of Lot 6 in DP 1225206, involving 229 residential lots, and other associated works/easements, within the Skennars Head Expansion Area. The subdivision also included seven super lots (ranging in size from 1,453m² to 13,332m²) for future development for the purposes of a neighbourhood centre (Lot 346) and residential development (Lots 162, 343, 344, 345, 443 and 631).

8.1 DA 2020/242 - Medium Density Residential Development - Aureus

Stages 1a and 1b have been completed and are now registered. The residential estate is now marketed as 'Aureus'.

Planning Proposal – BSCPP 17/010

On 8 February 2019 Amendment No. 38 to the Ballina LEP 2012 was published on the NSW Legislation website. The amendment applied specifically to Lot 6 Lot 12252506 The Coast Road, Skennars Head and had the effect of:

- Rezoning a portion of the site (the entirety of proposed Lot 346) from R2 Low Density Residential to B1 Neighbourhood Centre.
- Imposing a maximum total floor space ratio of 0.8:1 and a maximum commercial floor space ratio of 0.4:1 within the B1 zone (proposed Lot 346).
- Rezoning proposed Lot 162 from part B1 Neighbourhood Centre and part R2 Low Density Residential zone to R3 Medium Density Residential.
- Rezoning proposed lots 343, 344, 345, 438-441, 443, and 631 from R2 Low Density Residential to R3 Medium Density Residential.

Other Development Consents

Development consents have been issued for two other medium density residential developments within the Aureus Estate.

DA 2019/691 – On 15 June 2020 development consent was issued for a two-storey multi dwelling housing development comprising the erection and Strata Title subdivision of 10 dwellings on approved Lot 345 under DA 2017/244.

DA 2020/25 – On 13 October 2020 development consent was issued for a two-storey multi dwelling housing development comprising the erection and Strata Title subdivision of 15 dwellings on approved Lots 343 and 344 under DA 2017/244.

Details of Proposal

Development consent is sought for the construction of a Two-storey Multi Dwelling Housing Development comprising the erection and Strata Title subdivision of 44 dwellings on Lot 6 DP 1225206 Aureus Boulevard, Skennars Head (refer to Proposed Plan in Attachment 2).

The development will be positioned such that it will be contained wholly within approved Lot 443 under DA 2017/244 and the R3 Medium Density zone. Approved Lot 443 and the adjacent local park are to be created as part of Stage 1c of the 'Aureus' development.

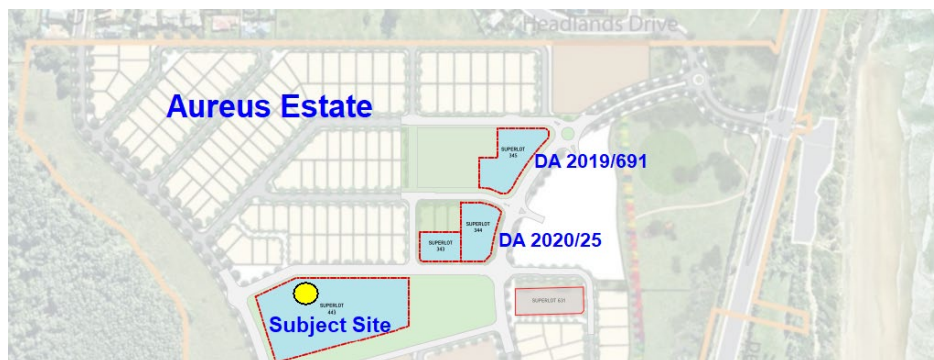


Figure 1 – Location of Subject Site within Aureus

8.1 DA 2020/242 - Medium Density Residential Development - Aureus

The subject property, being Lot 234 in DP 1266854 has an area of 23.335Ha. The subject site, being approved Lot 443 under DA 2017/244, has an area of 11,193m². The proposed development has an estimated construction cost of approximately \$18m and is to be constructed in five stages.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition from 20 May to 4 June 2020 in accordance with Council's Community Participation Plan. Eight public submissions were received during the exhibition period. The relevant matters raised in the submission have been addressed in the Council report.

Matters for Consideration

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

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

Relevant State Environmental Planning Policies (SEPPs)	
<ul style="list-style-type: none">SEPP (Building Sustainability Index: BASIX) 2004SEPP 55 – Remediation of LandSEPP – (Coastal Management) 2018	No issues are raised in relation to any applicable SEPP. Refer to Attachment 2 for further comment and assessment.
Local Environmental Plans (LEPs)	
<ul style="list-style-type: none">Ballina LEP 2012	The proposal is permissible within the R3 Medium Density Residential zone and generally complies with the aims and objectives of the zone. The development complies with the relevant development standards and is acceptable having regard for the relevant additional local provisions in the Plan. Refer to Attachment 2 for further comment and assessment of the relevant provisions.
<ul style="list-style-type: none">Ballina LEP 1987	A portion of the subject property is zoned 7(d) Environmental Protection under the Ballina LEP 1987. However, the proposed development is located away from this area and will not affect it. Accordingly, the specific objectives and provisions of this Plan are not of relevance to the application.

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

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

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

Ballina Shire Development Control Plan 2012	
<p>Chapter 2 – General and Environmental Considerations</p> <ul style="list-style-type: none"> • 3.4 – Potentially Contaminated Land • 3.6 – Mosquito Management • 3.7 – Waste Management • 3.9 – Stormwater Management • 3.10 – Sediment and Erosion Control • 3.11 – Provision of Services • 3.15 – Crime Prevention through Environmental Design • 3.19 – Car Parking and Access • 3.21 - Bushfire Management 	<p>The proposed development is acceptable when assessed against the relevant provisions of Chapter 2 of the Ballina DCP 2012.</p> <p>There are no issues raised in this section that would specifically preclude the development from being granted development consent, subject to the imposition of conditions where relevant.</p> <p>Refer to the Attachment 2 for an assessment of the clauses that are relevant to this application.</p>
<p>Chapter 4 – Residential and Tourist Development</p>	<p>A comprehensive assessment of the application has been undertaken against the relevant provisions of Chapter 4 (refer to Attachment 2 for detailed commentary). The proposed development is generally compliant with the applicable planning controls, with the exception of the following:</p> <ul style="list-style-type: none"> • Setbacks to public reserves • Type and location of private open space • Tandem parking • Visitor parking numbers on-site • Internal privacy <p>The proposal achieves the boarder objectives of Chapter 4 as well as the specific planning objectives of the relevant standards, despite a number of departures from the numerical standards.</p>

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

None applicable.

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

No issues raised.

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

The proposal is not expected to result in adverse impacts on the environment or broader locality, subject to compliance with conditions. Refer to Attachment 2 for further assessment in relation to the likely impacts of the development.

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

The subject site has been designed and sized specifically for the proposed development. The proposed development will achieve the desired future character for the area. The site is therefore considered to be suitable for the development and the proposal will fit in the locality.

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

The application was placed on public exhibition from 20 May to 4 June 2020 in accordance with Council's Community Participation Plan.

Eight public submissions were received during the exhibition period.

A number of matters raised in the public submissions relate to the rezoning of the Skennars Head Expansion Area, DA 2017/244 or Planning Proposal BSCPP 17/010, and are not relevant to the current application.

The key matters raised in these objections (refer to Attachment 4), which are relevant to the subject application, are summarised as follows:

1) *Proximity to and Impact on nearby wetland.*

As this new DA on lot 443 has an acute change of dwelling density, significant lessening of vegetation cover, is the closest mass occupancy to the wetland, is on the highest gradient and is 90% acid sulphate soil, relying upon the supplied stormwater plans is unconscionable and irrelevant.

Comment: A large wetland (mapped under the Coastal Management SEPP) is located approximately 70 metres to the west of the subject site, meaning that a small portion of the land is within the coastal wetland buffer.

A comprehensive assessment of the proposal against the SEPP has been undertaken (refer to Attachment 2) and concludes that the development will not have unreasonable impacts on the adjacent wetland.

8.1 DA 2020/242 - Medium Density Residential Development - Aureus

In particular, the wetland will have appropriate buffers to the development site and all stormwater from the development will be suitably treated before being discharged via Council's stormwater system (which include bio-retention swales, infiltration devices and gross pollutant traps) into the adjacent wetland system.

- 2) *Acid sulphate soils has not been adequately addressed. Supply of water, electricity, sewerage and stormwater drainage ALL require the disturbance of acid sulphate soils*

Comment: The subject site is identified as Class 2 and Class 5 potential acid sulfate soils. The subject site will be filled as part of the bulk earthworks approved under DA 2017/244 (up to approximately 2m). Accordingly, the proposed development (including the provision of services and drainage) is unlikely to expose acid sulfate soils.

- 3) *Development consent must not be granted where land use impacts, associated with stormwater or wastewater discharge, effects surrounding vulnerable areas.*

Comment: The stormwater management plan approved during the development assessment process for the Aureus subdivision (DA 2017/244) had regard for the development of the superlots for the medium density residential development, in relation to both water quality and quantity.

The subdivision water quality treatment devices, which include bio-retention swales, infiltration devices and gross pollutant traps, reduce the pollutants produced by residential development by the amounts prescribed in the Ballina Development Control Plan 2012 and in accordance with water sensitive urban design.

The western receiving environment is a mapped wetland, so in addition to the normal quality controls the development was required to mimic groundwater movement to the wetland as well as overland flow. Large infiltration devices were included under the local parks as well as on-lot infiltration to achieve groundwater flow targets.

Overall volume to the wetland was reduced to pre-developed flows by shaping the development site towards The Coast Road.

Council had the stormwater management plan independently reviewed by an industry expert during the development application process, which led to some of these additional requirements.

The proposed development is not expected to have unreasonable impacts on the health of the adjacent coastal wetland.

- 4) *Drainage – The proposed site is currently a 'temporary dam' which collects a significant amount of runoff from the Aureus development. As this is at the south eastern end of the Aureus development and collects most of the water from the site, there needs to be more information provided on drainage.*

Comment: The sediment control pond required during the construction phase of the broader development will be relocated and stormwater runoff diversions drains constructed to direct stormwater to the new sediment pond location.

- 5) *This is the fourth of nine superlots that are proposed to be development for medium density residential development. Clarification needs to be sought on the total number of dwellings proposed on superlots to accurately assess the impacts on infrastructure, water, roads, social amenity and employment.*

Comment: Six residential superlots were approved within the Aureus estate under DA 2017/244, which will accommodate five separate multi dwelling housing developments. It is anticipated that these residential zoned superlots will accommodate approximately 110 dwellings.

These sites have been specifically zoned for this type of residential accommodation and the broader subdivision has been designed and approved on this basis.

- 6) *Impact of increased traffic and road congestion.*

Road accesses into the development is limited to two main roads. What consideration has been factored into planning to manage the increase in vehicles from the estate wishing to enter The Coast Road?

Comment: A traffic impact assessment was undertaken during the development application phase of the broader subdivision and included predicted traffic volumes from the medium density residential development sites.

Intersection and network modelling software (SIDRA) used predicted volumes from the development site and flows along The Coast Road to determine the most appropriate intersection type.

A two lane roundabout was constructed on The Coast Road to service the subdivision.

- 7) *There is limited public transport available.*

Comment: The road hierarchy internal to broader Aureus development has provision for a bus route. Two bus shelters have also been constructed on The Coast Road to service the development. There is currently a bus service that operates along The Coast Road at this location. It is a commercial decision from the local bus companies as to when an internal route through the development site will commence.

- 8) *Lack of amenities (shopping or leisure facilities).*

Comment: The subject site will be within walking distance of the future neighbourhood centre at Aureus and a short drive to shopping facilities at Lennox Head and Ballina. The development will directly adjoin a local park and will also be a short walk to the Aureus neighborhood park and Sharpes Beach. The development is serviced by an adequate level of retail and recreational facilities.

- 9) *The recent drought resulted in the introduction of Level 3 water restrictions. In the past even more stringent restrictions, when the population in the Shire was less than it is now, have been introduced. What plans are in place to ensure a secure supply of potable water for an ever-increasing number of residents in Ballina Shire?*

Comment: Water supply to Ballina Shire is provided by Rous County Council. Rous County Council has been investigating long term water supply options for the Northern Rivers region. These investigations have had regard for projected population in the region.

In addition, all dwellings within the Aureus Estate, including dwellings proposed under the current application, will be connected to Council's dual reticulation water supply.

The provision of recycled water to the future residential properties in Aureus is expected to reduce use of potable water.

- 10) *Access to the NBN and security of this service may be adversely influenced by the increased population in the area. Planning for the NBN in this area was undertaken prior to the existence of the Aureus Estate and may now be inadequate to meet future demand.*

Comment: The development site has provision for NBN in accordance with the NBN guidelines. NBN Co will install the NBN network to the relevant standard.

- 11) *There will be an impact on the social amenity of Skennars Head with the proposed concentration of people living in the estate – increased noise, impact on cohesion, health and lifestyle. The increased population will put pressure on the future commercial centre, parks and Sharpes and Angels Beaches.*

Comment: This form of housing is considered acceptable for the area and is consistent with the Council's strategic planning framework.

- 12) *The ambience of Skennars Head will be drastically altered. There will be a social divide between the portion of the community residing in single dwellings on larger blocks and those residing in medium density residential developments.*

Comment: The proposed development will provide a variety of housing types and choice within Skennars Head which will assist with meeting the housing needs of the community.

- 13) *There is limited opportunity for people to be employed on the estate. The increased population moving to the area because of the estate will put additional pressure on employment and the economy.*

Comment: Aureus is predominately residential housing estate. However, the development will provide additional employment opportunities during the construction phase of the subdivision and development of each allotment.

Additional employment opportunities will also be available once the neighbourhood centre is operational. In broad terms, the increase in population in the area will have economic benefits within the shire.

- 14) *There is a risk that the Aureus Estate will be the benchmark for future developments in Ballina Shire. People choose to live in Ballina Shire because it is a rural coastal centre where life is less stressful. The planned crowding together of 44 residences on the fourth superlot will be a significant departure from what makes the area an attractive location to reside.*

Comment: The proposed form of housing is anticipated by the zoning of the site and layout of the subdivision. All applications for medium density residential developments are assessed against the relevant legislative requirements and with regard to the specific merits of each proposal.

- 15) *Minimum Subdivision Lot Size - An exemption under Clause 4.6 of the Ballina LEP 2012 has not been lodged for the minimum lot size relating to strata title subdivision. Proposed development should require concurrence.*

Comment: Clause 4.1 Minimum subdivision lot size of the Ballina LEP 2012 specifies the minimum lot size for the subdivision of land in a Torrens Title scheme. As stated in clause 4.1(4)(a) these provisions do not apply to Strata title subdivisions. Therefore, the proposed development does not require a variation to the minimum lot size under clause 4.6 Exemptions to development standards, or the concurrence of the Department of Planning Industry and Environment.

- 16) *Deemed Environmental Planning Instruments is the collective name for LEPs, SEPPs, REPs, Environmental Planning and Assessment Act and the Environmental Planning and Assessment Regulation. The Development Application of lot 443 incorrectly states that the above does not apply.*

Comment: This statement is incorrect. Environmental Planning Instruments is the collective name for Local Environmental Plans (LEPs), State Environmental Planning Policies (SEPPs), and Regional Environmental Plans (REPs). There are no 'deemed' Environmental Planning Instruments applicable to this land or application (e.g. planning scheme ordinances or interim development orders).

- 17) *Landscaping and Open Space*

- *The minimum planning requirement is 90sqm per dwelling*
- *Once all infrastructure is considered (i.e. car spaces, floor area dwellings, roads, three infiltration trenches, pathways) the total landscape area provided is 3,210m² which equates to 72.5m² per dwelling.*
- *The generous private open space on the largest blocks is only 15sqm per dwelling*
- *The infrastructure footprint of car spaces, floor area of dwellings, roads, infiltration trenches and pathways leave little greenspace areas.*
- *Fencing on these small blocks is going to further exacerbate confinement issues and sunlight.*

Comment: The proposed development is required to provide landscaped open space (comprising landscaped areas and private open space) of 3,960m² (being 90m² per dwelling), of which at least 75% must be covered by pervious surfaces. The proposed development complies with these development controls.

The applicant has sought variations to the development controls relating to the configuration and form of private open for many of the dwellings (refer to assessment in Attachment 2).

Despite the proposed variations to the private open space standards, each dwelling will be provided with sufficient, useable areas to meet the recreational and service needs of future residents.

The proposed internal fencing is appropriate and will not unreasonably impact solar access or amenity to private or common open space in the development.

18) Vehicular access and parking

- *Visitor carparking is not adequate and the idea of roadside parking is a recipe for disaster. Trees and swales prohibit off-site street parking and 6m wide streets within site do not provide enough drive-through clearance.*
- *Visitor carparking requirement is minimum of eight spaces, only six have been provided.*

Comment: The proposed development complies with the minimum number of on-site residential spaces (88 spaces provided in total). However, the proposal has a shortfall of three visitor car parking spaces when assessed against the requirements in Chapter 4 of the Ballina DCP 2012 (six provided in total).

The approved lot is a relatively unique site for medium density residential development given it has an extensive road frontage of approximately 240m in length. Therefore in this instance, there is adequate visitor parking available in the street to accommodate the shortfall in on-site visitor spaces.

The road network within the estate has been designed in accordance with Northern Rivers Local Government Development Design and Construction Manuals.

19) Solar Access

- *As with all terrace style dwellings, shared dividing walls prohibit either morning or afternoon sun, except at block ends.*
- *Those who have two shared walls on either side will be totally reliant on the short interval of midday sun. Combining this with shadowing from dividing fences of 1.8m tall, coupled with the dwellings being double storey, many dwellings would fall short of the three hours of sunlight required.*

Comment: The majority of dwellings are orientated so windows of living areas and private open space face north, north east or north west and receive at least three hours of direct sunlight between 9.00am and 3.00pm during the Winter Solstice, as required by Chapter 4 of the Ballina DCP.

8.1 DA 2020/242 - Medium Density Residential Development - Aureus

The two storey elements of the development and proposed internal dividing fences will not cause unreasonable overshadowing within the development.

The proposed development is considered acceptable in relation to the provision of solar access and extent of overshadowing.

20) *Lot 443 is within an area of high mosquito risk as per Ballina Council's Mosquito Management Plan*

Comment: The proposed development site is located in an Area of High Risk on the coastal plains and lowlands located near known mosquito breeding areas as shown on the Mosquito Management Maps. Conditions requiring screening of external windows, doors, and rainwater tanks to comply with Chapter 2 of the DCP will be imposed if the application is approved.

21) *There is insufficient area to install a functioning solar system on these units.*

Comment: Adequate roof area is provided to solar systems on a number of dwellings, if future residents elect to do so.

22) *NatHERS - General acceptance of efficiency ratings in new developments is now considered to be 7.0. A total of 16 units are below acceptable efficiency ratings.*

Comment: A NatHERS assessment is used to assess a dwelling's thermal performance. It involves a 10 star rating system which uses computer software to evaluate a dwelling design documentation to evaluate the dwelling's heating and cooling loads.

In NSW, a BASIX (Building Sustainability Index) assessment is also required to be performed on dwellings. A BASIX certificate can be utilised to assess a dwelling's water, thermal and energy requirements.

However, a NatHERS assessment is a more thorough approach to determining the thermal properties and can be used in lieu of the BASIX to determine the dwelling's thermal properties.

The proposed development achieves an average NatHERS rating of seven stars (and minimum of five stars) and meets the minimum BASIX targets for water, thermal comfort and energy, and is therefore considered to be satisfactory.

23) *The idea that this development would provide affordable housing to the elderly is ridiculous given that Lot 443 is furthest from the Neighbourhood Centre, public transport and are all two-storey.*

Comment: The proposed development is not considered to be "affordable housing" as defined under the EP&A Act. However, the proposed development will assist in providing a variety of housing types in the area, and this form of housing may be more affordable than a single dwelling house within the estate.

24) *There is limited parking available currently at the popular local beaches.*

8.1 DA 2020/242 - Medium Density Residential Development - Aureus

Comment: The subject development is within walking distance of Sharpes Beach.

25) *General objections to the Aureus Development*

- *Maintenance of swales, infiltration trenches and bio retention basins. Increased maintenance and replacement costs to council.*
- *Increased sediment runoff from the site to the beach, filling up of the underpass with water and undercutting occurring on the beach from recent storm events dis evidence of significant impact from the Aureus development that is not being mitigated by the developer.*
- *Stormwater infrastructure are extremely dangerous due to the hazardous water ponding and risk of small children drowning. Mosquito environment and possible cane toad inundation.*
- *The whole Aureus development is another example of poorly thought through progress without purpose. Another large tract of arable farmland is being converted into a housing estate.”*
- *A volunteer group should be established to measure and monitor water quality, soil condition, pest species and biodiversity in the adjacent wetland.*

Comment: A comprehensive assessment of DA 2017/244 (Aureus subdivision) was previously undertaken by Council and the development consent was issued for the development by the Northern Regional Planning Panel on 20 February 2019. The matters raised in relation to this approval are not directly related to the current application for development of approved Lot 443.

26) *General objection to R3 re-zoning of the site.*

- *The rezoning of the land to R3 Medium Density Residential zone occurred by ‘stealth’.*
- *Cumulative impact of approving medium density development on ‘superlots’.*
- *The land should be a designated green space or reduce significantly the number and type of residences.*

Comment: Due process was followed in the Planning Proposal relating to Amendment No. 38 to the Ballina LEP 2012. The planning proposal was exhibited for 28 days in accordance with the Gateway determination and requirements of the EP & A Act 1979, and all submissions were considered in assessment of the application.

The proposed development is consistent with the objectives of the R3 Medium Density Residential zone and approval of similar developments on R3 zoned land within the Aureus estate is not anticipated to result in unreasonable cumulative impacts.

4.15(1) (e) The Public Interest

The proposal provides a variety of housing types within the Skennars Head Expansion Area which will assist with meeting the housing need of the community.

The design generally achieves the desired character for the Aureus’ land release, incorporates some dwelling designs which will support the aging population, and achieves BASIX targets for water, thermal comfort and energy.

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

Conclusion

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

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

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

Option 1 – Grant consent to the application

It is recommended that Council grant consent to the application, subject to standard planning, engineering, environmental health and building conditions, and the Bushfire Safety Authority issued by the NSW Rural Fire Service.

Option 2 – Refuse the application

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

Option 3 – Defer determination of application

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

RECOMMENDATION

That Development Application 2020/242 for the construction of a two-storey multi dwelling housing development comprising the erection and Strata Title subdivision of 44 dwellings at Lot 234 DP 1266854 be **APPROVED** subject to standard planning, engineering, environmental health and building conditions for this type of development, and the Bushfire Safety Authority issued by the NSW Rural Fire Service.

Attachment(s)

1. DA 2020/242 - Locality Plan
2. DA 2020/242 - Section 4.15 Assessment Report
3. DA 2020/242 - Proposed Plans
4. DA 2020/242 - Public Submissions

8.2 LEP Amendment Request - Ballina Heights Commercial Centre

8.2 LEP Amendment Request - Ballina Heights Commercial Centre

Section	Strategic Planning
Objective	To seek Council's direction on an LEP amendment request relating to the development of the Ballina Heights Commercial Centre.

Background

Council considered a Notice of Motion at the July 2019 Ordinary meeting with respect to the commercial centre within the Ballina Heights estate (within the locality of Cumbalum) and Council resolved as follows:

That Council include in the 2019/20 Operational Plan an action to receive a report on planning options to expedite the delivery of commercial and retail shops in the Ballina Heights Estate. The report is to canvass options such as providing additional commercially zoned land and the option of back zoning existing commercial land in association with the provision of new commercial zoned land.

Council subsequently wrote to the development proponents in the Ballina Heights/Cumbalum locality for their views on the matter. In response, the owners of the existing commercial zoned area within the Ballina Heights Estate have put forward a proposal to advance the provision of commercial development on part of the land.

A Councillor briefing was held on 3 February 2021, with the landowners (Vixsun) outlining the history associated with the site and a proposal to facilitate the development of the commercial centre, supported by amendment to the zoning of part of the site, which is the subject of this report.

A copy of the LEP amendment request is provided as Attachment 1.

The purpose of this report is to consider options on the progress of the LEP amendment.

Key Issues

- Appropriate level of commercial development and services in the Ballina Heights / Cumbalum area
- Timing of the provision of the commercial development
- Residential development adjacent to the commercial area

Discussion

Delay in the development of neighbourhood commercial facilities often occurs within new residential estates due to the challenge of achieving commercial viability of shops within these centres in the early stages of a subdivision's development. This situation can present inconvenience for residents of these estates as residents need to travel to other centres for goods and services.

8.2 LEP Amendment Request - Ballina Heights Commercial Centre

Notwithstanding, the commercial viability of neighbourhood shops is largely a function of the potential spend in the local catchment (in competition with the commercial 'pull' of nearby centres), balanced against the development cost and investment return required.

As a consequence, it is not unusual for the development of neighbourhood shops to lag significantly behind the construction and occupation of dwellings within new residential estates.

The chronology provided in the submission accompanying the planning proposal request made by Planners North on behalf of the developers of the Ballina Heights Estate, reflects these challenges (reproduced below).

Landowner Submission (prepared by Planners North)

The landowner submission notes the following efforts that have been made to secure an anchor retail tenant for the existing B2 Neighbourhood Centre site:

- *In 2010, Geoffrey Walker and Company (GW), a highly regarded urban design and planning organisation based in Brisbane was engaged to provide a high-level concept plan for the land zoned commercial at Ballina Heights in 2010. The GW proposal required the rezoning of a large part of the site for residential use. The plan prompted the Vixsun to seek interest from a major retailer to build a supermarket on site as well as a medical centre, tavern and a number of specialty shops and offices.*
- *The search by Vixsun for a "major retailer" appeared to be successful when in 2012 Woolworths entered into a contract to purchase 1.7 ha of land fronting Ballina Heights Drive. The contract was subject to Woolworths obtaining a Development Consent from Council for a supermarket on the 1.7ha site.*
- *Following the exchange of this contract, John Mongard, Landscape Architects, of South Brisbane (JMLA) were engaged in 2013 to provide masterplanning that would ensure that the urban design and streetscaping provided an attractive town centre based around Woolworths occupying the prime/ high visibility part of the commercial centre.*
- *In 2014 it became evident that Woolworths had changed their business model from "We will build and the customers will come" to "We will build when the customers are there." Woolworths had not settled the land purchase at this time.*
- *The contract for the sale of land to Woolworths was rescinded by Vixsun in May 2016. Vixsun chose to rescind the Woolworths contract, at a significant financial cost to the company, to ensure that Woolworths did not just "land bank" the site so that critical retail shops or a small supermarket could be built to cater for the Ballina Heights community.*
- *Vixsun commissioned the specialist retail architecture firm Thompson Adsett to undertake master planning of the site and again Vixsun began the search for a suitable anchor tenant. That search did not disclose any suitable tenant candidates.*

8.2 LEP Amendment Request - Ballina Heights Commercial Centre

These efforts have not secured an anchor tenant for the neighbourhood centre to date.

LEP amendment request

Having regard to the above, the landowners propose the following approach to facilitate the development of the commercial centre:

1. *Only a realistic area be contemplated by Council and Vixsun for the long term commercial use - 1.1 ha in the eastern part of the site.*
2. *Council supports the rezoning of the middle residual part of Lot 496 for residential purposes with a view to Vixsun utilising the cash flow from the residential development to support the significant infrastructure development fundamental to the commercial use.*
3. *Land west of the prolongation of Farrelly Avenue be retained in its existing zoning.*

A map showing the extent of the proposed rezoning is enclosed with the submission provided as Attachment 1.

Council has previously sought the independent advice of a commercial consultant (HillPDA), in association with an update to the Industrial and Commercial Land Study for Ballina Shire.

The advice received from HillPDA with respect to this matter is as follows:

A similar structure plan or masterplan should be prepared for Cumbalum Precinct A urban release area to accommodate both a future local/neighbourhood centre of up to 3,000sqm GLA of retail and commercial space (serving both Cumbalum and Kinvara).

Currently there is a 12 hectare site zoned B2 for a village centre in Cumbalum on Ballina Heights Drive and further to the north is another area of around 3 hectares zoned B2 for a future village centre.

Forecast.ID is showing only 4,227 people living in the Cumbalum, Kinvara and Tintenbar area by 2036 which means a centre not much larger than say 2,000sqm to 3,000sqm of shop front space is required. 1.7ha should be sufficient size for a B2 zone. That said the site on the corner of Ballina Heights Drive and Power Drive is a better location for the centre. It is as central as the current 12ha site but also closer to the main entry point into Cumbalum from Ballina and closer to the on/off ramps of the Pacific Motorway.

On the basis of advice received from Council's commercial consultant, the proposal to reduce the B2 Local Centre appears justified (the ultimate area to be determined as part of the planning proposal process should Council support further consideration of the LEP amendment request).

The proponent has submitted architectural plans of the proposed commercial centre, which are included in Attachment 1.

The submission acknowledges that the western part of the subject lot is constrained for the purposes of residential development due to steep slopes and road noise.

8.2 LEP Amendment Request - Ballina Heights Commercial Centre

The proposal is that part of the residue site located adjacent to the Pacific Highway be retained as B2 zoned land with the intention of possibly accommodating a registered club on that part of the site.

This is proposed on the basis that such a use *'seems to have realistic potential given the topography of the parcel, the large fig trees present, the expansive "views out" from that location and potential issues associated with highway noise'*.

From the perspective of managing land use conflict, this approach appears to have merit.

Voluntary Planning Agreement

The proposal includes the offer of a voluntary planning agreement (VPA) which would include performance requirements such as *'that no residential subdivision be permitted until such time as Stage 1A of a commercial development has been approved and substantially commenced'*.

The voluntary planning agreement proposed by the landowners seeks to provide Council and the community with confidence that the commercial development will proceed before any of the additional residential subdivision occurs.

This approach provides both a financial incentive to undertake the commercial development, as well as a means of addressing commercial losses associated with having to offer subsidised commercial rents or support vacant commercial floorspace for a period of time, if required.

As the terms of such agreements are subject to negotiation, further measures may be able to be incorporated into the VPA to encourage the timely development of the commercial centre.

The proposal to amend the current B2 commercial zone to enable additional residential development provides for additional residential development beyond that previously envisaged for the site.

Whilst NSW Government directions limit the use of planning agreements for 'value capture' in association with 'up-zonings', there may be scope for the developers to consider whether other public interest outcomes may also be able to be provided through the VPA, such as those relating to provision of affordable housing.

If Council supports the progress of the LEP amendment to further assessment, it is recommended that the General Manager be delegated to negotiate the terms of the voluntary planning agreement for review and endorsement by the elected Council prior to the public exhibition of the associated planning proposal.

Delivery Program Strategy / Operational Plan Activity

Advancing the delivery of the commercial area in the Ballina Heights locality is also a specific action for the 2020/21 year under the current Operational Plan and Delivery Program (action PE 1.2b – Examine planning options to expedite the delivery of commercial and retail shops in the Ballina Heights Estate).

Community Consultation Policy

Should Council proceed with further assessment of the LEP amendment request, community engagement will be undertaken in accordance with Council's Community Participation Plan, consultation requirements associated with voluntary planning agreements and any requirements specified by the Department of Planning, Industry and Environment post Gateway determination.

Financial / Risk Considerations

The matters set out in this report have legal implications with respect to land uses for which development consent may be sought on the land. These implications will be presented to Council for further deliberation should the matter proceed to planning proposal stage.

The legal implications associated with the proposed voluntary planning agreement will be considered further once negotiations on the content of such an agreement have been further advanced.

Should Council resolve to proceed with the LEP amendment as recommended, the processing of the associated planning proposal would be subject to fees and charges. On this basis, processing the planning proposal request can be accommodated with existing resources.

Options

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

Option 1 – Proceed with the LEP Amendment Request

Council could resolve to proceed with the LEP amendment request by progressing to the preparation of a planning proposal. The planning proposal based on the landowner submission would provide for additional residential development of Lot 497 DP 1261230, subject to securing public interest outcomes associated with the development of the land (including provision of commercial development) through a voluntary planning agreement.

Under this option, staff would draft a planning proposal to apply the R3 Medium Density Residential zone to parts of the land and refer to this to the Department of Planning, Industry and Environment for Gateway determination.

This option would also involve negotiation of a voluntary planning agreement to achieve the public interest outcomes outlined in the body of this report. In accordance with Council's Planning Agreements Policy, the voluntary planning agreement would be drafted by Council's solicitors at the proponent's cost.

The planning proposal and draft voluntary planning agreement would be reported to Council prior to its submission to the Department of Planning, Industry and Environment for Gateway determination and subsequent public exhibition. This is to confirm the scope of the proposal, the need for particular studies (e.g. noise assessment) and VPA content once further detail has been worked through with the proponent.

8.2 LEP Amendment Request - Ballina Heights Commercial Centre

This option is recommended on the basis that this approach appears most likely to secure the timely provision of neighbourhood commercial facilities for the residents of the locality and more efficiently utilise the land from an urban development perspective.

Option 2 – Decline the LEP Amendment Request

Council could resolve to decline the LEP amendment proposal and voluntary planning agreement offer.

Under this option, staff would write to the Ballina Heights Developers advising that Council does not support the proposed approach.

This approach is not recommended on the basis that Option 1 appears to have a greater potential to expedite the development of the Ballina Heights neighborhood centre.

Option 3 – Defer and Seek Further Information

Council could resolve to hold a Councillor Briefing regarding this matter.

This option is not recommended at this stage however it is available should Council wish to consider the information presented in this report in more detail. As an alternative a briefing could be held once the proposal is more refined and a draft VPA has been prepared.

RECOMMENDATIONS

1. That Council prepare a planning proposal to apply the R3 Medium Density Residential zone to parts of Lot 497 DP 1261230 as outlined in the Council report.
2. That Council authorises the General Manager to negotiate the terms of a voluntary planning agreement with Vixsun Pty Ltd to achieve public interest outcomes associated with the development of the land (including the delivery of commercial land use outcomes to service the Ballina Heights locality), as outlined in this report.
3. That Council receive a report on the draft planning proposal and voluntary planning agreement prior to submission of the documentation to the Department of Planning, Industry and Environment for Gateway determination.

Attachment(s)

1. Planning Proposal Request Submission - Vixsun Pty. Ltd.

8.3 Policy (New) - Climate Change

8.3 Policy (New) - Climate Change

Section	Strategic Planning
Objective	To outline a draft Climate Change Policy and seek Council's endorsement to place the draft policy on public exhibition.

Background

Council resolved at the 23 May 2019 Ordinary meeting as follows:

1. *Include in the draft 2019/20 Operational Plan an action to review Council's adopted Climate Action Strategy 2012-2020.*
2. *That early in the new financial year (2019/20) Council hold a workshop on the existing Climate Action Strategy, to assess where we currently stand in respect to that Strategy, and to identify options that Council may have available to implement more vigorous and direct actions to combat the threat of climate change as part of the new Climate Action Strategy.*

Council also resolved at its 28 November 2019 Ordinary meeting as follows:

1. *That Council declares we are in a state of climate emergency that requires urgent action by all levels of government.*
2. *That Council notes that at least 71 Local Government areas in Australia have already declared a 'Climate Emergency'.*
3. *That Council acknowledges Ballina Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods.*
4. *That Council calls upon the State and Federal Governments to declare a climate emergency, and to back this up with legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the lower of the Paris Agreements or a maximum 1.5 degree warming.*
5. *That Council writes to all NSW and Federal Government MP's advising them of Council's resolution and urging them to acknowledge a climate emergency and to act with urgency to address the crisis.*
6. *That Council receives a report on potential impacts on Ballina Shire and adaptations that could be considered.*
7. *That Council notes that a recent Bureau of Meteorology (BoM) and CSIRO report, State of the Climate states that 'Australia's climate has warmed by just over 1 degree C since 1910.*

In response to these resolutions, the Climate Action Strategy (CAS) 2012-2020 was reviewed and a Councillor briefing was held in January 2020 to discuss options for the review of the CAS.

The results of the CAS review and a proposed way forward were presented at a Councillor briefing held in December 2020.

8.3 Policy (New) - Climate Change

The draft Climate Change Policy has been prepared based on the feedback from the Councillor briefings as well as the outcomes of the review of the existing CAS and examination of the approaches taken by other local government authorities.

The draft policy responds to Council's climate change resolutions by setting measurable targets and outlining an approach to the delivery of implementation plans, integration into Council's integrated planning and reporting framework and stakeholder collaboration.

This is done through a series of objectives, guiding principles and policy statements.

A copy of the draft policy is contained in Attachment 1.

It is intended that the policy will replace the 2012-2020 Climate Action Strategy (CAS) and Environmental Action Plan (EAP) as the primary reference point for Council's approach to climate change.

Key Issues

- Response to Council's resolution declaring a state of climate emergency
- Targets and policy foundations for Council to take action on its contributions to climate change

Discussion

Council has a long history of taking action on climate change.

In 2004 Council joined the Cities for Climate Protection program and commenced implementing emissions reduction and energy efficiency strategies and programs.

In 2010 Council engaged with the community to develop the 2012-2020 Climate Action Strategy (CAS). The strategy was adopted in December 2011.

In 2011 Council also prepared its first Environmental Action Plan, which incorporated a number of elements relating to the address of predicted climate change impacts.

The CAS and EAP provided direction for Council to integrate identified organisational and community climate change activities into the Community Strategic Plan.

Areas of activity have included floodplain management, coastal zone management, infrastructure management, water cycle management, emergency risk management, biodiversity and environmental management.

A number of successful emissions reduction initiatives have been implemented, time including the organic waste collection service, energy efficient lighting projects, the recycled water program, and solar PV installations.

Councillor Briefing January 2020

The briefing outlined that Council has most influence over its own operations and in areas where Council delivers community services such as water and wastewater, street lighting, community facilities, planning and development, and strategic land use planning.

Many of Council's activities assist the community to adapt to climate change through management of natural hazards and regulation of activities that effect the environment.

The briefing identified the need for the ongoing response to climate change to:

- provide strong action on climate change
- be a mix of mitigation and adaptation activities
- be responsive to changes regarding climate science and government policy
- be subject to undergo ongoing and timely review
- align with and inform other Council plans and documents.

Climate Action Strategy Review

As part of the CAS review an organisational emissions inventory for the eight financial years from 2012 to 2020 was conducted.

The financial year 2012/13 was chosen as the base year, as this was the first complete year after adoption of the Climate Action Strategy.

The emissions inventory was prepared through the engagement of a designated part-time casual staff member. The results of the inventory are presented below (and were outlined in the December 2020 Councillor briefing).

Sources of Council's Emissions

Greenhouse gas emissions are categorised into three sources:

- **Source 1:** Burning of fossil fuels - for Council it's predominantly fuel use
- **Source 2:** Use of electricity
- **Source 3:** Indirect emissions associated with running of an organisation i.e. waste, purchasing of goods, travel, manufacturing of goods.

There are currently 230 sites listed on Council's emissions inventory asset register.

Figure 1 illustrates that electricity consumption is the primary source of annual emissions at around 80%, with fuel consumption (Source 1) being the secondary source at 18%, and waste management related emissions (Source 3) at 2%, noting that data is often more difficult to obtain for Source 3 emissions.

The sectors consuming electricity are water and wastewater, buildings and facilities, and street lighting.

8.3 Policy (New) - Climate Change

COUNCIL EMISSIONS BY SOURCE FY 2019-2020

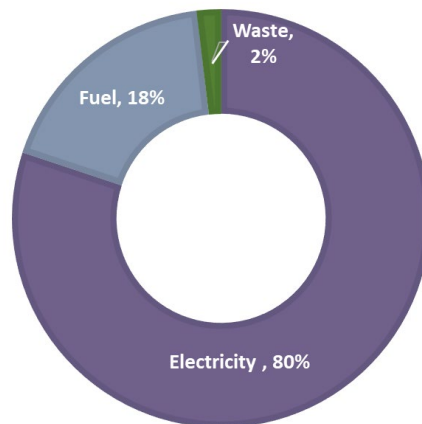


Figure 1: Annual corporate emissions by source, financial year 2019-2020

Emissions Inventory Summary 2012 - 2020

Council emissions data was sourced from internal data management systems, AusFleet, and E21 - a subscription data collection service.

Electricity consumption was measured in kWh, fuel usage in litres for unleaded, diesel, and bulk diesel, and greenhouse gas emissions was measured in tonnes of CO₂e (tCO₂e).

Council's emissions data does not comprehensively account for Source 3 emissions, therefore this inventory focused on Source 1 and Source 2 emissions, with some accounting of emissions from Source 3, which were indirect emissions from waste, fuel, and electricity.

The inventory process identified some potential data management and process inconsistencies and inaccuracies. The inaccuracies were not considered to be of a scale that significantly impact the results of the inventory.

However, as part of ongoing action in relation to climate change it is recommended that Council's energy data management systems are reviewed to enable a higher level of confidence in future.

The emissions inventory revealed a 7% growth trend each year from 2012 to 2014/15 from 9,151 to 10,463 tCO₂e (Figure 2).

Council was able to curb this trend and by 2017-18 emissions declined to a low of 9,076 tonnes, which is 1% lower than the base year.

The following financial year saw a significant increase in emissions of 15% however Council was able to again curb this growth and achieve a significant decrease of 8% in 2019/20.

Overall emissions had only increased by 5% in 2019/20 compared to the 2012/13 base year. The key emissions reduction actions that led to this decline are discussed as follows. Without these actions in place emissions could have been up to 40% higher in 2019/20.

8.3 Policy (New) - Climate Change

This achievement is very positive considering that the organisation and shire continues to grow and substantial infrastructure works have occurred in this period.

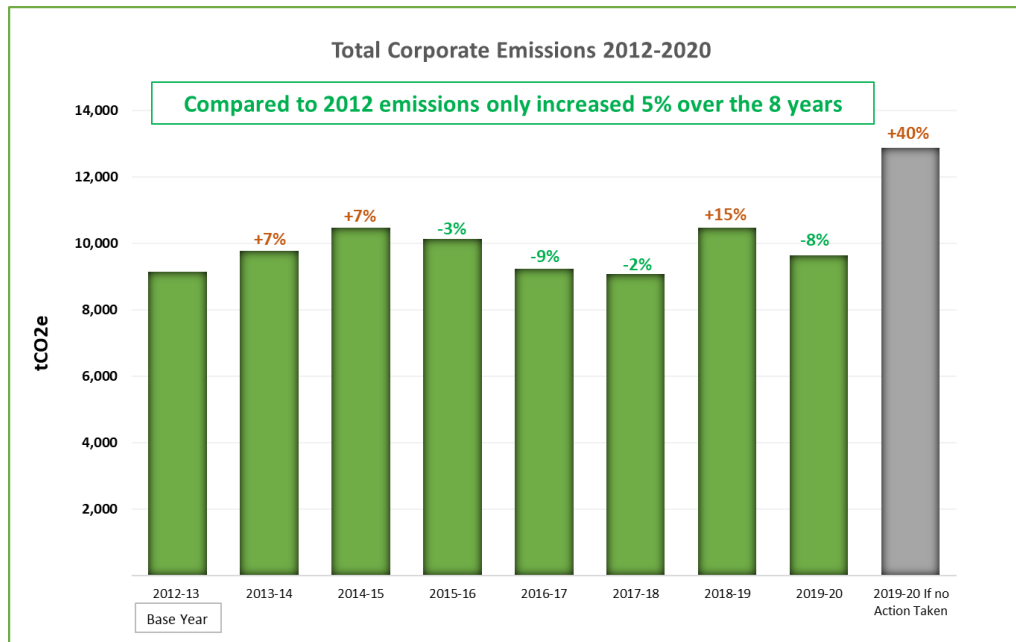


Figure 2: Total corporate emissions 2012-20 in tonnes of CO₂e (t CO₂e).

Analysis of Council's Primary Source of Emissions - Electricity 2012 – 2020

The Council's electricity usage profile over the past eight years shows the effect of organisational growth (associated with service and population growth) and electricity reduction actions (Figure 3).

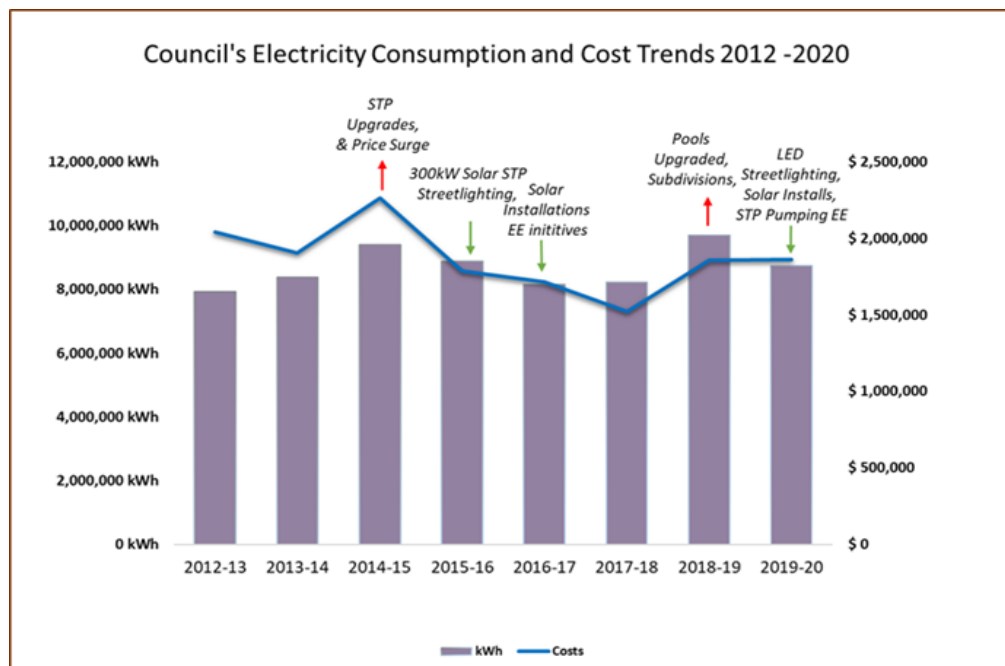


Figure 3: Council's electricity consumption (kWh) and cost trends (\$) 2012- 2020

2013/14: Council's electricity consumption increased by 6% however there was a 7% decline in costs which may have been due to tariff/contract changes.

8.3 Policy (New) - Climate Change

2014/15: Consumption rose by 12% compared to the previous year. Contributing factors were infrastructure works and upgrades to wastewater treatment plants.

At this time there was also a state wide electricity price rise which, combined with Council's usage increase, resulted in a corresponding cost increase from \$1.9 million to \$2.2 million compared to the previous year.

2015/16 to 2017/18: A number of energy efficiency initiatives were taking place including: more efficient streetlight lamps, LED lighting retrofits at Council buildings, and sewerage pump upgrades.

There was an increase in solar PV systems installations at Council sites, including the 300kW solar system at the Ballina wastewater treatment plant.

These actions reduced consumption each year and resulted in significant financial savings.

Costs declined in 2015/16 from \$2.2 million to \$1.7 million, a 21% decrease, and continued to decline down to around \$1.5 million in 2017/18.

2018/19: Consumption increased 18% since the previous year resulting in a 22% cost increase from \$1.5 million to \$1.8 million.

This was mainly due to major infrastructure works such as the pool upgrades and increased wastewater services to new subdivisions.

2019/20: Major LED streetlighting project was completed as well as more solar installations and pumping energy efficiencies which reduced consumption by 10%. However, due to an electricity price rise the costs remained about the same.

As a direct result of Council's energy efficiency initiatives Council was able make significant financial savings and was protected from the full effect of electricity price increases.

Overall corporate electricity costs only increased by 10% in 2019/20 compared to the 2012/13 base year.

This clearly demonstrates that emissions reduction actions make good business sense.

Setting Council's Future Climate Change Action Pathway

Climate change action goals and mechanisms have been set internationally (i.e. the Paris Agreement, the Intergovernmental Panel on Climate Change (IPCC), and the United Nations Sustainable Development Goals), nationally, and at state and local government level.

Details on these goals and mechanisms are included in the background section of the draft Climate Change Policy found in Attachment 1.

8.3 Policy (New) - Climate Change

Emissions Goals in Australia

Nationally, the Australian Government has committed to a staged emissions reduction approach with a target of 26–28% reduction of emissions below 2005 levels by 2030, but has yet to set a 2050 target.

State Government targets are listed in Table 1 below.

Table 1: State and Territories Government Commitments

State	Renewable Energy/Electricity Targets	Carbon Targets
ACT	100% renewables by 2020 (achieved in 2019)	Zero net emissions by 2045
NSW	20% from renewable energy in line with the RET	Zero net emissions by 2050
NT	50% renewable energy by 2030	Zero net emissions by 2050
SA	50% renewable energy production by 2025 (Target achieved in 2018)	Zero net emissions by 2050
TAS	100% renewable energy by 2022	Zero net emissions target by 2050
QLD	50% renewable energy by 2030	Zero net emissions target by 2050
VIC	25% renewable energy by 2020 40% renewable energy by 2025 50% renewable energy by 2030	Zero net emissions by 2050
WA	No target	Zero net emissions by 2050

Source: <https://100percentrenewables.com.au/ambitious-climate-action-commitments-local-governments-states/>

The NSW Government has committed to a staged approach of a 35% reduction in emissions compared to 2005 levels by 2030, and net zero by 2050 which is more ambitious than the Federal Government's target.

The NSW Net Zero Plan Stage 1: 2020-2030 together with the NSW Electricity Strategy provide the pathway to transition to net zero emissions. The Stage 1 Plan and frameworks are a fast-track of action and will establish NSW as a renewable energy superpower.

Four of the five NSW coal power stations are expected to close within 15 years, and these four power stations account for three-quarters of NSW's electricity supply.

The Stage 1 plans set out how this gap will be filled by renewable energy.

This will strengthen investment certainty in renewable technologies, and give confidence for organisations and communities to commit to renewable energy goals.

The plans can be viewed at:

<https://www.environment.nsw.gov.au/topics/climate-change/net-zero-plan>.

8.3 Policy (New) - Climate Change

Local governments across Australia are leading the way in acting on climate change. There are a wide range of commitments from targets that align State and Territory Government goals, to more ambitious targets which align with the lower Paris Agreement aim of limiting warming to only 1.5°C.

A number of reports exist (prepared by various climate change specialist organisations) which review climate change actions, targets, policies and strategies of Australian councils.

A report prepared in September 2020 titled 'Ambitious Climate Action Commitments by States & Territories, Local Governments, and Communities' found that 74 councils across Australia have committed to renewable energy and/or a carbon targets.

Twenty nine of those councils are in NSW, and five of them are in the Northern Rivers - Tweed, Byron, Lismore, Kyogle, and Coffs Harbour.

The full report can be found via this link

<https://100percentrenewables.com.au/ambitious-climate-action-commitments-local-governments-states/>

Table 2 below presents the energy and emissions targets committed to by other Northern Rivers councils.

Table 2: Status of Northern Rivers councils with regards to energy and emissions reduction targets.

Council	Renewable Energy/Electricity Targets	Carbon Targets
Byron Shire Council	100% renewable energy by 2027	Net zero by 2025
Kyogle Council	25% electricity from on-site solar by 2025, 50% renewable electricity by 2025, 100% renewable electricity by 2030	
Lismore City Council	100% renewable electricity by 2023	
Richmond Valley Council		Currently developing their targets
Tweed Shire Council	50% renewable energy by 2025	

Climate Emergency Declaration

Ballina Shire Council is one of over 100 councils in Australia that have declared we are in a state of Climate Emergency. The declaration was made at Council's November 2019 Ordinary meeting (the resolution has been reproduced at the beginning of this report).

To align with Council's climate emergency declaration, it is considered reasonable and achievable that Council commits to organisational targets that are more ambitious than the Paris Agreement in order to achieve the rapid short-term emissions reduction recommended by the IPCC.

8.3 Policy (New) - Climate Change

This approach is reflected in the emissions reduction and renewable electricity targets in the policy statements contained in the draft policy (Attachment 1).

Proposed Climate Change Policy Framework

A Council policy framework is considered to be the appropriate mechanism for capturing Council's range of mitigation and adaptation responses to climate change over the short to medium term.

To be effective, the framework needs to focus on mitigation of climate change through the management of operational emissions and adaptation to climate change through risk assessment and building resilience.

A draft Climate Change Policy is presented in Attachment 1.

The objectives of this policy are to:

- Identify Council's approach to measurable and achievable organisational greenhouse gas emissions reduction and renewable electricity targets.
- Identify Council's approach to risk assessment and adaptation planning to identify and manage the organisation's risks from climate change, and to support adaptation and resilience strategies for the community.
- Identify Council's approach to working collaboratively with community, agencies, industry, businesses, and all levels of government to seek and advocate for local, regional, state, and national climate change mitigation and adaptation solutions that are informed by the current knowledge and best available science.
- Provide a framework to guide the preparation and implementation of plans to achieve the targets set out in this policy.

Council's role in climate change action is discussed within the policy.

In summary, as a key asset owner, service provider, and decision maker, Council has a responsibility to manage its own contributions to climate change, to develop adaptation and resilience strategies for its operations.

Through its regulatory role and strategic frameworks Council can also provide support to the community to increase its capacity to take action and be prepared for a changing climate.

The policy provides a renewed framework for Council to clearly respond to its role in climate change action.

Establishing Emissions Goals for Council

To align with Council's climate emergency declaration, the NSW Government targets, and recent scientific reports which suggest that past warming projections are already being exceeded, it is proposed that Council's organisational targets are more ambitious than the Paris Agreement in order to achieve the rapid short-term emissions reduction recommended by the IPCC.

8.3 Policy (New) - Climate Change

The policy proposes that Council adopt the following ambitious but achievable goals:

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

Council can have the greatest immediate and meaningful influence on climate change mitigation through the management of its own emissions generated through Council operations.

Council has the most influence and ability to act on emissions from Source 1 and Source 2 - fuel and electricity consumption.

In the medium to long term Council should seek to encompass Scope 3 emissions - the upstream and downstream emissions from operations (e.g. sustainable procurement, catering, staff travel, capital works, and investments) which would require a whole of organisation approach.

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

Net zero emissions means achieving a balance between emissions produced and emissions taken out of the atmosphere, for example, by sequestration activities.

Net zero emissions means every tonne of man-made greenhouse gas that is emitted must be matched by a tonne removed from the atmosphere.

When committing to an emissions goal it is important to be clear about what that commitment includes.

There needs to be a decision on what is relevant to Council, what Council can reduce or influence directly, and the ability and effort required to gather data and monitor emissions.

Pathway to Net Zero emissions and 100% Renewable Energy

Achievement of the Climate Change Policy goals would involve setting out the pathway of actions to the target year.

As an example, Figure 4 illustrates The City of Canada Bay's pathway to net zero emissions that was recently developed for their comprehensive emissions reduction plan.

The figure outlines the areas where emissions reductions are needed to be made for council operations.

An interesting point to note is that grid decarbonisation is now typically included in this type of projection due to the anticipated closure of the four NSW coal power plants.

8.3 Policy (New) - Climate Change

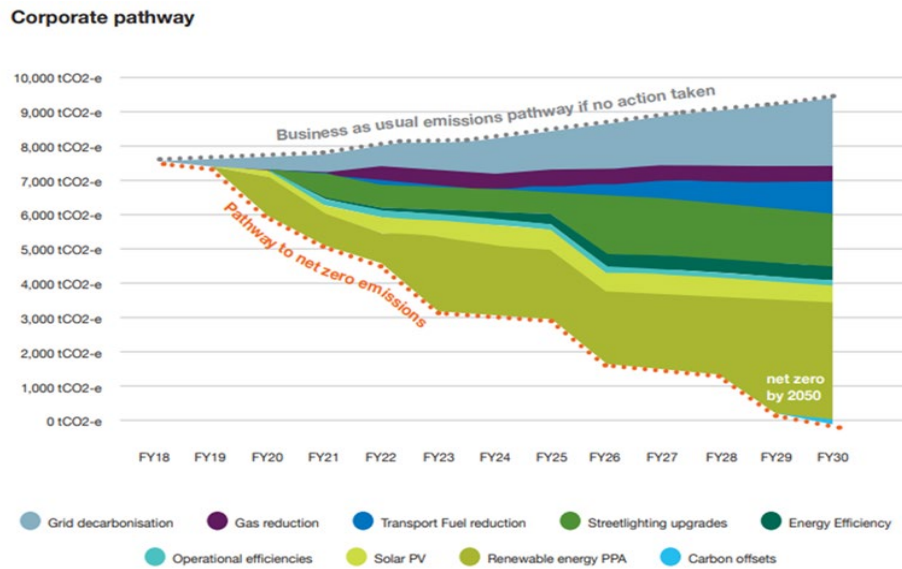


Figure 4: Pathway to net-zero by 2030 for Canada Bay Council’s operations.

Source: <https://100percentrenewables.com.au/net-zero-case-study-canada-bay/>

Figure 5 provides a visual representation of what Council’s pathway to 100% renewable electricity could look like. The graph is presented over a 10 year time frame, but the target could be achieved within a shorter timeframe through a Power Purchase Agreement (PPA) as discussed later in this report under the *Preparing an Emissions Reduction Plan* section.

In 2019/20 Council required 9,696 MWh of electricity in total for its operations. Approximately 8,747 MWh came from the grid and it was estimated that Council generated 949 MWh from onsite solar systems which is about 10% of its needs. If Council didn’t take any further action, at a rate of 1% growth, we would require 9,662 MWh from the grid by 2030. This would negate the benefit of the renewable energy Council is currently generating.

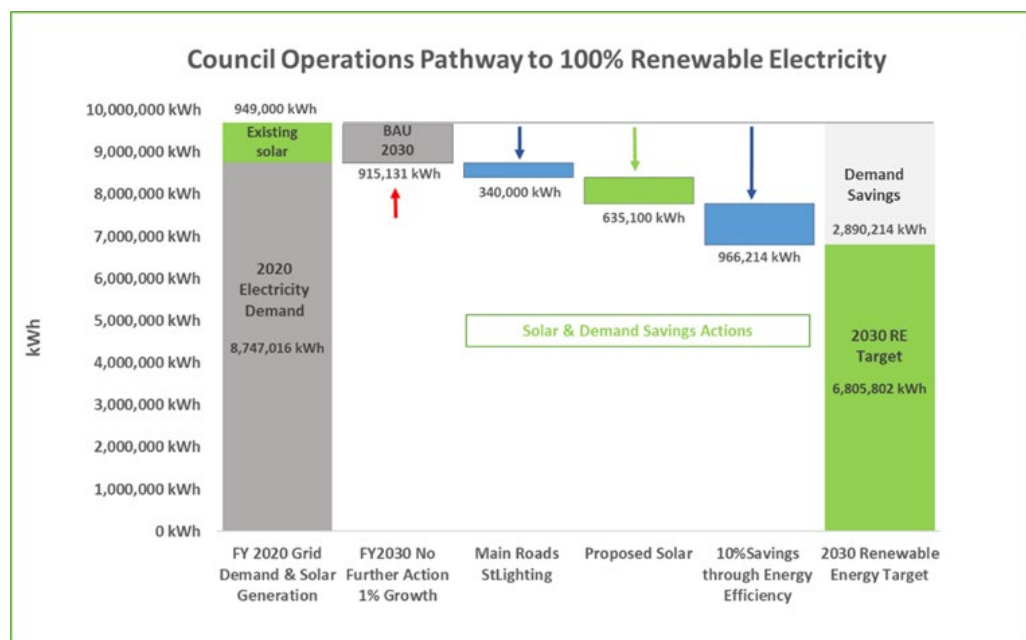


Figure 5: Possible Council Pathway to 100% Renewable Electricity.

8.3 Policy (New) - Climate Change

By committing to targets and implementing a more aggressive action plan, Council can reduce its electricity needs considerably.

Council already has more efficiencies and solar installations planned which could reduce the total electricity demand to only 6,805 MWh.

The development of a comprehensive action plan could identify even more solar and energy efficiency opportunities which would further reduce the electricity demand. The lower the demand the less electricity will need to be generated from renewable sources.

Typically councils can achieve around 20% of their electricity needs through onsite solar installations, the rest would be sourced through other methods such as a PPA and renewable offsets.

Council's electricity contracts are in three year cycles and are due for renewal in 2024, 2027, 2030.

PPAs are becoming more commonplace, and it is possible that an appropriate PPA will be available in 2024 or 2027.

If so Council will achieve its renewable energy goal early.

Preparing an Emissions Reduction Plan

In order to achieve delivery of the draft policy, and therefore net zero emissions and 100% renewable electricity, an Emissions Reduction Plan (ERP) should be prepared. The ERP would be predominantly focused on achieving the following steps:

- **Reduce energy consumption** – This is achieved through implementation of electricity and fuel efficiencies, adjusting practices and procedures to reduce energy waste.
- **Produce renewable energy** – This is achieved by installation of solar PV systems and battery storage where possible on Council's sites.
- **Purchase renewable energy/offsets** - Purchasing of renewable electricity is required for the remaining electricity that cannot be produced on-site. Purchasing includes opportunities for mid-scale solar - ideally locally produced, and/or a Power Purchase Agreement (PPA) which involves sourcing renewable energy directly from generators, typically large-scale plants, or with buying groups.

An example of a where a PPA was used is at the Sydney Opera House (working towards a carbon neutrality goal). Solar panels were obviously not an option for the iconic sails, so the Sydney Opera House entered into a seven year renewable power purchase agreement with Flow Power. This enabled the Opera House to meet its renewable electricity goals without needing to generate on-site.

Purchasing of carbon offsets for the remaining emissions that are unable to be reduced through Council actions are typically from appropriate carbon sequestration activities.

8.3 Policy (New) - Climate Change

Development of a comprehensive Emissions Reduction Plan typically involves the following:

- Stakeholder consultation
- Emissions profile
- Comprehensive site audits to identify
 - Energy efficiency opportunities
 - Solar PV on-site opportunities
 - Fleet efficiencies
- Improving data management
- Business case development
- Financing options
- Trajectory to target year
- Short, medium, and long term priority action plan
- Identify budget implications
- Options for purchase of renewable energy
- Options for offsetting emissions
- Implementation plan.

The key benefit of a focused ERP is the delivery of ‘shovel ready’ business cases with costs, savings, and payback periods which can be used for budgeting purposes and grant funding applications when opportunities arise.

A recent example currently on public exhibition is from Narrandera Council and can be found via this link: <https://www.narrandera.nsw.gov.au/climate-action-strategy>.

Table 3 shows payback periods and internal rates of return for implementation of emissions reduction plans. Energy efficiency and renewable energy projects typically have very favorable business cases with short payback periods and ongoing delivery of financial savings (Table 3). Short term projects have an average payback period of less than five years.

Table 3: The business case for GHG emissions reduction projects.

Business case for GHG emission reduction projects

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Timing	Years payback	Energy efficiency		Renewable energy		Combined	
		Average payback	Average ROI	Average payback	Average ROI	Average payback	Average ROI
Short	5	4.47	24.5%	4.92	22.1%	4.59	22.7%
Medium	8	5.51	15.9%	6.82	17.1%	6.05	16.9%
Long	>8	9.82	7.5%	11.45	9.1%	11.17	8.9%



Source: 100% Renewables

8.3 Policy (New) - Climate Change

Implementation of Emissions Reduction Plan

Once an ERP has been prepared, there are a few options for development of the implementation pathway from in-house implementation through to engagement of consultant services.

Implementation options are presented with benefits and risks in the Financial/Risks section.

In summary, Council's commonly engage specialist consultants to develop their plans as it requires specific skills in conducting site audits and developing business cases.

Grant Programs

There are numerous examples of government programs that have provided grant funding to councils, industry, business, and communities to develop plans and implement projects.

For example:

- NSW Community Energy Efficiency Program
- NSW Growing Community Energy grant
- NSW Building Better Regions Fund (current)
- Sustainable Councils and Communities program - currently supporting around 34 NSW councils to develop their strategies related to climate change.
- NSW Climate Change Fund 2017 to 2022
- Federal Climate Solutions Package
- Australian Renewable Energy Agency (ARENA)
- Clean Energy Finance Corporation (CEFC) low interest loans for clean energy projects

With the establishment of the NSW net zero emissions goal, it is anticipated that a range of grant funding opportunities will be available to Council over time.

Council's commitment to emissions reduction and renewable energy goals and pre-development of business cases in an ERP will be an advantage when applying for grant applications.

Peer Support networks

There are a number of state and national peer support networks that support local governments and organisations to achieve their climate change objectives, for example:

- Northern Rivers Sustain Energy (local - Council is an active member)
- Cities Power Partnership (national)
- Climate Emergency Australia (national)
- Sustainability Advantage network membership (state)

It is recommended that Council explore the benefits of these support network opportunities as part of the partnership objectives of the policy.

8.3 Policy (New) - Climate Change

Climate Change Risk Assessment, Adaptation, and Resilience

Climate change adaptation and resilience is fundamental to managing the impacts of climate change.

Council completed a Climate Change Risk Assessment in 2009. The key risks identified were extreme heat, drought and water scarcity, sea level rise, and extreme storm and flash flood. Climate change projections show that the occurrence of these events will increase, as well as the intensity.

A changing climate has the potential to increase Council's maintenance costs for infrastructure, cause inundation of Council-owned assets due to sea level rise, lead to more frequent disruption of transport and communication services due to more frequent extreme storm events, and increase risk of coastal erosion.

Council's existing strategic plans list a range of strategies relevant to climate change mitigation and adaptation. For example, ensuring plans are in place for natural disasters and environmental changes, increasing resilience of our economy, ensuring planning considers changes to the environment, wise use of resources, and risk management.

The draft policy provides the framework for Council to identify and integrate Climate Change risk assessment, adaptation, and resilience planning into all Council's strategic plans.

The first step is for Council to conduct a new risk assessment. Council's insurer Statewide Mutual offers a Climate Change Risk Assessment Program free of charge. The program format involves identifying risks, current controls in place, risk ratings, identifying actions to mitigate and downgrade high risks, or determine that no action by Council is possible.

Following this Council has the option to participate in the development of "Adaptation Planning" initiatives for those risks that require further action. This is a fee-for-service module at a cost of \$6,000.

This approach is expected to improve Council's preparedness to manage risks and plan for potential adjustments to improve long term business certainty.

Delivery Program Strategy / Operational Plan Activity

The draft Climate Change Policy has been prepared in line with the following Delivery Program and Operational Plan Actions:

- HE1.1 Our planning considers past and predicted changes to the environment
 - HE1.1c Review the Climate Action Strategy
 - HE1.1d Review the Environmental Action Plan
- HE2.2 Use our scarce resources wisely
 - HE2.2e Minimise light fleet greenhouse gas emissions
- HE2.3 Reduce resource use through innovation
 - HE2.3a Implement technologies to generate efficiencies
 - HE2.3b Reduce CO2 emissions from our Built Assets
 - HE2.3c Increase the renewable energy generated on council sites

8.3 Policy (New) - Climate Change

- HE2.3d Reduce the energy consumption from our assets

The Climate Change Policy also relates to implementation of the following delivery program strategies:

- CC1.3 Ensure adequate plans are in place for natural disasters and environmental changes
- HE3.1 Implement plans that balance the built environment with the natural environment.
- HE3.2 Minimise negative impacts on the natural environment.
- HE3.3 Match infrastructure with development to mitigate any impacts on the environment.
- EL1.3 Actively advocate community issues to other levels of government.
- EL2.1 Proactively pursue revenue opportunities, costs savings and/or efficiencies.

Community Consultation Policy

Should Council be supportive of the draft Climate Change Policy it will be publically exhibited for at least 28 days.

If any submissions are received they will be reviewed in relation to the policy and addressed in further reporting to Council.

Financial / Risk Considerations

There are financial implications in placing the Climate Change Policy on public exhibition.

Implementation of the policy will require the allocation of resources and funding. The budget implications will be dependent on the method of implementation and identification of short, medium, and long term measures to reduce emissions and generate renewable electricity. Potential methods for early stage implementation of the policy are discussed below.

Methods for Implementation

Method 1

Method 1	Cost	Year	Source of Funding
Adopt the Climate Change Policy	n/a	2020-2021	n/a
Implement actions with a business as usual approach	n/a	2020-2021 onwards	n/a
Complete the Statewide Mutual Climate Change Risk Assessment	n/a	2020-2021	n/a

Method 1 is to adopt the policy and implement actions with a business as usual approach as projects arise and through maintenance programs, without a designated staff resource or specific Emissions Reduction Plan. The Statewide Mutual Risk Assessment process would also be completed under this method.

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The benefit of this method is lower budget implications as there are no external consultancy fees.

However, without a designated staff resource and focused Emissions Reduction Plan, this method may pose the risk of not achieving the policy targets and objectives.

It will also require the allocation of existing resources to work relating to the climate change policy thereby requiring adjustment to the priorities in the broader work program (and in particular that of the strategic planning section).

The extent to which existing resources are allocated is where the cost implication arises in relation to this method.

Resourcing for submission of grant applications may be difficult and there may be limited ability to measure, monitor and report on progress.

Method 2

Method 2	Cost	Year	Source of Funding
Adopt the Climate Change Policy	n/a	2020-2021	n/a
Engage a consultant to develop the Emissions Reduction Plan	\$20,000 to \$25,000	2021-2022	Strategic Planning reserve
Complete the Statewide Mutual Climate Change Risk Assessment	n/a	2020-2021	n/a
Complete the Statewide Mutual Adaptation Planning module	\$6,000	2021-2022	Strategic Planning operating budget

Method 2 is to adopt the Climate Change Policy, engage a consultant to prepare the comprehensive ERP, conduct the Statewide Mutual Climate Change Risk Assessment and adaptation planning module, and implement the policy and plans without a dedicated staff resource.

The key benefit and outcome of this approach is a focused ERP with a clear pathway to reach the targets and objectives of the policy. Short, medium, and long term actions would be identified and 'shovel ready' business cases developed with costs, savings, and payback periods for budgeting purposes and grant funding applications.

This method provides a high level of confidence in identifying all opportunities to implement the policy, a focused Emissions Reduction Plan, and adaptation planning for identified climate change risks. However implementation success is dependent on the capacity of existing staff to allocate an estimated 2-3 days per week focus on the plans tasks within their existing work plans.

There is a \$20,000 to \$25,000 cost for consultant services to develop a comprehensive ERP and complete the Adaptation Planning module at a cost of \$6,000 in the 2021/22 financial year.

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Method 3

Method 3	Cost	Year	Source of Funding
Adopt the Climate Change Policy	n/a	2020-2021	n/a
Engage a consultant to develop the Emissions Reduction Plan	\$20,000 to \$25,000	2021-2022	Strategic Planning reserve
Complete the Statewide Mutual Climate Change Risk Assessment	n/a	2020-2021	n/a
Complete the Statewide Mutual Adaptation Planning module	\$6,000	2021-2022	Strategic Planning operating budget
Allocate funding for a dedicated part-time staff member to coordinate and implement the policy and plans (minimum 3 years)	\$50,000 per annum	From 2021-2022	No funding source presently identified

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

This is the recommended implementation method as it provides the highest level of confidence in effectively achieving the targets and policy objectives.

This method has the highest financial implications with a \$20,000 to \$25,000 cost for consultant services to development a comprehensive Emissions Reduction Plan and \$6,000 to develop an adaptation plan in the 2021-22 financial year. There is also an estimated \$50,000 recurrent cost for a dedicated part-time (2-3 days/week) staff resource to coordinate implementation of the policy objectives, ERP and other climate change related programs.

As discussed earlier within the report, emissions reduction actions offer a very favorable internal rate of return and ongoing financial savings. Therefore short term investment in effective implementation of the policy will likely result in long-term financial benefits to Council.

Recommended Approach

Methods 1 and 2 can be advanced within existing resources but the achievement of the outcomes associated with the draft policy statements (including the emissions reduction and renewable energy targets) are likely to take longer compared to method 3 (which included additional staff resourcing).

Method 3 is the optimal approach in terms of outcome delivery both in terms of time and dedicated effort towards climate action. However, this needs to be considered in the context of Council's financial circumstances.

8.3 Policy (New) - Climate Change

An approach that incorporates consideration of staff resourcing for the purposes of delivering the climate change policy outcomes through the annual workforce planning process is considered to be the most practical approach.

This allows the provision of staff resources to be examined in the context of the overall budget and other priorities.

Under this approach, if a dedicated climate change policy related position cannot be funded in the 2021/22 year, then the position can be considered again in future years (noting the 2030 timeframe for the emissions reduction and renewable energy targets).

The recommendation is to pursue the implementation of the policy outcomes based on method 2 as the baseline approach, with the allocation of a dedicated position on staff to climate change related initiatives to be considered as part of the workforce planning process.

Options

Option 1 – Proceed to public exhibition of the draft climate change policy

Under this option, staff would proceed to publically exhibit the draft policy.

As indicated above, it is recommended that the approach to policy implementation be based on method 2 with further consideration of a dedicated position on staff through the workforce planning process. It is suggested that Council indicate its preferred approach to assist the community in understanding the implications of the policy.

This option is recommended for the following reasons:

- The Ballina Shire Council Climate Change Policy will provide:
 - a structured response to Council's resolution declaring a state of climate emergency.
 - targets and policy foundations to take urgent action on its contributions to climate change.
- Completing the Statewide Mutual Risk Assessment Module will enable Council to identify climate change risks, current controls in place, actions to mitigate and downgrade high risks, or determine that no action by Council is possible.
- Completing an adaptation planning process will provide a response and plan for those risks identified in the Statewide Mutual Risk Assessment that require further action.
- Engaging a consultant for development of a comprehensive Emissions Reduction Plan will result in a focused and clear emissions reduction pathway to reach the targets and objectives of the policy with short, medium, and long term actions, including costed business cases.

In the event that the workforce planning process identifies capacity for a dedicated climate change related position on staff, this would further assist in delivery of policy outcomes through:

- Improved capacity to implement internal systems and processes to embed climate change considerations into councils decision making.
- Improved capacity to apply for grant funding.

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- Maintaining and developing partnerships focused on climate change within the region.
- Ongoing review, measurement and reporting of the policy and actions progress.

Following the exhibition of the draft policy, the policy will be reported back to Council to consider the adoption of the policy.

Alternatively, Council may wish to proceed with the public exhibition of the policy based on a different approach to the delivery method.

Option 2 – Defer consideration of the Climate Change Policy

Council could defer public exhibition of the policy to seek further information. This option is not recommended as the policy has been prepared on the basis of feedback from two Councillor briefings held to date.

If Councillors would like a briefing this could be undertaken towards the end of or post the exhibition period to enable consideration of feedback received prior to reporting of the policy to Council for adoption.

Option 3 – Take no further action with respect to the Climate Change Policy

Council could resolve to cease action in relation to the preparation of the policy.

This is not recommended as this approach does not align with the recent resolutions of Council relating to climate change and does not establish a contemporary approach for Council's response to climate change related issues.

RECOMMENDATIONS

1. That Council endorses the public exhibition of the draft Climate Change Policy, as per Attachment 1 to this report.
2. That Council, in principle, endorses the delivery of the Climate Change Policy based on the approach set out in method 2 as outlined in this report, with the approach to the implementation of the policy to be confirmed following consideration of the outcomes of the public exhibition of the draft policy. This is to assist the community in understanding the implications of the draft policy.
3. That Council examines the incorporation of a part-time position to support the implementation of the Climate Change Policy and associated plans and actions through the workforce planning process.

Attachment(s)

1. Policy (Draft) - Climate Change

8.4 Development Applications - Works in Progress - March 2021

8.4 Development Applications - Works in Progress - March 2021

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/74	13/2/2018	Ardill Payne & Partners	Amended Proposal: Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a six storey Residential Flat Building containing 12 (originally 14) dwellings, associated car parking and works. The proposed building has a height of 18.6m (originally 18.3) with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Awaiting additional information
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	Awaiting additional information
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	Awaiting additional information
2018/788	24/12/2018	Prestige Properties Design and Construction	Change of use of a portion of an existing shed to a dual occupancy - 142 Brooklet Road, Newrybar	Awaiting additional information

8.4 Development Applications - Works in Progress - March 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/136	7/3/2019	R & M Martin	Change of use from a manager's dwelling to a dual occupancy dwelling - 783 Fernleigh Road, Brooklet	Determination pending
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	On Exhibition
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	Awaiting additional information
2019/376	11/6/2019	Newton Denny Chapelle	Amended proposal: Erection of six shade house structures, two sheds, eight rainwater tanks, earthworks, access driveways, vegetation removal and landscaping – 348 Rous Road, Rous Mill	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	Awaiting additional information
2019/535	21/8/2019	Ardill Payne & Partners	Amended Proposal: To undertake a development in four stages comprising: Stage 1: Three Lot Torrens Title Subdivision (Proposed Lots 1 and 2 with an area of 800m ² each and Proposed Lot 3 with an area 1092m ²), Stage 2: Erection of a two storey dwelling upon newly created Lots 2 and 3. Erection of an attached dual occupancy upon proposed Lot 1. Stage 3: Strata Subdivision of Lots 2 and 3 to create a vacant lot for a future dual occupancy. Strata subdivision of Lot 1 containing attached dual occupancy Stage 4: Construction of a dwelling on vacant strata Lots 2 and 3 to create a detached dual occupancy – 26-30 Fitzroy Street, Wardell	Awaiting additional information
2019/659	15/10/2019	D McAllister	Alterations and additions to a dual occupancy dwelling - 15 Jorgensens Lane, Brooklet	Awaiting additional information

8.4 Development Applications - Works in Progress - March 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/708	1/11/2019	P Johnstone	Construction of a shed forward of the laneway building line - 5 Gibbon Street, Lennox Head	Awaiting additional information
2019/718	7/11/2019	L King	Change of use from an Office/Rumpus Room to a Bedroom - 2/44 Stewart Street, Lennox Head	Being assessed
2019/720	12/11/2019	A Andrews	1.8m high boundary fencing forward of the building line - 11 Fern Street, Lennox Head	Awaiting additional information
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	Awaiting additional information
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
2020/153	13/3/2020	Planners North	Erection of a mixed use development comprising recreation facility (indoor) and information and education facility and associated works – 68 De-Havilland Crescent, Ballina	Determination pending
2020/157	13/3/2020	M Crook	Alterations and additions to a dwelling - 4 Loedna Place, Lennox Head	Being assessed
2020/244	23/4/2020	Northern Rivers Land Solutions	Three Lot Torrens Title Subdivision to create one x 800m ² , one x 860m ² and one x 1,084m ² allotments, filling and retaining works, vegetation removal, riverbank stabilisation works, infrastructure servicing and associated works – 23 Richmond Street, Wardell	Awaiting additional information

8.4 Development Applications - Works in Progress - March 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Awaiting additional information
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	Being assessed
2020/378	18/6/2020	C Kikiras	Alterations and additions to a dwelling, including additions forward of the building line - 29 Pine Avenue, East Ballina	Referred to Government Department
2020/441	14/7/2020	Planit Consulting Pty Ltd	Alterations and additions to a dwelling - 36 Pacific Parade, Lennox Head	Being assessed
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	Awaiting additional information To be determined by Council Resolution No: 270820/10
2020/466	27/7/2020	A Dunnings	Alterations and additions to a dwelling and construction of a shed and swimming pool - 157A Byrnes Lane, Tuckombil	Awaiting additional information
2020/523	17/8/2020	Ardill Payne & Partners	Change of use from a studio to an expanded dwelling module - 208 Fernleigh Road, Tintenbar	Being assessed
2020/542	26/8/2020	Newton Denny Chapelle	Expansion of an existing rural industry involving the processing of natural extracts and including the erection of a new shed and the carrying out of associated earthworks, services and driveway access - 226 Hinterland Way, Knockrow	Determination pending
2020/553	1/9/2020	S Lee	Staged detached dual occupancy development consisting of: Stage 1: Construction of a single storey dwelling and associated earthworks and retaining walls; Stage 2: Construction of a two storey dwelling and associated earthworks and retaining walls and Strata Subdivision - 73 Plateau Drive, Wollongbar	Awaiting additional information

8.4 Development Applications - Works in Progress - March 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/567	4/9/2020	T Brice	Demolition of a shed and construction of a single storey detached secondary dwelling and associated works - 20-22 Summerhill Crescent, Cumbalum	Awaiting additional information
2020/569	4/9/2020	C Imeson	Alterations and additions to an apartment building comprising of new covered decks, relocation of an external stairs and removal of common laundry facilities - 6-7 Easton Place, East Ballina	Awaiting Additional Information
2020/584	9/9/2020	RLA Building Design	Detached building – proposed art studio - 11 Martins Lane, Knockrow	Being assessed
2020/590	10/9/2020	Byron Bay Planning and Property Consultants	Construction of a two storey dwelling, associated earthworks, retaining walls and swimming pool - 51A Blue Seas Parade, Lennox Head	Awaiting additional information
2020/591	14/9/2020	Newton Denny Chapelle	Subdivision comprising the creation of 25 industrial lots ranging in size from 1,181sqm to 4,493sqm, one residue lot of 4.13hectares and associated infrastructure servicing and bulk earthworks – 25-39 Boeing Avenue and Corks Lane, Ballina	Awaiting additional information
2020/596	15/9/2020	Ardill Payne & Partners	Industrial development comprising the demolition of one existing industrial building and the construction of two new industrial buildings to be used for a combination of general industrial purposes and warehousing and the carrying out of associated works – 14-16 Southern Cross Drive, Ballina	Determination pending
2020/609	18/9/2020	Jared Alexander Drafting Services	Alterations and additions to a dwelling and construction of a Secondary Dwelling and shed - 2 Henderson Drive, Lennox Head	Being assessed
2020/618	23/9/2020	Newton Denny Chapelle	Multi-dwelling housing development comprising the erection of 25 two storey dwellings, Strata Title subdivision and associated works. A variation is sought to the 8.5m height of building development standard contained in Clause 4.3 of the Ballina Local Environmental Plan 2012 for a number of the proposed dwellings – 2, 6 and 12 Anchorage Avenue, Lennox Head	Awaiting additional information

8.4 Development Applications - Works in Progress - March 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Being assessed
2020/645	1/10/2020	D S Harris	Alterations and additions to a dwelling including a second storey bedroom and deck - 6B Brighton Street, East Ballina	Being assessed
2020/649	2/10/2020	Ardill Payne & partners	Subdivision to create three Torrens Title residential allotments and associated infrastructure servicing – 30 Kellie-Ann Crescent, Lennox Head	Awaiting additional information
2020/657	7/10/2020	O Ben Harush	Strata Title Subdivision of an existing dual occupancy – 38 Calnan Crescent, Cumbalum	Awaiting additional information
2020/665	12/10/2020	G A Shaw	Demolition of a carport, garage and two decks and alterations and additions to a two storey Dual Occupancy building to create a new attached Dual Occupancy development and associated parking - 28 Allens Parade, Lennox Head	Awaiting additional information
2020/672	13/10/2020	Ardill Payne & Partners	To establish temporary stockpiles of soils and rock surplus to the subdivision works in the western precinct of Ballina Heights Estate – Mitchell Close, Cumbalum	Awaiting additional information
2020/682	15/10/2020	Newton Denny Chapelle	Multi dwelling housing development comprising three dwellings, Strata Title subdivision and associated earthworks – 62 Avalon Avenue, Wollongbar	Being assessed
2020/685	16/10/2020	S R Laing	Construction of a shed and carport and associated earthworks - 283 Empire Vale Road, Empire Vale	Being assessed
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	Awaiting additional information

8.4 Development Applications - Works in Progress - March 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/699	23/10/2020	W E Smith	Construction of Secondary Dwelling and a carport - 22 Fenwick Drive, East Ballina	Awaiting additional information
2020/700	26/10/2020	Prestige Properties Design and Construction	Alterations and additions to a dwelling comprising the construction of a new attached double car garage and driveway, conversion of the existing garage to a games room, removal of the existing patio roof structure and replacement with a new roof - 15 Prospect Street, East Ballina	Awaiting additional information
2020/704	27/10/2020	J W Gibson	Construction of a double garage - 83 Crane Street, East Ballina	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.	Awaiting additional information
2020/727	3/11/2020	AGS Commercial	Construction of farm shed associated earthworks - 239 Signata Road, Pimlico	Being assessed
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	Being assessed
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
2020/757	17/11/2020	GM Project Development	To establish a storage premises (damaged vehicles) – 26 Smith Drive, West Ballina	Awaiting additional information
2020/776	24/11/2020	Ardill Payne & Partners	Alterations and additions to St Andrews Village including demolition of two units and construction of two replacement units - 140-150 Cherry Street, Ballina	Awaiting additional information

8.4 Development Applications - Works in Progress - March 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/778	24/11/2020	R&J Harris Consulting Pty Ltd	Proposed rural industry comprising the erection of 30 silos and including a variation to the 11.2m AHD building height development standard under clause 4.3A of the BLEP 2012- Silos - 540 Pimlico Road, Pimlico	Awaiting additional information
2020/786	26/11/2020	A Stafford	Alfresco dining – Lennox Smokin' Barrell - 9 Moon Street, Ballina	Awaiting additional information
2020/810	3/12/2020	Newton Denny Chapelle	Subdivision by way of boundary adjustment and consolidation of four allotments to create one 10.8ha allotment and one 28 hectare allotment – 65 & 142 Bartletts Lane, Meerschaum Vale	Referred to Government Departments
2020/811	2/12/2020	Ardill Payne & Partners	Erection of an industrial building to be used for the purposes of a warehouse and distribution centre – 11 Ascot Road, Ballina	Determination pending
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	Awaiting additional information
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
2020/838	15/12/2020	Intrapac Skennars Head	Proposed roundabout and median within Aureus Boulevard – Lot 165 Aureus Boulevard and Road Reserve, Skennars Head	Being assessed
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	To be determined by Council Resolution No. 280121/8 Being assessed
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	Awaiting additional information
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
2020/858	18/12/2020	Creative Planning Solutions	Alterations and additions to recreation hall, Lennox Head Sport and Recreation Centre - Pacific Parade, Lennox Head	Being assessed

8.4 Development Applications - Works in Progress - March 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/864	21/12/2020	Ardill Payne & Partners	Multi dwelling housing development comprising the erection and Strata Title subdivision of three units, two swimming pools and demolition of existing dwelling house – 44 Pacific Parade, Lennox Head	Being assessed
2020/869	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	Being assessed
2020/875	24/12/2020	A Cole	Rural Dual Occupancy comprising the erection of a dwelling house and swimming pool and associated works – 137 Friday Hut Road, Tintenbar	Awaiting additional information
2020/877	24/12/2020	Ardill Payne & Partners	Alterations and additions including part demolition to one dwelling within an existing multi dwelling housing development – 1/49 Gibbon Street, Lennox Head	Being assessed
2021/1	4/1/2021	C R James	Vegetation Management Works Comprising the Pruning of Two Trees – 34 Owen Street, Ballina	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	Awaiting additional information
2021/43	21/1/2021	S P Hall	Stage 1: Subdivision to create two Torrens Title allotments. Stage 2: Erection and Strata Title Subdivision of a detached dual occupancy on Proposed Torrens Lot 1 – 77 Habitat Way, Lennox Head	Awaiting additional information
2021/51	27/1/2021	Ardill Payne & Partners	Alterations and Additions to an Existing Dwelling House – 76 Phillips Road, Newrybar	Being assessed
2021/54	27/1/2021	Outlook Planning & Development	Demolition of existing pylon sign and erection of new pylon sign – 486 River Street, West Ballina	Awaiting additional information
2021/55	28/1/2021	GM Project Development & Management	Erection of a hardware and building supplies multiple tenancy building, vehicular access and car parking, site filling, vegetation management works and associated works – 462-470 River Street, West Ballina	Being assessed

8.4 Development Applications - Works in Progress - March 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
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
2021/66	1/2/2021	Abode2 Project Management Pty Ltd	Erection and Strata Title subdivision of a multi dwelling housing development comprising three detached two storey dwellings - 41 Habitat Way, Lennox Head	Awaiting additional information
2021/78	3/2/2021	Ardill Payne & Partners	Erection of shed and demolition of exiting shed - 83 Gallans Road, Ballina	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	On exhibition
2021/92	11/2/2021	Inspiration Trees Pty Ltd	Vegetation management works comprising the removal of two trees – 58 Martin Street, Ballina	Being assessed
2021/93	11/2/2021	S L Parmenter	Vegetation management works comprising the removal of one tree – 17 Fern Street, Lennox Head	Being assessed
2021/97	12/2/2021	R C Mauger	Vegetation management works comprising the removal of one tree – 13 Parkview Circle, Alstonville	Being Assessed
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	On Exhibition
2021/117	22/2/2021	Newton Denny Chapelle	Two lot Torrens title subdivision to create one 2.56 hectare and one 2000sqm allotments – 419 Hinterland Way, Knockrow	On Exhibition
2021/126	25/2/2021	PRG Architects	Erection and Strata Title subdivision of a multi dwelling housing development comprising four, two storey dwellings, demolition of existing dwelling house and vegetation management works – 18 Pine avenue, East Ballina	On Exhibition
2021/129	25/2/2021	Newton Denny Chapelle	To increase alfresco dining area – 63-65 Ballina street, Lennox Head	Being Assessed

8.4 Development Applications - Works in Progress - March 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/142	3/3/2021	J Cronin	Vegetation management works comprising the removal of five trees – 12 Bletchingly Street, Wollongbar	Being Assessed
2021/150	4/3/2021	R Walsh	Subdivision of three existing lots to create two modified lots comprising one 1461sqm and one 1578sqm lots, 24-29 River Street, East Wardell	Being Assessed

Regional Development (Determined by Northern Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/524	16/9/2016	Planners North	Seniors living development pursuant to SEPP (Housing for Seniors and People with a Disability) comprising amended layout, 147 (previously 211) self-care housing, clubhouse, recreation facilities, roads and infrastructure, environmental management and protection works – 67 Skennars Head Road	Being assessed
2020/192	27/3/2020	Planners North	Establishment of a proposed 300 site Manufactured Home Estate with associated manager's residence, club house, recreation facilities, roads, utility services, earthworks and other associated works. The application seeks a variation to Clause 4.3 Height of Buildings development standard under the Ballina Local Environmental Plan 2012. A Section 82 Objection under the Local Government Act 1993 has been submitted to enable the onsite construction of manufactured homes in variance to Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 requiring construction offsite – 550-578 River Street, West Ballina	Class 1 Appeal – Deemed Refusal Hearing 3-7 May 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 March 2021.

9.1 Investment Summary - February 2021

9. Corporate and Community Division Reports

9.1 Investment Summary - February 2021

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

Background

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

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

Key Issues

- Compliance with Investment Policy

Discussion

As at 28 February 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 28 February 2021 was \$90,300,000. This is an increase of \$1,511,700 from January. Council's investments as at 28 February were invested at an average (weighted) interest rate of 0.846%, which is 0.836% above the December average 90 Day Bank Bill Index of 0.01%.

The balance of the Commonwealth Bank business account as at 28 February 2021 was \$7,392,455. This is an increase of \$4,401,087 from the balance as at 31 January 2021.

The movement in the total of investments and bank balances since 31 January is an increase of \$5,912,786.

This increase is due to a number of reasons including the repayment of the grandfathered National Australia Bank investment to Council of \$1,778,300 on 15 February and the receipt of significant sundry debtor and grant debtor payments totalling \$1.8 million in the final week of the month. In addition, as a result of property sales, Council received some large payouts of rates in February 2021. Creditor payments during February were not as high as anticipated due to the timing of contractor progress claims and loan repayments were not significant.

TCorp's weekly economic commentary report for the final week in February 2021 can be reviewed online using the following link:

<https://www.tcorp.nsw.gov.au/resource/010321.pdf>

9.1 Investment Summary - February 2021

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

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

* Reflects reserves 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 28 February 2021 and the percentage variance, in comparison to the prior 12 month period ended 28 February 2020.

Debtors as at 28 February 2021 were 14.9% higher (\$2.2 million) than as at 29 February 2020.

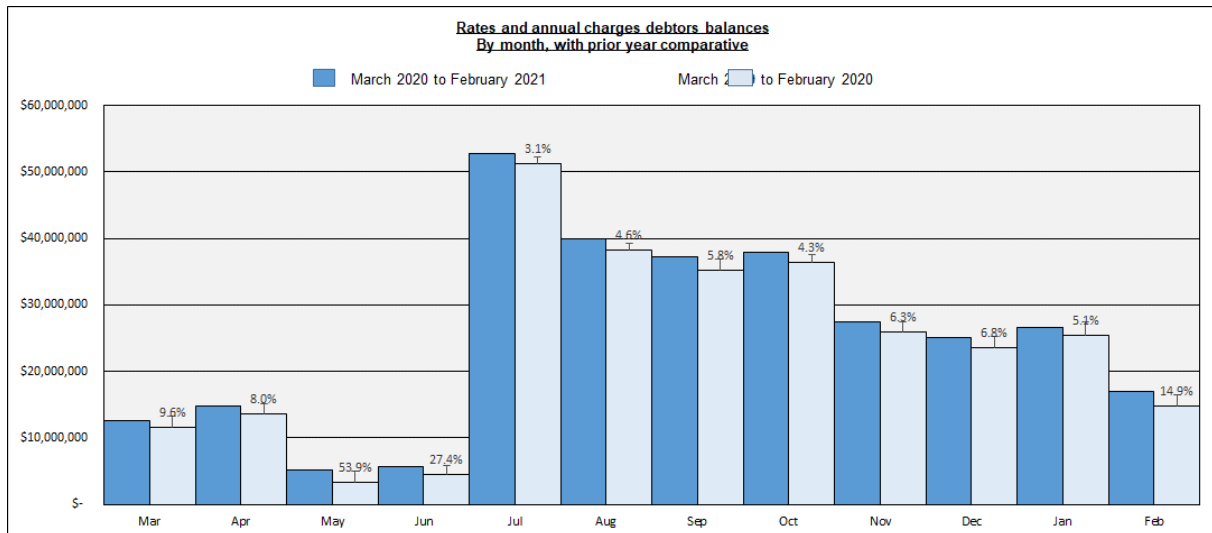
In addition to the increase resulting from rates and charges changes (2.5%), the primary reason for this increase was the timing of the third quarter rates instalment due date.

This year the due date fell on a Sunday and numerous rates payments falling due were received on Monday 1 March 2021. Even in a leap year, the due date is 28 February.

In February 2020, this day fell on a Friday and rates due were received on that day, resulting in a lower debtors balance at end of month.

Follow-up reminder letters are being issued in mid-March as part of Council's debt recovery actions.

9.1 Investment Summary - February 2021



A. Summary of investments by institution

Funds Invested With	Fossil Fuel Aligned / non-Green	Rating S&P	Rating Moody	Previous Month \$'000	Current Month \$'000	Quota %	% of Total
AMP Bank	Yes	BBB	A2	5,500	5,500	10%	6.1%
Australian Unity bank	n/a	BBB+	-	1,000	1,000	10%	1.1%
Auswide Bank	No	BBB	Baa2	2,000	3,000	10%	3.3%
Bank of China	Yes	A	A1	5,000	5,000	20%	5.5%
Bank of Communications	Yes	A-	A2	1,000	1,000	20%	1.1%
Bank of Queensland	Yes	BBB+	A3	6,000	6,000	10%	6.6%
Bendigo & Adelaide Bank	No	BBB+	A3	6,000	6,000	10%	6.6%
Commonwealth Bank	Yes	AA-	Aa3	7,000	4,000	20%	4.4%
Commonwealth Bank (Green)	No	AA-	Aa3	5,000	11,000	20%	12.3%
Credit Union Australia	No	BBB	Baa1	600	600	10%	0.7%
Defence Bank Ltd	No	BBB	-	4,000	4,000	10%	4.4%
IMB Ltd	No	BBB	Baa1	5,000	6,000	10%	6.6%
ME Bank	No	BBB	Baa1	5,500	5,500	10%	6.1%
Macquarie Bank Limited	Yes	A+	A2	1,000	1,000	20%	1.1%
My State Bank Ltd	No	BBB+	Baa1	1,000	1,000	10%	1.1%
National Australia Bank	Yes	AA-	Aa3	9,000	9,000	20%	10.0%
Newcastle Perm Build Society	No	BBB	A3	4,700	1,700	10%	1.9%
Suncorp Limited	No	A+	A1	4,000	5,300	20%	5.9%
Teachers Mutual Bank Ltd	No	BBB	Baa1	700	700	10%	0.8%
Westpac Banking Corp	Yes	AA-	Aa3	13,000	13,000	20%	14.4%
Total				88,788	90,300		100%

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value Previous	Value Current	% Previous	% Current
	%	Value				
A- or Higher	100%	90,300	45,000	49,300	50.7%	54.6%
BBB	60%	54,180	43,788	41,000	49.3%	45.4%
Total			88,788	90,300	100%	100%

9.1 Investment Summary - February 2021

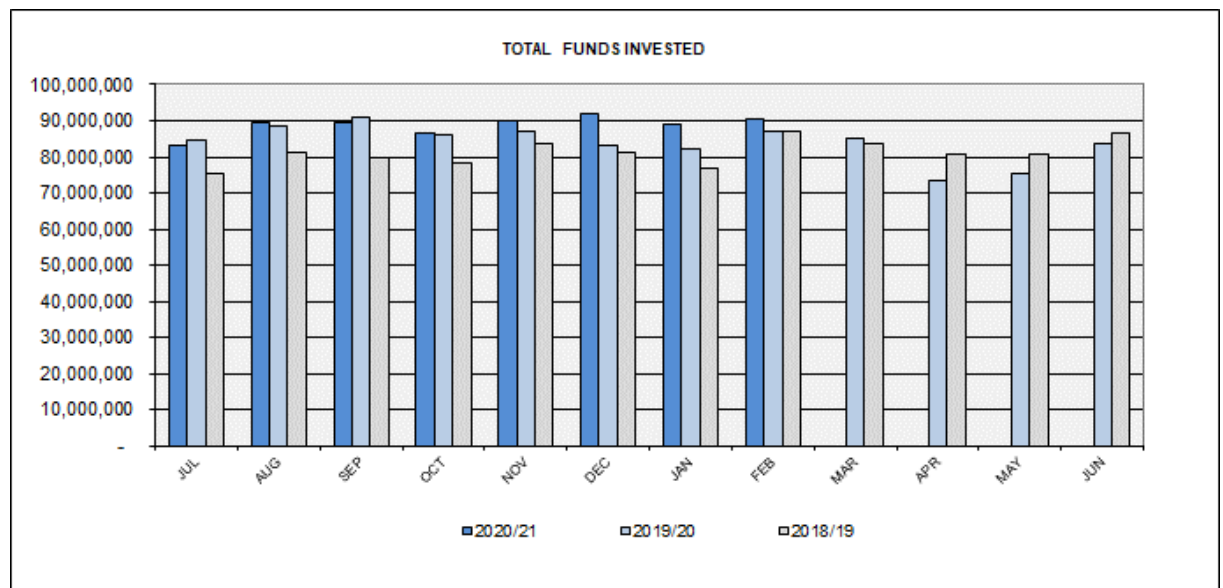
B. Summary of Investments Fossil Fuel Aligned and Green Investments

Environmental Classification	Previous Month		Current Month	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned and Non-Green Investments	49,288	55	44,500	49
Non-Fossil Fuel Aligned	33,500	38	33,800	38
Green Investments	5,000	6	11,000	12
Not Classified	1,000	1	1,000	1
Total	88,788	100	90,300	100

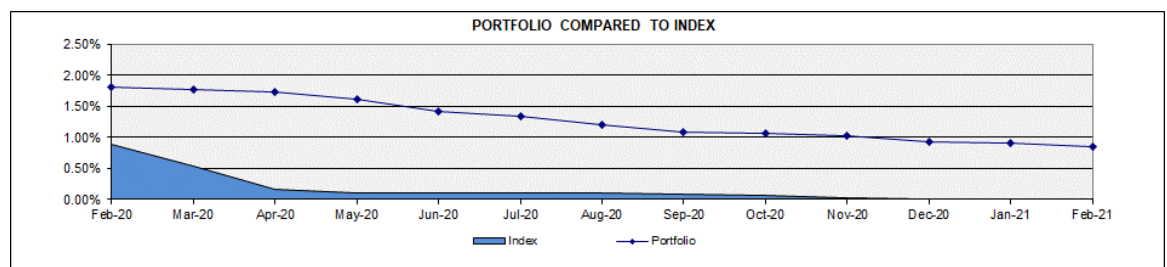
In February 2021, investments totaling \$9,000,000 reached maturity, comprising \$6 million of non-fossil fuel aligned and \$3 million of fossil fuel aligned investments. Council invested \$6 million in new Commonwealth Bank Green deposits and \$6.3 million in new non-fossil fuel aligned institutions. In addition, the grandfathered fossil-fuel aligned investment was repaid. No new investments in fossil fuel aligned institutions were placed.

These actions have improved the environmental status of Council's investment portfolio, with the percentage of green investments doubling from 6% to 12%.

C. Monthly Comparison of Total Funds Invested

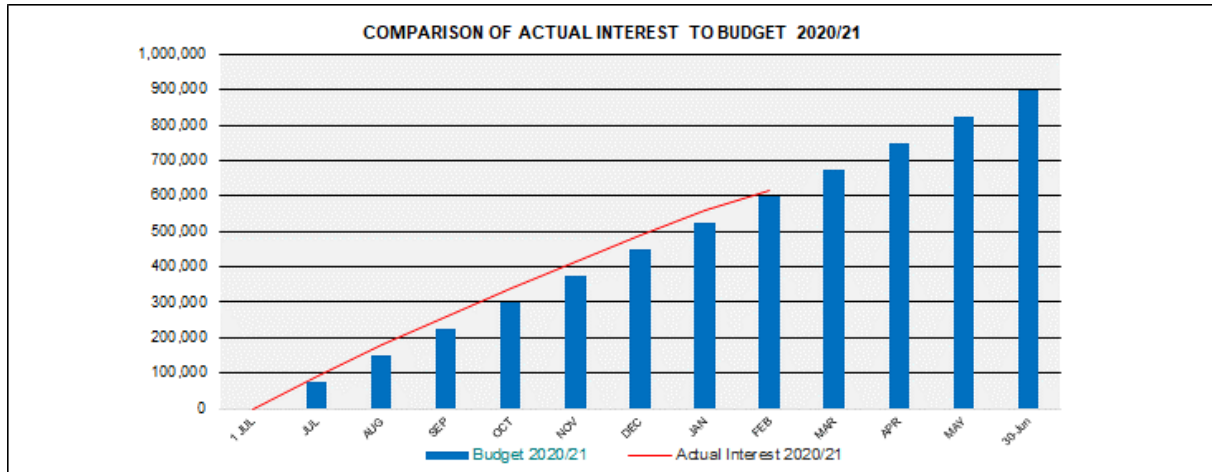


D. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.1 Investment Summary - February 2021

E. Progressive Total of Interest Earned to Budget



F. Investments held as at 28 February 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
17/06/2016	Commonwealth Bank of Australia	FRN	1.06%	17/06/2021	1,000	1,000
30/06/2016	Commonwealth Bank of Australia	FRN	1.05%	30/06/2021	1,000	1,000
3/08/2017	Westpac Banking Corporation	FRN	1.06%	3/08/2022	2,000	2,000
18/08/2017	Westpac Banking Corporation	FRN	1.06%	18/08/2022	1,000	1,000
6/02/2018	Newcastle Permanent Bld Society	FRN	1.41%	6/02/2023	700	700
2/07/2018	Teachers Mutual Bank Limited	FRN	1.38%	2/07/2021	700	700
30/07/2018	Westpac Banking Corporation	FRN	0.94%	31/07/2023	1,000	1,000
31/07/2018	Westpac Banking Corporation	FRN	0.94%	2/08/2023	1,000	1,000
6/09/2018	Credit Union Australia	FRN	1.27%	6/09/2021	600	600
6/09/2018	Newcastle Permanent Bld Society	FRN	1.41%	6/02/2023	1,000	1,000
10/09/2018	AMP Bank	FRN	1.10%	10/09/2021	1,500	1,500
11/01/2019	Commonwealth Bank of Australia	FRN	1.15%	11/01/2024	1,000	1,000
8/02/2019	Westpac Banking Corporation	FRN	1.06%	6/02/2024	2,000	2,000
26/07/2019	Commonwealth Bank of Australia	FRN	1.06%	26/07/2021	1,000	1,000
1/08/2019	AMP Bank	FRN	1.10%	10/09/2021	2,000	2,000
26/08/2019	AMP Bank	FRN	1.10%	10/09/2021	1,000	1,000
28/10/2019	Bank of Communications	FRN	0.90%	28/10/2022	1,000	1,000
3/03/2020	Defence Bank Ltd	TD	1.65%	2/03/2021	1,000	1,000
5/03/2020	My State Bank Ltd	TD	1.65%	3/03/2021	1,000	1,000
24/03/2020	Defence Bank Ltd	TD	1.85%	23/03/2021	1,000	1,000
4/06/2020	National Australia Bank	TD	0.99%	18/05/2021	3,000	3,000
4/06/2020	Bank of China	TD	0.95%	1/06/2021	2,000	2,000
10/06/2020	Australian Unity Bank	TD	1.05%	8/04/2021	1,000	1,000
10/06/2020	Bank of China	TD	0.92%	8/06/2021	1,000	1,000
24/06/2020	Bank of China	TD	0.95%	23/06/2021	2,000	2,000
29/06/2020	Bank of Queensland	TD	1.05%	22/06/2021	1,000	1,000
29/06/2020	Bank of Queensland	TD	1.05%	28/06/2021	2,000	2,000
4/08/2020	National Australia Bank	TD	0.85%	28/07/2021	2,000	2,000
4/08/2020	National Australia Bank	TD	0.85%	3/08/2021	4,000	4,000
11/08/2020	Bendigo & Adelaide Bank	TD	0.75%	5/08/2021	2,000	2,000
11/08/2020	Bank of Queensland	TD	0.85%	10/08/2021	3,000	3,000
17/08/2020	AMP Bank	TD	0.80%	17/08/2021	1,000	1,000

9.1 Investment Summary - February 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
20/08/2020	Westpac Banking Corporation	TD	0.75%	21/07/2021	4,000	4,000
27/08/2020	Defence Bank Ltd	TD	0.90%	26/08/2021	1,000	1,000
31/08/2020	Westpac Banking Corporation	TD	0.76%	3/09/2021	2,000	2,000
31/08/2020	Suncorp-Metway Limited	TD	0.70%	9/03/2021	2,000	2,000
2/09/2020	Suncorp-Metway Limited	TD	0.70%	2/03/2021	1,000	1,000
2/09/2020	Bendigo & Adelaide Bank	TD	0.70%	1/09/2021	2,000	2,000
16/09/2020	ME Bank	TD	0.65%	16/03/2021	1,000	1,000
8/10/2020	Suncorp-Metway Limited	TD	0.55%	14/04/2021	1,000	1,000
14/10/2020	Bendigo & Adelaide Bank	TD	0.60%	13/10/2021	2,000	2,000
27/11/2020	ME Bank	TD	0.50%	30/03/2021	1,000	1,000
27/11/2020	IMB Bank	TD	0.40%	30/03/2021	2,000	2,000
30/11/2020	ME Bank	TD	0.50%	20/04/2021	2,000	2,000
2/12/2020	IMB Bank	TD	0.40%	11/05/2021	2,000	2,000
8/12/2020	ME Bank	TD	0.45%	27/04/2021	1,500	1,500
10/12/2020	IMB Bank	TD	0.40%	4/05/2021	1,000	1,000
16/12/2020	Commonwealth Bank - Green	TD	0.48%	15/12/2021	1,000	1,000
22/12/2020	Macquarie Bank Limited	TD	0.70%	15/12/2021	1,000	1,000
28/01/2021	Commonwealth Bank - Green	TD	0.37%	17/08/2021	4,000	4,000
4/02/2021	Auswide Bank	TD	0.50%	18/01/2022	2,000	2,000
15/02/2021	Commonwealth Bank - Green	TD	0.41%	8/02/2022	4,000	4,000
22/02/2021	IMB Bank	TD	0.30%	23/08/2021	1,000	1,000
22/02/2021	Commonwealth Bank - Green	TD	0.43%	15/02/2022	2,000	2,000
23/02/2021	Defence Bank Ltd	TD	0.44%	22/02/2022	1,000	1,000
24/02/2021	Suncorp-Metway Limited	FRN	0.46%	24/02/2026	1,300	1,300
24/02/2021	Auswide Bank	TD	0.50%	25/05/2021	1,000	1,000
	Totals				90,300	90,300
	TD = Term Deposit	FRN = Floating Rate Note				

RECOMMENDATION

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

Attachment(s)

Nil

9.2 Disclosure of Interest Returns

9.2 Disclosure of Interest Returns

Section	Governance
Objective	To comply with the provisions of the Code of Conduct relating to the tabling of disclosure of interest returns.

Background

Clause 4.21 of the Model Code of Conduct (the Code) requires councillors and designated persons to lodge a return, in the form set out in schedule 2 of the Code, disclosing the councillor's or designated person's interests, as specified in schedule 1 of the Code within three months after:

- (a) becoming a councillor or designated person, and*
- (b) 30 June of each year, and*
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).*

Designated persons includes staff with significant delegations (eg. General Manager and the Executive Team). This is determined through an internal procedure, approved by the General Manager.

As per clause 4.21 (c) of the Code, it is necessary for councillors and designated persons to lodge a new return during the year, within three months of a change in the interests disclosed. Clause 4.26 of the Code then requires the General Manager to table any returns lodged under clause 4.21 (c) to be tabled at the next Council meeting after the return is lodged. This report complies with clauses 4.21 (c) and 4.26 of the Code.

Discussion

A Councillor has amended their return in accordance with clause 4.21(c) of the Code. The updated return and the register of returns will be tabled at the meeting.

Community Consultation Policy

The register of returns is defined as open access information and is available to the public, as well as being available on the Council website.

Options

This report is for noting only.

RECOMMENDATION

That Council notes the contents of this report on the disclosure of interest return submitted in accordance with clause 4.21(c) of the Code of Conduct.

Attachment(s)

Nil

9.3 Tender - Surf School Licences

9.3 Tender - Surf School Licences

Section Open Spaces

Objective To report the outcomes of the tender evaluation for the Tender - Surf School Licences

Background

At the 22 October 2020 Ordinary meeting, Council resolved to proceed with a public tender for surf school licences, elite surf coaching licences and stand up paddle board coaching licences for a three year period.

Council also resolved to adopt fixed licence fees and the assessment criteria and weightings for the tender process.

Tenders were called for the provision of surf school licences, elite surf coaching licences and stand up paddle board coaching licences for a three year period on 19 January 2021, and at the close of tenders on 24 February 2021, eight tender submissions were received.

This report provides the results of the tender process.

Key Issues

- Comply with the Local Government (General) Regulation 2005

Discussion

The current Commercial Activities on Public Land Policy includes a cap on the total number of licences that can be issued by Council.

The Policy currently allows:

- five surf school licences
- six elite surf coaching licences, and
- three stand up paddle board coaching licences.

Under the Policy, a tenderer may apply for one of each licence type.

Ten companies downloaded the documentation with tenders received as follows:

Surf school licences

- The Trustee for Milwac Trust - T/A Lets Go Surfing Pty Ltd
- Mojosurf Pty Ltd
- The Trustee for the Riley Family Trust - T/A Soul Surf School Pty Ltd
- Terence Hannon Patrick – T/A Kool Katz Surf School
- Women that Surf Pty Ltd – T/A Surf Getaways

9.3 Tender - Surf School Licences

Elite surf coaching licences

- Ability Surf Pty Ltd
- David Hubert Rutter –T/A Ballina Surf School
- Jennifer Ann Boggis
- The Trustee for Milwac Trust - T/A Lets Go Surfing Pty Ltd
- Mojosurf Pty Ltd
- Women that Surf Pty Ltd – T/A Surf Getaways

Stand up paddle board coaching licences

- The Trustee for Milwac Trust - T/A Lets Go Surfing Pty Ltd
- Mojosurf Pty Ltd

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

- Public liability insurance to a minimum of \$20m
- Workers compensation insurance
- Required qualifications specific to the licence

Mojosurf Pty Ltd did not have the required qualifications for the stand-up paddle board licence and were not assessed further for this licence.

The tenders were assessed using the following weighted assessment criteria.

- Capability 25%
- Relevant Experience 25%
- Local and Community 25%
- Level and detail of WH&S system 25%

Evaluation Criteria	Weighting
<p>Capability</p> <ul style="list-style-type: none"> • Demonstrated capability to provide the services as specified. • Details of relevant qualifications. This includes the required Qualifications listed in the Specifications. • Staffing and other resources • Demonstrated capability to promote information that ensures clients are receiving instruction in minimal impact techniques, environmental protection and ethics of appropriate behaviour. 	25%
<p>Relevant Experience</p> <ul style="list-style-type: none"> • General performance history • Relevant experience with contracts of a similar nature • References 	25%
<p>Social and Community Benefit</p> <ul style="list-style-type: none"> • Knowledge and experience with local conditions • Location of the business • Social impact on local economy – including whether local jobs are created, maintained or lost • Economic and tourism development benefits to the Shire through associated activities such as marketing, use of facilities and suppliers (including whether products are sourced locally) 	25%

9.3 Tender - Surf School Licences

Evaluation Criteria	Weighting
Level and detail of WHS systems <ul style="list-style-type: none">Level and detail of WHS systemsDemonstrated ability to provide appropriate safety requirements and meet duty of care responsibilities.	25%

As Council had resolved to set the licence fees, pricing was not part of the assessment criteria. Due to only one tender being received for the stand-up paddle board licence, there are two remaining licences available under the Policy. Details of the assessment outcomes has been provided to Councillors by a confidential memorandum.

Community Consultation Policy

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

Financial / Risk Considerations

The licence fees for the three year period are fixed, so the tender evaluation did not involve a price comparison between tenderers. The licence fees, as adopted by Council, are as follows:

Licence Type	Year One (ex GST)	Year Two (ex GST)	Year Three (ex GST)
Surf School	\$6,500	\$6,500	\$6,695
Elite Surf Coaching	\$2,166	\$2,166	\$2,230
Stand Up Paddle Board Coaching	\$2,166	\$2,166	\$2,230

As these licences are to be granted pursuant to Council's head licence from the State Government, Council is required to pay 10% of the income from the licences to the State Government.

The operation of the various disciplines are considered medium to high risk. As part of the tender responses, tenderers were required to provide copies of relevant insurances and a detailed work health and safety management plan.

The operating conditions for these licences also states as follows to assist in minimising the operating risk:

Licensees must comply with "all beach closure" notifications by authorities due to sharks and this includes all ocean and river locations.

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.*

9.3 Tender - Surf School Licences

Based on the tender evaluation, it is recommended that Council accept the following tenders:

Surf school licences

- The Trustee for Milwac Trust - T/A Lets Go Surfing Pty Ltd
- Mojosurf Pty Ltd
- The Trustee for the Riley Family Trust - T/A Soul Surf School Pty Ltd
- Terence Hannon Patrick – T/A Kool Katz Surf School
- Women that Surf Pty Ltd – T/A Surf Getaways

Elite surf coaching licences

- Ability Surf Pty Ltd
- David Hubert Rutter –T/A Ballina Surf School
- Jennifer Ann Boggis
- The Trustee for Milwac Trust - T/A Lets Go Surfing Pty Ltd
- Mojosurf Pty Ltd
- Women that Surf Pty Ltd – T/A Surf Getaways

Stand up paddle board coaching licences

- The Trustee for Milwac Trust - T/A Lets Go Surfing Pty Ltd

The remaining two stand up paddle board coaching licences are available for any interested operator.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tenders and awards the licences as follows based on the adopted licence fees:

Surf Schools

- The Trustee for Milwac Trust - T/A Lets Go Surfing Pty Ltd (ABN 79 356 198 835)
- Mojosurf Pty Ltd (ABN 80 100 382 134)
- The Trustee for the Riley Family Trust - T/A Soul Surf School Pty Ltd (ABN 532 409 817 64)
- Terence Hannon Patrick – T/A Kool Katz Surf School) (ABN 53 805 354 783)
- Women that Surf Pty Ltd – T/A Surf Getaways (ABN 16 633 002 623)

Elite Surf Coaching

- Ability Surf Pty Ltd (ABN 85 623 570 169)
- David Hubert Rutter –T/A Ballina Surf School (ABN 80 529 876 270)
- Jennifer Ann Boggis (ABN 80 852 120 967)
- The Trustee for Milwac Trust - T/A Lets Go Surfing Pty Ltd (ABN 79 356 198 835)
- Mojosurf Pty Ltd (ABN 80 100 382 134)
- Women that Surf Pty Ltd – T/A Surf Getaways (ABN 16 633 002 623)

9.3 Tender - Surf School Licences

Stand Up Paddle Board Coaching

- The Trustee for Milwac Trust - T/A Lets Go Surfing Pty Ltd (ABN 79 356 198 835)
2. That Council authorises the General Manager to affix the Common seal to the licence agreements.

Attachment(s)

1. Confidential Memorandum - Surf Schools, Elite Surf Coaching and Stand Up Paddle Board Coaching Licences (Under separate cover)

9.4 Council Meetings - Transitioning Back to In-Person

9.4 Council Meetings - Transitioning Back to In-Person

Section Communications

Objective To advise Council of the latest updates from the Office of Local Government on transitioning back to in-person meetings and to determine whether Council wishes to make a submission to the consultation paper.

Background

The Office of Local Government (OLG) has issued Circular 21-01, which outlines the process for transitioning back to in-person Council and Committee meetings. A copy of the circular is included as Attachment 1 to this report.

The OLG has also issued a consultation paper "Remote Attendance by Councillors at Council Meetings" to seek feedback on proposed amendments to the Model Code of Meeting Practice to allow councils to permit individual councillors to attend meetings remotely, by audio-visual link, in certain circumstances.

The closing date for submissions is 3 May 2021. A copy of the consultation paper is included as Attachment 2 to this report.

Key Issues

- Proposed changes
- Whether Council wishes to make a submission to the consultation paper

Discussion

Since March 2020, Council has been able to hold its Ordinary and Committee meetings with councillor attendance in person (with social distancing) or by audio-visual link.

Prior to March 2020 it was mandatory for councillors to be in attendance to participate in meetings. As per circular 21-01, the prescribed period for which this can occur expires on 25 March 2021.

Due to the perceived success of the attendance by audio-visual link, the OLG has issued a consultation paper outlining proposed amendments to the Local Government (General) Regulation 2005, to permit individual councillors to attend meetings remotely, by audio-visual link, in certain circumstances.

As per page four of Attachment 2, what is proposed is that councillors can attend meetings by audio-visual link, with the prior approval of Council, or by approval at the meeting concerned, up to a maximum of three times per annum, through ill-health, disability carer responsibilities, natural disasters, or a prior work commitment.

Notification must be provided to the General Manager, at least five working days prior to the meeting, to allow sufficient time for the necessary arrangements to be made for them to attend the meeting remotely.

9.4 Council Meetings - Transitioning Back to In-Person

Where attending a meeting by audio-visual link, councillors are required to do so from a location within NSW or within 100 km of the NSW border.

From an organisation perspective, the ability to have Councillors attend meetings by audio-visual link has been a positive experience, aside from the occasional technological issues.

Audio-visual link attendance has allowed Councillors to attend when on holidays, when a family illness may have occurred, when a Councillor is not feeling very well and so on.

This has been beneficial as it has supported consistent attendance and it has also helped avoid situations where a close vote may have been different at one meeting due to a Councillor(s) being absent, which then may have resulted in a rescission motion at the next meeting due to the Councillor(s) being present.

The proposed restriction regarding being in NSW or within 100km of the NSW border also appears overly restrictive.

The five days notification to the General Manager is also excessive as an audio-visual link can be established very quickly for a meeting.

Any opportunity to make attendance at meetings easier for councillors should be supported, recognising that councillors are not full-time paid employees, and the role is performed largely on a voluntary basis, subject to the payment of a relatively low allowance.

On this basis it is recommended that Council make a submission to the consultation paper, removing the need for specific criteria to justify attendance by audio-visual link, subject to the maximum of three meetings per annum limit remaining in place.

A councillor may well have their own personal reasons for not being able to attend a meeting in person and privacy and flexibility should be supported.

It is also recommended that the NSW restriction also be removed and the five days notification to the General Manager be reduced, or at least be able to be set by each council.

In the interim, with the current prescribed period to allow councillors to attend meetings expiring on 25 March 2021, OLG Circular 21-01 states that the prescribed period will be extended to 31 December 2021. However they have not yet clarified what approvals or justification will be needed from 25 March 2021 to 31 December 2021, with that information to be released shortly.

Delivery Program Strategy / Operational Plan Activity

The contents of this report are consistent with Council's Delivery Program direction for an engaged community.

Community Consultation Policy

The OLG is currently consulting on the proposed changes.

Audio-visual link attendance will be optional and a council that wishes to implement the changes, if they proceed, will be required to advertise any amendments to their existing Code of Meeting Practice.

Financial / Risk Considerations

There is no financial or risk impacts raised through this consultation paper.

Options

This report is primarily for noting, with Council having the option to make a submission to the draft consultation paper by 3 May, 2021.

The recommendation is to support a submission as the limits currently proposed for audio-visual attendance at meetings are restrictive and the preference is to provide greater flexibility to maximize opportunities for councillors to attend Council and Committee meetings.

RECOMMENDATIONS

1. That Council notes that the Office of Local Government is proposing to extend the existing prescribed amendments to permit an individual councillor (but not all) to attend meetings by audio-visual link from the currently expiry date of 25 March 2021 to 31 December 2021, with further information on the extension yet to be released.
2. That Council make a submission to the Office of Local Government's Remote Attendance by Councillors at Council Meetings consultation paper, supporting greater flexibility for Councillors to attend Council or Committee meetings by audio-visual link, subject to the current proposed limit of three meetings per annum.

Attachment(s)

1. OLG Circular 21-01 - Transitioning Back to In-Person Council and Committee Meetings
2. OLG Consultation Paper - Remote Attendance by Councillors at Council Meetings

10.1 Barlows Road Option - Traffic Modelling

10. Civil Services Division Reports

10.1 Barlows Road Option - Traffic Modelling

Section Infrastructure Planning

Objective To provide Council with the traffic impacts of the proposal for Barlows Road and other key links of the road network.

Background

The adopted 2020/21 Operational Plan includes the following action:

PE3.3e - Complete evaluation for constructing Barlows Road as a connection between Tamarind Drive and River Street

A report to the 17 December 2020 Ordinary meeting presented preliminary assessments of the route options, including an analysis of constructability, flood impacts, environmental impacts and strategic cost estimates.

This report addresses the traffic impacts of the Barlows Road proposal. It also addresses whether Barlows Road will service new development and be eligible for inclusion in the Ballina Shire Road Contributions Plan.

Key Issues

- Traffic benefits and road network impacts of the Barlows Road option
- Eligibility for inclusion in the Ballina Road Contributions Plan

Discussion

At the 17 December 2020 Ordinary meeting, Council resolved as follows:

1. *That Council notes the contents of this report regarding the cost and feasibility of constructing Barlows Road between River Street and Tamarind Drive.*
2. *That Council authorises the expenditure of approximately \$12,000 on further traffic modelling and related works to assist in determining the cost / benefits of constructing Barlows Road, with this expenditure to be funded from adjustments to existing budgets, as identified by the General Manager and reported to Council in the December 2020 Quarterly Financial Review.*
3. *That Council gives priority to this project.*

Cost estimates were provided in the report as per the following table.

10.1 Barlows Road Option - Traffic Modelling

Cost Dissection	Option A	Option B	Option C
General (planning, site preparation etc)	465,000	406,000	438,000
Pavement	1,547,000	2,171,000	2,073,000
Earthworks	425,000	544,000	577,000
Signage and Line Marking	20,000	20,000	20,000
Stormwater	166,000	175,000	175,000
Lighting	75,000	75,000	75,000
Contingency	270,000	316,000	310,000
Total	2,968,000	3,707,000	3,668,000

The three options were fairly similar with Option A largely following the existing corridor, Option B included a deviation to avoid sensitive environmental areas and removing some sections further away from Fishery Creek, and Option C was a combination of A and B to avoid environmental areas and Koala habitats.

All three options require some adjoining land acquisitions and Crown Land approvals.

Barlows Road Traffic Modelling (Cardno Qld)

Traffic modelling has now been conducted in response to Item 2 of the December 2020 resolution.

In 2014/15 Cardno Qld was engaged to conduct regional scale, four step traffic modelling of the Ballina Shire Road network to inform an update of the Road Contributions Plan.

The major outputs were:

- A model predicting daily traffic on the existing (2014) road network with traffic to be generated from 2036 population and development (2036 on the 2014 road network)
- A model predicting daily traffic on an improved road network, containing all works proposed in the Road Contributions Plan, with traffic to be generated from 2036 population and development (2036 on 2036).

As compilation of new traffic models cannot be achieved would be cost the authorised expenditure of \$12,000, these existing traffic models were used to predict the Barlows Road option impact on traffic volumes.

Two model scenarios were run.

- Scenario One was inserting the Barlows Road link into the 2036 volumes, on the existing road network model.
- Scenario Two was inserting the Barlows Road link into the 2036 volumes, using the upgraded network model.

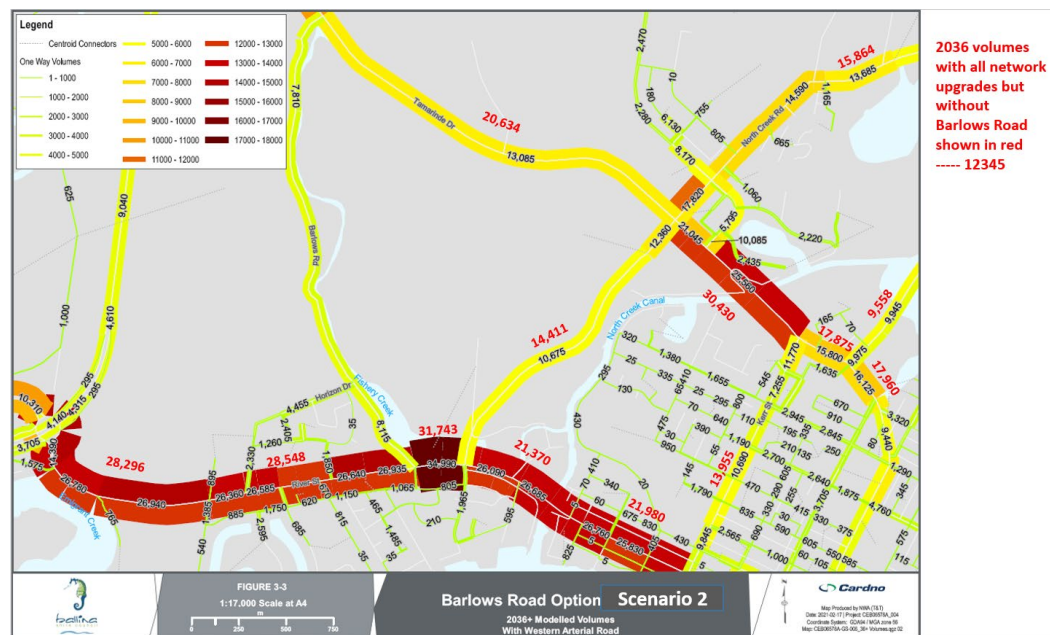
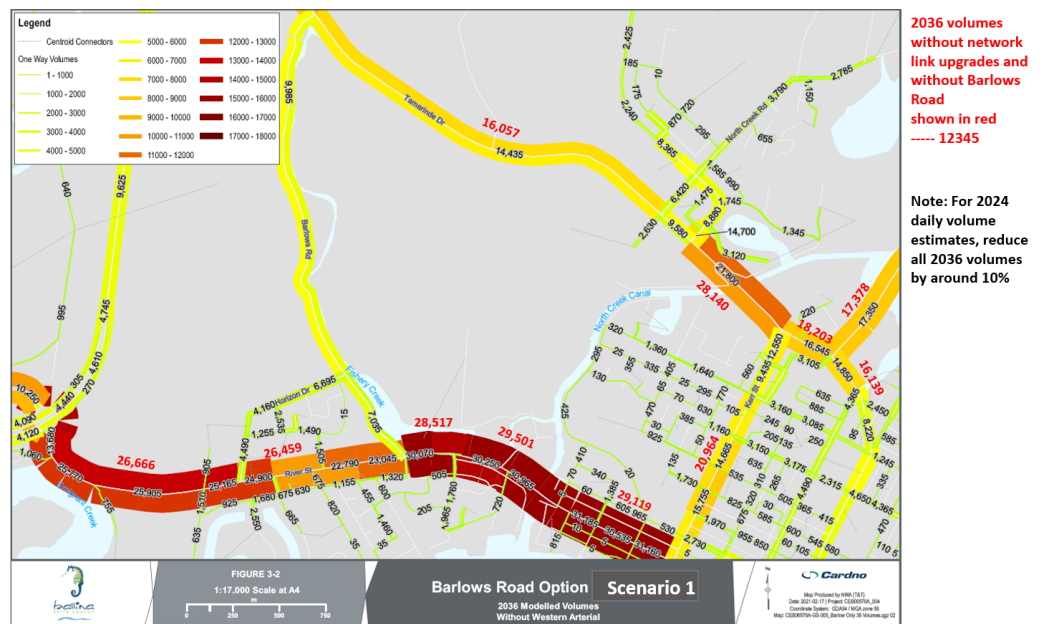
Scenario One provides an indication of the traffic volumes that would potentially use the Barlows Road option, and its impacts on the rest of the network, before any of the extra links like the Western Arterial or North Creek Bridge are provided.

10.1 Barlows Road Option - Traffic Modelling

As it is based on 2036 traffic volumes, to obtain an estimate of say 2024 volumes, all the 2036 volumes should be reduced by 10% (based on proportional population between 2024 and 2036).

Scenario Two provides an indication of the residual volumes that would use Barlows Road and other links in the network, after all of the planned network upgrades are completed. The complete Cardno report is included as Attachment 1 to this report.

The Cardno model output for these two scenarios is represented in the following two diagrams. Added in bold red are the predicted volumes without the Barlows Road link, which are derived from the 2014/15 traffic models. Comparing the predicted daily volumes with (black) and without Barlows Road (red) for each scenario gives an indication of the shift in traffic volumes that would be caused by providing the Barlows Road link.



10.1 Barlows Road Option - Traffic Modelling

A copy of the above two scenarios above has been reproduced on a larger scale, as Attachment 2 to this report.

A summary of the results of this modelling is discussed as follows.

Road Capacity

Two way urban roads with one lane in each direction have a nominal capacity of around 18,000 vehicles per day (vpd).

None of the links in the Barlows Road connection have predicted volumes approaching this threshold.

However there is likely to be localised congestion on Horizon Drive during school morning and afternoon drop off / pick up times when vehicle and bus usage is already heavy.

There are options available for minimising traffic volume impacts on Horizon Drive such as a no left turn restriction from Horizon Drive to Barlows Road and a no right turn from Barlows Road onto Horizon Drive, and / or provision of traffic calming and / or one way traffic rules.

These options are likely to cause inconvenience / disruption to vehicles / buses accessing the school and residences and would also compromise the performance and transfer volume of vehicles using the Barlows Road option.

The one way option in particular is likely to be unacceptable for the school bus service, teacher / parent school access and residents.

Intersection Capacity

Provision of the Barlows Road option will generate increased traffic volumes that directly impact on a number of intersections, referenced as follows:

1. River Street / Barlows Road / Keppel Street roundabout
2. Barlows Road / Horizon Drive T intersection
3. Flathead Lane / Tamarind Drive T intersection
4. River Street / Horizon Drive left in / left out intersection
5. Barlows Road / Flathead Lane intersection

The intersections have been analysed using SIDRA intersection software to determine if they have sufficient capacity to accommodate the additional traffic volumes.

SIDRA model outputs indicate intersection / roundabout one (River Street / Barlows Road / Keppel Street) will accommodate predicted traffic volumes at acceptable levels of service in morning and afternoon peak hours provided there are full length dual lanes on River Street west of the roundabout (planned to be provided in the 2021 dual lane upgrade) and dual approach lanes are provided on the Barlows Road southbound approach for a distance of at least 60m upstream of the roundabout.

This has an additional cost of approximately \$300,000.

10.1 Barlows Road Option - Traffic Modelling

SIDRA model outputs indicate intersection two (Barlows Road / Horizon Drive T intersection) will accommodate predicted traffic volumes at acceptable levels of service in morning and afternoon peak hours.

SIDRA model outputs indicate intersection three (Flathead Lane / Tamarind Drive T intersection) with 2024 volumes and minor modifications (provision of minimum length of 30 m dual approach lanes) will provide a reasonable level of service in morning and afternoon peak hours for all movements except the Flathead Lane right turn approach to Tamarind Drive.

The Flathead Lane Right Hand turn is predicted to have a low level of service, with substantial queueing and average peak hour delays of over two minutes. As volumes rise after 2024 on Tamarind Drive, there will be fewer gaps for this right hand turn movement, resulting in longer queues and delays. The queues would also block the left hand turn from Flathead Lane resulting in all northbound traffic on Barlows Road / Flathead Lane being congested.

To overcome these issues, a two lane roundabout with dual lane approaches / departures could be installed at the intersection, for an additional cost of approximately \$2m.

There are no congestion / capacity issues associated with intersection four, the River Street / Horizon Drive left in / left out intersection.

Intersection five, the Barlows Road / Flathead Lane intersection would be configured as a T, with Flathead Lane (west) the leg of the T. There are no congestion / capacity issues associated with this intersection.

Cost Estimate Changes Arising from Traffic and Intersection Modelling

The intersection modelling, as informed by the Cardno model traffic volume predictions, indicates additional intersection works, estimated at \$2.3m, may be required in addition to the Option C cost of \$3.7m as reported to the December 2020 meeting, bringing the estimate up to \$6.0m.

It may be possible to defer the Flathead Lane / Tamarind Drive roundabout in the short term, with a wait and see approach, and avoid committing the additional funds until queueing on the Flathead Lane approach has an unacceptable level of service.

Contributions Plan Eligibility

The Cardno modelling indicates that 64.5% of the traffic on Barlows Road will have an origin or destination in new development areas. This means it is possible to include a portion of the cost of the Barlows Road Option (say 64.5% or \$3.9m) in a future amendment of the Ballina Shire Road Contributions Plan, with the balance of \$2.1m requiring other funding sources (i.e. Council).

Impacts of Barlows Road Option

(a) Impacts for Scenario One

Scenario involves the construction of Barlows Road, without additional network links (Western Arterial, North Creek bridge etc) constructed. This scenario indicates that in the medium term:

10.1 Barlows Road Option - Traffic Modelling

- Barlows Road link would convey around 9,077 vpd in 2024, (9,985 vpd 2036). This is a significant volume of traffic.
- Tamarind Drive daily traffic between Flathead Lane and North Creek Road would reduce by around 10% and reduce 22% between North Creek Road and Kerr Street. These volume reductions would decrease existing and future congestion on Tamarind Drive.
- Kerr Street daily traffic would reduce by around 30%, again decreasing congestion.
- Bangalow Road daily traffic would drop around 9% and assist decreasing congestion on this link.
- River Street daily traffic would increase around 6%. This would be manageable provided the dual lane works are completed.
- Horizon Drive daily traffic volume, near Emmanuel Anglican College, would increase by around 120%. This will contribute to congestion at school drop off / pick up times and loss of some residential amenity.
- In heavy rainfall / flooding periods, Barlows Road would not be trafficable and traffic would revert back to other links in the network.

(b) Impacts for Scenario Two.

This scenario involves the construction of Barlows Road, 2036 traffic volumes and all other Road Contributions Plan network links (Western Arterial, North Creek bridge etc) constructed. This scenario indicates that in the long term:

- Barlows Road link would still convey a significant volume of around 7,810 vpd in 2036.
- Western Arterial traffic is reduced to 10,675 vpd (compared with 14,411 in the absence of Barlows Road).
- Tamarind Drive traffic between Flathead Lane and North Creek Road / Western Arterial is reduced to 13,085 vpd (compared with 20,634 in the absence of Barlows Road). This means the planned dual laning of Tamarind Drive for Cumbalum to North Creek Road, as provided for in the Road Contributions Plan, would no longer be required. The estimated cost of this work was \$10.6m, as at the last review of the Road Contributions Plan.
- Tamarind Drive traffic between North Creek Road / Western Arterial and Kerr Street reduces 15% to 25,560. There are similar reductions in volumes on Bangalow Road, facilitating an improved level of service between Kerr Street and Angels Beach Drive and Cherry Street / Moon Street. This may allow construction of the Western Arterial to be deferred by some years.
- River Street traffic volumes would increase around 10%, but still stay within the dual lane capacity of 36,000 vpd.

10.1 Barlows Road Option - Traffic Modelling

- Horizon Drive volumes would substantially drop long term compared to Scenario One, most likely due to traffic switching to the Western Arterial.
- As in Scenario One, in heavy rain / flooding periods, Barlows Road would not be trafficable and traffic would revert back to other links in the network.

Overall in the short to medium term (2020s), the Barlows Road option will provide major improvements to the road network through reduced trip times (in flood free periods) between West Ballina / Ballina Island and Cumbalum / North Ballina with the transfer of traffic from congested sections of Tamarind Drive, Bangalow Road and Kerr Street.

The negative traffic impacts will be increased traffic on Horizon Drive and River Street and the additional cost for upgrades of the Barlows Road / River Street roundabout and the Flathead Lane / Tamarind Drive intersection.

In the longer term (2036), the Barlows Road option will still provide major improvements to the road network through reduced trip times between West Ballina / Ballina Island and Cumbalum, with the transfer of traffic from sections of Tamarind Drive, Bangalow Road and Kerr Street.

The Barlows Road option also takes some traffic from the future Western Arterial, possibly providing scope for deferring this project by some years. The reduced traffic volume on Tamarind Drive between Flathead Lane and North Creek Road will permit removal of this work from the Road Contributions Plan works program, a saving estimated at approximately \$8m.

Delivery Program Strategy / Operational Plan Activity

Strategy PE3.3 in Council's Delivery Program, is to deliver infrastructure that supports residential living. Under this strategy there is an operational plan activity:

PE3.3e - Complete evaluation for constructing Barlows Road as a connection between Tamarind Drive and River Street

Community Consultation Policy

No consultation has been undertaken at this time, however the proposal would have major community impacts and consultation would be an integral part of any process to determine if this proposal is to be advanced for inclusion in Council's Delivery Program.

If these works are to be partly funded through an amendment to the Road Contributions Plan, public consultation could be undertaken concurrently as part of the statutory Contributions Plan amendment process.

Financial / Risk Considerations

Cost estimates in the 17 December 2020 report are desktop based and only suitable for high level strategic purposes.

10.1 Barlows Road Option - Traffic Modelling

A number of risks were identified regarding these cost estimates including risks around land acquisition, environmental constraints (need to avoid encroachment onto Coastal Wetlands SEPP), environmental offsets and compressible soft soil management.

This report has similar desktop based estimates for further intersection upgrades that were not identified in the 17 December 2020 report.

Developer contributions have been identified as a potential source of partial funding, however this would require an amendment to the Ballina Shire Road Contributions Plan.

The amendment process would likely take three to four months and includes a statutory public consultation process.

No funding sources have been identified for the \$2.1m balance that would be ineligible for Road Contributions Plan funding.

This would need to be funded through the reallocation of existing road funding in the Long Term Financial Plan. The preferred funding strategy would be through loans with the loan repayments then reducing the current funding available for road reconstruction works. Indicative repayments on a \$2.1m loan, based on a 15 year term, at current interest rates is approximately \$160,000 per annum.

In order to firm up cost estimates, funds need to be allocated for 2021/22 for detailed survey of the alignment, and concept level engineering design, derivation of quantities, land acquisition costs, identification of environmental constraints and estimates. The cost of pre-construction activities is assessed in the options section below.

Council has already allocated priorities in the Long Term Financial Plan for funding of capital road works including dual laning of River Street, Bangalow Road and Tamarind Drive. Provision of funds for the Barlows Road option would have an impact on existing priorities.

Options

The 17 December 2020 report considered an option to defer further consideration of the Barlows Road project until other major works (dual laning River Street and Tamarind Drive) were completed, but, adopted an option to further the investigation of Barlows Road with traffic modelling.

With the traffic modelling now completed and indicating substantial traffic conveyance benefits, Council now faces similar options as to whether to move further forward into a pre-construction delivery phase, or to defer this until other major works are completed.

Following the completion of the traffic modelling, the following options have been identified:

1. Council could note the contents of this report and defer further consideration of the Barlows Road option, as a short-to-medium term solution to traffic congestion on Ballina Island, until such time as the River Street and / or Tamarind Drive duplication projects are completed.

10.1 Barlows Road Option - Traffic Modelling

The advantage of this option is that it allows the orderly financing and construction of the River Street and / or Tamarind Drive lane duplication projects, amongst other road improvement projects, to continue without substantial revision to the capital works program, to a point in time, where their joint benefits can be more fully realised, and the need for a Barlows Road option can be better understood.

There are several disadvantages to this option.

Firstly, the entire River Street and Tamarind Drive lane duplication works will not be completed for at least four to five years, dependent on funding and during this time the benefits of the Barlows Road connection, demonstrated by traffic modelling, would not be available to the community.

Secondly, the modelling has demonstrated that Barlows Road will reduce traffic volumes on Tamarind Drive and this may enable the planned Tamarind Drive duplication works from Cumbalum to North Creek Road, to be deferred for a number of years (once Barlows Road is constructed).

2. Council could progress the Barlows Road option into a preconstruction delivery phase by resolving to amend the Road Contributions Plan to include part funding of the Barlows Road Option (estimated at 64.5% of \$6m), conduct public consultation for the Barlows Road option, as part of the Contributions Plan exhibition process. If this amendment was approved, Council could allocate funding of \$200,000 in 2021/22 for concept design / estimates, environmental assessment / planning assessment / approval and preliminary land acquisition negotiations / valuations.

This action could enable land acquisition, detailed design and construction to be programmed for 2022/23 and beyond.

This option would enable the project to move forward, although there are still significant statutory, social, financial and environmental risks that would need to be managed through the Road Contributions Plan amendment, public consultation and preconstruction processes.

This option whilst committing substantial funds to preconstruction activities, has the advantage that the final decision to commit to the more costly construction phase is deferred to a time when completed preconstruction activities will enable costs and risks to be more accurately identified and quantified.

A consequence of this option is that for the project to proceed to completion, a reordering (including deferral of some current high priority projects) of the Road Contributions Plan, the associated works program priorities and Council's other funding sources will be required.

With an estimate to complete the project now at \$6m, this is not an inexpensive option, and represents a significant financial commitment from Council, for a project not identified in the current adopted Road Contributions Plan or Council's Long Term Financial Plan.

Another consequence from this option is the impacts on Horizon Drive, which have been mentioned in this report.

10.1 Barlows Road Option - Traffic Modelling

The provision of Barlows Road results in a significant increase in the traffic volumes on Horizon Drive.

Solutions are available to reduce these impacts, however it is possible these solutions will also reduce the volume of traffic using Barlow Road. These issues and solutions can be considered in more detail during community consultation associated with the preconstruction activities.

Option two is supported as it enables this project, which predicts significant public benefits, to proceed to the next phase of delivery.

RECOMMENDATIONS

That Council progress the Barlows Road option project to a preconstruction phase including:

1. Preparation of an amendment to the Ballina Road Contributions Plan and associated public consultation with the aim of including the Barlows Road Option.
2. Subject to the Barlows Road option being included in an amended Ballina Shire Road Contributions Plan, an allocation of \$200,000 be included in the draft 2021/22 Delivery Program / Operational Plan to progress preconstruction activities for this project, including concept design / estimates, environmental assessment, planning assessment / approval and preliminary land acquisition valuations / survey / negotiations.

Attachment(s)

1. Barlows Road - Option Modelling - Cardno February 2021
2. Barlows Road - Scenario 1 and Scenario 2

10.2 Wollongbar Sports Fields - Elvery Lane Stormwater Upgrade

10.2 Wollongbar Sports Fields - Elvery Lane Stormwater Upgrade

Section	Engineering Works
Objective	For Council to approve private works associated with the stormwater and drainage upgrade project at Elvery Lane (Wollongbar Sports Fields).

Background

A project is included in the current Operational Plan for the upgrading of stormwater and drainage along Elvery Lane at the Wollongbar Sports Fields. The funding for this project is \$200,000 with the source of funds being the Federal Government's Local Roads and Community Infrastructure program.

A report considering this project was included in the agenda for the June 2020 Ordinary meeting. Subsequently a concept design report was completed to consider a number of options, and a detailed design has now also been completed for the preferred option.

The preferred option, also being the cheapest option, can be completed within the funding allocation and includes within the scope of works the reinstatement of piped cross drainage under Elvery Lane resulting in a discharge onto adjoining land.

Early verbal discussions with the downstream landowner has occurred and the response to the proposal is positive. The landowner has requested some reshaping of drainage channels on his property immediately downstream of the proposed new pipes to facilitate additional flow across the downstream land. As it is proposed for Council to complete these works at no charge to the landowner, it is necessary for Council to authorise in accordance with section 67, Private Works, Local Government Act 1993.

Key Issues

- Resolution of Council required for Private Works to be undertaken at no charge under Section 67, Private Works, Local Government Act 1993.

Discussion

A concept design report was completed to consider a number of options for improving stormwater and drainage along Elvery Lane, at the Wollongbar Sports Fields. The options considered comprise:

- Upgrading roadside longitudinal drainage and introducing new road cross drainage to facilitate discharge to north of Elvery Lane.
- Upgrading roadside longitudinal drainage with pipes and discharging at Pearces Creek Road or an alternative to Maguires Creek.
- Upgrading roadside longitudinal drainage with enlarged open drain (similar to existing) and discharging at Pearces Creek Road or an alternative to Maguires Creek.

10.2 Wollongbar Sports Fields - Elvery Lane Stormwater Upgrade

The estimate of costs for the options range from \$200,000 to \$440,000, with the preferred option of \$200,000 being for the introduction of new road cross drainage. This option will intercept roadside longitudinal drainage and also deal with upstream catchments and redirect stormwater into natural gullies and in particular the natural gullies within the downstream property.

An initial site meeting with the owner has been positive, however with a request that whilst the construction work takes place along Elvery Lane that some additional work be undertaken to improve and shape the drainage gullies on the downstream property. It is estimated this work would take less than one day to complete and cost less than \$5,000.

It is proposed the owner not be charged for this work on the understanding there will be an acceptance of the new drainage discharge arrangements.

The extent of the proposed works on the downstream property is shown on the attached design drawing "Elvery Lane Wollongbar Stormwater Drainage Upgrade".

For this proposal to proceed, Council needs to authorise the private works by resolution in accordance with section 67 of the Local Government Act which is reproduced below:

67 Private works

- (1) *A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.*

Note—

Examples of the kind of work that a council might carry out under this section include—

- *paving and roadmaking*
- *kerbing and guttering*
- *fencing and ditching*
- *tree planting and tree maintenance*
- *demolition and excavation*
- *land clearing and tree felling*
- *water, sewerage and drainage connections*
- *gas and electricity connections.*

- (2) *A council must not carry out work under this section unless—*
- (a) *it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or*
- (b) *if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.*
- (3) *A council must include details or a summary of any resolutions made under this section and of work carried out under subsection (2)(b) in its next annual report.*
- (4) *A report of work to which subsection (2)(b) applies must be given to the next meeting of the council after the work is carried out specifying—*
- *the person for whom the work was carried out*
 - *the nature of the work*
 - *the type and quantity of materials used*

10.2 Wollongbar Sports Fields - Elvery Lane Stormwater Upgrade

- *the charge made for those materials*
 - *the total of the number of hours taken by each person who carried out the work*
 - *the total amount charged for carrying out the work (including the charge made for materials)*
 - *the reason for carrying out the work.*
- (5) *This section does not apply to work carried out by a council, or by two or more councils jointly, for another council or for a public authority.*
- (6) *This section does not apply to any graffiti removal work carried out by a council in accordance with Part 4 of the Graffiti Control Act 2008.*

The preferred option is the only option that discharges onto the adjoining land.

The preferred option is also \$140,000 less expensive than the next cheapest option.

Therefore the agreement of the landowner provides significant economic benefit to Council and avoids the delays, cost and other issues for Council if it were required to use the statutory framework to access the land without agreement.

The full integration of the on road and on farm works ensures the best management of the drainage on the property and this will reduce the risk of dispute in the future.

Accordingly, contributing to the on farm works is considered reasonable in the circumstances.

Delivery Program Strategy / Operational Plan Activity

This project supports Council's Delivery Program Strategy to deliver infrastructure that supports residential living which is Strategy PE3.3.

Community Consultation Policy

Community consultation has not occurred, other than direct contact with the downstream property owner being affected by this project which has been described in this report.

Financial / Risk Considerations

The preferred option identified in the concept design reporting has an estimate of costs which coincides with the budget allocated to this project of \$200,000.

The final designs are now to be submitted to the downstream property owner for formal agreement.

The detail design and construction phases of the works will need to consider and document the risks associated with this project.

At this point in time, no risks have been identified that are beyond the scope of those risks that are typically considered and managed for a project of this type.

Options

The recommendation to Council is to authorise the private works described in this report. The preferred option is the least expensive and offers the best technical outcome.

Authorising the private works assists to establish an equitable agreement with the adjoining landowner and thus avoiding significant costs for Council.

Alternatively, the Council would have to either seek agreement with the landholder and charge for the private works, acquire an easement or select one of the other options identified in the assessment report.

Council has initiated this program and realises significant benefits from the agreement with the landholder and it is reasonable for Council to meet the costs of the works. Charging the land owner places the agreement at risk. Acquiring an easement will incur cost and delays and the other design solutions are more expensive. Accordingly these options are not supported.

RECOMMENDATIONS

1. That in accordance with Section 67 (Private Works) of the Local Government Act, Council approves the undertaking of gully and channel reshaping works as shown on Drawing D01-2008-02/CD (attached to this report) which are works associated with the Elvery Lane stormwater and drainage project at no charge to the landowner.
2. That Council record the cost of the private work from point one is estimated to be \$5,000 and reasons for not charging the landowner include the agreement with the adjoining landowner facilitates the implementation of the preferred technical option for this project and it achieves significant costs savings to Council as this option is the least expensive of the alternative options.

Attachment(s)

1. Design Drawing Elvery Lane

10.3 Contract Dispute - Ballina Waste Water Treatment Plant

10.3 Contract Dispute - Ballina Waste Water Treatment Plant

Section	Water and Wastewater
Objective	To report on the outcome of a dispute mediation for this project.

Background

In 2011 Council entered a contract with Haslin for the design, construction and commission of a new waste water treatment plant (WWTP) at Ballina, including decommissioning and demolition of the existing plant, and the construction of a recycled water plant and chemical storage upgrade at the Lennox Head WWTP. The contract sum was \$45,437,315.

In December 2013 Council took possession of the whole of works excluding the components which relate to recycled water. Council did not certify the works as complete, based on known defects.

Haslin dispute Council's assessment of completion and the requirement for Haslin to attend to the alleged defects.

Since Council commenced operation of the Ballina WWTP, wastewater has been treated and discharged in accordance with Council's Environmental Protection Licence.

In the period between 2013 and 2016 various works were undertaken in an attempt to finalise the construction of the works and enable Council to achieve its objective of producing recycled water to standard for supply to our reuse scheme including the dual reticulation network to residential estates, however completion was not achieved.

Council has been producing (and distributing) recycled water from the Lennox Head WWTP to residents connected to the dual reticulation network for a number of years. The works undertaken at Lennox Head WWTP are not part of this dispute.

In 2016 Haslin raised four Notices of Issues under the relevant terms of the contract. Agreement was not able to be reached in the executive negotiation process that followed the issue notification and the issues were all referred to an Expert Determination process.

Both parties made submissions to the Expert. The Expert made his determination on 30 September 2017.

With one exception (where liability was found to be equally shared between the parties), all of the Expert's findings were in Council's favour. However, because the Expert's findings were greater than \$500,000 the determination was not binding on the parties.

Haslin then commenced litigation proceedings against Council, claiming their own costs.

10.3 Contract Dispute - Ballina Waste Water Treatment Plant

Notwithstanding the commencement of the litigation, throughout the course of 2018 and 2019 Council continued to provide Haslin with the opportunity to return to site and attend to the defects.

Council has a right under the contract to terminate the contract, complete the rectification works ourselves and seek to recover the cost of those works from Haslin.

Council responded to Haslin's claim with our own costs claim.

After the litigation commenced, Haslin also filed a cross claim against a subcontractor, Aquatec Maxcon.

Council did not oppose the cross claim, however the pleadings process for the cross claim delayed the proceedings for an extended period of time.

For a long period of time it has been Council's preference to seek mediation of this dispute and the proposed mediation had previously been resisted by Haslin. However, agreement was reached for the parties to enter a mediation process. Aquatec Maxcon did not agree to be included in the mediation.

Haslin and Council both submitted position papers to the meditation.

These position papers largely followed the evidence presented to the Expert, albeit some further major elements of the dispute had evolved in response to the litigation and the course of time since the determination.

A mediation conference was held 16 March 2021. The timing of this mediation was preferred by the parties as it followed the pleadings in the case (meaning the scope of the dispute was largely defined) and the mediation was undertaken before the parties were exposed to the costs of preparing evidence and other actions to support a hearing.

At the meditation conference held 16 March 2021 a settlement agreement was achieved. The terms of the settlement agreement are confidential and reported to Council in the confidential section of this agenda. The settlement agreement is subject to Council approving the terms at this meeting.

Key Issues

- Operation of the Ballina WWTP for recycled water
- Cost and risk associated with the contract dispute

Discussion

The confidential report sets out the details of the settlement agreement. The settlement agreement terminates the legal proceedings.

At the January 2021 Ordinary meeting, Council approved the General Manager to negotiate and then award a tender for works that will address the defects alleged in the dispute.

10.3 Contract Dispute - Ballina Waste Water Treatment Plant

These works, if approved by the Department of Planning, Industry and Environment (DPIE) and once complete, will enable Council to produce recycled water from the Ballina WWTP.

Technical staff continue to negotiate with the selected tenderer. Staff also continue to liaise with DPIE officers to advance the approval processes associated with the recycled water production, distribution and use.

The conclusion of our defence of the Haslin litigation will assist us to better allocate project management resources to the approval and delivery of the rectification works.

Delivery Program Strategy / Operational Plan Activity

This project supports the Delivery Program Strategy PE3.3 to deliver infrastructure that supports residential living.

The project also relates to PE3.2 to facilitate residential land development.

One of the objectives of the recycled water program is reduce the discharge of water to the marine environment. Therefore the project supports HE1.2 to undertake and promote initiatives that improve our water ways.

The project is also the major action to achieve HE2.1 which is to implement total water cycle management practices. This includes the objective of achieving the benefits of reducing the per capita potable water consumption.

Community Consultation Policy

This report is provided for public information.

Financial / Risk Considerations

Council has been provided regular updates regarding this dispute through the reporting of the general update for Legal Matters. The most recent Legal Matters Update was reported to Council at the February 2021 Ordinary meeting.

That report noted the approximate costs to date for Council from this dispute from legal and related expenditures was \$595,000.

Financial and risk considerations from Council's perspective were significant factors in the development of the settlement agreement.

Settling the proceedings avoids the risks associated with litigation.

Options

This report is provided as public notice that Council is considering the terms of a confidential settlement to significant contract dispute.

Therefore the report is for information only.

RECOMMENDATIONS

1. That Council notes the contents of this report on the contract dispute for the Ballina Waste Water Treatment Plant and that a deed of settlement has been agreed with the contractor (Haslin), which includes the termination of the current dispute.
2. The finalisation of that deed is subject to Council confirming agreement to the proposed terms, based on the contents of the confidential report included in this agenda.

Attachment(s)

Nil

11.1 Notice of Motion - Rous County Council

11. Notices of Motion

11.1 Notice of Motion - Rous County Council

Councillor

Cr Eoin Johnston

I move

That Council invite senior technical representatives of Rous County Council to provide a briefing to Councillors on the ramifications of using the Alstonville Aquifer as a major source of water supply to the region for the next forty years.

Councillor Comments

Extraction from the Alstonville Aquifer is now the preferred option for water supply to the Ballina Shire, amongst others, to at least 2060. The extensive planning for the Dunoon Dam was complex and detailed and up until late 2020 it was the recommended method of enhancing water supply for the Far North Coast.

A number of residents of Ballina Shire and in particular those on the Alstonville Plateau have expressed surprise and concern at the sudden change of direction in future planning by Rous County Council.

Both the NSW Government's Draft Far North Coast Water Strategy document and the NSW Chief Scientist and Engineer's Report emphasise the limited understanding of our groundwater resources.

A briefing from suitably qualified personnel could address a number of issues including, but not exclusively, the volumes available, long term reliability, quality and recharge rates, relationships of aquifers at various depths, relationships between groundwater and surface water, the requirements of the intensive agricultural and horticultural industries and the effects of groundwater loss on the spiritual and cultural importance to the Bundjalung nation, particularly the Jali and Ngulingah Local Area Land councils.

In light of the potential impact on the sustainable ecology of the Alstonville Plateau, I suggest it is not unreasonable to seek evidence-based data before this option is adopted.

COUNCILLOR RECOMMENDATION

That Council invite senior technical representatives of Rous County Council to provide a briefing to Councillors on the ramifications of using the Alstonville Aquifer as a major source of water supply to the region for the next forty years.

Attachment(s)

Nil

11.2 Notice of Motion - Police Numbers in Ballina

11.2 Notice of Motion - Police Numbers in Ballina

Councillor

Cr Cadwallader

I move

That Council write to the NSW Minister for Police seeking support for the following:

- Review of Police numbers assigned to the Ballina Police Station to assist in the ever increasing need for local officers to deal with not only crime, but also with mental health issues that are continuing to arise as a result of the COVID-19 pandemic.
- Clarification regarding future planning for a new Police Station at Lennox Head based on current and forecast population growth for this township

Councillor Comments

With the growth in population comes an increase in growth in anti-social behaviour. This is impacting on the resources for our Police Services.

The number of Police and front line services is not increasing to align with the growth within our community. The failure to address this results in delays to response times and places our community at unnecessary risk. It also results in an increase in vandalism to community infrastructure and personal property.

Our Shire needs additional Police numbers to be able to support the front line services who are continually calling upon the police service to assist with patients struggling with mental health issues.

Staff Comments

For this notice of motion, clarification was sought on the cost of vandalism to Council, which, in recent years, has cost approximately \$120,000 per annum.

COUNCILLOR RECOMMENDATION

That Council write to the NSW Minister for Police seeking support for the following:

- Review of Police numbers assigned to the Ballina Police Station to assist in the ever increasing need for local officers to deal with not only crime, but also with mental health issues that are continuing to arise as a result of the COVID-19 pandemic.
- Clarification regarding future planning for a new Police Station at Lennox Head based on current and forecast population growth for this township

Attachment(s)

Nil

11.3 Notice of Motion - Retaining Wall, Ballina Street, Lennox Head

11.3 Notice of Motion - Retaining Wall, Ballina Street, Lennox Head

Councillor

Cr Cadwallader

I move

That Council include funding for the construction of a continuous retaining wall at Ballina Street, Lennox Head (between Byron Bay Road/North Creek Road roundabout and Allens Parade), in the draft 2021/22 Operational Plan.

Councillor Comments

This item was raised at the 16 November 2020 B Ward meeting, with the reference in the meeting minutes as follows.

Brad Pollard (Chamber of Commerce) raised the unattractive appearance of the concrete barriers topped with wire fencing that were installed along Ballina Street, Lennox Head (between Byron Bay Road/North Creek Road roundabout and Allens Parade), possibly to retain the soil, rock and vegetation behind it. To improve the entrance to town Brad requested Council extend and continue the existing black rock wall retainer to the roundabout. This is a beautiful strip and entrance to town.

Staff Comments

The following staff comments were included in the minutes for the 16 November 2020 B Ward meeting.

The construction of the retaining wall and fencing was undertaken during 2016 for road and pedestrian safety reasons. The extremely steep embankment on the western side of Ballina Street had failed in places and loose rocks had also fallen onto the road. Immediate safety measures were installed to respond to these local failures such as short sections of fencing and short sections of retaining wall (which protruded onto the path). A geotechnical investigation recommended a continuous retaining wall (with appropriate mass) and fencing above the retaining wall to deal with the embankment slumping and falling rocks. The total cost of the installation was approximately \$120,000. Council was also fortunate to receive TfNSW grant funding (approximately \$50,000) under a footpath/pedestrian facilities program to reinstate the original footpath width.

At present there is no budget allocated in the current 2020/24 Delivery Program and Operational Plan for this project. If the intention is to replace the existing installation with a 'bluestone' retaining wall (of appropriate mass) then at least a similar cost would be required plus demolition costs. Alternatively less expensive methods may want to be considered for the purposes of beautification outcomes. It is suggested the appropriate means for considering this project and seeking a budget would be for submissions to be made to Council's annual budget process which commences early next year.

11.3 Notice of Motion - Retaining Wall, Ballina Street, Lennox Head

This project has not been included in the four year program of works in the Delivery Program, as other road and footpath projects are deemed a higher priority.

If the notice of motion is supported the report to the April 2021 Finance Committee on capital works priorities, will include deferral of works to a similar value, with the works deferred to be clarified at that meeting.

Reconstruction of existing road and footpath assets remains the preferred priority for the works program.

COUNCILLOR RECOMMENDATION

That Council include funding for the construction of a continuous retaining wall at Ballina Street, Lennox Head (between Byron Bay Road/North Creek Road roundabout and Allens Parade), in the draft 2021/22 Operational Plan.

Attachment(s)

Nil

11.4 Notice of Motion - Old Depot Site, Tamarind Drive, Ballina

11.4 Notice of Motion - Old Depot Site, Tamarind Drive, Ballina

Councillor

Cr Cadwallader

I move

That Council make representations to the Minister for Crown Lands, the Hon Melinda Pavey, to support the transfer of the old Depot Site at Tamarind Drive, Ballina to Council, at a nominal value, to allow Council to develop the land for increased businesses activity and job generation.

Councillor Comments

Our region has been experiencing an increase in demand for further industrial land to be made available to support the establishment of new businesses as well as respond to growth requirements of existing businesses.

Council's existing industrial land holdings are limited and therefore Council needs to be investigating further industrial land development opportunities to support economic development.

The location of the old Depot Site in Tamarind Drive, Ballina is close to other industrial and commercial businesses.

This land is currently being under utilised by Council as a second depot site.

The use of this land for industrial purposes will support a focus of centralising future industrial growth.

Staff Comments

The supply of industrial land on the NSW Far North Coast is very limited with virtually no land available in the Byron Shire and what land is available in Lismore is located on the floodplain.

In Ballina Shire there are remaining industrial land supplies at Southern Cross Industrial Estate (under planning assessment) and the Russellton Estate. Further Council has also resolved to examine expansion of the Russellton Estate through the strategic planning process for the Plateau.

In respect to the old Depot Site, Council is the Crown Land Manager for two parcels on this site with Council holding a permissible occupancy for the remaining land parcel under a three year licence term. A site plan is included as Attachment 1.

There is an adjacent undetermined Aboriginal land claim at the rear of the site.

Under Council's Local Environmental Plan, the land is zoned RU2.

The total land area that Council would be seeking from the Crown (excluding the area that has the undetermined Aboriginal land claim) is approximately six hectares.

11.4 Notice of Motion - Old Depot Site, Tamarind Drive, Ballina

There is currently a pilot program under the Crown Lands Negotiation Program that is designed to enable consideration of future ownership between Crown Lands / Local Government and Aboriginal Land Councils under voluntary transfer. This parcel of land may be considered under this process.

Crown Lands have not yet communicated a timeframe for this process within Ballina Shire.

In 2014 Council received a report on the preparation of a Structure Plan and Land Use Review relating to the Clark Street Precinct in Ballina. This report included an assessment for the old Depot Site. A copy of this report is included as Attachment 2.

If Council wishes to proceed with future negotiations of the land it is recommended that Council undertake detailed site analysis first to examine opportunities and constraints. There would also need to be consideration of the existing fishing club tenancy on this site.

COUNCILLOR RECOMMENDATION

That Council make representations to the Minister for Crown Lands, the Hon Melinda Pavey, to support the transfer of the old Depot Site at Tamarind Drive, Ballina to Council, at a nominal value, to allow Council to develop the land for increased businesses activity and job generation.

Attachment(s)

1. Site Plan - Old Depot Site
2. Structure Plan and Land Use Review - Clark Street, Ballina

12.1 Finance Committee Minutes - 16 March 2021

12. Advisory Committee Minutes

12.1 Finance Committee Minutes - 16 March 2021

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan (via Zoom), Sharon Parry (via Zoom), Eoin Johnston, Stephen McCarthy, Keith Williams (arrived at 4.05pm), Sharon Cadwallader and Ben Smith.

Paul Hickey (General Manager), Kelly Brown (Director, Corporate and Community Division), Paul Busmanis (Manager, Engineering Works), Linda Coulter (Manager Financial Services), Paul Tsikleas (Manager Commercial Services), Caroline Klose (Manager Communications) and Sandra Bailey (Secretary) were in attendance.

There were two people in the gallery at this time.

1. Apologies

Apologies were received from Crs Nathan Willis and Jeff Johnson.

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Nathan Willis and Cr Keith Williams

2. Declarations of Interest

Nil

3. Deputations

- **Simon van Kempen, TS Lismore Cadets** – spoke in favour of Item 4.11 – Operational Land – 26 Endeavour Close, Ballina.

Cr Keith Williams arrived at the meeting at 4.05pm.

4. Committee Reports

4.11 Operational Land - 26 Endeavour Close, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council approves the establishment of a community lease with TS Lismore over the majority of 26 Endeavour Close, Ballina for a maximum period of 12 months at the minimum statutory fee (currently \$510).
2. That Council approves a lease / licence with the Rainbow Region Dragon Boat Club Inc for the office and sunroom area at 26 Endeavour Close, Ballina, for a maximum period of 12 months, at the minimum statutory fee, on the basis that no new permanent buildings are constructed during this period.
3. If, as per point two, the Rainbow Region Dragon Boat Club does not proceed on this basis, the office and sunroom area are to be shared by Cumbalum Residents Association, Ballina Coast Care and Richmond Landcare Inc for meetings only, at times when the site is not occupied by TS Lismore Cadets.
4. That Council provides approval for TS Lismore Cadets to commence overnight stays subject to full compliance with building and fire requirements being undertaken by TS Lismore at their cost.
5. That a further report be provided back to Council in 12 months on the results of the co-use arrangement and the impact of utilising this site for overnight stays.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

4.1 North East Weight of Loads Group (NEWLOG)

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council endorses the draft NEWLOG budget for 2021/22, as per the contents of this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

4.2 Dust Sealing Program - Long Term Financial Plan

RECOMMENDATION

(Cr Eoin Johnston/Cr Keith Williams)

1. That Council adopts the proposed ten year delivery program for the dust sealing of unsealed roads, as per Table 3 in this report.
2. That Council's Roads and Transport Asset Management Plan be amended to reflect the adopted program.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

4.3 Rating Structure - 2021/22

A **Motion** was moved by Cr Ben Smith and seconded by Cr Keith Williams

1. That for the draft 2021/22 Operational Plan, Council approves the application of a base rating structure, which applies the following principles:
 - a) Marginally less than 50% of the rate income for the residential category of properties being generated from the base amount
 - b) Business, farmland and mining categories to have the same base amount as the residential base amount
 - c) A total of 19.20% income from the rate yield to be sourced from the business category properties
 - d) Farmland rate in the dollar is approximately 83% of the residential rate in the dollar
 - e) The mining category rate in the dollar to be set as the same rate as the business category (currently no mining category properties in the shire).
2. That Council notes the indicative figures for this rating structure for 2021/22, are as per Tables Eight and Nine of this report.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Stephen McCarthy

That Council receive a report on the following rating structure:

1. That for the draft 2021/22 Operational Plan, Council approves the application of a base rating structure, which applies the following principles:
 - a) Marginally less than 50% of the rate income for the residential category of properties being generated from the base amount
 - b) Business, farmland and mining categories to have the same base amount as the residential base amount

12.1 Finance Committee Minutes - 16 March 2021

- c) A total of 19.20% income from the rate yield to be sourced from the business category properties
 - d) Farmland rate in the dollar is approximately 85% of the residential rate in the dollar
 - e) The mining category rate in the dollar to be set as the same rate as the business category (currently no mining category properties in the shire).
2. That Council notes the indicative figures for this rating structure for 2021/22, are as per Tables Eight and Nine of this report.

The **Amendment** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

RECOMMENDATION

(Cr Ben Smith/Cr Stephen McCarthy)

That Council receive a report on the following rating structure:

1. That for the draft 2021/22 Operational Plan, Council approves the application of a base rating structure, which applies the following principles:
 - a) Marginally less than 50% of the rate income for the residential category of properties being generated from the base amount
 - b) Business, farmland and mining categories to have the same base amount as the residential base amount
 - c) A total of 19.20% income from the rate yield to be sourced from the business category properties
 - d) Farmland rate in the dollar is approximately 85% of the residential rate in the dollar
 - e) The mining category rate in the dollar to be set as the same rate as the business category (currently no mining category properties in the shire).
2. That Council notes the indicative figures for this rating structure for 2021/22, are as per Tables Eight and Nine of this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

4.4 Water Operations - Long Term Financial Plan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council endorses the annual charges, as per the following table, as well as the long term financial plan, as per the attachments to this report, for the water operations, for exhibition in the draft 2021/22 Operational Plan.

Charge Type	2020/21	2021/22	% Increase
Water Access Charge 20mm meter	209	216	3.5
Water Consumption under 350kl	2.35	2.43	3.5
Water Consumption over 350kl	3.53	3.65	3.5
Vacant Land Charge	209	216	3.5

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

4.5 Wastewater Operations - Long Term Financial Plan

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Sharon Parry

1. That Council endorses the annual charges, as per the following table, as well as the long term financial plan, as per the attachments to this report, for the wastewater operations, for exhibition in the draft 2021/22 Operational Plan.

Charge Type	2020/21 \$	2021/22 \$	% Increase
Residential Availability Charge	1,027	1,037	1.0%
Vacant Land Charge	775	783	1.0%
Non Residential Usage Charge	2.61	2.64	1.0%
Non Residential Access Charge	Variable based on meter size		
Recycled Water	80% of potable water step 1		

2. That Council receive a report on the impacts of increasing the cost of recycled water from 80% to 90% of potable water.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Keith Williams

That Council endorses the annual charges, as per the following table, as well as the long term financial plan, as per the attachments to this report, for the wastewater operations, for exhibition in the draft 2021/22 Operational Plan.

Charge Type	2020/21 \$	2021/22 \$	% Increase
Residential Availability Charge	1,027	1,037	1.0%
Vacant Land Charge	775	783	1.0%
Non Residential Usage Charge	2.61	2.64	1.0%
Non Residential Access Charge	Variable based on meter size		
Recycled Water	80% of potable water step 1		

The **Amendment** was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Stephen McCarthy, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr Eoin Johnston and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

RECOMMENDATION

(Cr Ben Smith/Cr Keith Williams)

That Council endorses the annual charges, as per the following table, as well as the long term financial plan, as per the attachments to this report, for the wastewater operations, for exhibition in the draft 2021/22 Operational Plan.

Charge Type	2020/21 \$	2021/22 \$	% Increase
Residential Availability Charge	1,027	1,037	1.0%
Vacant Land Charge	775	783	1.0%
Non Residential Usage Charge	2.61	2.64	1.0%
Non Residential Access Charge	Variable based on meter size		
Recycled Water	80% of potable water step 1		

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

4.6 Waste Operations - Long Term Financial Plan

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the draft fees and charges and Landfill and Resource Management and Domestic Waste Management long term financial plans, as per the attachments to this report, for exhibition in the draft 2021/22 Operational Plan.

2.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

4.7 Plant Replacement Program - Long Term Financial Plan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the inclusion of the Plant Replacement Program, as per Tables Two, Three and Four, and Attachment 1, for inclusion in the draft 2021/22 to 2024/25 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

4.8 Norfolk Homes - 67 Piper Drive, Ballina - Lease

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of this report in respect to the Norfolk Homes lease at 67 Piper Drive, Ballina.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

4.9 Boeing Avenue, Ballina - Lots Two and Three - Subdivision and Sale

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report in respect to sale options for land at Boeing Avenue Ballina.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

4.10 Airline Agreement - Update

RECOMMENDATION

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council notes the contents of this preliminary report on airline agreements, with the confidential report included later in this agenda detailing the commercial aspects of one agreement.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

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

5.1 **Norfolk Homes - 67 Piper Drive Ballina - Lease Terms**

Reason for Confidentiality

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

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

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

5.2 **Boeing Avenue, Ballina - Lots Two and Three - Subdivision and Sale**

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as various parties have expressed strong interest in purchasing the lots and the identity of those parties may be disclosed in the course of discussion at the meeting, and any discussion in open Council may prejudice Council's commercial negotiations for the sale of the land.

5.3 **Airline Agreement - Update - Confidential Terms**

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it would prejudice Council's ability to negotiate commercial terms and conditions with the service provider and release commercial information to competitors of the service provider.

12.1 Finance Committee Minutes - 16 March 2021

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

(The Committee moved into Confidential Session at 5.12pm).

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Nathan Willis

(The Committee moved into Open Council at 5.52pm).

Cr Phillip Meehan left the meeting at 5.45pm during the Confidential Session, after consideration of Item 5.2.

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

5.1 Norfolk Homes - 67 Piper Drive Ballina - Lease Terms

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the lease terms and conditions contained in the report for Norfolk Homes for 67 Piper Drive, Ballina.
2. That Council authorises the seal to be applied to all lease documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

5.2 Boeing Avenue, Ballina - Lots Two and Three - Subdivision and Sale

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council proceed with an Expression of Interest process for Lots 2 and 3, Boeing Avenue, Ballina with only one lot to be sold through this process, with the outcomes of that process to be reported back to Council.
2. That Council approves additional loan funding of \$2 million for the construction of the industrial lots on Lot 2 or 3, Ballina, subject to planning consent being obtained.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

5.3 Airline Agreement - Update - Confidential Terms

RECOMMENDATION

(Cr Sharon Parry/Cr Keith Williams)

That Council adopts option one as detailed in this report and authorises the General Manager to finalise negotiations, execute all necessary documentation and affix the Council seal to same.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Nathan Willis

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Keith Williams/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Nathan Willis

MEETING CLOSURE

5.55pm

RECOMMENDATION

That Council confirms the minutes of the Finance Committee meeting held 16 March 2021 and that the recommendations contained within the minutes be adopted.

Attachment(s) - Nil

13.1 Mayoral Meetings

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

13.1 Mayoral Meetings

Councillor David Wright

Activities I have attended, or propose to attend, as at the time of writing this report, since the February 2021 Ordinary meeting are as follows:

Date	Function
26/2/21	Meeting – Ballina Fair Gym
7/3/21	Commemoration Park Markets
9/3/21	'A' Ward Committee
11/3/21	Meeting – John Wise
11/3/21	Pearce's Creek Bridge Announcement
13/3/21	Volunteers' Family Days – North Coast – Macadamia Castle
14/3/21	Commemoration Park Markets
15/3/21	Rotary Banner Presentation – No to Domestic Violence – 100 Years
15/3/21	On-site Meeting – TS Naval Cadets
15/3/21	Lyn Walker – Meeting
15/3/21	'B' Ward Committee
16/3/21	Meeting – Mojo Surf re Indonesia Fundraiser
16/3/21	Finance Committee
17/3/21	Opening – Richies SUPA VALUE – Ballina Central
17/3/21	Ballina Coast High – SRC Meeting
18/3/21	'C' Ward Committee
18/3/21	Rotary 100 Years Celebration
19/3/21	Briefing – Industry Events Launch
20/3/21	Coastal Pathway Visit by Commonwealth Senator
21/3/21	Ballina Markets
21/3/21	Commemoration Park Markets
22/3/21	Marom Creek, Tuckombil and Stoker's Quarry Inspections
23/3/21	Opening – Ballina Business Events – Lennox Head
25/3/21	Council Meeting
27/3/21	Rotary – No to Domestic Violence Walk – the Cove
28/3/21	Commemoration Park Markets
28/3/21	Ballina Branch AIR FORCE 100 Centenary Lunch
31/3/21	Briefing – 9 Byron Bay Road Residue

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

14.1 Contract Dispute - Ballina Wastewater Treatment Plant

Refer to Item 10.3 of this agenda.

RECOMMENDATION

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

14.1 Contract Dispute - Ballina Wastewater Treatment Plant

Reason for Confidentiality

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it may adversely prejudice the Council's position.