

Agenda

Ordinary Meeting **26 August 2021**

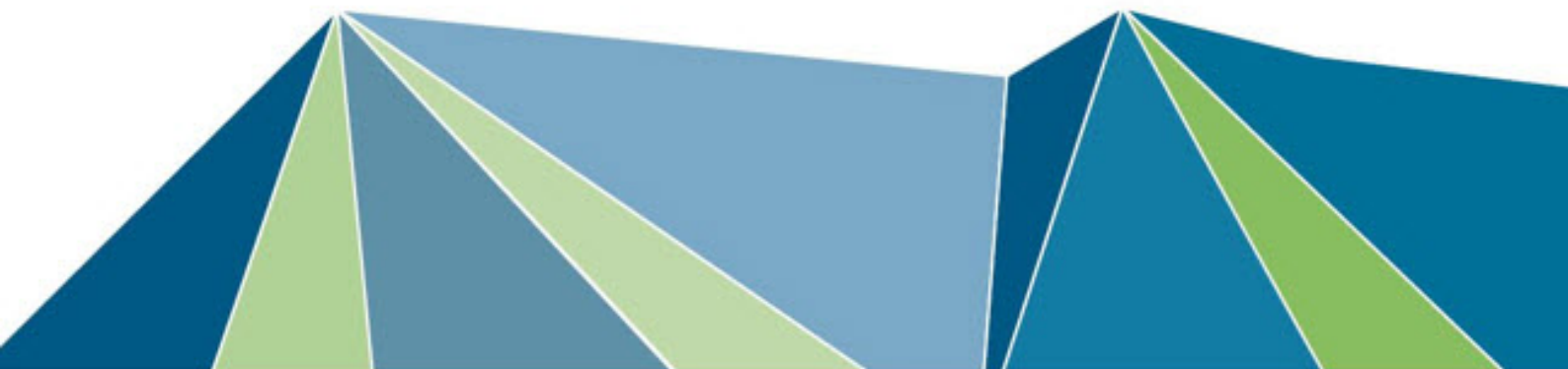
An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **26 August 2021 commencing at 9.00am.**

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 the relevant NSW Public Health Orders must be complied with. Please contact Sandra Bailey (6686 1273) to clarify the ability to participate in the meeting. You may access this meeting via our Live Streaming link ballina.nsw.gov.au/agendas-and-minutes



Deputations to Council – Guidelines

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

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

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

Recording and Livestreaming of Council Meetings

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- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

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1. Australian National Anthem
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 7. Mayoral Minutes
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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 22 July 2021 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 July 2021.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7.1 Mayoral Minute - Infrastructure Contributions Reforms

7. Mayoral Minutes

7.1 Mayoral Minute - Infrastructure Contributions Reforms

Councillor David Wright

I move

1. That Council calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. That Council calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. That Council calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
4. That Council writes to the local State Member, the Premier the Hon Gladys Berejiklian MP, Treasurer the Hon Dominic Perrottet MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.
5. That Council writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining council's concerns with the Bill.
6. That Council affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

Mayoral Comments

This Mayoral Minute has been provided as part of a campaign by LGNSW to reduce the impact of potential changes to the levying and collection of infrastructure contributions by the State Government. Background information, provided by LGNSW, is as follows.

7.1 **Mayoral Minute - Infrastructure Contributions Reforms**

The NSW Government introduced the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 into Parliament on 22 June.

The Bill was subsequently referred on 24 June 2021 to the Upper House Portfolio Committee No. 7 – Planning and Environment for inquiry and report by 10 August 2021.

Councils support efforts to reduce complexity, cut red tape and improve transparency and equity.

However, implementation of the reforms will have far reaching financial implications for our Council and community that are unknown at this stage and there is concern that we may be worse off under the reforms.

These reforms may force our Council to delay or completely remove projects from our expenditure plan with a detrimental impact not only on community wellbeing and participation in civic life, but also crucially on job creation.

Councils need to be in a position to deliver quality infrastructure and open spaces if they are to attract homebuyers, housing and commercial development and business investment and these reforms put this at risk.

Councils also object to the Government's decision to tie reform of the rate peg to cater for population growth to reductions in infrastructure contributions. Reform of the rate peg is required independent of changes to contributions.

This presents a concerning cost shift from developers onto local government and ratepayers. It is premature to push forward with this legislation while so much of the infrastructure reform agenda remains unknown.

LGNSW has been advocating this position on our behalf and has met with the Minister for Planning and Public Spaces the Hon Rob Stokes MP on several occasions to stress that councils and their communities must *not* be worse off under any reforms.

LGNSW has made a [submission](#) to the parliamentary inquiry, opposing the passage of the Bill, and on Friday 16 July LGNSW President Linda Scott spoke at the inquiry hearing alongside other local government representatives to present a united front on this issue.

LGNSW will continue its advocacy efforts on our behalf and is asking councils in NSW to add their voice in calling on the NSW Government to withdraw the Bill from the NSW Parliament.

Staff Comments

As a coastal growth council, Ballina Shire is heavily dependent on infrastructure contributions to finance new or expanded facilities. The combination of Section 7.11 contributions and Council's Property Reserves has been the main source of funding for numerous new facilities during the past ten years (i.e. Lennox Head Cultural Centre, Ballina Indoor Sports Centre, Wollongbar Sports Fields, Wollongbar District Park, Pop Denison improvements etc).

7.1 Mayoral Minute - Infrastructure Contributions Reforms

Any changes that leave council's worse off should be opposed and the sentiments expressed in the recommendations are supported, as the impact of the changes is still very unclear. Any link to infrastructure contributions and land prices is also very tenuous, as Section 7.11 contributions have been capped for approximately ten years, whereas land prices in coastal council areas have increased exponentially in recent years.

RECOMMENDATIONS

1. That Council calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. That Council calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. That Council calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
4. That Council write to the local State Member, the Premier the Hon Gladys Berejiklian MP, Treasurer the Hon Dominic Perrottet MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.
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6. That Council affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

Attachment(s)

Nil

8.1 Planning Proposal - Reservoir Hill, 20 North Creek Road Lennox Head

8. Planning and Environmental Health Division Reports

8.1 Planning Proposal - Reservoir Hill, 20 North Creek Road Lennox Head

Delivery Program

Strategic Planning

Objective

To inform the Council of the outcomes of the public exhibition of Planning Proposal BSCPP 18/004 and seek direction on the finalisation of the LEP amendment.

Background

Council, at its Ordinary meeting held on 24 April 2019 considered a report on an LEP amendment request relating to Lot 1 DP 517111 and adjoining road reserves at 20 North Creek Road, Lennox Head. This site has commonly been known as Reservoir Hill but is now referred to by the land developer as The Crest.

The application proposed the rationalisation of existing LEP zone boundaries to facilitate the efficient use of land and provide consistency with a revised (and now approved) subdivision layout plan.

In considering this matter in April 2019, Council resolved as follows:

- 1. That Council endorses the planning proposal (BSCPP 18/004), as per Attachment 3 to this report.*
- 2. That the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination.*
- 3. That the Department of Planning and Environment be advised that Council seeks to exercise the functions of the local plan-making authority under section 3.36(2) of the Environmental Planning and Assessment Act 1979 for this LEP amendment.*
- 4. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.*
- 5. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.*

The planning proposal has been publicly exhibited following the receipt of an affirmative Gateway determination.

This report further considers the merits of the planning proposal following consultation and public exhibition and seeks direction on the finalisation of the matter.

Attachment 1 contains a copy of the exhibited planning proposal. A copy of the revised planning proposal following public exhibition and agency consultation is provided at Attachment 2.

8.1 Planning Proposal - Reservoir Hill, 20 North Creek Road Lennox Head

Key technical reports associated with the planning proposal relating to site ecology and geotechnical conditions (Appendices 4 and 5 of the exhibited and revised planning proposals) are provided at Attachments 3 and 4.

The purpose of this report is to outline the outcomes of the public exhibition and planning proposal assessment, and seek direction on the finalisation of the proposed LEP amendment.

Key Issues

- Outcomes of the public exhibition process
- Suitability of the proposed LEP amendment and finalisation of the amendment

Information

Land to which the planning proposal relates

The proposed LEP amendment relates to Lot 1 DP 517111 (Lot 1), 20 North Creek Road, Lennox Head (outlined in red) and adjacent road reserves (outlined in blue) as shown in Figure 1 below.

The land (Lot 1) is commonly referred to as the Reservoir Hill site as it adjoins a concrete reservoir structure located on the eastern boundary of the site within Lot 2, adjacent to North Creek Road. The site is also known as The Crest development.

The land is the subject of two approvals for residential subdivision under DA 2018/51 and DA 2020/284. The subdivision approvals are discussed further below.



Figure 1 – Site Location Plan

Planning proposal details – as exhibited

The planning proposal has progressed through its assessment during a time when two DAs for the subdivision of the land have also been assessed (and now determined). Ultimately this has meant that the original amendments proposed to zoning and minimum lot size for subdivision have been refined since the exhibition of the amendment to reflect the final approved subdivision layout. The original proposal and changes are outlined below.

The original planning proposal primarily sought to make minor zone boundary and minimum lot size changes to Lot 1 and adjacent road reserves. The existing LEP mapping boundaries reflected the outcomes of the site assessment undertaken at the time the land was first rezoned to enable residential subdivision. However, since that time more detailed assessment has been undertaken in relation to the subdivision (in assessing the development applications for subdivision of the land).

Initially, the landowner sought to realign zone boundaries in accordance with the then proposed subdivision design under development application DA 2018/51.

The original proposal also sought to include a new local provision to permit subdivision for drainage purposes on RU1 and RU2 zoned land.

Refer to thumbnail maps in Table 1 to see the existing land use zoning and minimum lot sizes applicable to the lot, and the proposed zone boundary and lot size changes as indicated within the exhibited planning proposal.

Planning proposal details – as amended

DA 2018/51 was lodged on 2 February 2018 and sought consent for the subdivision of land to create 99 residential lots, five super lots subject to future development applications and associated infrastructure works.

The current planning proposal (BSCPP 18/004) was lodged in February 2018 and initially sought to make minor zone boundary adjustments to reflect the amended subdivision design as outlined in DA 2018/51.

There were ongoing and interconnected issues between DA 2018/51 and the planning proposal relating to site drainage and ecological issues. It was considered critical that these issues be resolved through the development assessment process prior to finalisation of the planning proposal. As a result, the planning proposal was placed on hold at the request of the proponent until the DA issues were resolved.

Council considered DA 2018/51 at its Ordinary meeting on 27 August 2020 and resolved to approve the DA subject to conditions. A copy of the report considered by the Council together with the notice of determination and stamped approved plans is provided in Attachments 5, 6 and 7 to this report.

The planning proposal was subsequently amended to reflect the subdivision plan prepared by Urbis, drawing no. 02 Rev N dated 11/11/19, approved under DA 2018/51. The amendments involve a minor realignment of zone boundaries comprising the following:

8.1 Planning Proposal - Reservoir Hill, 20 North Creek Road Lennox Head

- A reduction in lots that are required to be rezoned from R2 to R3, located in the northeast corner of the site; and
- Amendments to the RU1 zone boundaries resulting in an increase in RU1 land.

The amendments to zone boundaries are minor in nature and serve to ensure consistency with the approved subdivision and zone boundaries. Associated changes to the minimum lot size, consistent with the proposed zoning changes, are also proposed.

The thumbnail maps within Table 1 show the existing land use zoning and minimum lot sizes applicable to the lot, and the proposed amendments to zone boundaries and lot size as exhibited and as amended post-exhibition, in chronological order.

Table 1: Existing, as exhibited and as amended (post-exhibition) land use zoning and minimum lot size boundaries.

	Land Zoning	Minimum Lot Size
Legend		
Existing		
As exhibited		
As amended post-exhibition		

8.1 Planning Proposal - Reservoir Hill, 20 North Creek Road Lennox Head

DA 2020/284 was approved on 21 December 2020. This application approved an 18 lot subdivision and associated subdivision works within Lot 102 of approved DA 2018/51. A copy of the stamped approved plan is provided in Attachment 10 to this report.

As depicted in the plan for DA 2020/284, this subdivision does not have any impact on the zone boundary changes sought by this planning proposal.

Gateway Determination

The NSW Department of Planning, Industry and Environment (DPIE) issued a Gateway determination on 12 August 2019 which allowed the planning proposal to proceed to public exhibition.

The Gateway determination was subject to conditions, which included the following requirements:

- i) Prior to exhibition, the planning proposal maps are to be updated to clearly show that the road reserve adjoining the subject lot will also be affected by the proposed zoning changes.
- ii) A minimum exhibition period of 14 days.
- iii) Consultation to take place with the NSW Rural Fire Service (RFS), Department of Planning, Industry and Environment's Biodiversity and Conservation Division (BCD) and the NSW Department of Primary Industries (NSW DPI) Agriculture.
- iv) The timeframe for completion of the LEP amendment was specified as 9 months following the date of Gateway determination. (An altered Gateway determination was issued on 13 May 2020 which extended the completion period until 12 February 2021. This timeframe was again extended on 18 February 2021 to require completion by 12 August 2021).

The DPIE also advised Council that the Department Secretary had agreed that no further approvals were required in respect to the planning proposal's inconsistencies with section 9.1 Directions, 1.2 Rural Zones, 1.5 Rural Lands, 2.2 Coastal Management, 4.1 Acid Sulfate soils and 4.3 Flood Prone Land.

In respect to Direction 4.4 Planning for Bushfire Protection, following consultation with the NSW RFS, advice was provided on 3 February 2020 that the Department Secretary agreed that the inconsistency was justified in accordance with the terms of the Direction.

Altered Gateway Determinations

An altered Gateway determination was issued on 13 May 2020 which extended the timeframe for completion of the LEP amendment to 12 February 2021. This allowed further time for the interconnected issues relating to site drainage and ecological matters to be resolved through the assessment of the related development application DA 2018/51.

On 10 February 2021, Council informed the DPIE of the outcomes of the government agency consultation and the nature of the proposed amendments to the planning proposal arising from the consultation. Further discussion of agency consultation is provided below in this report.

8.1 Planning Proposal - Reservoir Hill, 20 North Creek Road Lennox Head

The DPIE subsequently issued an altered Gateway determination on 18 February 2021 which removed the proposed new local provision to permit the subdivision of land for drainage purposes within all RU1 and RU2 zones and further extended the timeframe for completion of the LEP amendment to 12 August 2021.

Given that the timeframe for completion of the LEP amendment has now expired, and having regard for current DPIE practice in relation to matters in this circumstance, it is intended that Council not request a formal extension of time but to continue to complete the matter with the recommendation below being that the Department undertake the finalisation process.

If, however, the DPIE defers the matter back to Council for finalisation, staff would complete the matter under delegation.

Copies of the original and altered Gateway determinations are contained in Appendix 7 of the revised planning proposal (Attachment 2 to this report).

Consultation – NSW Rural Fire Service

The NSW RFS in their correspondence dated 17 December 2019 raised no concerns or issues in relation to bush fire.

Correspondence received from the NSW RFS is contained in Appendix 9 of the revised planning proposal.

Consultation – NSW DPI Agriculture

In their correspondence dated 4 November 2019, the NSW DPI Agriculture raised no objection to the minor realignment of RU1 and R3 zone boundaries identified within the planning proposal. Correspondence received from the NSW DPI Agriculture is contained in Appendix 10 of the revised planning proposal.

Concerns were raised however with respect to amending the Ballina LEP 2012 to include a new local provision to permit the subdivision of land for drainage purposes within all RU1 and RU2 zones.

Clause 2.75(f) of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables subdivision for the purposes of creation of a lot for drainage purposes where that lot is to be dedicated to Council.

Given that DA 2018/51 contains a condition of consent requiring dedication of approved drainage reserves to Council (condition 10), it was considered that the proposed new local provision is not warranted and as a result, the DPIE altered the Gateway determination by removing the proposed new local clause from the planning proposal, as discussed above.

Consultation – NSW DPIE's Biodiversity and Conservation Division (BCD)

The site's ecological attributes have been considered previously as part of the original planning proposal that rezoned the land (Ballina LEP 2012 Amendment No. 27).

8.1 Planning Proposal - Reservoir Hill, 20 North Creek Road Lennox Head

The assessment of DA 2018/51 considered further ecological reports in relation to the likelihood of any impacts on threatened species and ecological communities located on the site as a result of the amended subdivision layout plan.

In accordance with the terms of the Gateway determination, consultation was undertaken in September 2019 with the Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment (BCD).

The BCD objected to the original planning proposal primarily on the basis that the impacts on biodiversity values (freshwater wetland community, littoral rainforest and habitat for the threatened plant Hairy Joint Grass (HJG)) were not satisfactorily avoided at the previous rezoning stage as per the BCD's initial advice.

Further, the BCD advised that, as the freshwater wetland endangered ecological community (EEC) extends into the recently zoned residential land, the previous rezoning did not accord with the goals of the North Coast Regional Plan as it intensified land uses in areas of high environmental value and the current planning proposal seeks to further encroach into areas of confirmed high environmental value. This opinion formed the basis of the BCD's objection.

There were ongoing and interconnected issues between DA 2018/51 and the planning proposal relating to site drainage and ecological issues and it was considered critical that these issues be resolved through the development assessment process prior to finalisation of the planning proposal.

Stormwater detention basins, approved via DA 2018/51, are to be located within an area identified as containing a Freshwater Wetland EEC as well as HJG, located within the north western portion of the site that is zoned RU1. HJG is listed as vulnerable plant species under both Federal and State legislation. The mitigation of ecological impacts associated with proposed drainage works were considered as part of the DA process.

The development consent was conditioned requiring all areas of freshwater wetland EEC directly and/or indirectly impacted by the development area to be offset on a like for like basis in the ratio of 10:1, and areas of littoral rainforest EEC and HJG habitat are to be offset on a like for like basis in the ratio of 5:1 (condition 62). Further conditions relating to the protection of freshwater wetland EEC have been imposed.

Council undertook further consultation with the BCD in December 2020 to advise the outcomes of DA 2018/51 and that the planning proposal had been amended to reflect the subdivision plan approved in DA 2018/51 (see Attachment 6 for approved subdivision plan).

The BCD have advised they no longer raise any objection to the revised planning proposal however they recommend that the residual RU1 land containing the wetland be rezoned via a future LEP amendment to the highest conservation zone available.

8.1 Planning Proposal - Reservoir Hill, 20 North Creek Road Lennox Head

Council could consider, by way of a future LEP amendment, incorporating the residual wetland in an environmental protection zone at such time when environmental protection zones relating to this type of circumstance are able to be incorporated into the Ballina LEP 2012.

The BCD also recommended that Council engage with the landholder over suitable longer-term arrangements for this residual land and reconsider the matter of dedication of this land should the landholder offer it.

The landholder has had extensive discussions with Council during the assessment of DA 2018/51 with respect to the potential dedication of the wetland area to Council.

Condition 60 of DA 2018/51 requires the provision of an s88B instrument to state that the ownership and maintenance of the wetland restoration area is either dedicated to Council or is attached to a residential allotment within the subdivision to ensure it is managed and protected in perpetuity.

A further condition (140) states that if a portion of land within the restoration area is to remain in private ownership then a positive covenant is to be registered on the title of the residue lot to ensure its management and protection in perpetuity.

Given the above conditions and extensive negotiations between Council and the landholder during the development assessment phase, it is considered that the recommendation by BCD has been adequately addressed.

Correspondence received from the BCD is contained within Appendix 11 of the revised planning proposal (Attachment 2 to this report).

Delivery Program Strategy / Operational Plan Activity

The assessment of this planning proposal relates to action HE3.1j – *Manage LEP amendment requests* in Council's adopted Delivery Program and Operational Plan.

Community Consultation Policy

The planning proposal was publicly exhibited from 2 October 2019 until 18 October 2019 in accordance with the terms of the Gateway determination and the *Environmental Planning and Assessment Act 1979*.

In response to the public exhibition, 22 submissions were received and are contained in Attachment 8.

The issues raised in the submissions largely related to traffic and site access issues which were matters for consideration in respect of the development application for the subdivision of the land, not the LEP amendment. The submissions were forwarded to Council's development assessment section for consideration during the assessment of DA 2018/51 and submitters were notified via email. A copy of the notification provided to submitters is contained in Attachment 9.

Financial / Risk Considerations

The assessment and processing of this planning proposal can be accommodated within existing resources, including through the receipt of applicable fees from the proponent.

Options

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

Option 1 – Finalise the LEP Amendment

This is the recommended option.

The proposal seeks minor amendments to zone boundaries which resulted from a planning scheme no longer supported by Council, to facilitate the efficient design and layout in accordance with the revised subdivision layout plan approved via DA 2018/51.

Additional minor adjustments are proposed as outlined in this report, based on the final approved subdivision design. Given the further amendments are very minor in nature and are for purposes consistent with the original intent of the planning proposal, it is not considered to be necessary to re-exhibit the changes.

This option would involve Council resolving to finalise the amendment to the Ballina Local Environmental Plan 2012 and requesting that the Department of Planning, Infrastructure and Environment (DPIE) complete the amendment given that the Gateway determination has now expired.

If, however, the DPIE defers the matter back to Council, staff would complete the LEP amendment under delegation.

Council could also further investigate incorporating the residual wetland (currently zoned RU1 Primary Production) in an E zone at such time when environmental protection zones are able to be incorporated into the Ballina LEP 2012. This would ensure that the land is provided with the highest level of protection available under the Ballina LEP 2012 suite of land use zones and, if appropriate, would be undertaken as part of a future LEP housekeeping amendment.

The address of the environmental protection zoning does not form part of the recommendation as Council's current focus in relation to e zones are those areas that are subject to zoning under the 1987 LEP not already zoned for environmental protection purposes (the subject area is zoned under the 2012 LEP). This matter can be revisited at a future date depending on Council's overall approach to environmental protection zones.

Option 2 – Discontinue the planning proposal

Maintaining zone boundaries as they currently exist will lead to the creation of many part zoned lots (part R2 and R3) which is considered to be undesirable.

8.1 Planning Proposal - Reservoir Hill, 20 North Creek Road Lennox Head

This option is not recommended as the planning objectives associated with the amendment and overall simplification of zoning for certain residential lots will not be achieved.

Option 3 – Defer the consideration of this matter to a Councillor briefing

Council may defer the matter to receive additional information. This option is not recommended as there are no outstanding technical matters or issues arising from the submissions received that have been identified as requiring further assessment.

RECOMMENDATIONS

1. That Council endorses the amendments to the Ballina Local Environmental Plan 2012 as outlined in Planning Proposal BSCPP 18/004 relating to Lot 1 DP 517111, 20 North Creek Road, Lennox Head, as detailed in Attachment 2 to this report (including the recommended changes as outlined in this report).
2. That Council requests that the NSW Department of Planning, Industry and Environment complete the LEP amendment process.
3. That Council authorises the General Manager to finalise the LEP amendment under delegation, should the Department of Planning, Industry and Environment defer the matter back to Council.

Attachment(s)

1. BSCPP 18/004 - Exhibited Planning Proposal (V4 Exhibition) (Under separate cover)
2. BSCPP 18/004 - Altered Planning Proposal (V5 Revised_Finalisation) (Under separate cover)
3. BSCPP 18/004 - Revised Ecological Assessment March 2019 (Appendix 4 of Planning Proposal) (Under separate cover)
4. BSCPP 18/004 - 2013 Coffey Site Contamination Report (Appendix 5 of Planning Proposal) (Under separate cover)
5. DA 2018/51 - Council Report and Minutes
6. DA 2018/51 - Stamped Approved Plans
7. DA 2018/51 - Notice of Determination
8. BSCPP 18/004 - Submissions
9. BSCPP 18/004 - Response email to submissions
10. DA 2020/284 - Stamped Approved Plan

8.2 Northern Rivers Community Gallery - Creative Action Plan

8.2 Northern Rivers Community Gallery - Creative Action Plan

Section	Strategic Planning
Objective	To inform Council of the outcomes of the public exhibition of the draft Creative Action Plan and to seek adoption of the plan.

Background

Council, at the 7 April 2021 Finance Committee meeting, considered a report on the draft Creative Action Plan and resolved, at the April 2021 Ordinary meeting, to place the document on public exhibition.

The draft Creative Action Plan (CAP) was placed on public exhibition for 28 days between 19 May and 16 June 2021. A copy of the exhibited plan is included as Attachment 1.

Community feedback was invited through an online feedback form, and an independently facilitated workshop with key stakeholders lead by Dr Elizabeth Baker (refer Consultation Report – Attachment 2).

This report presents a summary of the community feedback received through the online feedback form/survey and stakeholder workshop. It also seeks adoption of the draft Creative Action Plan.

Key Issues

- Outcomes of community engagement
- Content of the Creative Action Plan

Discussion

The initial draft of the CAP presented at Council's 7 April 2021 Finance Committee meeting was developed in response to early community and stakeholder consultation held in 2018, prior to the establishment of Ignite Studios.

The 2018 community engagement consisted of an online feedback form open to the general public of which 279 responses were received. Invitations to complete a more focused online feedback form were sent to 22 NRCG stakeholders consisting of key arts and culture organisations, education providers – primary, secondary and tertiary, community art groups, Indigenous organisations, disability arts groups, aged care providers and independent artists. Details of the outcomes can be found in Attachment 4.

The draft CAP maps a set of priorities to be delivered over short, medium and long term. The ideas and priorities identified are ambitious and provide an important tool to commence planning and working towards a vision for the long-term investment and delivery by the NRCG of arts and culture in Ballina Shire.

8.2 Northern Rivers Community Gallery - Creative Action Plan

As a result of the more recent community consultation held May-June 2021, minor wording amendments were made to the draft Creative Action Plan to provide clearer definitions and alignment to the terminology and activities presented by community through the consultation process.

Reference to the draft CAP being delivered as a five year plan has also been removed and instead review of the plan every five years is now included.

The amendments to draft CAP have been highlighted in the version contained in Attachment 3 for easy reference.

There was also a significant range of actions identified as part of the community engagement process that do not necessarily fit within the remit of a Gallery framework but are considered important for the development of and access to arts and culture in the Ballina Shire. The recommendation is for these to be considered as a part of the next review of Council's Cultural Plan.

Community Engagement

Discussion and feedback for both the workshop and online feedback form/survey were structured around the four strategic directions identified in the CAP.

A copy of all the feedback received through both the online feedback form/survey and the stakeholder workshop is contained in Attachment 2 - Consultation Report.

Online Feedback Form/Survey

An online feedback form/survey was open to the community for the duration of the public exhibition period from 19 May to 16 June 2021. A total of 82 responses were received.

Attachment 2 summarises the findings of the feedback form/survey responses, and Appendix 6 (of Attachment 2) contains the original feedback responses received via the online feedback form.

Stakeholder Workshop

A two hour stakeholder workshop was held on Thursday 10 July 2021, facilitated by an independent facilitator – Dr Elizabeth Baker.

A total of 20 community stakeholder representatives and six Council staff members attended the workshop.

A list of attendees can be found in Appendix 5 of Attachment 2.

The workshop was run using a 'world café' style workshop structure, where four topic-based tables were set up based around each of the four strategic directions of the draft CAP.

Each stakeholder was given the opportunity to interact with other stakeholders to provide feedback on each of the strategic directions.

Appendix 1 of Attachment 2 details the feedback received at the workshop.

Feedback Summary

Community feedback received from the online feedback form and community workshop provided an extensive and highly ambitious vision for the future direction of the Northern Rivers Community Gallery (NRCG) across all four strategic directions of the draft Creative Action Plan.

The key themes that emerged through the consultation process align with the four strategic directions identified in the draft CAP.

The key themes and ideas that emerged, that fall within the remit of the NRCG, include:

- ***Increased investment in arts and culture***

There was broad consensus that investment, promotion and co-ordination of arts and culture in the Ballina Shire should be given higher priority within Council's Delivery Program and Operational Plan. In return, this would support a range of benefits back to the Shire across community engagement, social impact and wellbeing, economic development and establish Ballina as an arts and cultural destination to increase visitor economy.

- ***Maintain local flavour across all programs – prioritise local artists***

The desire to maintain local flavor of artists (exhibitors and facilitators) or program content is mirrored across both consultation groups. The definition of the term 'local' was a key pivotal question posed to the creative stakeholder consultation groups. In response the following was established:

"'community' in 'Northern Rivers Community Gallery' encompasses both the artists and the audience/s.

'Northern Rivers' in 'Northern Rivers Community Gallery' is understood to encompass the area from Grafton to Tweed."

On average 99% of exhibitors within the NRCG Annual Program are local from the Northern Rivers region year in, year out. This programming structure is maintained in the draft Creative Action Plan informing the priority actions.

- ***Programming should be bold, take risks, innovative, incorporate new technologies***

A willingness to "be bold and take risks" in relation to programming across both consultation groups was highlighted as a way to "establish Ballina as an arts destination". It was discussed this approach as a way to attract cultural tourism, funding, partnerships and provide opportunities for artists.

Some ideas presented included use of new technologies such as virtual reality or tapping into smart phones as exhibitions spaces, taking the gallery outside the walls, interactive spaces and places, utilising other spaces across the region as satellite venues, exploring unexpected pathways for art and changeable public art and adaptable programming.

The draft CAP encapsulates these ideologies as guiding principles however, it should be noted that the majority of the ideas presented are significant projects which require additional resourcing and are considered aspirational.

8.2 Northern Rivers Community Gallery - Creative Action Plan

The NRCG exhibition program is also a 'by application' format and the above program ideas could only be implemented through internally initiated programs.

- ***Establish NRCG as a multi-arts facility and arts precinct – that includes a Bundjalung Cultural Centre***

Participation and exhibitions are identified as focus priorities within the draft CAP based on participation trends and early survey data and this has been reinforced in the current consultation process. As the core function of NRCG – these establish the foundation for all strategic directions and associated actions.

The evolution and community drive for NRCG to transition from operating solely as a Gallery model to that of a multi-arts facility to include equal proportion of participation based multi-arts programs, subsidised spaces to support the creation and development of new work is defined as an arts centre model.

The draft CAP includes investigating the rebranding of NRCG as an art centre model and research of a new fit-for-purpose multi-arts facility and creative precinct.

- ***Greater inclusion of Aboriginal arts, culture and artists across programs***

More opportunity to acknowledge and celebrate local Aboriginal culture was highlighted as a priority through all feedback forums across all five strategic priority areas and seen as an opportunity to attract cultural tourism.

Local Bundjalung representatives provided more detailed ideas such as:

- an NRCG annexed Indigenous led Gallery or Cultural Centre, a keeping place – permanent display,
- Bundjalung mural/street art precinct (similar to Lismore's back alley gallery but celebrating Bundjalung culture/stories only),
- dedicated cultural development officer for Aboriginal initiatives,
- Aboriginal Gallery Internship or acumen type learning supporting professional development of emerging Aboriginal Artists; and
- link public amenity to Aboriginal culture through public art and design integration, establishing a policy for engaging with Aboriginal community on such projects.

- ***Accessibility in terms of fees and adequate fit-for-purpose facilities***

The issue of affordability and accessibility for local community or not-for-profit groups was another key issue raised. In lieu of the more ambitious vision to establish and build a new fit-for-purpose multi-arts space, this could be partially resolved with the removal of exhibition fees altogether. This is included in the Strategic Actions table (Attachment 3) for consideration.

The reduced revenue stream from exhibition fees could then be partially counter balanced with an increase in the consignment commission fee for consignment sale items for example from 33% to 38-40%. This would enable greater accessibility for all community to exhibit and reduce upfront out of pocket expenses for exhibitors.

8.2 Northern Rivers Community Gallery - Creative Action Plan

This model is also in-line with the National Association of Visual Arts industry standards for public galleries. Exhibitors can then price artworks accordingly to cover the consignment commission fee within the overall retail sale price and eliminate being out-of-pocket upfront.

- ***Increase marketing and promotion***

Feedback to increase promotional activities of NRCG and associated programs was consistently presented as a priority. This activity has been included as a high priority in the draft CAP.

Another idea presented through the consultation was the establishment of an online listing of artist studios – arts trail which has also been included as an action in the Strategic Actions table in Attachment 3. This would require initial project grant funding to establish and the ongoing content management feasible once the Creative Content Producer was in place.

NRCG as the owner/manager for information about ‘everything creative’ more broadly is seen beyond the current remit of the NRCG but is considered a priority for consideration in Council’s Cultural Plan review.

Establishment of a centralised online ‘What’s On’ portal would be a powerful destination marketing tool to attract and promote activities and visitation in the Ballina Shire. This item has been included in the draft CAP for NRCG to act in an advocacy role with other areas across Council.

- ***Focal point for collaboration, partnership and outreach***

Workshop stakeholders considered NRCG as a focal point for arts and culture in the Ballina Shire and the ‘hub’ to lead participation, activity and promotion but acknowledged this is aspirational.

Collaboration and partnership was also identified as a priority in relation to the development of current and future programming.

NRCG programs currently explore collaborations where possible, for example ongoing partnership with local groups such as Sprung!! Integrated Dance Theatre, Ballina District Hospital – Clinical Health, Splendour in the Grass Music Festival, Byron Writers Festival - Five Writers Road Trip satellite venue, Gallery Pom Pom – Sydney, Southern Cross University and Byron School of Arts.

These collaborations / partnerships have evolved predominantly through organic networking and it is acknowledged this would be a highly beneficial area to develop further through targeted partnership development activities but is limited without additional and dedicated resourcing to manage associated projects and relationship management.

Targeted partnership development and collaboration is included in the draft Creative Action plan but is considered aspirational and additional resourcing is required through multiple funding streams to achieve this vision.

- ***Professional development opportunities for artists***

Both stakeholder groups considered that an important strategic priority is the provision of professional development opportunities for artists across both commercial opportunity and programs. Ideas suggested included mentoring programs, brokering creative collaboration or partnership opportunities with high profile visiting artists or other organisations, creative exchange programs and skills development education programs.

These types of opportunities, based on collaboration and partnership, present the same restraints as noted above due to resourcing. Currently NRCG organically brokers collaborative and partnership based professional development opportunities for artists.

Most recently, this included a mentoring program for local artist and NRCG's facilitator panel artists with Splendor in the Grass arts program and visiting artist, Hiromi Tango. This activity has been included as a priority action (refer A.2.3) in the draft CAP to be increased in future when resourcing is available to build creative industry capacity.

Strategic Directions - High Priority Ideas

The top 5 'High Priority' activities or ideas received from community feedback under each of Strategic Directions of the draft CAP include:

A. Creative Industry Capacity

- Arts Precinct
- Develop/promote Ballina as a creative destination – opportunities for tourists
- More participation programs – kids to adults, professional development for artists and masterclass programs
- More opportunities and support for artists
 - Studio spaces for making art
 - Fabrication labs – equipment access spaces
 - Collaboration
- Digital technology
 - Interactive experiences
 - Online programs
 - Smart device app

B. Arts and Culture Infrastructure

- Arts precinct
 - Bigger Gallery – multi-arts
 - Aboriginal Cultural Centre
 - Celebrate the River – floating amphitheater
 - Take the Gallery outside

8.2 Northern Rivers Community Gallery - Creative Action Plan

- Subsidised/free studios
 - Access spaces for use of kilns, welding, digital lab
- Resourcing to coordinate arts programs across the region
- Accessibility - abolish exhibition fees
- Better online infrastructure/resources
 - Digital arts trail database
 - Information sharing for broader arts events
 - Online learning

C. Engage our Audiences

- Media / Marketing: better communicate what we have and are doing
- Arts festivals / events / arts trail
- Collaborate – seek partnerships with established organisations / local businesses to broaden audiences and create opportunities for artists
- Bring or link to other high profile exhibitions
- Improve street signage

D. Strive for Excellence

- Inclusiveness – Accessibility – Diversity - Flexible
- Digital and new technologies - interactive
- Be brave and engage in cutting edge ideas
- Increased resourcing
- Re-brand Ballina

Broader Actions – Outside the Remit of NRCCG

The actions highlighted below were raised as a part of the community engagement process. They are considered broad level arts and cultural development that traditionally would be managed by a centralised arts and cultural development function within the organisation. This includes:

- increased opportunity for public art – ephemeral and permanent
- linking public amenity with Aboriginal Culture
- integration of arts within urban infrastructure development, opportunities
- effective ways for people to find out what the area has to offer in terms of the arts – specifically improving access to information online and at the Visitor Information Centre
- program to access/utilise disused spaces across the Shire for creative pop-ups i.e. Renew Newcastle
- exhibition spaces outside of the gallery

8.2 Northern Rivers Community Gallery - Creative Action Plan

It is recommended that these actions should be considered as a part of the next Cultural Plan review.

Delivery Program Strategy / Operational Plan Activity

The feedback received during the public exhibition period and resulting draft CAP support Delivery Program actions:

- CC2.1b - Promote the Northern Rivers Community Gallery and Ignite Studios
- CC2.1c and CC2.1d - Deliver a well patronised Northern Rivers Community Gallery (in-person and online visits) and
- EL2.1h - Minimise net operating deficit for the Community Gallery (excluding depreciation).

The draft CAP directions and actions align with the Community Strategic Plan and the Ballina Shire Cultural Plan objectives including 'connected community', 'prosperous economy', 'engaged leadership', 'healthy environment'; and 'sense of place', 'aboriginal culture', 'great outdoors', 'art smart' and 'family fun'.

Community Consultation Policy

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

Financial / Risk Considerations

The Draft CAP makes clear that all scoped actions are unfunded at present. The document will be a valuable tool in guiding gradual implementation of actions, will be used to attract funding to implement future actions and will also support community stakeholders or arts events in their pursuit of funding.

Options

Option 1 - Council endorse the draft CAP

This option involves endorsing the CAP as contained in Attachment 3. Staff would then proceed to commence implementing strategic priorities within the scope of existing resourcing and investigate funding opportunities for actions that require financial support to implement.

Under this option, the actions identified from community feedback that are of a broader scope and do not fit within the remit of the NRCG operations, as detailed in the 'Discussion' section of this report, would be considered in the next review of the Ballina Shire Cultural Plan.

8.2 Northern Rivers Community Gallery - Creative Action Plan

Option 2 - Council may make amendments to the CAP

Council may wish to make amendments to the CAP prior to its adoption. This option is not recommended on the basis of the feedback received from extensive engagement with the community and key stakeholders as detailed in this report and that this feedback has been considered in formulating the CAP as contained in Attachment 3.

Option 3 - Defer adoption of the draft CAP

Council could defer adoption of the draft CAP to seek further information. This option is not recommended as the draft CAP has been prepared on the basis of feedback received as a part of a robust community engagement process.

RECOMMENDATIONS

1. That Council adopts the draft Creative Action Plan, as contained in Attachment 3 to this report.
2. That the broader actions outside the remit of NRCG operations, as identified in this report, be considered as part of the next review of the Ballina Shire Cultural Plan.

Attachment(s)

1. Exhibition Version - Draft NRCG Creative Action Plan
2. Consultation Report June 2021 - Draft NRCG Creative Action Plan
3. Draft Creative Action Plan (Recommended for Adoption)
4. NRCG Arts and Culture Community Stakeholder Survey 2018

8.3 Policy (Review) - Community Event Signage

8.3 Policy (Review) - Community Event Signage

Section	Open Spaces
Objective	To review the Community Events Signage policy.

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Community Events Signage policy.

Council first adopted the Community Event Signage Policy in March 2013. The Banner Pole Policy was first adopted in 2005. The two policies were combined into a single policy document and were adopted at Council's 23 July 2015 meeting.

Key Issues

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

Discussion

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

- The template for Council policies has changed since this policy was adopted. In response, the policy context has been adjusted to match the current template.
- A minor change has been made to the policy regarding any reference to the "Public Land Handbook" as this is no longer available.

The changes have been marked in yellow.

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

Delivery Program Strategy / Operational Plan Activity

The Community Event Signage Policy (Review) is aligned with the Delivery Program and Operational Plan (2021–25) as follows:

Direction One: Connected Community

Delivery Program Strategy Item CC2.2 - Create events and activities that promote interaction and education, as well as a sense of place

8.3 Policy (Review) - Community Event Signage

Community Consultation Policy

As the changes are only minor it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment. If any submissions are received they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

There are no legal or resource implications with the review of this policy.

Options

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

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

RECOMMENDATIONS

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

Attachment(s)

1. Policy (Review) - Community Event Signage

8.4 Development Applications - Works in Progress

8.4 Development Applications - Works in Progress

This report provides an overview of current development application activity in Ballina Shire. Year to date as well as comparative year data is provided to identify trends and key information.

The data for the current year is provided to the end of the month prior to the date of this report (i.e. this report provides data to the end of July 2021).

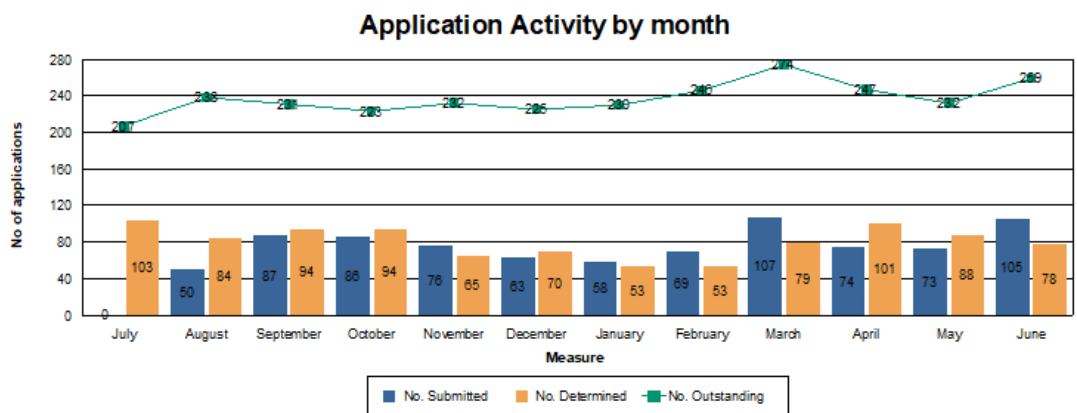
This report replaces the previous DAs in progress report. The key difference is the provision of more statistical information and commentary on the data. Development Applications not yet determined that have been under assessment for a period of greater than 90 days.

The 90 day threshold has been chosen as it provides a good indication of the volume of DAs that are in progress and overall workload noting that many DAs are determined within a much shorter timeframe.

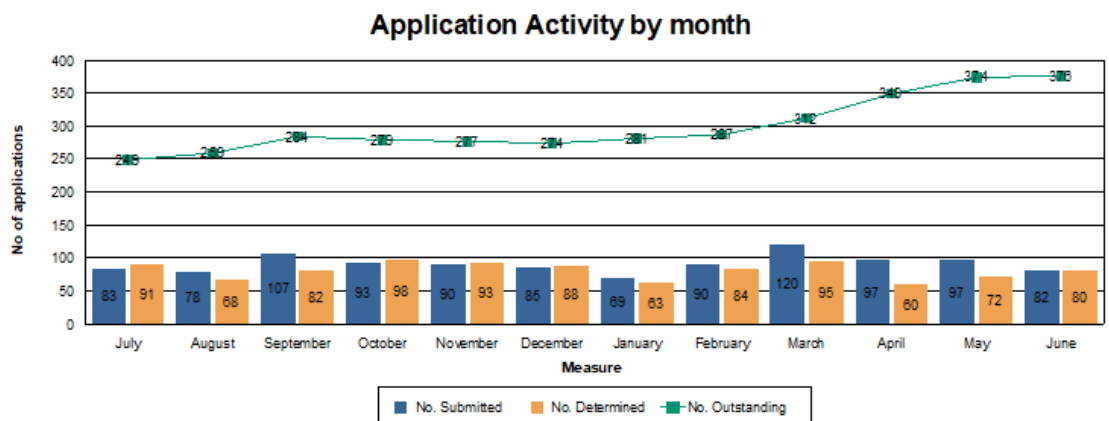
The data and reporting is currently being refined and it is expected that further information will be presented in future reports. There may also be adjustments that result in minor alterations to the data sets as the reporting is improved and reviewed. It is also anticipated that this report will be presented on a bimonthly basis in future given the nature of the data.

DA Determination Trend (Financial Year Comparison)

2019/2020 Year

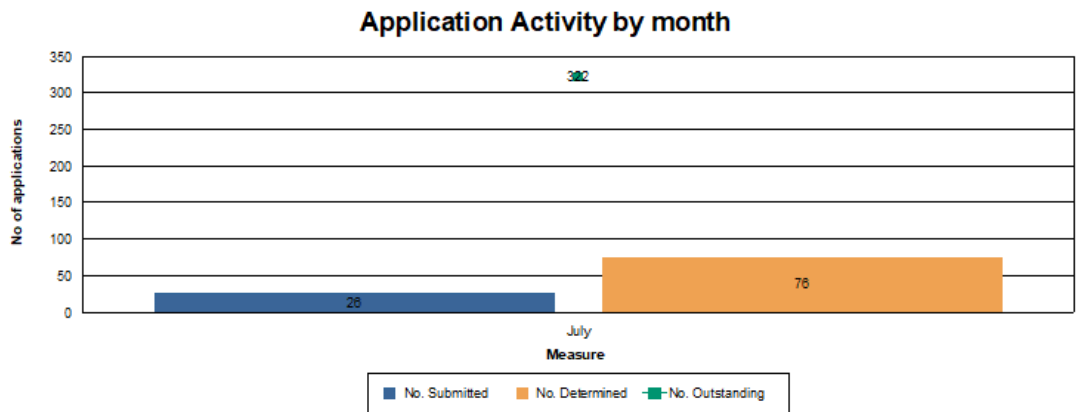


2020/2021 Year



2021/2022 Year to Date

8.4 Development Applications - Works in Progress

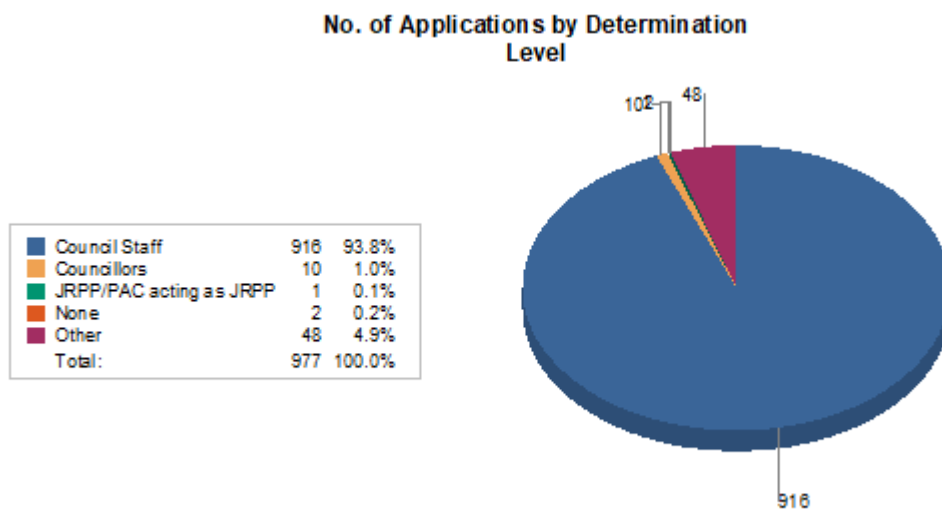


Since March 2021, there has been a trend for an increasing number of DAs remaining undetermined in Council's assessment system. This is a reflection of application volumes and complexity as well as some position vacancies arising in the first half of 2021.

The current volume of undetermined DAs is consistent with numbers reported by Tweed and Byron Shire councils

Determination Method

2020/2021 Year



'Other' denotes applications withdrawn. 'None' denotes applications rejected. In both cases these applications did not progress to determination.

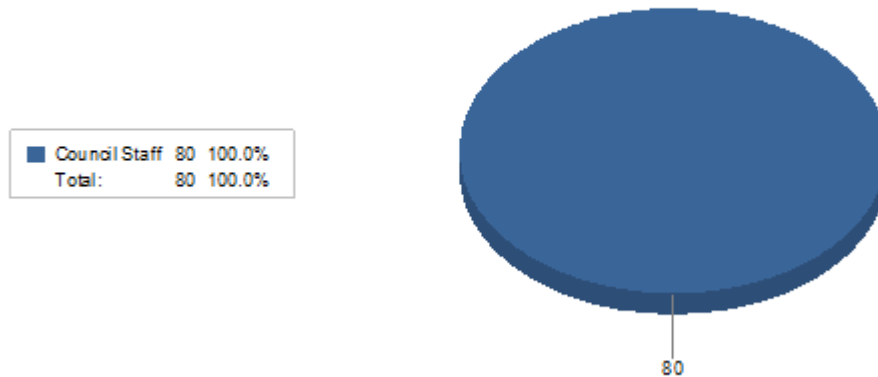
Having regard for the above, the percentage of applications determined under delegation for 2020/2021 was 98.9%.

The percentage of total applications resolved by staff under delegation was 99%.

8.4 Development Applications - Works in Progress

July 2021

No. of Applications by Determination Level

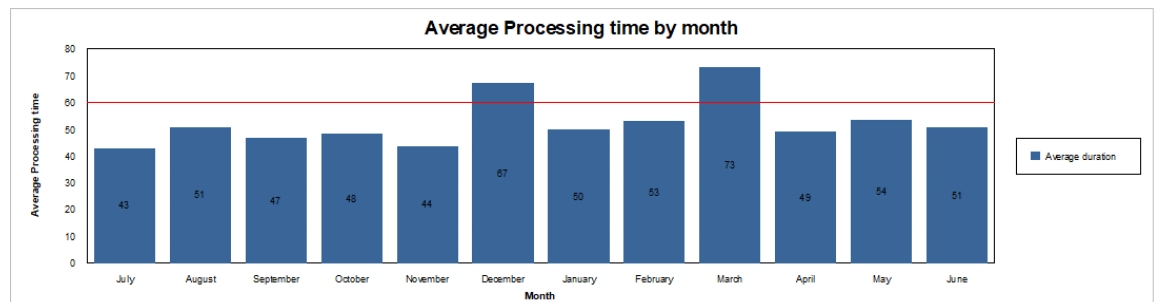


The chart indicates all DAs for July have been determined under delegated authority. However, Council determined DA 2020/450 at the July 2021 Ordinary meeting. This has not yet reflected in the data as the consent was still being finalised at the time the reporting was completed.

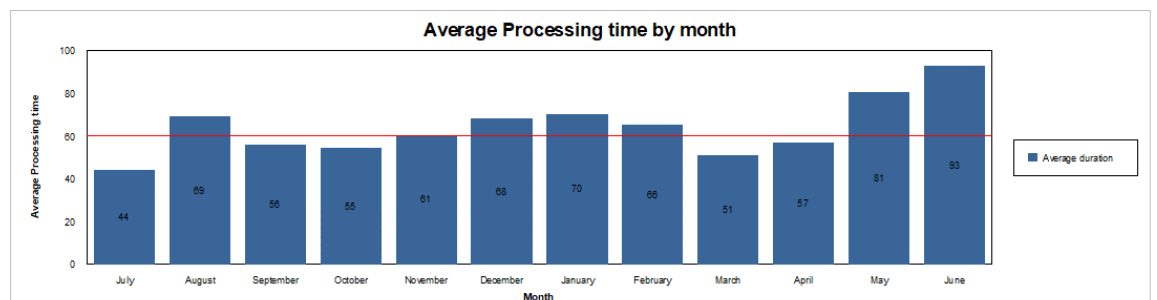
Processing Time

When reviewing the following charts, the red line depicts the average monthly processing time adopted in the 2021/22 Delivery Program and Operational Plan.

2019/2020 Year

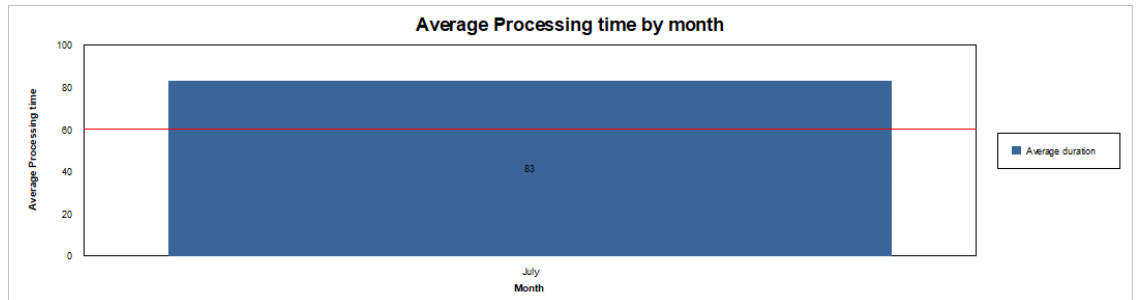


2020/2021 Year



8.4 Development Applications - Works in Progress

July 2021



The higher average monthly processing times through May, June and July 2021 includes determination of a number of DAs that have been in the system for a particularly long period.

Total DA Volume

	Year				
	17/18	18/19	19/20	20/21	21/22 YTD
No. of DAs Received	861	890	976	1,093	38
% Change	N/A	+3.37%	+9.66%	+12%	N/A

The above figures do not include complying development certificates.

The relatively low 2021/22 YTD figure of 38 DAs lodged for the month of July is a reflection of the introduction of the NSW Planning Portal which became mandatory in Ballina Shire from 1 July 2021.

A much larger number of development applications were submitted for lodgement in the month of July on the NSW Planning Portal.

Under this system the applications are recorded as 'pending lodgement', subject to the completion of an initial adequacy review and where necessary submission of additional information from the applicant.

This reflects a change in the DA receipting system resulting from the introduction of the portal.

Relativity with Other Local Government Areas

Information is provided for the most recent financial year based on the Local Development Performance Monitoring Data published by the Department of Planning Industry and Environment.

Figures include DAs, modifications and Complying Development Certificates.

8.4 Development Applications - Works in Progress

2018/2019 Year

		LGA						
	State	Ballina	Tweed	Coffs Harbour	Port Macquarie	Lismore	Byron	Richmond Valley
Total No. of Applications	103,894	944	1,335	1,288	1,594	571	938	304
Total No. of Determinations	101,855	935	1,250	1276	1,591	571	913	301
Average Determination Time	72	54	65	60	53	66	88	44
No. DAs Determined per EFT Staff	49	109	38	104	133	49	67	39
Value	\$59.59B	\$358M	\$262M	\$214M	\$436M	\$184M	\$195M	\$60M

The above data is as reported by each council to the DPIE. There is likely to be some aspects of the information that is not standardised (e.g. staffing numbers relative to applications) as each council may report differently.

It is not possible to determine from the data where these points of data difference may occur.

Therefore, the above should be considered as a general guide.

2019/2020 Year

Data not yet available.

RECOMMENDATION

That Council notes the contents of the report on development applications works in progress for August 2021.

Attachment(s)

1. Undetermined DAs (under Assessment >90 days)

9.1 Use of Council Seal

9. Corporate and Community Division Reports

9.1 Use of Council Seal

RECOMMENDATIONS

That Council affix the Common Seal to the following documents.

US/14	<p>Deed of variation of Visitor Information Licence between Council and BP Australia Pty Ltd for the operation of the Digital Visitor Information Service at the BP Highway Service Centre for a period of five years from 29 March 2021 – 29 March 2026.</p> <p>Variation detail:</p> <p>The Licence is varied by deleting clause 9(c). As a term of consent to any dealing under clause 9(b), the Licensor may require any new licensee to provide additional security by way of bank guarantee, bond or personal guarantee as determined by the Licensor at its absolute discretion.</p>
US/15	<p>Ballina Shire Council licence to Ballina & District Equestrian Club Inc (INC9891286) over part of Lot 114 DP755684 , Equestrian Centre at 70 Gallans Road, Ballina for a term of one year, at a licence fee equal to the statutory minimum rent charged by Crown Lands, currently \$516 per annum (plus GST).</p> <p>Explanation:</p> <p>This is a new licence to the previous occupant of the property. The permitted use is for equestrian sport. The property is Council owned operational land, so public advertising of the proposed licence is not required under the Local Government Act.</p>

Attachment(s)

Nil

9.2 Investment Summary - July 2021

9.2 Investment Summary - July 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 July 2021.

Key Issues

- Compliance with Investment Policy

Discussion

As at 31 July 2021, Council's investments are in accordance with Council's Investment Policy and the Local Government Act and Regulations.

The total balance of investments as at 31 July 2021 was \$93.6 million being \$4.7 million less than the balance as at 30 June 2021.

Council's investments at 31 July were invested at an average (weighted) interest rate of 0.602%, which was 0.578% above the July average 90 Day Bank Bill Index of 0.024%.

The balance of the Commonwealth Bank business account as at 31 July 2021 was \$5,707,405. This was a decrease of \$2,057,251 from the balance as at 30 June 2021.

The total movement in the investment portfolio and bank account balances since 30 June was a decrease of \$6,757,251.

This has primarily resulted from significant creditor payments during July 2021.

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

<https://www.tcorp.nsw.gov.au/resource/2107%20Sec.pdf>

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

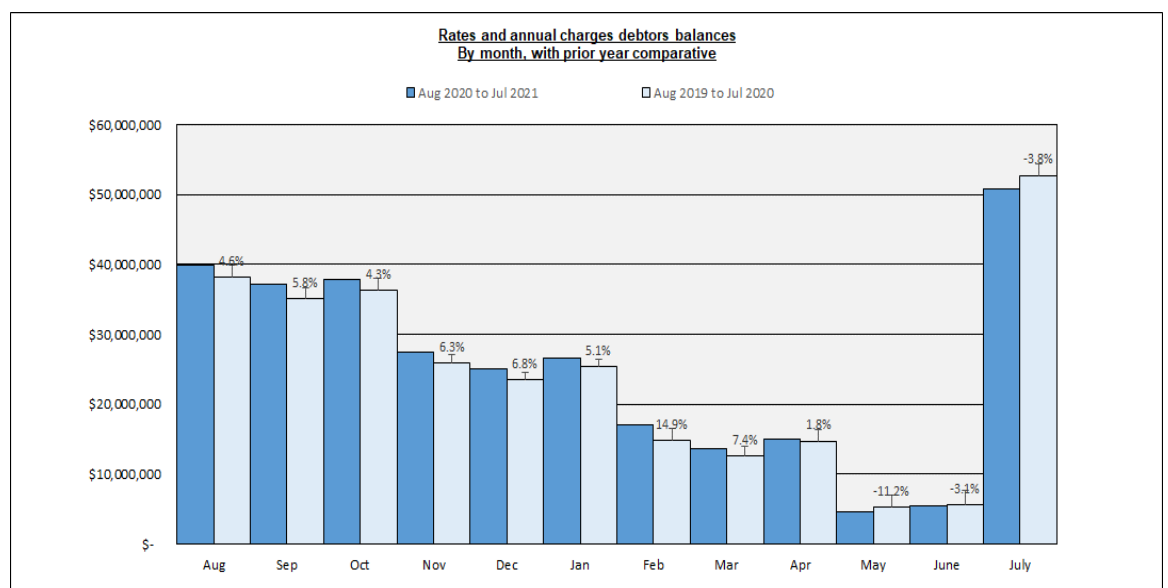
9.2 Investment Summary - July 2021

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 held as at 30 June 2020. This table will be updated for 30 June 2021 as part of the financial statements completion process.

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

Debtors as at 31 July 2021 were 3.1% lower than the balance as at 31 July 2020. This shows an improved rate of collections as rates and annual charges as at 31 July 2021 would have increased from 31 July 2020 due to the rate peg (2%), increased water charges (3.5%) and increased wastewater charges (1%).



9.2 Investment Summary - July 2021

A. Summary of investments by institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	Rating Moody	Previous Month \$'000	Current Month \$'000	Quota %	% of Total
AMP Bank	No	BBB	A2	5,500	5,500	10%	5.9%
Auswide Bank	Yes	BBB	Baa2	2,000	2,000	10%	2.1%
Bank of Communications	No	A-	A2	1,000	1,000	20%	1.1%
Bank of Queensland	No	BBB+	A3	6,000	6,000	10%	6.4%
Bendigo & Adelaide Bank	Yes	BBB+	A3	7,000	7,000	10%	7.5%
Commonwealth Bank	No	AA-	Aa3	2,000	1,000	20%	1.1%
Commonwealth Bank (Green)	Yes	AA-	Aa3	11,000	11,000	20%	11.8%
Great Southern Bank ¹	Yes	BBB	Baa1	600	600	10%	0.6%
Defence Bank Ltd	Yes	BBB	Baa1	6,000	6,000	10%	6.4%
IMB Ltd	Yes	BBB	Baa1	4,000	6,000	10%	6.4%
ME Bank ²	Yes	BBB+	Baa1	7,500	7,500	10%	8.0%
Macquarie Bank Limited	No	A+	A2	1,000	1,000	20%	1.1%
My State Bank Ltd	Yes	BBB+	Baa1	1,000	1,000	10%	1.1%
National Australia Bank	No	AA-	Aa3	6,000	4,000	20%	4.2%
Newcastle Perm Build Society	Yes	BBB	A3	2,700	2,700	10%	2.9%
Suncorp Limited	Yes	A+	A1	16,300	17,300	20%	18.5%
Teachers Mutual Bank Ltd	Yes	BBB	Baa1	700	-	10%	-
Westpac Bank Corp	No	AA-	Aa3	13,000	9,000	20%	9.6%
Westpac Bank Corp (Green)	Yes	AA-	Aa3	5,000	5,000	20%	5.3%
Total				98,300	93,600		100%

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

²Bank of Queensland acquired ME Bank on 1 July 2021. Whilst Bank of Queensland invest in fossil fuel industries, ME Bank have confirmed that Council's investments will remain fossil-fuel free until the ME Bank licence is handed back to APRA. This is expected to occur in March / April 2022.

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value	Value	%	%
	%	Value	Previous	Current	Previous	Current
A- or Higher	100%	93,600	55,300	49,300	56.3%	52.7%
BBB	60%	56,160	43,000	44,300	43.7%	47.3%
Total			98,300	93,600	100%	100%

B. Summary of Investments Fossil Fuel Free and Green Investments

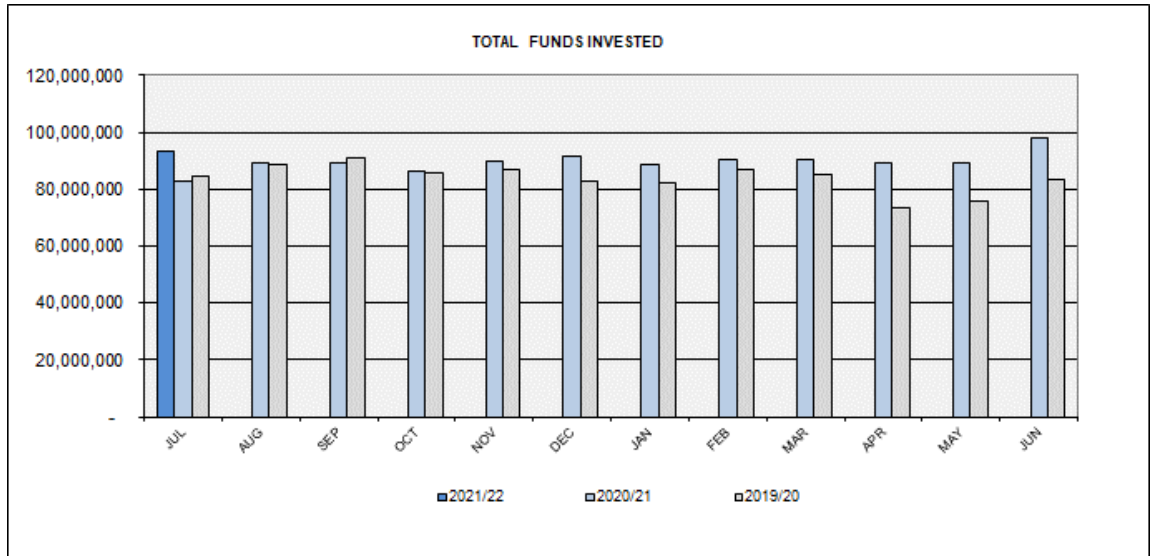
Environmental Classification	Previous Month		Current Month	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned and Non-Green Investments	34,500	35	27,500	29
Fossil Fuel Free Investments	47,800	49	50,100	54
Green Investments	16,000	16	16,000	17
Total	98,300	100	93,600	100

In July 2021, five investments totaling \$8.7 million matured. These included \$1.7 million in fossil-fuel free institutions and three fossil investments totaling \$7 million.

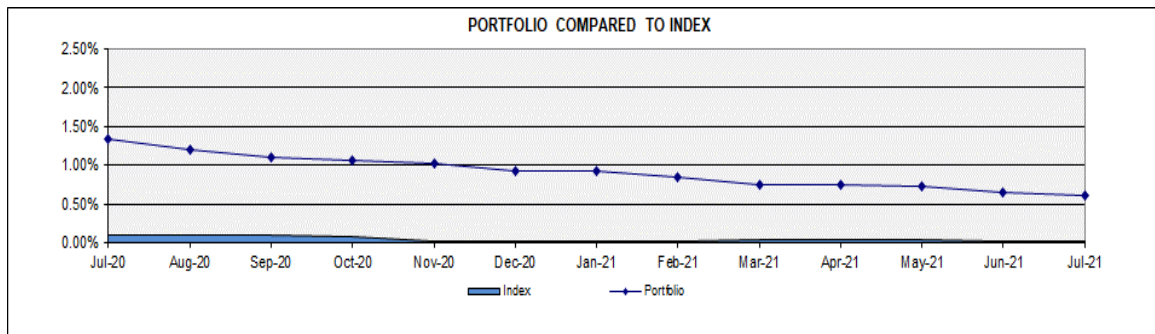
Two new investments totaling \$4 million were placed with fossil-fuel free institutions.

These movements have resulted in an overall improvement in the proportion of Council's investments in fossil fuel free and green investments.

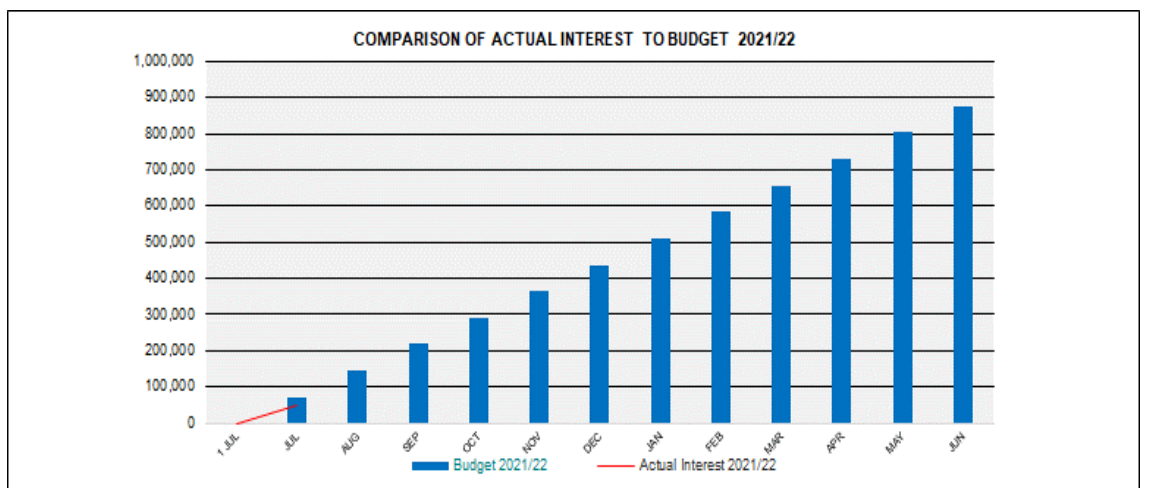
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



9.2 Investment Summary - July 2021

F. Investments held as at 31 July 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
3/08/2017	Westpac Banking Corporation	FRN	1.0917%	3/08/2022	2,000	2,000
18/08/2017	Westpac Banking Corporation	FRN	1.0900%	18/08/2022	1,000	1,000
6/02/2018	Newcastle Permanent Bld Society	FRN	1.4400%	6/02/2023	700	700
30/07/2018	Westpac Banking Corporation	FRN	0.9505%	31/07/2023	1,000	1,000
31/07/2018	Westpac Banking Corporation	FRN	0.9505%	2/08/2023	1,000	1,000
6/09/2018	Newcastle Permanent Bld Society	FRN	1.4400%	6/02/2023	1,000	1,000
6/09/2018	Great Southern Bank (formerly CUA)	FRN	1.2750%	6/09/2021	600	600
10/09/2018	AMP Bank	FRN	1.1050%	10/09/2021	1,500	1,500
11/01/2019	Commonwealth Bank of Australia	FRN	1.1552%	11/01/2024	1,000	1,000
8/02/2019	Westpac Banking Corporation	FRN	1.0938%	6/02/2024	2,000	2,000
1/08/2019	AMP Bank	FRN	1.1050%	10/09/2021	2,000	2,000
26/08/2019	AMP Bank	FRN	1.1050%	10/09/2021	1,000	1,000
28/10/2019	Bank of Communications	FRN	0.9099%	28/10/2022	1,000	1,000
4/08/2020	National Australia Bank	TD	0.8500%	3/08/2021	4,000	4,000
11/08/2020	Bendigo & Adelaide Bank	TD	0.7500%	5/08/2021	2,000	2,000
11/08/2020	Bank of Queensland	TD	0.8500%	10/08/2021	3,000	3,000
17/08/2020	AMP Bank	TD	0.8000%	17/08/2021	1,000	1,000
27/08/2020	Defence Bank Ltd	TD	0.9000%	26/08/2021	1,000	1,000
31/08/2020	Westpac Banking Corporation	TD	0.7600%	3/09/2021	2,000	2,000
2/09/2020	Bendigo & Adelaide Bank	TD	0.7000%	1/09/2021	2,000	2,000
14/10/2020	Bendigo & Adelaide Bank	TD	0.6000%	13/10/2021	2,000	2,000
16/12/2020	Commonwealth Bank - Green	TD	0.4800%	15/12/2021	1,000	1,000
22/12/2020	Macquarie Bank Limited	TD	0.7000%	15/12/2021	1,000	1,000
28/01/2021	Commonwealth Bank - Green	TD	0.3700%	17/08/2021	4,000	4,000
4/02/2021	Auswide Bank	TD	0.5000%	18/01/2022	2,000	2,000
15/02/2021	Commonwealth Bank - Green	TD	0.4100%	8/02/2022	4,000	4,000
22/02/2021	IMB Bank	TD	0.3000%	23/08/2021	1,000	1,000
22/02/2021	Commonwealth Bank - Green	TD	0.4300%	15/02/2022	2,000	2,000
23/02/2021	Defence Bank Ltd	TD	0.4400%	22/02/2022	1,000	1,000
24/02/2021	Suncorp-Metway Limited	FRN	0.4906%	24/02/2026	1,300	1,300
1/03/2021	ME Bank	TD	0.4500%	14/09/2021	2,000	2,000
1/03/2021	ME Bank	TD	0.4500%	21/09/2021	1,000	1,000
2/03/2021	Suncorp-Metway Limited	TD	0.3000%	18/08/2021	1,000	1,000
2/03/2021	Defence Bank Ltd	TD	0.4500%	1/03/2022	1,000	1,000
2/03/2021	Defence Bank Ltd	TD	0.4500%	1/03/2022	2,000	2,000
4/03/2021	Newcastle Permanent Bld Society	FRN	0.6563%	4/03/2026	1,000	1,000
9/03/2021	Suncorp-Metway Limited	TD	0.3000%	14/12/2021	2,000	2,000
20/04/2021	ME Bank	TD	0.5000%	19/04/2022	2,000	2,000
27/04/2021	ME Bank	TD	0.5000%	26/04/2022	1,500	1,500
4/05/2021	My State Bank Ltd	TD	0.5000%	3/05/2022	1,000	1,000
11/05/2021	Suncorp-Metway Limited	TD	0.3300%	10/05/2022	3,000	3,000
18/05/2021	Westpac Banking Corporation-Green	TD	0.3000%	17/05/2022	2,000	2,000
24/05/2021	ME Bank	TD	0.5000%	17/05/2022	1,000	1,000
2/06/2021	IMB Bank	TD	0.2300%	5/10/2021	3,000	3,000
8/06/2021	Westpac Banking Corporation-Green	TD	0.2800%	2/06/2022	1,000	1,000
8/06/2021	Suncorp-Metway Limited	TD	0.3300%	7/06/2022	2,000	2,000
15/06/2021	Suncorp-Metway Limited	TD	0.3000%	9/11/2021	2,000	2,000

9.2 Investment Summary - July 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
18/06/2021	Bendigo & Adelaide Bank	FRN	0.6750%	18/06/2026	1,000	1,000
18/06/2021	Defence Bank Ltd	TD	0.3000%	30/11/2021	1,000	1,000
25/06/2021	Suncorp-Metway Limited	TD	0.3300%	22/06/2022	2,000	2,000
28/06/2021	Bank of Queensland	TD	0.3500%	1/12/2021	2,000	2,000
28/06/2021	Bank of Queensland	TD	0.3500%	1/12/2021	1,000	1,000
29/06/2021	Suncorp-Metway Limited	TD	0.3300%	28/06/2022	2,000	2,000
30/06/2021	Westpac Banking Corporation-Green	TD	0.3100%	14/06/2022	2,000	2,000
27/07/2021	Suncorp-Metway Limited	TD	0.2700%	26/10/2021	2,000	2,000
28/07/2021	IMB Bank	TD	0.2400%	25/01/2022	2,000	2,000
	Totals				93,600	93,600
	TD = Term Deposit	FRN = Floating Rate Note				

RECOMMENDATION

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

Attachment(s)

Nil

9.3 Donations - Community

9.3 Donations - Community

Section Communications

Objective To consider a donation request from Lions Club of Ballina Inc received outside the nominated timeframe.

Background

Council approved a number of community donations at the July 2021 Ordinary Meeting for the 2021/22 financial year. Generally if applications are received outside of the standard advertising timeframe, applicants are advised to re-apply in the following financial year. This allows Council to assess all applications at the one time and to achieve a more equitable distribution of funding.

Council received a request from Lions Club of Ballina Inc ("Club") on 10 August 2021 seeking support for a donation towards the payment of hire fees for use of Richmond Room for monthly meetings. The Club had overlooked the original donations' timeframe due to a change in their membership.

This request is justifiable in reporting to Council for separate consideration based on the reasons outlined.

Key Issues

- Community benefit
- Funding available

Discussion

Council has received a donation request from the Club on 10 August 2021 seeking costs for monthly hire charges for the Richmond Room. The costs are estimated to be \$1,908 for 2021/22.

In relation to information contained in their application form, as per Attachment 1 to this report, the Club previously used the West End Hall to conduct their meetings. This Hall was disposed of by Council in 2019.

As part of the required transition from West End Hall to the Richmond Room, Council resolved at the 24 November 2016 Ordinary meeting to waive the hire charge fees for use of the Richmond Room for the Club's monthly meetings, for a maximum period of 12 months.

The Club continued to operate and maintain the West End Hall until this asset was sold in 2019.

The approved waiver was subsequently applied for the 2019/20 financial year period.

The Club did not require a donation during 2020/21 due to COVID-19 impacts on their meetings.

9.3 Donations - Community

The Club are recommencing the monthly Club Board meetings at the Richmond Room every second Tuesday of the month from July 2021 to June 2022 (except January 2022).

The Club has a limited membership and insufficient funds to pay the hall hire fees. The Club meets the eligibility policy requirements under the *Donations – Financial Assistance for Community Groups*.

Delivery Program Strategy / Operational Plan Activity

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

- CC2.1 Create events and activities that promote interaction and education as well as a sense of place
 - CC2.2 Encourage community interaction, volunteering and wellbeing
 - CC2.3 Assist disadvantaged groups within our community
- a.

Community Consultation Policy

The Community Donations program is subject to formal public exhibition and Council attempts to ensure that all donations are considered at the same time, to ensure there is equity in the allocation process.

Financial / Risk Considerations

Council has an allocated budget of \$79,000 for 2021/22 Financial Assistance for Community Groups. At the July 2021 meeting, Council allocated \$66,400 of this budget. This leaves a balance of \$12,600.

Options

The options are to either support, amend or not support the donation request.

As the request aligns with the policy provisions, it is recommended that this request be supported.

RECOMMENDATION

That Council approves a donation of \$1,908 to The Lions Club of Ballina Inc. for Richmond Room venue hire for 2021/22.

Attachment(s)

1. 2021/22 Community Donation Application - Lions Club of Ballina Inc

9.4 Local Government Election - Ordinary Meeting December 2021

9.4 Local Government Election - Ordinary Meeting December 2021

Section Communications

Objective To report to the Council the implications of the change in election date on December 2021 Ordinary meeting.

Background

The Local Government Election was scheduled to be held in September 2020, and was originally deferred by the State Government, due to COVID-19, to Saturday 4 September 2021.

The State Government has now further postponed the election due to the Sydney COVID-19 outbreak, with a new date being Saturday 4 December 2021.

Key Issues

- Election Timetable
- December Ordinary meeting date

Discussion

The NSW Electoral Commission has advised postal voting will close on 17 December 2021, with results of polls declared progressively as voting is finalised between 21 and 23 December 2021.

Council's Ordinary meeting is scheduled to be held on Thursday 16 December 2021. Due to there being no elected Council at that time, we will be required to cancel the December 2021 Ordinary meeting. This means the last meeting of the current Council will be 25 November 2021.

Delivery Program Strategy / Operational Plan Activity

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

Community Consultation Policy

The NSW Electoral Commission is the responsible authority informing both Local Government and the public in relation to postponement of the election.

Council's website provides regular updates on election matters.

Financial / Risk Considerations

Section 365 of the Local Government Act states a Council is required to meet at least 10 times each year. The removal of the December meeting does not impact on Council meeting this requirement. There are no other financial or risk considerations involved with cancelling this meeting.

9.4 Local Government Election - Ordinary Meeting December 2021

Options

The only option available is to cancel the December 2021 Ordinary meeting scheduled for Thursday 16 December 2021.

It is not proposed to amend the 27 January 2022 Ordinary meeting, with various components of the new Council induction to be undertaken during January.

RECOMMENDATION

That Council approves the cancellation of the December 2021 Ordinary meeting, scheduled for Thursday 16 December 2021, due to the date of the 2021 Local Government election.

Attachment(s)

Nil

9.5 Local Government NSW Annual Conference and Board Election

9.5 Local Government NSW Annual Conference and Board Election

Section Governance

Objective To ascertain interest in Councillors attending the LGNSW Annual Conference on-line, the LGNSW Special Conference and key dates for the LGNSW Board Election.

Background

Local Government NSW (LGNSW) has advised their 2021 LGNSW Annual Conference, which was to be held from 28 to 30 November 2021, has been rescheduled.

This will now be an in-person conference (called “Special Conference”), held from 28 February to 2 March 2022. Conference motions will be dealt with at that Conference.

To meet their legislative obligations, LGNSW will be conducting an on-line Annual Conference on 29 November 2021 at 9.30am. The financial statements and annual report will be presented to this conference, and it will run for approximately one hour.

Council is asked to nominate voting delegates and attendees as follows:

- On-line Annual Conference on 29 November 2021
- LGNSW “Special Conference” in February/March 2022. LGNSW recognises that councils will not know who their Councillors will be until late December, however voting delegates are able to be substituted if Councillors are not re-elected to Council
- LGNSW Board Election.

All interested Councillors are able to attend the on-line Annual Conference and the “Special Conference”, however Council is entitled to three voting delegates for both Conferences and Board Election. Other Councillors attending who are not voting delegates are attending as observers.

LGNSW encourages the submission of motions to the conference as early as possible. Council resolved in February 2021 to submit the following motion to the conference. This motion has already been submitted.

That LGNSW develop a campaign, in conjunction with other Local Government State Associations and ALGA, to encourage councils across Australia to place their investments and loans with non-fossil fuel aligned financial institutions.

In relation to the election for the LGNSW Board, nominations open on 7 September and close on 5 October 2021. A copy of the timetable for Board elections from the Australian Electoral Commission is included as an attachment to this report.

Key Issues

- Nomination of voting delegates/attendees

Discussion

LGNSW is the main industry representative organisation for councils. A large part of this annual conference focuses on motions submitted by councils with the delegates voting on the merits of the motions.

If supported, motions become priority matters for LGNSW to pursue, typically with the State Government.

Councillors have in the past attended LGNSW Annual Conferences. In 2020, Crs D Wright, S Cadwallader and E Johnston attended the on-line Annual Conference.

Delivery Program Strategy / Operational Plan Activity

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

Community Consultation Policy

LGNSW has consulted with Local Government in relation to proposed changes to conference dates and legislative requirements.

Financial / Risk Considerations

There are no financial costs associated with attending the on-line conference on 29 November 2021. If any Councillor wishes to attend the in-person conference in February 2022 there will be costs associated with that attendance (registration, accommodation, flights etc.).

Options

The options available are to have Councillors nominated to represent Council or not support having representation at the Conference and Board election.

Due to the importance of having Council representation it is recommended that Council proceed with having Councillors participate in these forums.

For the 29 November 2021 on-line annual conference, it is recommended that Councillors determine at this meeting who will attend this conference.

At the Special Conference and LGNSW Board Election, due to the upcoming Local Government elections, it is recommended that the Mayor and Deputy Mayor be nominated as voting delegates to attend in February/March 2022.

RECOMMENDATIONS

1. That Council nominate attendance and voting delegates for the on-line LGNSW Annual Conference on 29 November 2021
2. That Council nominate the Mayor and Deputy Mayor to be Council's voting delegates at the LGNSW "Special Conference" and LGNSW Board Election in February/March 2022.

Attachment(s)

1. LGNSW Board Election timetable

9.6 Rates and Charges Write Offs - 2020/21

9.6 Rates and Charges Write Offs - 2020/21

Section	Financial Services
Objective	To provide Council with details of the rates and charges written off during the 2020/21 rating year.

Background

Clause 131 of the Local Government (General) Regulation 2005 (LGGR) and section 607 of the Local Government Act 1993 (LGA), outline procedures that councils must follow to write off certain rates, charges, and interest.

Write offs not covered by specific sections of the LGA must be approved by Council resolution, unless the General Manager has been provided with delegated authority by the Council.

The Council delegated authority for the General Manager provides authority to write off general debts to a maximum of \$1,000 per debt.

The General Manager has provided the Coordinator Rating with delegated authority to write off interest amounts, pursuant to section 567 of the LGA, up to the value of \$100 per assessment.

Clause 131 (6) of the LGGR requires the General Manager to inform the Council of any amounts written off under delegated authority.

This report complies with that clause.

Key Issues

- Compliance with clause 131 (6) of the LGGR

Discussion

Table 1 details write offs approved by way of separate Council resolution.

Table 2 details adjustments made under Council's resolution to implement a Concealed Water Leaks Policy.

Whilst these amounts are not technically write offs, they are reported for information.

In accordance with clause 131 of the LGGR, details of the 2020/21 rates, charges, and interest written off under delegated authority must be advised to Council.

There were no write-offs under delegated authority for 2020/21, other than the write-offs of postponed rates and small balances.

Detailed information regarding individual assessments is contained in Council's rating files.

9.6 Rates and Charges Write Offs - 2020/21

Although not required under clause 131 of the LGGR, other debts (besides rates, charges and interest) written off during 2020/21 are provided in Tables 3 and 4.

In accordance with Clause 132 LGGR all rates, charges and interest written off during the period 1 July 2020 to 30 June 2021, totalling \$26,776.49, will be included in Council's Annual Report.

In respect to the postponed rates, Council is required to write rates off where the property meet certain criteria (refer to notes in Table 3).

Table 1 - Write-offs – Approved by Council

Assessment	Amount (\$)	Resolution
RT 109210	92.24	Ordinary Meeting – 22 April 2021 220421/22 (Ballina Seagulls Rugby League Football Club Ltd)
RT 115512	7,373.00	Ordinary Meeting – 22 April 2021 220421/22 (Bruxner Hwy, Alstonville)
RT 109210	6,971.48	Ordinary Meeting – 21 June 2021 210621/22 (Ballina Seagulls Rugby League Football Club Ltd)
DR 13422	1,026.72	Ordinary Meeting – 21 June 2021 210621/22 – Private Works – motor vehicle accident damage
Total	15,463.44	

Table 2 - Adjustments – Concealed Water Leaks Policy

Assessment	Amount (\$)
RT 137491	2,169.48
RT 400103	823.40
RT 409539	639.40
RT 118235	558.90
RT 255493	224.25
RT 209620	234.60
RT 180915	307.08
RT 230867	1,126.90
RT 201630	198.95
RT 201630	1,437.24
RT 208797	1,001.82
RT 263323	254.88
RT 268399	103.84
RT 254170	114.46
Total	9,195.20

9.6 Rates and Charges Write Offs - 2020/21

Council adopted a Concealed Water Leaks – Financial Assistance Policy at the Ordinary Meeting of 28 September 2017.

The assistance provided under the policy is to waive the difference between step one and step two tariffs, and for 2020/21 this was \$1.18 per kilolitre.

This is the fourth full year reported of adjustments provided under this policy, and the number of requests for assistance received by staff is an indication of how often concealed leaks can occur in private plumbing.

The majority of the leak event cost is still borne by the customer as water lost is charged at the step one rate of \$2.35 for 2020/21. The policy excludes non-residential customers.

Table 3 - Write-offs – Postponed Rates - Required by LGA Legislation

Assessment	Amount (\$)	Description
Four assessments	2,109.64	<p>Year 6 write off of postponed ordinary rate and interest charges - Section 595 LGA - Postponements typically relate to a single dwelling house that is zoned for multiple occupancy - The Valuer General supplies a land value for the highest potential use of the land.</p> <p>Upon application for postponement the Valuer General supplies an attributable value (i.e. extra value due to subdivision or higher use potential) and Council levies but postpones the attributable component. Interest is also charged.</p> <p>After five years the postponed amount and interest is written off. If the entitlement to postponement ceases at any time, any amounts not written off become due.</p>

Table 4 - Write-offs – Small Balances

Assessment	Amount (\$)	Description
4 rate assessments	8.13	Write-off of small balances (less than \$5.00). This process is applied when there are identified small arrears balance brought forward on the rates notice.
2 debtor account	0.08	Write-off of small balances remaining following underpayment of invoice.
Total	8.21	

Delivery Program Strategy / Operational Plan Activity

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

Community Consultation Policy

The write-off information is included in Council's annual report.

Financial / Risk Considerations

Revenue to the value of \$26,776.49 has been foregone. The overall percentage of rates and charges outstanding has decreased from 4.67% to 3.73% based on a total collection figure of approximately \$67m. A reason for this decrease was that some ratepayers took advantage of Council's resolution not to charge interest to 30 June 2021 due to COVID-19.

The debt recovery results for the last ten years are as follows.

30 June	% Outstanding
2011/12	6.72
2012/13	6.06
2013/14	4.78
2014/15	3.99
2015/16	3.74
2016/17	2.96
2017/18	2.88
2018/19	2.67
2019/20	4.67
2020/21	3.73

Options

This report is for information purposes based on the provisions of the Local Government Act 1993.

RECOMMENDATION

That Council notes that rates, charges, and interest totalling \$2,117.85 (as per Tables 3 and 4 of this report) were written off under delegation of the General Manager for the 2020/21 rating year pursuant to clause 131 of the Local Government (General) Regulation 2005.

Attachment(s)

Nil

9.7 Budgets Carried Forward and Reserve Movements

9.7 Budgets Carried Forward and Reserve Movements

Delivery Program

Financial Services

Objective

To provide a preliminary overview of the 2020/21 financial year results and to advise of any budgets carried forward to 2021/22, along with the transfers to reserves included in the 2020/21 results.

Background

The purpose of this report is to provide a preliminary overview of the 2020/21 financial results.

The report also seeks approval to carry funds forward from 2020/21 to 2021/22 for ongoing or incomplete projects and to advise on transfers to reserve.

Key Issues

- Financial performance

Discussion

This section of the report provides a brief overview of the results for the different operations of Council.

The results will still be subject to change due to end year accounting adjustments, such as end of year asset accounting journals however, they provide a reasonable summary of the outcomes for 2020/21.

General Fund

Table 1 outlines the General Fund Operating Result, with the result being \$4.3m above forecast.

Operating revenue was \$2.5m above budget.

The larger areas attributable to this result being Airport, \$1,761,000 above budget, Strategic Planning, \$297,000 above budget and Landfill and Resource Management, \$222,000 above budget.

Operating expenditure was below budgeted expenditure by \$1.8m.

A large portion of this relates to \$1,347,700 in net operating expenditure for projects to be carried forward to 2021/22. That is, operating expenditure of \$1.3m less operating income of \$170,600 carried forward. These carry forwards are detailed in Table 4.

9.7 Budgets Carried Forward and Reserve Movements

Some of the larger expenditure carry over items are \$200,000 for the Koala Management and Biodiversity Bushfire Projects, \$148,000 for the Lake Ainsworth Coastal Management Plan, \$124,000 for the Cultural Ways Project and \$120,000 for the Martin Street Boat Harbour Concept Design.

The operating results by program for the General Fund are outlined in the following table.

Table 1: General Fund – Draft Operating Result by Section (\$'000)

Description	Revenue Actual	Revenue Budget	Expenses Actual	Expenses Budget	Result Actual	Result Budget
Planning and Environmental Health Division						
Strategic Planning	786	489	607	1,379	179	(890)
Development Services	3,618	3,593	4,011	4,022	(393)	(429)
Environment and Public Health	914	892	1,602	2,165	(688)	(1,273)
Public Order	243	223	624	623	(380)	(400)
Community Gallery	82	81	420	431	(338)	(350)
Open Spaces	565	553	3,394	3,248	(2,829)	(2,695)
Open Spaces Buildings	0	0	979	857	(979)	(857)
Sports Fields	0	0	530	530	(530)	(530)
Cemeteries	417	398	330	301	87	97
Vegetation Management	289	269	410	464	(121)	(195)
Sub Total	6,914	6,498	12,907	14,020	(5,993)	(7,522)
Civil Services Division						
Asset Management	322	278	1,315	1,527	(994)	(1,249)
Stormwater and Env Protection	463	467	959	1,100	(497)	(633)
Roads and Bridges	1,055	1,045	3,818	3,517	(2,763)	(2,471)
Ancillary Transport Services	199	212	995	1,165	(796)	(953)
Transport NSW	964	963	725	811	239	152
Ferry, Wharves and Jetties	569	627	654	760	(85)	(133)
Emergency Services	243	232	617	621	(374)	(389)
Quarries and Sandpit	70	68	52	55	18	13
Landfill and Resource Mgmt	8,774	8,552	7,415	7,579	1,359	973
Domestic Waste Management	8,400	8,382	8,760	8,785	(360)	(403)
Sub Total	21,059	20,826	25,310	25,920	(4,251)	(5,094)
Corporate and Community Division						
Governance	0	0	1,052	1,039	(1,052)	(1,039)
Communications	37	35	494	566	(457)	(531)
Financial Services	30,663	30,804	338	366	30,325	30,438
Information Services	266	246	2,815	2,851	(2,549)	(2,605)
People and Culture	191	181	140	277	51	(96)
Property Management	1,998	2,000	1,103	1,195	895	804
Flat Rock Tent Park	441	360	303	324	138	36
Ballina Byron Gateway Airport	8,040	6,279	5,371	4,784	2,669	1,495
Community Facilities	569	459	1,139	1,329	(570)	(871)
Facilities Management	44	40	412	346	(368)	(306)
Library Services	171	173	1,611	1,604	(1,440)	(1,431)
Swimming Pools	1,070	1,020	1,834	1,846	(765)	(826)
Tourism	70	62	444	568	(373)	(506)
Plant Operations	4,982	5,046	3,100	3,172	1,882	1,875
Sub Total	48,542	46,705	20,156	20,267	28,386	26,438
Operating Result (excl deprec)	76,515	74,027	58,373	60,204	18,142	13,822
Depreciation and Non-Cash	0	0	19,197	19,197	19,197	19,197
Operating Result (incl deprec)	76,515	74,027	77,570	79,401	(1,055)	(5,374)

The depreciation expense in Table 1 represents budgeted amounts. This figure is prior to end of year accounting journals. This is a difficult item to forecast, and is dependent on the timing of new expenditures and disposal of assets each year, as well as being impacted by revaluation of asset classes in the previous year.

Other year-end adjustments include a review of capital expenditure incurred during the year as well as amounts that have been held on the balance sheet as capital works in progress.

9.7 Budgets Carried Forward and Reserve Movements

A preliminary review of capital expenditure jobs for the 2020/21 year indicates that approximately \$820,000 of expenditure incurred under capital job numbers will need to be reclassified to operating expenditure.

The larger individual items in this review were the Shaws Bay Dredging, \$580,000, and approximately \$40,000 in maintenance expenditure on community facilities.

Brief comments for each section on the major items of interest for the final quarter of the year (i.e. comparisons to forecast) are as follows:

Planning and Environmental Health Division

Strategic Planning

Operating income for this section includes a \$361,000 contribution received from the developers of the EPIQ estate. This contribution had not been included within the budget. This figure represents the net difference in contributions due as compared to the cost of constructing the new EPIQ amenities / sport fields building. The funds will be transferred to an internal reserve for open space improvements.

The next part of this report identifies net expenditure budgets of \$522,700 to be carried forward to the next financial year. The larger components of the carry forward is \$200,000 for the Koala Management and Biodiversity project, funded from the Bushfire Recovery Grant, and a net \$88,000 for the Cultural Ways project.

Other carry forwards totalling \$234,700 are for Plans of Management, SOS Koala Projects, rezoning projects and other identifiable projects on-going.

The largest variation for all other operating budgets was within employee costs, with actual cost of \$47,000 below the budgeted figure of \$934,000.

Development Services

Total income of \$3,618,000 was marginally above budget, being \$25,000 above the budget of \$3,593,000.

Total expenses were also very close to budget, being \$11,000 lower than the budget of \$4,022,000.

Legal expenses for this section totalled \$736,000, which ended up \$21,000 above budgeted amounts.

Environmental and Public Health

Operating income was over budget by \$22,000.

Grant funding for Lake Ainsworth Coastal Management Plan not received. With this work not yet completed, grant income of \$132,000 has been deferred to 2021/22. Similarly, grant funding of \$31,000 for Riparian Rehabilitation on Private Land has been deferred to 2021/22.

9.7 Budgets Carried Forward and Reserve Movements

The above were partially offset by a State Government Grant of \$140,000 was received late in 2020/21 for funding of the Contaminated Lands Officer. This amount has been placed in reserve to fund expenditure in 2021/22.

Apart from the carry forwards noted above, the largest individual variation in operating incomes was for OSSM approval renewals, being \$19,000 over budget.

Operating expenditure was \$563,000 below forecast.

Of this, amounts totalling \$255,000 are items for carry forward to 2021/22, the largest individual item being the Lake Ainsworth Coastal Management Plan budget of \$148,000.

The carry forward expenditure also includes \$43,000 for the Contaminated Lands Officer, \$30,000 of salary savings, \$20,000 for Riparian Rehabilitation and \$14,000 Marom and Chilcotts Creek.

Unspent budgets totalling \$250,000, being \$200,000 for Emigrant Creek Stabilisation, \$44,000 for Healthy Waterways and \$6,000 for Shaws Bay CMP have been placed back into reserves for when required.

Significant operational savings were realised, with employee costs \$97,000 below budget, with \$30,000 of those savings carried forward.

Public Order

Operating income was above budget by \$20,000, with parking fines over budget by \$18,000. Operating expenditure was on budget, at \$624,000 in total.

A budget of \$2,000 has been carried forward towards the purchase of the hydrobath for the animal shelter.

Community Gallery

Operating income was on budget in total.

Unbudgeted grant income of \$5,000 was received from the Department of Regional NSW for the Ignite Youth Digital Animator project.

Gallery fees and charges combined were below budget by \$4,000.

For expenditure budgets, there are carry forwards totalling \$15,000 corresponding to grants received.

Open Spaces

Operating income was \$12,000 more than forecast.

The larger factors were contributions from the National Disability Insurance Scheme (NDIS) \$20,000 more than forecast, and income from Seven Mile Beach 4WD Permits \$12,000 above forecast.

9.7 Budgets Carried Forward and Reserve Movements

The above increases were offset in part by budgeted income of \$14,000 for the Discovery Holiday Park not received and budgeted income for Open Spaces Long Term Licences below by \$5,000.

Expenses were \$146,000 more than forecast.

General Open Spaces Operation expenses were \$53,000 above budget. These higher than anticipated costs are attributed to playground equipment repairs and graffiti removal costs.

Employee Costs were \$37,000 above budget, with a reallocation of a staff member costs to this section (with the budget sitting in the Civil Services Division following an internal structure review). This was offset by salary savings in the Civil Services Division.

Tree maintenance was \$33,000 above budget, nursery operations \$11,000 above budget and beach maintenance and Skatepark/Amphitheatre maintenance both \$7,000 above budget.

Demands for tree maintenance remain high.

Open Spaces Buildings

Operating expenditure was over budget by \$122,000.

Within Open Spaces building expenditure, internal rates and charges was above budget by \$28,000, attributable to higher water usage, and Vandalism and Building Maintenance had a combined \$9,000 above budget.

Public Toilets expenditure was \$26,000 over budget, with high costs for both vandalism and cleaning contracts.

For other amenities, the larger overs in expenditure were: Picnic tables and Shelters, \$21,000; Electric Barbeques, \$24,000.

Sports Fields Building Maintenance was \$13,000 over budget.

Sport Fields

Total Sports Fields Grounds operating expenditure was on budget.

Cemeteries

Cemetery fees were \$19,000 above forecast and operating expenses \$29,000 above forecast. This results in the transfer to the cemeteries reserve of \$36,000 comparing to the forecast of \$47,000.

Vegetation Management

Operating income of \$289,000 was recognised for this section, being \$20,000 over forecast. An unbudgeted amount of \$21,000 was received for Coastal Grove/Amber Drive Compensatory works. This has been placed into reserve for future works.

Operating expenditure was \$54,000 below budget.

9.7 Budgets Carried Forward and Reserve Movements

Carry forwards of \$53,000 includes \$31,000 for Asset Protection Zone Bushfire Recovery and \$22,000 for Indigenous Area Repair Bushfire Recovery.

Civil Services Division

Asset Management

Operating income was over budget by \$44,000.

The Development Engineer Inspection Fees and Section s7.11 Plans Administration Fees were over budget by \$30,000 and \$15,000, respectively.

Unbudgeted fee income of \$5,000 was received for Use of Public Land.

An operating grant budget of \$6,600 for the Country Passenger Transport Infrastructure Scheme (CPTIGS) has been deferred to 2021/22, with this work not yet commenced.

Operating expenditure was under budget by \$212,000.

Salaries budgets were under budget by \$158,000 resulting from staff leave, staff vacancies and employee being charged elsewhere following an internal structure review process.

A carry forward expenditure budget of \$6,600 is for the CPTIGS planned expenditure.

Stormwater and Environmental Protection

Operating income was marginally under budget, a variation of \$4,000.

An income budget of \$15,000 for the Ballina Floodplain Management Plan has been carried forward. Unbudgeted income of \$10,000 was received for Ballina Flood Study Third Parties.

Operating expenses were \$141,000 less than forecast.

The carry forward budgets for projects in progress includes \$15,000 for Ballina Floodplain Management Plan, \$10,000 for Ballina Flood Management Third Parties and \$25,000 for Canal Dredging.

A further \$17,000 expenditure budget is carried forward, being the unspent 2020/21 budget for Boat Ramps Contract Cleaning.

With the contract recently put out to tender, it is anticipated that the adopted 2021/22 budget will be insufficient.

Amounts totalling \$38,000, being \$32,000 unspent budget for the Coastal Zone Management Plan, and \$6,000 for the Tanamera Drain Vegetation Maintenance have been transferred to reserve until required.

Other operational savings net to \$36,000, with the largest under being for Beach and Foreshore Maintenance.

9.7 Budgets Carried Forward and Reserve Movements

Roads and Bridges

Operating income was over budget by \$10,000. Natural Disaster Funding of \$45,000 was received, against a budget of \$38,000.

Operating expenditure for this section as a whole was \$301,000 more than budget.

A significant expenditure occurred with our response to the Natural Disaster event of March 2021 and this amounted to \$209,000 in 2020/21 and this was unbudgeted.

Council has responded to Transport NSW regarding this event with forecast estimates for our expenditure on emergency works, immediate reconstruction works and asset reconstruction works and expect grant funding to be offered under disaster assistance arrangements in 2021/22.

Operating expenditure exceeded allocated budget in the Roads and Bridges section by \$86,000 and this occurred primarily in the areas of urban roads vegetation management, rural roads vegetation management and in street sweeping with an unbudgeted waste fee increase.

This expenditure was offset by savings in other Engineering Works operating areas of Stormwater and Environmental Protection and Ancillary Transport Services.

Ancillary Transport Services

Operating income was \$13,000 below forecast.

Private works income was \$16,000 below forecast with low activity continued during 2020/21. This is offset by lower expenditure.

Operating expenditure was \$170,000 below budget.

Of total budgeted expenditure, \$64,000 of unspent budgets are being carried forward to 2021/22, with details provided in Table 4. Private works expenditure was \$18,000 below forecast, consistent with the reduced private works income.

Other net savings of \$88,000 were recognised, with the largest areas being \$48,000 for Road and Traffic Signs.

Transport NSW

Costs in this section are funded by a grant from Transport NSW.

Total Transport NSW income received in 2020/21 was \$964,000. The combined operating and capital expenditure in this section totalled \$828,100.

Expenditure (of the difference \$135,900) within the Roads and Bridges section is also identified as eligible for the acquittal of the Transport NSW funding.

All amounts received have been fully acquitted.

9.7 Budgets Carried Forward and Reserve Movements

Ferry, Wharves and Jetties

Budgeted operating income for this section included grant income of \$90,000 for the Martin Street Boat Harbour Concept Design.

This project has not yet commenced, so this income budget is carried forward to 2021/22.

The remaining operating income for this section, which relates to the ferry, was \$33,000 above budget, with the main component for the increase relating to season tickets.

Operating expenditure for this section was \$106,000 below budget.

Of this, budgeted expenditure of \$120,000 for the Martin Street Boat Harbour Concept Design is carried forward.

Ferry operating expenses were \$28,000 over budget, predominantly for operation expenses.

The wharves / jetty total expenditures, excluding the Concept Design, were \$13,000 under budget, due to lower than budgeted general maintenance expenses.

Emergency Services

Income for this section comprises an annual maintenance and repair grant and a hazard reduction grant.

In addition, for the 2020/21 year, the Office of Local Government provided a payment of \$107,800 for 2020/21 as a one-off subsidy to assist with the increased emergency service levies charged to councils.

In June 2021, a further unbudgeted subsidy of \$8,000 was provided towards the 2021/22 levies. This additional subsidy has been calculated by the Office of Local Government using the 2018/19 emergency service levy as a benchmark, to ensure that the levy for the 2021/22 year is no more than that charged for 2018/19. This amount has been transferred to reserve to help fund the 2021/22 expenditure.

The 2020/21 budgeted hazard reduction grant was only \$8,300, following on from a decrease to the budget made in the December quarterly budget review, from an initial adopted budget of \$64,000. This decrease was required following a review by the NSW Rural Fire Service of eligibility requirements.

Usually the budgeted expenditure is set to match the budgeted grant income.

Given that the program of works was already in progress, the budgeted expenditure of \$64,000 was not amended at that time.

The actual hazard reduction expenditure for the 2020/21 has amounted to \$52,100, so has been able to be reined in at \$12,000 below the adopted budget.

Partially offsetting the savings, Emergency Services expenses were \$8,000 above budget, predominantly due to sundry SES expenses.

9.7 Budgets Carried Forward and Reserve Movements

Overall, the net operating result for this section was \$15,000 favourable to budget.

Quarries and Sandpit

Operating income and expenditures were close to budget.

Landfill and Resource Management (LRM)

A net surplus of \$1,359,000 was achieved, comparing to the March forecast surplus of \$973,000.

Operating income exceeded forecast by \$222,000, with disposal fees over by \$110,000 and recycling revenue over by \$106,000.

Operating expenditure was \$164,000 below forecast, with the variation predominantly relating to disposal costs.

The expenditure budget of \$50,000 has been carried forward for the Wardell Tip Rehabilitation.

Domestic Waste Management (DWM)

DWM operations produced a net deficit of \$360,000 compared to the March forecast deficit of \$403,000.

Operating income was \$18,000 above budget.

Operating expenditure was \$25,000 below budget. The largest individual saving was for Promotion Waste Education, with expenditure of \$20,300 compared to budgeted \$40,000.

Corporate and Community Division

Governance

Operating expenditures was close to budget, \$13,000 over in total.

Communications

Operating income was very close to budget.

Operating expenditures were \$72,000 below budget. The largest underspends related to Festival Events, \$53,000, with the impacts of cancelled events due to the Covid-19 pandemic. Donations were also under budget, by \$37,000, of which \$11,400 are carried forward for 2021/22.

Financial Services

A budgeted dividend of \$77,000 from the Water and Wastewater Funds is yet to be finalised as part of year end accounting journals.

Similar to previous years, part of the Financial Assistance Grant (FAG) has been paid in advance, with advance funds sitting in reserve.

9.7 Budgets Carried Forward and Reserve Movements

Operating expenses were \$28,000 below forecast, with savings of \$25,000 in employee costs carried forward for project work to be completed in 2021/22.

Information Services

Information fee income for the year included \$159,000 Information Fee Income, comparing to a budget of \$145,000.

The adopted 2021/22 budget includes only \$75,000 for this income, with that forecast being for the six months to 31 December 2021.

As was reported to the June 2021 Ordinary Meeting, regulation changes (with a six month transition period from 1 July 2021) had been announced by the State Government. Those changes were thought to impact on Council's Information Fee as well as Compliance Levies for development applications.

The 2021/22 adopted income budgets were subsequently reduced to 50% of their initial forecast, with subsequent years reduced to nil.

Recent advice suggests that the changes to the EP&A Regulation appear to be specific to Compliance Levies and may not impact on the Information Services Levy. This would mean that Council may be able to continue to charge the Information Services Levy post 31 December 2021.

Council staff are continuing to engage with the Department of Planning, Industry and Environment, to determine if this is the case. Any budget changes for 2021/22 and subsequent years will be presented as part of the September 2021 quarterly budget review.

Operating expenses, in total, were \$36,000 below budget.

Unspent Projects budget of \$39,000 has been carried forward to 2021/22.

People and Culture

Operating income in this section includes long serve leave contributions received from other local government authorities, on the start of new employees coming from local government.

This income received was \$11,000 above budget.

The expenditure section of the budget manages, amongst other things, staff leave, superannuation, recoupment of on-costs (a negative expense) and workers compensation for the entire organisation with a total expenditure budget of approximately \$7.9 million.

Overall, the expenditure variances are comparatively small, with a positive variance of \$137,000 representing 1.7% of budget.

There is carry forward expenditure of \$31,000 relating to the grant funded Elson Dixon Employment program.

9.7 Budgets Carried Forward and Reserve Movements

Property Management

The total operating income of \$1,998,000 was very close to budget of \$2,000,000, with no individually large variations.

To note, year-end accounting transactions will include a revaluation of investment properties completed as at 30 June 2021. That adjustment has not been included in the results shown in this report.

Across this portfolio, operating expenses of \$1,103,000 were below budget by \$92,000, with the larger variations to budget noted below.

Council owned residential property expenses were \$21,000 below budget, with building maintenance savings accounting for \$15,000.

Employee costs were \$19,000 less than budget.

There is carry forward expenditure of \$30,000 relating to the Feasibility Study for the Film Studio. That study was finalised in July 2021 with Council's contribution now paid.

Flat Rock Tent Park

Operating income was \$81,000 above budget, with the budget having already been revised up by \$43,000 at the March 2021 Quarterly Financial Review.

The adjustment had been kept conservative, with uncertainty around the continuance of income that had trended well during the year.

Operating expenditure was \$21,000 below budget, with the largest variation being \$45,800 for contract management costs, partially offset by a number of overs including overs in grounds maintenance due to internal hire charges for a lawnmower.

Ballina Byron Gateway Airport

The Airport achieved an operating surplus of \$2,669,000 excluding depreciation. This was \$1,174,000 better than the March forecast.

Operating income was \$1,761,000 above forecast.

Passenger charges exceeded budget by \$897,000, with actual income of \$3,267,000. This strong result follows from strong flight numbers for the latter part of the year, and has similar flow on impacts for other key revenue streams.

Mandated security charges (income) exceeded budget by \$217,000, with actual income of \$1,617,000.

Car Rental income exceeded budget by \$308,000, with actual income of \$1,058,000.

Car Parking income exceeded budget by \$157,000, with actual income of \$707,000.

9.7 Budgets Carried Forward and Reserve Movements

Airline contribution to CAGRO costs exceeded budget by \$71,000, with actual income of \$521,000.

Operating expenditure was \$587,000 above the March forecast.

Security costs were \$377,000 over budget, at a total of \$1,407,000.

This increase was partly due to the spread of hours required for MSS to provide services to the early morning / late departure flights.

Airlines are currently charged a flat charge during the year and then a formal reconciliation process is completed at the end of the year for this additional operational cost (eg additional mandated security charges).

The Airlines have been invoiced for these additional charges.

Employee costs were \$130,000 over budget, in line with the increases in airport activity.

Significant costs were incurred specifically for Covid-19 response, with actual costs of \$261,000 exceeding the budget of \$210,000 by \$51,000.

Community Facilities

Total operating income was \$110,000 above forecast, with all facilities exceeding budget.

Ballina Indoor Sports Centre total income was \$40,000 above budget, at \$146,000.

Ballina Surf Life Saving Club casual room hire was \$31,000 over budget, at \$127,000.

Richmond Room hall hire income was \$20,000 over budget, at \$33,000.

Lennox Head Cultural Centre, Kentwell Community Centre and Alstonville Cultural Centre were \$9,000, \$6,000 and \$4,000 over budget, respectively.

Total expenditure was \$190,000 below budget.

Employee costs charged to this section were \$132,000 below budget.

This under was due to a reduction in operating hours at the BISC, and the cessation of the staffing of Alstonville Cultural Centre in October 2020 as this building was licensed to Byron Film Studios.

Expenditure for the Ballina Indoor Sports Centre were \$26,000 under budget, with the largest contributor being \$12,000 savings in the Cleaning Contracts budget.

Expenditure for the Richmond Room was \$22,000 under budget, with the 2020/21 budget of \$13,000 for the external painting program unspent.

These works will be undertaken in 2021/22.

9.7 Budgets Carried Forward and Reserve Movements

Facilities Management

Actual income exceeded budget by \$4,000. This variation predominantly related to income from Northlakes Hall.

Actual expenditure exceeded budget by \$66,000. Depot expense exceeded budget by \$50,000, with \$39,000 of the variation from overs in maintenance budgets.

Depot stockpile expenses accounted for \$10,000 of the total overs.

Library Services

Operations came in close to forecast.

Swimming Pools

Operating income for both pools have exceeded (March) budgets.

Ballina pool income for the year of \$704,400 was \$37,000 more than the forecast. Alstonville pool income for the year of \$365,000 was \$12,000 more than the forecast.

Overall expenditure for Ballina pool was \$765,000 which was \$43,000 over forecast. Electricity, rates and charges (inclusive of water usage) and maintenance were higher than forecast, \$29,000, \$16,000 and \$14,000 respectively.

There were savings in working expenses and chemicals.

Overall expenditure for Alstonville pool was \$594,000 which was \$50,000 below forecast.

Management contract costs and Lifesaving contractors had combined savings of \$27,000.

Working expenses and chemicals were both \$12,000 under forecast.

Tourism

Operating income was \$8,000 above budget, with the variation mostly attributable to souvenir sales.

Operating expense was \$124,000 below budget.

The larger savings were for employee costs of \$61,000 and Tourism Promotional expenses of \$42,000.

Of the unspent Promotional expenses, \$20,000 has been carried forward to 2021/22 for committed expenditure that was delayed due to Covid restrictions.

Plant Operations

The net operating result was \$7,000 above forecast.

9.7 Budgets Carried Forward and Reserve Movements

Plant charged to works was \$82,000 less than forecast.

Total expenditures for fleet and plant operations, main contributor being plant repairs, were below budget by \$54,000. Total expenditures for workshop operations, also within this section, were below budget by \$18,000.

Water Operations

The preliminary result for Water Operations is shown in Table 2, with a comparison to the March forecast.

Table 2 - Water Operations – Draft Financial Results (\$'000)

Item	Actual	Budget
Operating Revenues	12,940	13,259
Operating Expenses	11,130	11,200
Operating Result (excluding depreciation)	1,809	2,059
Depreciation and Non-Cash Expense	2,270	2,270
Operating Result (including depreciation)	(461)	(211)
Capital Income	700	620
Capital Expenditure	2,404	2,643
Net Cash Increase	105	36

The depreciation expense shown is the budgeted figure, with the actual depreciation yet to be finalised.

The operating result, inclusive of depreciation is a deficit of \$461,000, an unfavourable variation of \$250,000 from budget.

Operating income was \$319,000 below the March 2021 forecast, which is a variation of 2.4%.

The variation to budget was largely attributable to lower than forecast water consumption for residential assessments for the last quarter and lower than forecast interest income.

Operating expense was reasonably close to budget, \$70,000 less than forecast, which is a variation of less than 1.0%.

A carry forward budget of \$41,000 is identified for the unspent budget for the Integrated Water Cycle Management Plan.

The budgeted dividend of \$34,000, payable to the General Fund, is yet to be finalised as part of year end accounting journals and has not been included in the actual operating expenses shown above.

The capital income figure in Table 2 refers to developer contributions which amounted to \$700,000 for the year.

Capital expenditure was \$2,404,000 which was a net \$239,000 less than the total forecast, although main renewal works were \$267,000 above budgeted spend and trunk mains were \$58,000 above budgeted spend.

Budgets carried forward for works not completed total \$563,000.

9.7 Budgets Carried Forward and Reserve Movements

Wastewater Operations

The preliminary result for Wastewater Operations is shown in Table 3, with a comparison to the March forecast.

Table 3 - Wastewater Operations – Draft Financial Results (\$'000)

Item	Actual	Budget
Operating Revenues	23,292	21,140
Operating Expenses	13,231	13,478
Operating Result (excluding depreciation)	10,061	7,662
Depreciation and Non-Cash Expense	4,500	4,500
Operating Result (including depreciation)	5,560	3,162
Capital Income	1,728	1,530
Capital Expenditure	4,491	6,319
Net Cash Increase	7,298	2,873

The depreciation expense shown is also the budgeted figure, with the actual depreciation yet to be finalised.

The operating result, inclusive of depreciation is a surplus of \$5,561,000, a favourable variation of \$2,398,000 from budget.

Operating income was \$2,152,000 above the March 2021 forecast.

A large part of this related to a confidential legal settlement for the Ballina Wastewater Treatment Plant contract. The settlement had not been included in the adopted budgets.

Operating expense was \$247,000 less than forecast, a variation of 1.8%.

The largest variation in operating expenditure was for mains maintenance, which was \$115,000 below budget.

A carry forward budget of \$91,000 is identified for the unspent budget for the Integrated Water Cycle Management Plan.

The budgeted dividend of \$43,000, payable to the General Fund, is yet to be finalised as part of year end accounting journals and has not been included in the actual operating expenses shown above.

The capital income figure in Table 4 refers to developer contributions which amounted to \$1,728,000 for the year.

Capital expenditure includes loan capital repayments of \$2,700,000 whilst total capital expenditure on assets was \$1,828,000 less than forecast.

Budgets carried forward for works not completed total \$1,001,000.

Works Carried Forward and Reserve Transfers

It is important for budgeting purposes that any incomplete projects / tasks / actions that are still on-going are carried forward to the next year (2021/22).

9.7 Budgets Carried Forward and Reserve Movements

This ensures that the current budget reflects the totality of the works and services program.

Tables 4 and 5 show works proposed to be commenced or completed in 2021/22.

Items in Tables 4 and 5 have previously been approved by Council, unless noted otherwise in this report, and the designated funding source will also be carried forward.

Table 4 represents operating expenses forecast for 2020/21 that did not occur, which then improves the operating result for that year.

Once these budgets are carried forward the forecast operating result for 2021/22 is adversely impacted.

Table 5 represents capital projects forecast for 2020/21, not yet completed, and now proposed for commencement or completion in 2021/22.

Table 6 shows further proposed revisions to the adopted 2021/22 budgets.

Table 7 shows transfers to or from reserves for 2020/21 that are in addition to previously approved budget transfers.

Table 4 - Operating Items Carried Forward to 2021/22 (\$)

Description	Expenditure	Income	Net	Comment
Planning and Environmental Health Division				
<i>Strategic Planning</i>				
Koala Management and Biodiversity (Bushfire funds)	200,000		200,000	Project not commenced
Cultural Ways	124,000	36,000	88,000	Carry forward expenditure and grant income for work in progress
Streets as Shared Spaces	3,000		3,000	Project in progress
Ballina LEP 2012 Deferred Matters Projects	40,000		40,000	Project not commenced
Heritage Programs	16,000		16,000	Project not commenced
Plans of Management (including Crown)	77,000		77,000	Project in progress
SOS Koala Projects	50,000		50,000	Projects in progress
Rezoning and Planning Proposals	48,700		48,700	LEP reviews in progress
<i>Environmental and Public Health</i>				
Contaminated Lands Officer	43,000	(140,000)	183,000	Grant funding which had been budgeted for 2021/22 was received late 2020/21 (in advance), so 2021/22 income budgets need to be revised down. Placed into reserve to fund the expenditure in 2021/22

9.7 Budgets Carried Forward and Reserve Movements

Description	Expenditure	Income	Net	Comment
Lake Ainsworth Coastal Management Plan	148,000	132,000	16,000	Carry forward of expenditure and grant income budgets for works in progress
Riparian Rehabilitation on Private Land (MEMS funded)	20,000	31,000	(11,000)	Carry forward of expenditure and grant income budgets for works in progress
Marom and Chilcotts Creek	14,000		14,000	Project in progress
Environmental Health Officer Salaries	30,000		30,000	Part of salary savings carried forward
<i>Public Order</i>				
Companion Animal Programs	2,000		2,000	Purchase of hydrobath for the animal shelter, funded by Office of Local Government
<i>Community Gallery</i>				
NSW Audience Development Program	1,000		1,000	Project in progress
FACS Youth Opportunity	6,000		6,000	Project in progress
Regional Arts – CASP Grant	1,000		1,000	Project in progress
Arts Northern Rivers - Arts Restart funding	7,000		7,000	Project in progress
<i>Vegetation Management</i>				
Asset Protection Zone Bushfire Recovery	31,000		31,000	Project in progress
Indigenous Area Repair Bushfire Recovery	22,000		22,000	Project in progress
Division Total	883,700	59,000	824,700	
Civil Services Division				
<i>Asset Management</i>				
Country Passenger Transport Infrastructure (CPTIGS)	6,600	6,600	0	Project not commenced
<i>Stormwater and Environmental Protection</i>				
Ballina Flood Plain Management Plan	15,000	15,000	0	Carry forward of expenditure and contributions
Ballina Flood Management 3rd Party	10,000		10,000	Projects in progress
Boat Ramps Contract Cleaning	17,000		17,000	Carry forward of unspent budget as 2021/22 adopted budget will be insufficient (currently out to tender)
Canal Dredging	25,000		25,000	Works in progress
<i>Ancillary Transport Services</i>				
Street Lighting Megan Crescent	13,000		13,000	Works in progress
Street Lighting Quays Drive West Ballina	10,000		10,000	Works in progress

9.7 Budgets Carried Forward and Reserve Movements

Description	Expenditure	Income	Net	Comment
Street Lighting Tamar Street Ballina	6,000		6,000	Works in progress
Street Lighting Ceretto Circuit Wollongbar	15,000		15,000	Works in progress
Alstonville Town Centre Lights/Furniture	20,000		20,000	Works in progress
<i>Ferry, Wharves and Jetties</i>				
Martin Street Boat Harbour Concept Design	120,000	90,000	30,000	Project not commenced
<i>Landfill and Resource Management</i>				
Wardell Tip Rehabilitation	50,000		50,000	Project not commenced
Division Total	307,600	111,600	196,000	
Corporate and Community Division				
<i>Communications</i>				
Donations Miscellaneous	1,400		1,400	Donations outstanding from 2020/21
Donations Sporting Groups	10,000		10,000	Donations outstanding from 2020/21
<i>Financial Services</i>				
Financial Services Salaries	25,000		25,000	Salary savings carried forward for project work
<i>Information Services</i>				
Projects	39,000		39,000	Projects in progress
<i>People and Culture</i>				
Elson Dixon Employment	31,000		31,000	Project in progress
<i>Property Management</i>				
Feasibility Study Film Studio	30,000		30,000	Project in progress
<i>Tourism</i>				
Tourism Promotional Expenses	20,000		20,000	Amounts committed but delayed due to Covid restrictions
Division Total	156,400	0	156,400	
GENERAL FUND TOTAL	1,347,700	170,600	1,177,100	
Water Operations				
Integrated Water Cycle Management Plan	41,000		41,000	Project in progress
WATER FUND TOTAL	41,000		41,000	
Wastewater Operations				
Integrated Water Cycle Management Plan	91,000		91,000	Project in progress
WASTEWATER FUND TOTAL	91,000		91,000	

9.7 Budgets Carried Forward and Reserve Movements

Table 5 - Capital Items Carried Forward to 2021/22 (\$)

Description	Expenditure	Income	Net	Comment
Planning and Environmental Health Division				
<i>Environmental and Public Health</i>				
Shaws Bay Coastal Management Plan	171,000	63,000	108,000	Carry forward of expenditure and grant income for work in progress
<i>Community Gallery</i>				
Gallery improvements (funded by Stronger Country Communities)	19,000		19,000	Works in progress
<i>Open Spaces</i>				
State Grant funding – Pop Denison Master Plan		131,000	(131,000)	Carry forward of grant income
Federal Grant funding, Local Roads and Community Infrastructure (LRCI)		(18,000)	18,000	Reduction to 2021/22 income budget with this funding received in 2020/21
Wollongbar District Park	757,000		757,000	Works in progress
Park Shelters & BBQ	59,000		59,000	Works in progress
Meldrum Park Shade Shelter	43,000		43,000	Works in progress
Missingham Design	16,000		16,000	Works in progress
Compton Drive Dog Exercise Area	4,000		4,000	Works in progress
Crown Reserve Capital Improvements	9,000		9,000	Works in progress
Ocean Breeze Reserve Plan of Management	89,000		89,000	Project in progress
Ross Park	243,000		243,000	Works in progress
Riverview Park	93,000		93,000	Works in progress
<i>Open Spaces Buildings</i>				
Federal Grant funding, Local Roads and Community Infrastructure (LRCI)		(35,000)	35,000	Reduction to 2021/22 income budget with this funding received in 2020/21
Public Amenities Improvement (LRCI funded)	80,000		80,000	Project not commenced
<i>Sports Fields</i>				
Kingsford Smith Reserve Club Improvements	100,000	100,000	0	Carry forward of expenditure and grant income budgets for project not commenced
Federal Grant funding, Local Roads and Community Infrastructure (LRCI)		(30,000)	30,000	Reduction to 2021/22 income budget with this funding received in 2020/21
Ballina Heights Sportsfield Drain	64,000		64,000	Works in progress
Ballina Heights Lighting	166,000		166,000	Works in progress
Division Total	1,913,000	211,000	1,702,000	

9.7 Budgets Carried Forward and Reserve Movements

Description	Expenditure	Income	Net	Comment
Civil Services Division				
<i>Asset Management</i>				
Country Passenger Transport Infrastructure	22,000	22,000	0	Project not commenced
<i>Stormwater and Environmental Protection</i>				
Wollongbar Sports Field Access, Local Roads and Community Infrastructure (LCRI)	26,000	100,000	(74,000)	Carry forward of expenditure and grant income budgets for works in progress
Ballina Tidal Gates (part funded by state Resilience to Climate Change)	153,000	24,000	129,000	Carry forward of expenditure and grant income budgets. Project not commenced, but grant funding of 80% received 2020/21
Dodge Lane Lennox Head	88,000		88,000	Works in progress
Alison Avenue Lennox Head	53,000		53,000	Works in progress
Moon Street (Tamar Street to Holden Lane)	69,000		69,000	Works in progress
Stormwater Data Collection	49,000		49,000	Works in progress
Bangalow Road (Moon Street intersection)	80,000		80,000	Works in progress
Urban Stormwater Management Action Plan	25,000		25,000	Project not commenced
Kerr Street (Tamar Street Richmond River)	139,000		139,000	Works in progress
Ballina Fair	60,000		60,000	Project not commenced
Urban Lanes Drainage	25,000		25,000	Works in progress
Urban Stormwater Reticulation Renewal	91,000		91,000	Works in progress
<i>Roads and Bridges</i>				
Airport Boulevard	(547,000)	(1,005,000)	458,000	Reduction of 2021/22 budgets by amounts already expended and recognised in 2020/21. Total expenditure for 2020/21 was \$3,803,000, 2020/21 budget was \$3,256,000. Actual grant income recognised for 2020/21 was \$2,505,000, budget was \$1,500,000.
State Fixing Local Roads (FLR) Grant Income		169,000	(169,000)	Carry forward of grant income to receive
Byron Bay Road/Ross Lane	75,000	75,000	0	Works in progress
Kerr Street/Bentinck Street	(2,000)	1,000	(3,000)	Reduction of 2021/22 expenditure budget by amounts expended and carryforward of grant income to receive
Federal Grant funding, Local Roads and Community Infrastructure (LRCI)		40,000	(40,000)	Carryforward of grant income to receive for projects in progress

9.7 Budgets Carried Forward and Reserve Movements

Description	Expenditure	Income	Net	Comment
Urban Roads Reseals	30,000		30,000	Works in progress
Rural Roads Reseals	45,000		45,000	Works in progress
Urban Roads Heavy Patching	31,000		31,000	Works in progress
Rural Roads Heavy Patching	2,000		2,000	Works in progress
River Street & Lane Duplication Stage Two	311,000		311,000	Works in progress
River Street & Lane Duplication Stage Three	68,000		68,000	Works in progress
River Street & Lane Duplication Stage Four	17,000		17,000	Works in progress
Hutley Drive Middle Connection	92,000		92,000	Works in progress
Riverbank Road	240,000		240,000	Works in progress
Pearces Creek Bridge Repairs	14,000		14,000	Works in progress
Gibbon Street Segment 20	4,000		4,000	Works in progress
Angels Beach Drive / Bangalow Road Roundabout	93,000		93,000	Works in progress
Tamarind Drive North Creek/Kerr Street 4 lanes	42,000		42,000	Works in progress
Gibbon Street Segment 10	9,000		9,000	Works in progress
Barlows Road Connection	2,000		2,000	Works in progress
South Ballina Beach Road Segment 60	37,000		37,000	Works in progress
North Creek Road Tamarind to Southern Cross Drive	49,000		49,000	Project not commenced
Lennox Head Village Renewal	394,000		394,000	Works in progress
North Creek Road Segment 10&50	140,000		140,000	Works in progress
Fernleigh Road Segment 80	16,000		16,000	Works in progress
Stewart Street L/H Shoulder	10,000		10,000	Project not commenced
Crane Street Segment 30	10,000		10,000	Project not commenced
The Coast Road Segment 190 (FLR)	107,000		107,000	Works in progress
Wardell Road Segment 100 (FLR)	105,000		105,000	Works in progress
Southern Cross Drive Segment 50 (FLR)	12,000		12,000	Works in progress
Old Bagotville Road (Wollongbar to Ballina Handover)	75,000		75,000	Project not commenced
Eltham Road Segment 10 (LCRI)	185,000		185,000	Works in progress
<i>Ancillary Transport Services</i>				
Federal Grant funding, Local Roads and		(65,000)	65,000	Reduction to 2021/22 income budget with this funding received in 2020/21

9.7 Budgets Carried Forward and Reserve Movements

Description	Expenditure	Income	Net	Comment
Community Infrastructure (LRCI)				
Coastal Walk	327,000	83,000	244,000	Works in progress
Lighthouse Parade Bollards	74,000	96,000	(22,000)	Works in progress
Car Park Improvement Program	15,000		15,000	Works in progress
Shared Path – East (Coast Rd)	109,000		109,000	Works in progress
Suvla Street Shelly Beach Road East Ballina	150,000		150,000	Works in progress
Main Street Alstonville	4,000		4,000	Works in progress
Kerr Street Ballina	74,000		74,000	Works in progress
Canal Road Ballina	79,000		79,000	Works in progress
Coastal Walk Structure 5	17,000		17,000	Works in progress
<i>Ferry, Wharves and Jetties</i>				
North Creek Boatramp Lennox Carpark	28,000	(15,000)	43,000	Works in progress
<i>Emergency Services</i>				
Lennox Head Rural Fire Shed	117,000	(10,000)	127,000	Works in progress and reduction of 2021/22 income budget for amounts received in 2020/21
Division Total	3,540,000	(485,000)	4,025,000	
Corporate and Community Division				
<i>Property Management</i>				
Boeing Ave Lots Two and Three	131,000		131,000	Project in progress
Wollongbar Land Development Stage Three	330,000		330,000	Project in progress
<i>Ballina Byron Gateway Airport</i>				
Passenger Screening	(209,000)	(200,000)	(9,000)	Reduction of 2021/22 expenditure and grant income budgets by amounts expended and recognised in 2020/21
PALC and ALER	(18,000)		(18,000)	Reduction of 2021/22 expenditure budget by amounts expended in 2020/21
Apron Upgrades	87,000		87,000	Works in progress
Car Park Solar Boulevard	105,000		105,000	Works in progress
Baggage Area	50,000		50,000	Works in progress
Runway Widen/Strengthen	17,000		17,000	Works in progress
<i>Community Facilities</i>				
Ballina Community Men's Shed	51,000	51,000	0	Carryforward of expenditure and contribution income budgets
Alstonville Cultural Centre Improvements	146,000		146,000	Works in progress

9.7 Budgets Carried Forward and Reserve Movements

Description	Expenditure	Income	Net	Comment
Naval Museum	46,000		46,000	Works in progress
<i>Facilities Management</i>				
Depot Welders Bay Stage One Fitout	248,000		248,000	Works in progress
Pimlico Hall Upgrades	34,000		34,000	Works in progress
Northlakes Hall Upgrades	8,000		8,000	Project not commenced
Newrybar Hall Upgrades	9,000		9,000	Project not commenced
Federal Grant funding, Local Roads and Community Infrastructure (LRCI)		(82,000)	82,000	Reduction to 2021/22 income budget with this funding received in 2020/21
Ballina Surf Life Saving Hotwater (LRCI funded)	(15,000)		(15,000)	Reduction of 2021/22 expenditure by amounts expended in 2020/21
Wardell Hall Upgrades (LRCI funded)	(21,000)		(21,000)	Reduction of 2021/22 expenditure by amounts expended in 2020/21
Administration Centre Foyer (LRCI funded)	(25,000)		(25,000)	Reduction of 2021/22 expenditure by amounts expended in 2020/21
Division Total	974,000	-231,000	1,205,000	
GENERAL FUND TOTAL				
	6,427,000	-505,000	6,932,000	
<i>Water Services</i>				
Basalt Court Access Upgrade	305,000		305,000	Works in progress
Water Network Master Plan	62,000		62,000	Works in progress
Water Meter Replacement	98,000		98,000	Works in progress
Plant Purchases	98,000		98,000	Scheduled plant purchases
WATER FUND TOTAL	563,000	0	563,000	
<i>Wastewater Services</i>				
Pump Station Montwood Drive	31,000		31,000	Works in progress
Wastewater Network Master Plan	57,000		57,000	Works in progress
Lennox Head WWTP Membrane Replacement	400,000		400,000	Project not commenced
Lennox Head WWTP High Lift Switchboard	51,000		51,000	Works in progress
Lennox Head WWTP Refurb Belt Press	75,000		75,000	Works in progress
Alstonville WWTP Inlet Works	100,000		100,000	Project not commenced
Alstonville WWTP Solar	50,000		50,000	Project not commenced
Recycled Water Wollongbar Fields	42,000		42,000	Works in progress
Recycled Water Wardell WWTP	40,000		40,000	Project not commenced
Plant Purchases	155,000		155,000	Scheduled plant purchases
Wastewater Fund Total	1,001,000	0	1,001,000	

9.7 Budgets Carried Forward and Reserve Movements

Table 6 - Revisions to 2021/22 Budgets (\$)

Description	Expenditure Increase / (Decrease)	Income (Increase) / Decrease	Reserve Balance Increase / (Decrease)	Comment
GENERAL FUND				
Planning and Environmental Health Division				
<i>Community Gallery</i>				
Department of Regional NSW – Ignite Youth Digital Animator	5,000			NEW operating budget for funding received (unbudgeted) in 2020/21. Project not commenced.
<i>Open Spaces</i>				
Pop Denison Master Plan	171,000		(171,000)	ADDITIONAL capital expenditure of \$240,000 due to tender price negotiated, funded from S7.11 Open Spaces Developer Contributions Reserve, being for additional spend of \$69,000 in 2020/21 and additional \$171,000 for 2021/22.
Civil Services Division				
<i>Roads and Bridges</i>				
Teven Road Segment 52	(450,000)			Re-prioritisation of capital budgets, deferment of Segment 52 to allow bringing forward of Segment 60. Refer comments below table.
Teven Road Segment 60	447,000		3,000	Re-prioritisation of capital budgets, deferment of Segment 52 to allow bringing forward of Segment 60. Refer comments below table.
River Drive Segments 10-30	(280,000)			Re-prioritisation of capital budgets, deferment of Segments 10-30 to allow bringing forward of Segment 70. Refer comments below table.
River Drive Segment 70	330,000		(50,000)	Re-prioritisation of capital budgets, deferment of Segments 10-30 to allow bringing forward of Segment 70. Refer comments below table.
Lindendale Road Central Median	11,000	(14,000)	3,000	NEW capital budgets for expenditure and grant income for grant approved by Transport NSW. Total expenditure of \$14,000, with \$3,000 already expended in 2020/21.

9.7 Budgets Carried Forward and Reserve Movements

Description	Expenditure Increase / (Decrease)	Income (Increase) / Decrease	Reserve Balance Increase / (Decrease)	Comment
<i>Ancillary Transport Services</i>				
Coastal Walk	770,000	(670,000)	(100,000)	NEW capital budgets for funding announced under the NSW Bushfire Local Economic Recovery Fund (BLERF) Stage 2. Council co-contribution of \$100,000 from Ancillary Reserves. Works not commenced.
Corporate and Community Division				
<i>Plant Operations</i>				
Capital Purchases	(288,000)		288,000	Revised Plant Program. Refer comments below table.

Roads and Bridges

Design and survey work has commenced for the Road Reconstruction Program for the 2021/22 year. In commencing these investigations, it has been identified that there are two road segments which are of a deteriorated condition such that they warrant being included within the program for the current financial year. Teven Road and River Drive have recurrent funding under the current Delivery Program and Operational Plan (DPOP), and it is proposed to swap road segments between this financial year and next financial to advance reconstruction of the more deteriorated segment on each road.

Teven Road Segment 52 (\$450,000) is allocated to 2021/22 financial year of the DPOP while Teven Road Segment 60 is allocated to the 2022/23 (\$447,000) and 2023/24 (\$560,000) financial years. It is proposed that Segment 52 should be replaced with Segment 60 to advance the reconstruction of Segment 60 before Segment 52 due to its comparatively worse condition.

River Drive Segment 10-30 (\$280,000) is allocated to the 2021/22 financial year while River Drive Segment 70 (\$330,000) is allocated to the 2022/23 financial year.

In further reviewing the existing condition of various River Drive road segments, it is apparent that Segment 70 is in a far more deteriorated condition than Segments 10-30. It is therefore proposed, that Segment 70 be brought forward to 2020/21 and Segment 10-30 be re-prioritised to the 2022/23 financial year.

Plant Operations

The budget required for plant items carried forward from 2020/21 totals \$885,000. The adopted 2021/22 budgets included \$1,927,000 for plant purchases.

Council has been experiencing substantial delays in the delivery of plant items due to the Covid-19 pandemic. For the 2021/22 plant program, a budget of \$1,173,000 is to be deferred based on timing delays.

9.7 Budgets Carried Forward and Reserve Movements

The revised 2021/22 budget for plant purchases is \$1,639,000.

Table 7 - Additional Reserve Transfers for 2020/21 (\$)

Reserve Description	Amount	Comment
Planning and Environmental Health Division		
<i>Strategic Planning</i>		
Strategic Planning	28,000	Unspent Koala Study funds placed back into reserve
Public Art	11,000	Unspent Public Art Projects placed back into reserve
Section 7.11	759,900	Actual contributions plus interest of \$5,282,900 exceeded budgeted amount of \$4,523,000.
<i>Environmental and Public Health</i>		
Healthy Waterways and Environment Health Projects	226,000	Unspent budgets for Healthy Waterways and other projects
<i>Open Spaces</i>		
Open Spaces Projects and Facilities	361,000	Funds received from the EPIQ development.
Vegetation Reserves	26,000	Net of unspent amounts placed back into reserve
<i>Cemeteries</i>		
Cemetery Operations	(11,000)	Actual transfer to reserve was \$36,000 compared to budgeted transfer of \$47,000
Civil Services Division		
<i>Stormwater and Environmental Protection</i>		
Coastal Zone Management Plan	32,000	Net unspent budget
Tanamera Drain Vegetation Maintenance	6,000	Unspent budget
<i>Roads and Bridges</i>		
Alstonville Bypass	(1,800)	Actual interest of \$7,200 compared to budget of \$9,000
Ballina Bypass	(1,000)	Actual interest of \$16,000 compared to budgeted amount of \$17,000
<i>Emergency Services</i>		
Emergency Services Levy (ESL)	8,000	Additional payment received late June 2021 from Office of Local Government toward 2021/22 ESL
<i>Quarries and Sandpit Operations</i>		
Quarry Reserve	5,000	The actual transfer to reserve was \$18,000 compared to budgeted transfer of \$13,000 due to a slightly favourable operating result
<i>Landfill and Resource Recovery</i>		
Waste Reserve	385,400	Actual operating surplus of \$1,358,300 compared to a budgeted operating surplus of \$972,900
<i>Domestic Waste Management</i>		
DWM Reserve	43,300	Actual operating deficit of \$360,200 compared to a budgeted operating deficit of \$403,500

9.7 Budgets Carried Forward and Reserve Movements

Corporate and Community Division		
<i>Community Infrastructure Reserve (CIR)</i>		
Interest	(400)	Actual interest \$31,600 compared to budgeted income of \$32,000
89 Tamar Street	19,300	Actual income of \$750,700 compared to budgeted income of \$755,000. Actual expenditure of \$83,100 compared to budgeted expenditure of \$106,700.
Fawcett Street Café	13,600	Actual income of \$48,700 compared to budgeted income of \$34,600. Actual costs of \$27,900 compared to budget of \$27,400.
<i>Property Development Reserve</i>		
Interest	1,500	Actual interest of \$9,500 compared to budgeted income of \$8,000
ARC Rental	2,000	Actual income of \$264,000 agrees to budget. Actual costs of \$3,000 compared to budget of \$5,000
Norfolk Rental	(4,000)	Actual income of \$113,000 compared to budget of \$117,000
Russellton Estate	(4,300)	Actual operating expenditure of \$18,300 compared to budget of \$14,000
Southern Cross Estate	2,400	Actual operating expenditure of \$91,400 to budget of \$89,000
Shelly Beach Cafe	8,700	Actual capital expenditure of \$67,300 compared to budget of \$76,000
<i>Caravans and Camping Ground</i>		
Flat Rock Tent Park	102,100	Transfer to reserves, excluding capital carry forwards, is \$102,100 above budget due to favourable operating result, with operating surplus of \$138,100 compared to budget of \$36,000.
<i>Ballina Byron Gateway Airport</i>		
Airport reserves	1,173,700	Actual operating surplus of \$2,668,700 compared to budgeted operating surplus of \$1,495,000. Transfer to reserves, excluding capital carry forwards, is \$1,173,700 above budget.
<i>Plant</i>		
Plant Reserve	1,593,000	For plant capital, there were unspent funds of \$1,593,000.
Water Supply		
Section 64	45,500	Developer contributions of \$700,400 and interest of \$98,300 with s64 funded capital expenditure \$133,300. Net increase to reserve of \$665,500. Budgeted increase was \$620,000. Amount above budget is \$45,500.
Refurbishment	24,300	Operating surplus of \$1,711,200 (excludes depreciation and s64 interest) with refurb reserve funded capital expenditure of \$2,270,400. Net decrease to reserve of \$559,200. Budgeted decrease was \$583,500. Increase above budget is \$24,300

9.7 Budgets Carried Forward and Reserve Movements

Wastewater Services		
Section 64	585,500	Developer contributions of \$1,727,400 and interest of \$84,500 with s64 funded capital expenditure \$1,080,500. Net increase to reserve of \$731,400. Budgeted increase was \$160,000. Above budget by \$571,400.
Refurbishment	3,556,000	Operating surplus of \$9,976,500 (excludes depreciation and s64 interest), with refurb reserve funded capital expenditure of \$3,707,500. Net increase to reserve of \$6,269,000. Budgeted increase was \$2,713,000. Above budget by \$3,556,000.

Delivery Program Strategy / Operational Plan Activity

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

Community Consultation Policy

The required carry forward budgets and reserve transfers involved consultation across the organisation.

Financial / Risk Considerations

There are no significant financial implications from this report as the report details movements between years and identified transfers into reserves.

Options

This report is designed to provide an overview of the preliminary results for 2020/21 and to ensure Councillors are informed on the works and services carried forward and the transfers to reserves.

The overall operating result for the General Fund was significantly more favourable than the last review in March 2021, with areas such as the airport and waste performing well above budget.

Unfortunately the recent lockdowns of the NSW economy are likely to have a significant negative result for 2021/22, particularly on the airport with very few flights operating.

The options are to approve or not approve the adjustments outlined in the report, with the recommendation for approval.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the forecast operating results for 2020/21.
2. That Council approves the works and services carried forward, other additional changes to budget and reserve movements, as outlined in Tables 4, 5, 6 and 7 of this report, for inclusion in the Long Term Financial Plan.

Attachment(s)

Nil

9.8 Legal Matters - Update

9.8 Legal Matters - Update

Section Governance

Objective To provide an update on legal cases involving Council.

Background

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

Key Issues

- Type, outcomes and cost of litigation

Discussion

Current and recent legal case details are as follows:

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Parker and Kissane	Palmlake Works Pty Ltd v Ballina Shire Council	Land and Environment Court – Class 1 Appeal Proceedings – Challenge deemed refusal of development application 2018/321	750,000	763,000
Comment DA 2018/321 was for an extension to an existing Seniors Housing Development (Palm Lake Resort) for 156 self-care dwellings, recreation facilities, car parking, infrastructure works, site filling and associated works. The applicant lodged Class 1 proceedings in the Land and Environment Court for a deemed refusal. A decision was handed down on 4 October 2019 with the amended development application approved with conditions. Council appealed the decision. The appeal was upheld on 29 April 2020. As part of the decision, it was ordered that the proceedings be remitted back to the original Commissioner for judgment. On 26 June 2020 the Commissioner ruled that the case would not be reopened. On 30 June 2020, Council received advice from the applicant discontinuing the proceedings. This concludes the matter except for costs, which Council's legal representative is pursuing.				
Lindsay Taylor Lawyers	Jason and Joanne White v Ballina Shire Council	Land and Environment Court - Class 1 Appeal Proceedings – Challenge Council's Refusal of development application 2018/381.	100,000	92,000
Comment DA 2018/381 involves the decommissioning of an existing dwelling and construction of a new two-storey dwelling and swimming pool as well as upgrading of an existing internal access way at 404 Old Byron Bay Road, Newrybar. Council refused the application at the December 2019 Ordinary meeting. A third party joined the proceedings, with this party raising issues additional to those set out in Council's statement of facts and contentions. A Section 34 Conciliation Conference was held on 14 and 15 September 2020. The matter was not resolved and the hearing resumed on 3 and 4 December 2020. Council is still waiting for the Court decision, with an extensive period of time having now passed since the hearing.				

9.8 Legal Matters - Update

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Lindsay Taylor Lawyers	Griffani and Griffani v Ballina Shire Council	Land and Environment Court - Class 1 Appeal Proceedings – Challenge Council's refusal of development application 2019/30.	100,000	50,000
<p>Comment</p> <p>DA 2019/30 involves the erection of eight holiday cabins and the temporary use of the land for the purposes of wedding ceremonies. Council determined the application by way of refusal at the December 2019 Ordinary meeting. A third party (closest neighbour) joined the appeal and attended the Section 34 Conciliation Conference on 11 November 2020.</p> <p>The applicant had provided further material in the shape of turning circles and a traffic management plan, which was satisfactory to Council and the consultant traffic engineer. This was subject to agreement on the conditions. The third party was not in agreement with the further material, with additional issues raised as to permissibility in terms of the acoustic impact of the temporary use, and the use of the communal facility had also not been addressed. The draft conditions addressing some of these concerns were not acceptable to the third party.</p> <p>Further suggestions were made as to the possible relocation of the communal facility, closer to the tourist and visitor accommodation, in order to resolve the concerns of the third party. This was encouraged by the Senior Commissioner, as otherwise the third party would be forced to incur the cost of a full hearing. The third party did not accept that the moving of the facility would resolve their concerns and insisted upon the removal of the facility and the reduction in tourist cabins from eight to three. The applicant rejected this.</p> <p>Subsequently, the Commissioner terminated the conciliation conference. The proceedings were adjourned to allow the applicant to put on a notice of motion to amend the Griffani's application so that it incorporates the traffic management plan and changes to the access way, which are the basis for the resolution of the traffic issues from Council's perspective.</p> <p>On 17 December 2020, the applicant was successful in obtaining leave of the Court to amend the development proposal. The applicant deleted the temporary use of the land for wedding ceremonies from the proposal. The third party objector remained unsatisfied with the amended proposal and the matter was heard from 22 – 24 June 2021. Council is now waiting for the Court's decision.</p>				
Lindsay Taylor Lawyers	Intrapac Skennars Head Pty. Ltd. v Ballina Shire Council	Land and Environment Court - Class 1 Appeal Proceedings – Challenge to deemed refusal of modification application relating to developer contributions payable under conditions of consent for development application 2017/244.	250,000	211,000
<p>Comment</p> <p>The applicant lodged an appeal in the NSW Land and Environment Court on the basis of deemed refusal of a modification to the development consent that would have the effect of reducing the developer contributions payable by Intrapac in relation to the Aureus development. The matter was heard by the Court in November 2020. The appeal was dismissed by the Court on 8 January 2021 with an Order that the subject modification application to reduce the developer contributions be refused.</p> <p>Intrapac subsequently lodged an appeal against the Court's decision. The appeal hearing was held 21 July 2021. The appeal was dismissed by the Court on 10 August 2021 with the costs of appeal awarded to Council.</p>				

9.8 Legal Matters - Update

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Parker & Kissane	Monica and Allan Anderson v Ballina Shire Council	Land and Environment Court – Class 1 Appeal Proceedings – Challenge to Council's refusal of DA 2020/49.	50,000	34,000
<p>Comment</p> <p>DA 2020/49 is for the proposed subdivision of two existing rural zoned lots to create three lots, including one split lot. Council staff determined the application by way of refusal under delegated authority on 22 July 2020. This determination was appealed by the applicant.</p> <p>On 22 October 2020 the applicant was granted leave by the Court to amend the proposed plans. A Section 34 Conciliation Conference was held on 24 March 2021 with the matter not resolved through the conference.</p> <p>The hearing was held 27 – 28 July 2021. Council was advised in early August that the refusal has been upheld by the Court.</p>				
Lindsay Taylor Lawyers	Planners North vs Ballina Shire Council	Land and Environment Court – Class 1 Appeal Proceedings – Challenge deemed refusal of development application DA 2020/192 for a 300 home Manufactured Home Estate, River Street, West Ballina	250,000	278,000
<p>Comment</p> <p>Development application 2020/192 (as originally lodged) is for the establishment of a 300 home manufactured home estate at 550-578 River Street, West Ballina, including extensive earthworks and drainage works.</p> <p>Shortly after re-exhibition of an amended application, the applicant lodged Class 1 proceedings in the Land and Environment Court for a deemed refusal of the development application. A Section 34 Conciliation Conference was held on 12 November 2020.</p> <p>The matter was set down for hearing on 3 - 7 May 2021. These dates were subsequently vacated as the applicant sought to make a number of late amendments to the proposal.</p> <p>The appeal was held on 2-6 August 2021 and the applicant made further amendments prior to the hearing.</p> <p>Council has successfully obtained orders for costs thrown away and is now waiting for the Court decision.</p>				

Delivery Program Strategy / Operational Plan Activity

Legal cases are linked to Delivery Program strategies such as:

- HE3.2 - Match infrastructure with development to mitigate any impacts on the environment
- HE3.3 - Minimise negative impacts on the natural environment

Community Consultation Policy

This report is provided in open Council to ensure the community is informed on legal matters involving Council. If Council wishes to discuss any matters of detail it may be necessary to resolve into confidential session to ensure any legal advice is not provided in open session.

9.8 Legal Matters - Update

Financial / Risk Considerations

The following table provides a summary of planning related legal costs for recent years, with costs for 2020/21 largely finalised, excluding any late accruals that may be identified as part of the 2020/21 Annual Financial Statements.

Table 1 – Legal Expenditure 2017/18 to 2020/21

Description	2017/18	2018/19	2019/20	2020/21
DA 2016/184, 2018/616 - CURA A – Intrapac (Planners North / Northern Rivers Land Solutions)	832,100	78,400	337,000	3,600
Seabreeze Caravan Park	104,500	0	0	0
DA 2017/244 - Skennars Head – Aureus – Intrapac	1,100	31,100	28,000	150,500
DA 2017/557 - Byron Highlander (Function Centre)	2,800	9,500	0	0
DA 2017/321 – 34 Willowbank Drive (Michael Young)	0	22,600	0	0
DA 2017/600 – 19-21 Northcott Crescent (Gibbs)	0	0	7,000	98,400
DA 2017/707 - 5 Rayner Lane (Ardill Payne)	0	9,300	37,000	0
Ballina Sands – Newrybar Swamp Road	4,000	22,100	15,000	0
The Beach House	0	31,600	16,000	6,000
DA 2018/189 – 4 Page Court (Millar)	0	0	6,000	0
DA 2018/321 - Palm Lake	0	256,600	497,000	9,600
DA 2018/381 - 404 Old Byron Bay Road (White)	0	900	22,000	69,300
404 Old Byron Bay Road (Kenny NCAT)	0	0	0	7,500
DA 2018/597 – Water Extraction	0	6,400	0	0
DA 2019/30 – 43 Tuckombil Lane (Griffani)	0	0	17,000	32,100
DA 2019/170 – 937/987 Wardell Road (Veronesi)	0	0	0	11,200
DA 2020/49 – 38 Newrybar Swamp Road (Anderson)	0	0	0	33,600
DA 2020/192 – GemLife (Planners North)	0	0	0	277,800
DA 2020/568 – Midgen Flat Road	0	0	0	3,300
Misc including insurance and planning agreements	22,700	34,600	60,000	33,100
Total Actual Expenditure	967,200	503,100	1,042,000	736,000
Legal Expenditure Budgets	1,005,000	290,000	1,036,000	725,000
Expenditure Budget Result – Surplus / (Shortfall)	37,800	(213,100)	(6,000)	(11,000)
Legal Actual Income from Costs Recovered / Fines	108,000	61,000	157,000	539,000
Legal Income Budget	85,000	70,000	140,000	550,000
Income Budget Result – Surplus / (Shortfall)	23,000	(9,000)	17,000	(11,000)
Net Income and Expenditure Budget Result	60,800	(222,100)	11,000	(22,000)

As per this summary, for 2020/21, expenditure and income were close to budget, with a \$22,000 shortfall in total (expenditure \$11,000 over and income \$11,000 under).

The only caveat to this is that the expenditure budget was adjusted a few times during 2020/21, dependent upon the expenditure incurred in on-going cases.

Income was well above normal levels for 2020/21 due to Council recovering costs of almost \$500,000 from the CURA A Intrapac Property Pty. Ltd. litigation. Costs are still in the process of being recovered for the Palm Lake court case for DA 2018/321.

Council was also recently awarded costs for the appeal lodged by Intrapac in respect to the developer contributions at Aureus (DA 2017/244).

Legal expenditure can vary significantly from year to year as shown in the following table, which provides an eight year summary of actual results, with the last four years having been exceptionally high.

Table 2 – Legal Expenditure – Period 2013/14 to 2020/21 (\$'000)

Year	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Expense	266	103	88	353	967	503	1,042	736
Income	34	5	20	90	108	61	157	539
Net	232	98	68	263	859	442	885	197

High legal costs often coincide with strong property markets, as developers are more inclined to “risk” court cases to achieve a favourable determination, due to the potential for high returns. The demand for land and development in Ballina Shire (and the Far North Coast) has been strong in recent years.

Also the most expensive cases are typically where, from a Council perspective, the original development application is deficient in a number of areas, and the applicant then appeals on the basis of a deemed refusal.

Again, from a Council perspective, this occurs as it becomes clear that the processing time for the application will be lengthy due to the difficulties facing Council in processing the application.

The application is then amended a number of times during the court process before a determination, which is often a consent, that is significantly different to the original application, is approved by the Court. Recent examples of this include:

- CURA A, DA 2016/184 (applicant – Mr Stephen Connelly, Planners North – owners – Vixsun Pty. Ltd, Intrapac Co-ops Pty. Ltd, Smith, Barlow and Barlow for a 633 residential lot subdivision, with the court consent issued for 457 residential lots, three residual rural lots, six open space lots, four reserve lots and nine key site (future development) lots. Council expended \$1.2m on this case with approximately \$500,000 recovered largely due to the number of amendments made to the original application through the court case
- DA 2018/321 (applicant and owners - Mrs Suzanne Jensen on behalf of Palmlake Works Pty. Ltd.) for 156 self-care dwellings associated facilities. The applicant was initially successful in the Land and Environment Court with a consent for 75 self-care dwellings, however this was ultimately refused by the Court following an appeal by Council and costs are still being pursued. Total Council expenditure is approximately \$763,000 with some costs still to be recovered.
- DA 2020/192 (applicant – Mr Stephen Connelly, Planners North - owners – Ballina Waterways Pty. Ltd. (Gem Life)) for a 300 site manufactured home estate. This application is currently before the court with Council having expended approximately \$277,000 to date and the application has now been amended to 230 sites.

Unfortunately the current court process allows applications to be amended during the legal process and this can result in significant costs being incurred.

With the Intrapac contributions (DA 2017/244), Anderson (DA 2020/49) and GemLife (2020/149) matters all now having been heard in the court during July and August 2021, there are no current major court cases involving Council planning assessment staff.

9.8 Legal Matters - Update

This helps to significantly free up the time staff have to assist in undertaking their core role of processing of development applications, with the volume of applications submitted remaining high.

The legal budgets for 2021/22 total \$315,000, with limited actual expenditure to date, albeit the Intrapac and GemLife hearings in July and August would have incurred a significant amount of legal costs, with Council yet to be billed in full for those hearings.

Council also has a number of compliance and enforcement related matters proceeding to Court in the near future. Progress on these matters will be reported as part of the next legal update.

On the positive side there are still costs to be recovered from Palm Lake Works Pty. Ltd. and Intrapac Pty. Ltd.

Options

This report is provided for public information as there is a significant amount of public interest in legal matters involving Council.

RECOMMENDATION

That Council notes the contents of this Legal Matters – Update report.

Attachment(s)

Nil

9.9 Policy (Review) - Concealed Water Leaks - Financial Assistance

9.9 Policy (Review) - Concealed Water Leaks - Financial Assistance

Section	Financial Services
Objective	To review the Concealed Water Leaks - Financial Assistance Policy

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Concealed Water Leaks – Financial Assistance policy.

Council first adopted a Concealed Water Leaks Policy in February 2011 to provide customers with some level of compassionate financial relief for higher than normal water consumption accounts resulting from a concealed water leak event. This Policy was subsequently rescinded by Council at the 22 May 2014 Ordinary meeting.

As a result of property owners continuing to seek support from Council following receipt of large and unexpected bills from concealed water leak, Council agreed to re-introduce a Concealed Water Leaks Policy to provide financial relief in certain circumstances.

The current policy was adopted by Council at the 28 September 2017 Ordinary meeting.

Table 1 reflects the total amount of adjustments since the current policy was adopted.

Table 1 – Adjustments – Concealed Water Leaks Policy

Financial Year	Number of Requests	Amount (\$)
2020/21	14	9,195.20
2019/20	10	15,843.13
2018/19	17	18,417.70
2017/18	17	23,042.82
Total:		66,498.85

The majority of the leak event cost is still borne by the customer as water lost is charged at the Step 1 rate.

Key Issues

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

Discussion

A review of the Policy was undertaken to ensure that it was meeting the Policy objectives and intent.

The findings from the review has identified that the Policy has been effective by providing a consistent and equitable basis for financial support to property owners who have received an unexpected and large bill caused by a concealed water leak.

Concealed water leaks can sometimes occur over a period of a few months and are either discovered by Council staff in high consumption reporting, when the water meter is read for quarterly water billing, or when a larger than usual water bill is received by the customer.

The review of this policy identified only minor wording and formatting changes to bring it into alignment with current template requirements.

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

A copy of the amended policy is attached to this report. The proposed changes to the Policy have been marked in yellow.

Delivery Program Strategy / Operational Plan Activity

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

Community Consultation Policy

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

If any submissions are received they can be reported back to Council for further consideration. If no submissions are received no further action is required.

Financial / Risk Considerations

Providing financial relief by reducing the cost of a concealed leak will assist residential ratepayers who experience financial stress due to this unexpected event.

The availability of an interest free period provides further support to the ratepayer.

Through continuing to apply the Policy provisions in charging water lost arising from concealed leaks at the Step 1 rate, and not waiving charges in full, avoids Council having to fund any shortfall in the cost of purchasing bulk water from Rous County Council.

9.9 Policy (Review) - Concealed Water Leaks - Financial Assistance

Options

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

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

RECOMMENDATIONS

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

Attachment(s)

1. Policy (Review) - Concealed Water Leaks - Financial Assistance

9.10 Tender - Water Services Directional Drilling

9.10 Tender - Water Services Directional Drilling

Section Project Management Office

Objective To report the outcomes of the tender evaluation for the Tender - Water Services Directional Drilling

Background

The works to be undertaken under this contract are for the supply, horizontal directional drilling, installation, and pressure testing of HDPE potable water trunk and service mains in the Lennox Head village area.

The existing potable water trunk and service mains within the Lennox Head Village area are in a poor condition and require constant repair and maintenance work. This work is required to be carried out prior to commencing the Lennox Head Village Renewal road and footpath refurbishment.

Tenders were called in July and at the close of tenders on 5 August 2021, three tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Three companies downloaded the documentation with tenders received from:

- Superior HDD Pty Ltd
- Telco Civil
- Utilstra Pty Ltd

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

- The Tenderer has a minimum \$20M Public Liability Insurance Policy, for the tenderer and all nominated sub-contractors,
- Works Insurance
- Workers Compensation Insurance Policy
- WHS Management System
- Quality Management System

Only one of the tender submissions met the mandatory assessment and were assessed using the following weighted assessment criteria:

9.10 Tender - Water Services Directional Drilling

- Pricing Structure 60%
- Local and community 15%
- Works capability, program methodology, key personnel 25%

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

Delivery Program Strategy / Operational Plan Activity

The Lennox Head Village Renewal project is a project included the Ballina Shire Council Delivery Program / Operational Plan 2021 -2025 under Strategy PE1.2 Provide opportunities for new business and activity PE1.2a Deliver Lennox Head Town Centre Village Renewal.

Community Consultation Policy

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

Financial / Risk Considerations

The Lennox Head Village Renewal program budget has a provision of \$3,500,000 in the Delivery Program / Operational Plan for the replacement of the underground potable water network.

The total cost of the preferred tender is \$322,200.00, excluding GST.

Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2005, which requires that:

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

(a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or

(b) decline to accept any of the tenders.

Based on the tender evaluation, it is recommended that Council declines to accept any tenders.

Sections 178(3) and (4) of the regulations provide direction in the circumstances where a Council declines to accept any tenders in accordance with section 178(1)(b); i.e.

(3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:

(a) postpone or cancel the proposal for the contract,

9.10 Tender - Water Services Directional Drilling

- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) carry out the requirements of the proposed contract itself.*
- (4) If a council resolves to enter into negotiations as referred to in subclause 3 (e), the resolution must state the following:*
- (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
 - (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

There is a limited market of contractors with the capacity to provide this service. It is also important to manage the procurement as expeditiously as possible to minimise any impacts on the project's program. For these reasons the option to enter negotiations with any person with a view to entering a contract is the recommended option. The recommendation also provides a resolution to comply with section (4).

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Tender – Water Services Directional Drilling as none of the tenders received are considered suitable based on considerations relating to price, assessed performance capability for this project, risk, and non-conformance with tender provisions in the submissions.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with any other party (whether or not the person was a tenderer), with a view to enter into a contract for the Tender – Water Services Directional Drilling.
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that there is a limited available market of contractors with the capacity to complete this work and is more efficient and timely to negotiate with interested parties than call for new submissions, noting the program preference is to commence this work as soon as possible. This direction also enables Council the opportunity to consider alternate procurement options for the various components of the work.

9.10 Tender - Water Services Directional Drilling

4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with with any party (whether or not the person was a tenderer), with a view to enter into a contract for the Tender – Water Services Directional Drilling with a view to entering into a contract in relation to the subject matter as there is a limited market of contractors with the capacity to provide this service. It is also important, that due the current restrictions, to manage the procurement as expeditiously as possible to minimise any impacts on the project's program.

Attachment(s)

1. Confidential memorandum - RFT1515 Lennox Head Village Vision Directional Drilling (Under separate cover)

9.11 Airline Agreement Update

9.11 Airline Agreement Update

Section Commercial Services

Objective To provide Council with an overview of confidential negotiations in regards to an airline agreement - Ballina Byron Gateway Airport.

Background

The negotiation of airline agreements requires commercial negotiations in respect to dealings with the service providers. Therefore it is essential that confidentiality is maintained to ensure the best value to the community. The confidential report later in this agenda provides details in regards to the subject agreement.

Key Issues

- Renewal of existing airline agreement
- Agreement terms and conditions

Discussion

Airline agreements represent a major revenue source to ensure the long term financial viability of the Ballina Byron Gateway Airport. The airline agreements are subject to commercial negotiations and the confidential report later in this agenda provides an update on discussions that have been entered into for the renewal of an existing agreement.

Delivery Program Strategy / Operational Plan Activity

The Airport operates in accordance with the following strategies and actions:

PE2.2 Enhanced connectivity to capital cities

PE2.2b Ensure the ongoing viability of the Ballina Byron Gateway Airport.

Community Consultation Policy

Staff have been in discussions as part of renewal of an existing airline agreement.

Options

This report is for noting only with the commercial information contained in the confidential report later in this agenda.

RECOMMENDATION

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

Attachment(s)

Nil

9.12 Land Sale - Lot 2 Boeing Avenue, Ballina - Update

9.12 Land Sale - Lot 2 Boeing Avenue, Ballina - Update

Section Commercial Services

Objective To provide an update on negotiations for the sale of proposed Lot 2 Boeing Avenue, Ballina.

Background

A report was presented to the 22 July 2021 Ordinary Council meeting, detailing responses received from an expression of interest (“EOI”) process that was run for the possible sale of Lot 2 or Lot 3 Boeing Avenue.

Council subsequently resolved to authorize the General Manager to finalise negotiations for the sale of Lot 2, subject to agreement between the parties.

A confidential report included in this meeting agenda provides an update on the negotiations.

Key Issues

- Sale of industrial land to repay loans and other associated costs

Discussion

A confidential report included in this meeting agenda provides an update on negotiations.

Delivery Program Strategy / Operational Plan Activity

The development and sale of industrial land is consistent with the Delivery Program Strategy and actions:

- PE2.3 Operate Council business activities that support economic development
- PE3.1 Facilitate commercially viable industrial precincts
- PE3.1b Progress availability of land at the Southern Cross Industrial Estate

Community Consultation Policy

A formal EOI process was undertaken and closed in on 9 July 2021.

Financial / Risk Considerations

Currently Council’s land development and subdivision activities require loan funding, which has increased the level of risk associated with the various projects.

Council is reliant on the sale of lots to repay loans and other associated costs.

9.12 Land Sale - Lot 2 Boeing Avenue, Ballina - Update

Options

This report is for information only to provide an overview of the confidential report.

RECOMMENDATION

That Council notes the contents of this report in regards to the sale of Lot 2 Boeing Avenue Ballina.

Attachment(s)

Nil

10.1 Ainsworth Close/Jameson Avenue Intersection - Road Safety

10. Civil Services Division Reports

10.1 Ainsworth Close/Jameson Avenue Intersection - Road Safety

Section	Engineering Works
Objective	To assess a request for a road safety upgrade

Background

Council resolved at the 24 June 2021 Ordinary meeting as follows:

That Council receive a report on options to place the intersection alignment of Ainsworth Close and Jameson Avenue, East Ballina as part of the overall road reconstruction program.

This followed a submission in response to the public exhibition of the draft 2021/25 Delivery Program and Operational Plan. The submission highlighted resident concerns in respect of sight distance and accident risk at the intersection of Ainsworth Close and Jameson Ave (the intersection).

A copy of the submission is included as Attachment 1 to this report.

Key Issues

- Road Safety
- Program priorities and allocation of resources

Discussion

The information included in the agenda for the 24 June 2021 Ordinary meeting is as follows.

Upgrade Intersection of Ainsworth Close and Jameson Avenue, East Ballina

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

Staff response:

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

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

10.1 Ainsworth Close/Jameson Avenue Intersection - Road Safety

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

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

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

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

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

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

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

The Local Traffic Committee considered a report regarding the intersection at the meeting held 11 August 2021. In response to this report, the Committee approved the installation of a No Stopping Zone at the intersection. The purpose of this zone is to prohibit vehicles parking close to the intersection.

With the angle of the intersection, this parking can impact on the available sight distance.

The approved line marking is illustrated in Attachment 2.

The cost to modify the intersection is estimate to be \$40,000. The relevant program area within the Delivery Program is the Urban Road Reconstruction Program, however Council could also consider reallocating funds from the rural road programs.

The Urban Road Reconstruction Program adopted in June within the Delivery Program and Operational Plan for 2021/22 is as follows:

Project	Budget (\$)
Northumberland Avenue Segment 10	540,000
Gibbon Street Segment 20	147,000
Gibbon Street Segment 10	215,000
Stewart Street Segment 150	90,000
Fawcett Street Segment 10	89,000
Brunswick Street Segment 20	135,000
Crane Street Segment 30	120,000
Simmons Street Segment 20	150,000
Bangalow Road Segment 20	97,000
Wilson Street Segment 10 and 20	140,000
Burnet Street Segment 50	192,000

10.1 Ainsworth Close/Jameson Avenue Intersection - Road Safety

The project with the least cost in this program is \$89,000. As this is \$49,000 more than the estimated cost for the intersection realignment, deferring a project to enable the intersection to be included in this year's program is not preferred.

The program for 2022/23 does include a project at Holden Lane, which is estimated to cost \$38,000 and is therefore the preferred candidate to be deferred if Council decides to allocate funding to upgrade the intersection.

As the 2021/22 program has only recently been adopted after a public exhibition process, adjusting this program is not recommended.

The alternate option to deferring works is to make small adjustments to a number of the above projects that total \$40,000. While it is the case the estimates for the program projects are not precise, typically there are challenges to delivering the whole project within the budget and adding another project increases the risk of over expenditure.

This risk can be mitigated by the size of Council's road program, which does mean adjustments between projects during the financial year are possible, however it is not recommended to add a further project into the program until actual savings have been realised.

A further reason why adjusting the budgets for the projects is not recommended, is because that decision does not consider any assessment of the priority for this project amongst the many other requests for safety improvements.

The following is just a few examples of the types of requests received for road safety projects that are also worthy of consideration for funding and that are not currently included as priorities in existing programs such as the Pedestrian Access and Mobility Plan.

- The Coast Road (Angels Beach) – recent Notice of Motion dealing with pedestrian access in 80 km/hr zone to the bus stop.
- Bentinck Street – provision of a pedestrian crossing to improve safety for the Farmers Market.
- Park Lane – implement permanent improvements following the current trial program
- Access to Shaws Bay from Hill Street
- Wardell footpath connection across old Pacific Highway – work request following the handover
- Upgrade the school drop off zone in Martin Street – submission received for the 2020-2024 Delivery Program exhibition
- Montwood Drive Playground pedestrian refuge – regular source of letters from residents.

Delivery Program Strategy / Operational Plan Activity

Council has a Delivery Program Strategy CC1.1 which is to actively promote safety and wellbeing strategies. The Operational Plan activity supporting this strategic outcome is to ensure the Road Safety Strategy remains contemporary.

Community Consultation Policy

The draft Delivery Program and Operational Plan was placed on public exhibition. Mr Hoolihan has been provided a copy of this report. No further public consultation has been undertaken.

Financial / Risk Considerations

The key issue to be considered by Council in response to this request is the allocation of resources and determination of priorities.

Options

The options available to Council are set out below.

Option 1. Do Nothing

While the intersection does not meet current standards and there are options to improve the intersection, there is no accident record and generally reasonable sight distances are available despite the intersection geometry. Noting Council's limited resources, it is a reasonable option to decline the request for works, at this point in time.

Option 2. Install No Stopping Zone

The Local Traffic Committee has approved the installation of a No Stopping Zone. Reducing the amount of parking at the intersection will provide improvements to the sight distance. This option is not expensive and represents value for money. Implementing this option does not prevent the Council revisiting the priority for an upgrade to this intersection in the future.

The disadvantage of this option is the reduction in car parks available servicing the Ballina Golf Club, although the area is rarely used.

Option 3. Defer a Program Project

It is an option to defer a project in the program and insert the intersection upgrade as a project in the program.

If this option is Council's preference, it is recommended to defer the Holden Lane project which is estimated to cost \$38,000 in 2022/23.

There are two reasons for nominating the Holden Lane project.

Firstly, the Delivery Program and Operational Plan was only adopted two months ago and it is not preferred to change this year's activities following the recent exhibition and assessment of the draft plan. Secondly, this is the only project in the urban roads program that has a similar cost estimate to the intersection upgrade.

Option 4. Make minor budget reductions across a majority of projects in the urban roads program.

This option acknowledges the estimates for the projects in the program are not precise.

10.1 Ainsworth Close/Jameson Avenue Intersection - Road Safety

This option is not recommended because it adds \$40,000 of extra work into the program before any savings are actually identified and this means there is a risk the program could be overspent. Over expenditure would need to be balanced by savings in the wider roads program.

This option is also not recommended because it does not give any consideration of the priority ranking for this project when compared to other requested road safety projects that are unfunded.

Option 2 is the recommended option. This option provides a cost effective solution which can be monitored into the future.

This option is reasonable based on the lack of incident history at the intersection and it does not impact the adopted road program and priorities.

The loss of car parking is considered to be an acceptable impact to achieve the desired road safety outcome.

RECOMMENDATION

That a No Stopping Zone be implemented at the intersection of Ainsworth Close and Jamison Avenue in accordance with the approved design illustrated in Attachment 2 to this report.

Attachment(s)

1. Submission - Mr Neil Hoolihan
2. Proposed No Stopping Zone

11.1 Notice of Motion - All Things Water

11. Notices of Motion

11.1 Notice of Motion - All Things Water

Councillor

Cr Cadwallader

I move

That Council write to the Minister for Water, The Hon Melinda Pavey MP and Deputy Premier The Hon. John Barilaro to highlight the need for an independent scientific research organisation that would examine all aspects relating to water in our Richmond/Wilsons River catchment area, including Water Security, Flood Mitigation, Water Quality and River Health and the potential economic development opportunities and other benefits that would flow from the research.

Councillor Comments

Catchment Health

Rous County Council is in the process of developing the Northern Rivers Watershed Initiative, which relies on managing water in the landscape of the catchment, not just potable water supply.

Work which involves replanting catchment areas which also reduces flood risk. Looking at how water can be retained in the catchment with a focus on protecting vulnerable areas and encouraging farmers to retain more water.

A case in point is the Keith Hall Drain which flows directly into Mobbs Bay.

The Keith Hall Options Study is a good start. The purpose of the study is to undertake a detailed investigation to improve the understanding of the current hydrology and potential sources of poor-quality water in the Keith Hall Drainage System.

The information will be used to understand how the system can be modified and the benefit in doing so to reduce the impact on inundation and erosion on private land because of how the No. 1 flood mitigation drain currently functions.

Also reducing any downstream impact on Mobbs Bay and the Richmond River from water quality leaving the system.

In 2014 Rous County Council released its Future Water Strategy report, which stated by 2060, expected demand for water would exceed the reliable supply by 6,500 megalitres per year, or about half of the current water supply making water security at risk with insufficient water available to meet current community consumption by 2024.

11.1 Notice of Motion - All Things Water

With the newly adopted Integrated Water Cycle Management (IWCM), which eliminates the Dunoon Dam as a possible option, that is, despite 10,208 people calling for the Dunoon Dam to be reconsidered, along with written and on-line surveys, represents the highest response to any one project or issue that Rous County Council has received.

However, Rous County Councillors resolved by a 5-3 majority not to proceed with critical cultural heritage and ecological investigations into the proposal, despite a written request from representatives of the Widjabul-Wia-bal Native Title claim group to commission a qualified archaeologist to prepare an Aboriginal Cultural Heritage assessment.

It should also be noted that the Dunoon Dam proposal was included amongst the long list of options in the draft North Coast Regional Water Strategy that was publicly exhibited last year. So clearly the NSW Government believes there is sufficient merit in the proposal to at least warrant further investigation.

This will be the only way that it will ever be known if the proposal is viable and acceptable.

Rous County Council has now proceeded with the adopted option of groundwater in order to meet the 2024 deadline. Alstonville residents are being notified of the impending water quality testing from the Clarence Moreton Basin. Because no data exists as to the quality or volume of water in that basin it remains an unknown. Although earlier tests indicate poor quality water.

No approvals for added permanent extraction from the Alstonville aquifers have been submitted to the regulator as water extraction is still in the testing phase.

Risk Frontiers reports Lismore NSW 2480 is the postcode most at risk from both natural disaster and flooding in Australia because

1. Climate variability and climate change will exacerbate future flooding. Lismore has had 130 minor, moderate and major floods recorded in the last 150 years.
2. Risk Frontiers studies also show the reparation and recovery costs for just four major FNC floods 1954, 1974, 1989 and 2017 is greater than \$10 billion. These three costs are unsustainable to government and the taxpayer and will only grow. This flooding has a direct impact on Ballina Shire residents who conduct business and work in Lismore with an ever-increasing number of properties in the Ballina and Lismore LGA's unable to obtain flood insurance.

QUESTION - How is it that the most flood affected community in the nation is unable to guarantee water supply at current consumption past 2024? How can the two issues of not enough water and too much water be incorporated and also reduce ongoing repatriation costs? ANSWER A Combined Water Security/Flood Mitigation Solution.

Proposal - This Combined Water Security and Flood Mitigation Proposal examines a wide ranging multi stage strategic solution for the management of water within the framework of the FNC Regional Water Strategy - including social, economic, environmental and Aboriginal components and incorporating and recognised Cost Benefit Analysis requirements.

11.1 Notice of Motion - All Things Water

Outcome - A solution to the two key aspects of water that affect the catchment population will lead to the revitalisation of the region through increased population, tourism, employment, agricultural and commercial development, improving the quality of life for all aspects of the community into the future.

References

1. Risk Frontiers Newsletter Volume 18, Issue 4- October 2019 "What areas of Australia are most at risk from natural perils?" by Andrew Gissing and Foster Langbein
2. <http://australiasevereweather.com/floods/index.html> Bureau of Meteorology measure greater than 4 metres AHD
3. The 2017 Lismore Flood – Insights from the field by Andrew Gissing, Katharine Haynes and James O'Brien - Risk Frontiers Newsletter Volume 18, Issue 4 - October 2019 What areas of Australia are most at risk from natural perils? by Andrew Gissing and Foster Langbein Page 2, Table 3 2, Bureau of Meteorology measure greater than four metres AHD, the 2017 Lismore Flood – Insights from the field by Andrew Gissing, Katharine Haynes and James O'Brien.

Recommendations from Bureau of Meteorology are as follows:

1. That the combined Water Security and Flood Mitigation proposal replaces the current platform on which the FNC Regional Water Strategy is based.
2. That this Combined Proposal be considered as a PILOT PROJECT to determine the benefits for other rural and regional areas.
3. That all government Departments and agencies with a remit for Flood Mitigation (DPIE, ESS, Ministry of Emergency Services etc) be brought together with Rous County Council in order to resolve the way forward on this complicated issue
4. That details in relation to Water Security in the Draft FNC Regional Water Strategy document be retained as written
5. That the Draft Water Strategy document includes comprehensive details in relation to Flood Mitigation and the impact of the regular flooding of towns and villages throughout the catchment.
6. That all proposed options to be investigated progress the development of the region to make it sustainable in the areas of both Water Security and Flood Mitigation.
7. That a local technical and community Knowledge Hub incorporating interested parties who meet a documented criteria be included throughout the planning, design, development and implementation of the project.

COUNCILLOR RECOMMENDATION

That Council write to the Minister for Water, The Hon Melinda Pavey MP and Deputy Premier The Hon. John Barilaro to highlight the need for an independent scientific research organisation that would examine all aspects relating to water in our Richmond/Wilsons River catchment area, including Water Security, Flood Mitigation, Water Quality and River Health and the potential economic development opportunities and other benefits that would flow from the research.

Attachment(s) - Nil

11.2 Notice of Motion - Lennox Head Public School

11.2 Notice of Motion - Lennox Head Public School

Councillor

Cr Cadwallader

I move

1. That Council write to the Minister for Education, The Hon Sarah Mitchell seeking a briefing from the Department of Education in respect to the status of the Lennox Head Public School expansion.
2. That Council also be briefed on the Department's future planning for the Ballina Shire so as to assist Council in the long-term planning based on current and forecast population estimates.

Councillor Comments

The Lennox Head Public School (LHPS) build was to be completed in 2018.

The signs with the modern, appealing new buildings remain in high visibility on the school fences now three years later whilst the school continues to decline in its condition and capacity to cope with the consistent growth in student numbers due to the burgeoning population growth.

The build was to give an additional 8 classrooms. In 2018 the LHPS had 357 students with the extra classrooms catering for approximately 380 students.

There are now 504 students, which equates to an additional 12 classrooms. Projections for next year based on enrolments so far indicate approximately 520 students. So, one additional classroom will be needed making it 13.

It is acknowledged that projected figures for the school build were completed prior to the surge in population growth of families and primary school aged children in Lennox Head.

With ongoing land releases planned in the area, it is safe to conclude school enrolments will continue to rise.

Figures from statistical analysis on Council's website in 2016 estimated over 266 school aged children in Lennox Head from 2016 to 2036:

LHPS Enrolments:

2018 = 357 students

2021 = 504 students = growth of 147 new children in the zone at the LHPS since 2018 which is over 40% growth in under four years.

If growth seen in the last four years continues at the same rate (147 every four years), we will have 667 students at the school by 2025.

It is understood LHPS have highlighted the vast amount of maintenance required to bring the school to a basic level of health and safety.

Currently the school is in very poor condition, there is limited green space and classrooms cannot cater to the 2022 or future enrolment projections.

Some key concerns that parents have are but not limited to:

No sinks/running water in some classrooms. - Rusty roofs and water run-off. - Large amounts of dirt and subsequent dust around demountable buildings and the respiratory implications that arise from this - Play is diminished on site: The sectioned off cultural areas remain years on. Senior students have been moved to an oval off site to play. There is restricted line of sight of younger children due to excessive demountable buildings in situ; - Amenities are archaic and inappropriate in 2021.

For example; the run-down canteen shares a space with the small music room and lost property. Out of hour's school care building inappropriate for numbers and age of children.

Whilst it is respectfully acknowledged the complexity of the situation with Aboriginal artefacts being discovered, no clear information has been forthcoming in regard to the expansion of the school to cater for the current and future population surge.

It is preferred by the parents of the school that the location of the School in the Lennox Head village centre remain because it is greatly valued by the people of Lennox Head, its businesses and families.

With the original plans for the LHPS now no longer viable, Council needs a clear decision about how the DoE will cater for the growing needs of the school now and in the future.

COUNCILLOR RECOMMENDATIONS

1. That Council write to the Minister for Education, The Hon Sarah Mitchell seeking a briefing from the Department of Education in respect to the status of the Lennox Head Public School expansion.
2. That Council also be briefed on the Department's future planning for the Ballina Shire so as to assist Council in the long-term planning based on current and forecast population estimates.

Attachment(s)

Nil

11.3 Notice of Motion - Affordable Housing Proposal

11.3 Notice of Motion - Affordable Housing Proposal

Councillor

Cr Jeff Johnson

I move

1. That Council write to the NSW Premier, Deputy Premier, Minister for Water, Property and Housing and our Local Members, seeking State Government support to develop an Affordable housing project on Lots 284 and 203 DP7555684 and Lot 491 DP729381 at Ballina, being the Old Depot site.
2. That Council acknowledges that the State Government's Housing 2041: NSW Housing Strategy, has a strong focus on housing supply, diversity, affordability and collaboration and by Council and the State Government working together on this project we can support the strategy outcomes by making a significant difference to the availability of affordable and diverse housing stock in Ballina.
3. The project objectives will be consistent with the Housing 2041 Strategy for Government Owned Land (page 12 of the Strategy) in that it will:
 - Support the supply of suitable housing for essential workers
 - Provide housing assistance for those in crisis
 - Enable people living in social housing to more easily transition into private rental or home ownership
4. This project is to be based on a joint venture model where the State Government contribution represents the land and Council then finances the development of the site, with the on-going revenue stream generated from the property offsetting the development costs and on-going maintenance and management expenses. This is all subject to a feasibility analysis of the proposal prior to proceeding.

Councillor Comments

At the June 2021 Council meeting I proposed that Council, local housing providers and the State Government work together to identify appropriate State Government owned land within the Ballina Shire that could be developed for affordable housing

Part of this motion was to acknowledge that there is a housing affordability crisis in the Ballina Shire. Both of the above points were supported unanimously by all Councillors at the meeting.

11.3 Notice of Motion - Affordable Housing Proposal

Given the unanimous Council support for investigating sites and options for Council and the State Government to deliver affordable housing, and the State Governments Housing 2041 – Strategy for Government Owned Land, it makes sense for Council to take the lead on a project, in conjunction with the State Government.

The sites mentioned in the motion represent what is often referred to as the 'old depot site'. This site is approximately six hectares in size and presents the best opportunity to develop a range of much needed affordable housing dwellings.

The site is central to Ballina and within walking distance of the main shopping centres and key government and medical services. The site is currently used mainly as a storage depot by Ballina Council and it has been confirmed that if the State Government was supportive of an affordable housing project at this location, Ballina Council, who currently leases the land, could accommodate the current usage (storage) in other locations.

The key part of this proposal is that the new dwellings are not sold, but are managed by local housing providers and offered as long term rental accommodation for workers in identified key industries such as hospitality, aged care, emergency services, etc. that are increasingly being squeezed out of the local housing market by rising rental costs and a lack of affordable housing options.

There are a number of Government (State and Federal) rental subsidy schemes such as Rent Choice, which cap the rent paid by the tenants at 25% of their income. Council, as the proposed owner of the dwellings, would still receive full market rental through a rental subsidy scheme (such as Rent Choice).

This proposal aligns with the State Government's recently adopted policy, would provide a significant increase to the affordable housing rental accommodation pool in Ballina, and provide Council with a long term income which could be used to fund additional infrastructure projects and put downward pressure on Council rates.

This project, if successful could be used as a template for other councils in the Northern Rivers and beyond to work collaboratively with the State, and possibly Federal Government to provide much needed housing in an area of need.

Recent statistics highlight the scale of the current affordable housing crisis with a rental vacancy rate of less than 1%, (0.2%)

This is causing a massive increase in not only rental stress, but also an inability of many local businesses to find staff, simply because there is no affordable housing available.

Staff Comments

The last resolution in respect to the Old Depot Site was in May 2021, where Council resolved as follows:

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 encourage greater usage of the site.

11.3 Notice of Motion - Affordable Housing Proposal

Council subsequently received correspondence back from the Department of Planning, Industry & Environment, stating Council could compulsorily purchase the land through the Land Acquisition (Just Terms Compensation) Act 1991, which would effectively be at market value. A copy of that response is included as Attachment 1.

The current motion takes a different tack, whereby the land remains in State Government ownership, and the value of the land then represents their contribution to the project.

COUNCILLOR RECOMMENDATIONS

1. That Council write to the NSW Premier, Deputy Premier, Minister for Water, Property and Housing and our Local Members, seeking State Government support to develop an Affordable housing project on Lots 284 and 203 DP7555684 and Lot 491 DP729381 at Ballina, being the Old Depot site.
2. That Council acknowledges that the State Government's Housing 2041: NSW Housing Strategy, has a strong focus on housing supply, diversity, affordability and collaboration and by Council and the State Government working together on this project we can support the strategy outcomes by making a significant difference to the availability of affordable and diverse housing stock in Ballina.
3. The project objectives will be consistent with the Housing 2041 Strategy for Government Owned Land (page 12 of the Strategy) in that it will:
 - Support the supply of suitable housing for essential workers
 - Provide housing assistance for those in crisis
 - Enable people living in social housing to more easily transition into private rental or home ownership
4. This project is to be based on a joint venture model where the State Government contribution represents the land and Council then finances the development of the site, with the on-going revenue stream generated from the property offsetting the development costs and on-going maintenance and management expenses. This is all subject to a feasibility analysis of the proposal prior to proceeding.

Attachment(s)

1. Department of Planning, Industry & Environment - Old Depot Site - March 2021 Resolution Response

11.4 Notice of Motion - Risk Assessment for Tamarind Drive

11.4 Notice of Motion - Risk Assessment for Tamarind Drive

Councillor

Cr Jeff Johnson

I move

That Council complete an independent risk assessment of the intersection of Tamarind Drive and Deadmans Creek Road Cumbalum and the area immediately to the north to assess visibility and drainage at this location.

Councillor Comments

Tamarind Drive is becoming increasingly busy due to the growth of the Cumbalum area. Thousands of additional dwellings are also planned for this major growth area. Tamarind Drive experiences water across part of the road during periods of heavy rain and also during King Tide events when there is no rain. It is the water across the road during non-rain events which is the most concerning as it catches motorists unaware.

I have personally witnessed, on numerous occasions cars crossing over onto the other side of the road when they suddenly realise that there is water over the road. This is particularly concerning at night time as the visibility is poor.

The area of greatest concern is just north of the Deadmans Creek road due to the tall reeds on the western side of the road, the sweeping bend, lack of light, and water over the road during heavy rain and King Tide events.

The water across the road creates a hazard with motorists being observed taking evasive action such as crossing over to the other side of the road to avoid the water.

In 2019 Council installed a solar light at the intersection of Deadmans Creek Road and Tamarind Drive in response to requests for improved lighting at this location by community members and representatives from the B Ward Committee.

The decision to proceed with the solar light option was supported due to it being a cost effective solution to improve the lighting at this location and for its known ability to be relocated should it prove to be no longer required. The solar light has assisted with highlighting the intersection however at night it is still difficult for motorists to see the water on the road due to the limited lighting at this location, the tall grass/reeds on the western side of the road, and due to the sweeping curve in the road.

The purpose of the risk assessment is to consider adequacy of lighting, drainage and measures to improve the safety at this location.

COUNCILLOR RECOMMENDATION

That Council complete an independent risk assessment of the intersection of Tamarind Drive and Deadmans Creek Road Cumbalum and the area immediately to the north to assess visibility and drainage at this location.

Attachment(s)

Nil

11.5 Notice of Motion - Software to Monitor 4WD Movements on Beaches

11.5 Notice of Motion - Software to Monitor 4WD Movements on Beaches

Councillor

Cr McCarthy

I move

1. That Council write to the Minister for Water, Property and Housing, the Hon Melinda Pavey, the Hon Ben Franklin and the Hon Tamara Smith seeking State Government support to assist in the development of a software application that would monitor 4WD movements on crown reserves and other public land. The development of such an app would then assist in the potential re-opening of areas such as South Ballina Beach to 4WD movements.
2. The application must have ability to:
 - Integrate with individual local council and or managing bodies to be accessed and monitored remotely (live streamed)
 - Integrate with GPS so as the user can be notified of speed and locations of vehicle exclusion zones
 - Control limitations of vehicles via a booking system
 - The application must be capable of collecting fees eg. permits where applicable
 - Deny users for past poor behaviour (eg. If a noted registration had received an infringement notice a booking would be denied for a certain period of time)
 - Integrate with individual local council and or managing bodies so users can educate themselves on rules and regulations of the area.
3. The application would be designed in conjunction with organisations such as Ballina Shire Council, and other local organisations, and a trial period once built could be held on Ballina Shire 4WD accessible beaches.

Councillor Comments

The State Government, through organisations such as Service NSW, has proven that apps, and QR codes, can be implemented to support the regulatory framework.

The difficulty in monitoring compliance is one of the main reasons given to banning 4WDs in certain locations.

The use of a software application and GPS tracking would significantly increase the efficiency and ability to monitor compliance.

Most 4WD users are compliant and see the opportunity as a privilege.

They contribute to the community as custodians that have been tarnished by the poor cultural behaviour of a few.

COUNCILLOR RECOMMENDATIONS

1. That Council write to the Minister for Water, Property and Housing, the Hon Melinda Pavey, the Hon Ben Franklin and the Hon Tamara Smith seeking State Government support to assist in the development of a software application that would monitor 4WD movements on crown reserves and other public land. The development of such an app would then assist in the potential re-opening of areas such as South Ballina Beach to 4WD movements.

2. The application must have ability to:
 - Integrate with individual local council and or managing bodies to be accessed and monitored remotely (live streamed)
 - Integrate with GPS so as the user can be notified of speed and locations of vehicle exclusion zones
 - Control limitations of vehicles via a booking system
 - The application must be capable of collecting fees eg. permits where applicable
 - Deny users for past poor behaviour (eg. If a noted registration had received an infringement notice a booking would be denied for a certain period of time)
 - Integrate with individual local council and or managing bodies so users can educate themselves on rules and regulations of the area.

3. The application would be designed in conjunction with organisations such as Ballina Shire Council, and other local organisations, and a trial period once built could be held on Ballina Shire 4WD accessible beaches

Attachment(s)

Nil

12. Advisory Committee Minutes

12. Advisory Committee Minutes

Nil Items

13.1 Mayoral Meetings

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

13.1 Mayoral Meetings

Councillor David Wright

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

<u>Date</u>	<u>Function</u>
15/7/21	Meeting – New Resident – Tree
15/7/21	Meeting – John Bryce – Drainage
26/7/21	Dementia Awareness Opening
30/7/21	NRJO Meeting
1/8/21	Commemoration Park Markets
5/8/21	Gallery Launch – Recorded
8/8/21	Commemoration Park Markets
10/8/21	Citizenship Ceremonies – Online
11/8/21	Local Traffic Committee
25/8/21	Meeting – Ben Franklin
26/8/21	Council Meeting

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 Airline Agreement Update

Refer to Item 9.11 of this agenda.

14.2 Land Sale - Lot 2 Boeing Avenue, Ballina - Update

Refer to Item 9.12 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 Airline Agreement Update

Reason for Confidentiality

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

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

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

14.2 Land Sale - Lot 2 Boeing Avenue, Ballina - Update

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to ongoing discussions and negotiations.